



2016/17 SESSION
of the
BERMUDA
HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT

November 2016

Sittings 1 - 4 of the 2016/17 Session
(pages 1–336)

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

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****7 NOVEMBER 2016****10:30 AM***Sitting Number 1 of the 2016/17 Session*

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

PRAYERS

[Prayers read by Hon. K. H. Randolph Horton, Speaker]

The Speaker: Honourable Members, the Chair will recognise the Honourable Deputy Speaker.

Deputy Speaker, Suzann Roberts-Holshouser, you have the floor.

**SUSPENSION OF
STANDING ORDERS 14 AND 21**

Mrs. Suzann Roberts-Holshouser: Good morning, Mr. Speaker.

The Speaker: Good morning.

Mrs. Suzann Roberts-Holshouser: Mr. Speaker, I move that Standing Orders 14 and 21 be suspended to enable me to move that a message be sent to Her Excellency the Acting Governor, Ms. Ginny Ferson.

The Speaker: Thank you, Honourable Member.
There are no objections to that are there?
No? That is good. It is a good way to start.

[Motion carried: Standing Orders 14 and 21 suspended.]

The Speaker: The Speaker would like to ask that the following Members, MP Leah Scott, and Mr. William L. Scott, please deliver a message to the Acting Governor.

The Clerk: Okay, Mr. Speaker, may I add something?

The Speaker: Yes.

The Clerk: Mrs. Marynette Stamp should be wearing either black or black and white.

That is Mrs. Stamp.

The Speaker: Mrs. Stamp is . . . ?

The Clerk: Governor's staff.

The Speaker: Governor's staff. All right, so they will take it to Mrs. Stamp, is that correct?

The Clerk: Yes. *[Inaudible]*

The Speaker: Okay.

Usually at this time, Honourable Members, there is a little bit of a lull while we await Black Rod. If you move, don't move too far.

[Pause]

**MESSAGE FROM THE
ACTING GOVERNOR**

The Speaker: Honourable Members, would you take your seats for a second while I deliver this?

Honourable Members, it is just a short message, but I would like to deliver it officially. And the message comes from Government House.

"I have the honour to inform the House of Assembly that I will deliver the speech on the occasion of the convening of Parliament at 11:00 am today, Monday, the 7th of November 2016, on the grounds of the Sessions House."

So we will now await the Black Rod to determine when we go down.

[Pause]

[Three knocks at the door]

The Sergeant-at-Arms (Sgt. Major Arnold E. Allen, EM): Mr. Speaker, there is a messenger here from Her Excellency the [Acting] Governor, Ginny Ferson.

The Speaker: Thank you, Sergeant-at-Arms. Please allow Black Rod to come to the bar.

Black Rod (Superintendent Inspector Troy Glasgow): Mr. Speaker, I am commanded by Her Excellency the Acting Governor. Your presence is requested on the lower parking lot on Reid Street, forthwith.

The Speaker: Thank you very much, Black Rod. We will be there.

All right, Honourable Members, I think the honourable Whips know how their Members should line up. So if we could please move to the line.

Proceedings suspended at 10:44 am

Proceedings resumed at 12:15 pm

The Speaker: Please carry on, Premier.

**MOTION THAT THE GOVERNOR'S SPEECH BE
TAKEN AS READ AND SET DOWN FOR CONSID-
ERATION AT THE NEXT DAY OF MEETING**

Hon. Michael H. Dunkley: Mr. Speaker, I move that the speech with which Her Excellency the Acting 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 meeting.

The Speaker: Thank you, Honourable Premier.
Any objections to that?
There are none.

[Motion carried: Speech from the Throne taken as read and set down for consideration at the next meeting.]

**CONFIRMATION OF MINUTES
13 and 15 July 2016**

The Speaker: We do have confirmation of the Minutes of the 13th and 15th of July 2016. The Minutes have been confirmed. Members should have received those Minutes.

If there are no objections, those Minutes will be confirmed.

[Motion carried: Minutes of 13 and 15 July 2016 confirmed.]

MESSAGES FROM THE GOVERNOR

The Speaker: There are none, except the Throne Speech.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

SESSIONAL SELECT COMMITTEES

The Speaker: Yes, thank you, Madam Clerk.
I just want to announce that the Standing Orders and Privileges Committee would be the Speaker, the Premier, the Leader of the Opposition, both Whips, the Deputy Speaker, with Mrs. Wolffe as the Clerk.

The House and Grounds Committee remains the same.

The Panel of Chairmen remains the same.

On the Regulations Committee, Member, W. L. A. Scott, from constituency 24, is a new member. Also a couple of other committees, some changes have been made.

The Office of the Auditor, Ms. S. E. Jackson replaces Minister Cole Simons as the Chairperson, and Ms. L. K. Scott, from constituency 30, is a new member.

On the Private Bills Committee, Mr. S. G. Crockwell, from constituency 31, replaces Minister Cole Simons.

And on the Register of Members' Interests Committee, Senator L. A. Woolridge [JP] replaces Minister L. C. Cannonier.

APOLOGIES

The Speaker: I would also like to announce the absence today of Minister Cole Simons, Minister Jeanne Atherden and MP D. V. Rabain.

MESSAGES FROM THE SENATE

The Speaker: There are no messages from the Senate.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: Yes, the Chair recognises Honourable Dr. E. G. Gibbons.

**LIMITED LIABILITY COMPANY ACT 2016 (CON-
SEQUENTIAL AMENDMENT) ORDER 2016**

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

I have the honour to attach and submit for the information of the Honourable House of Assembly the Limited Liability Company Act 2016 (Consequential Amendment) Order 2016, made by the Minister responsible for Economic Development under the provision of section 258(2) of the Limited Liability Company Act 2016.

Thank you, Mr. Speaker.

The Speaker: Thank you, Dr. Gibbons.

The Chair will now recognise the Honourable Deputy Premier, Minister of Finance, E. T. Richards.

**CORPORATE SERVICE PROVIDER BUSINESS
EXEMPTION AMENDMENT ORDER**

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

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Corporate Service Provider Business Exemption [Amendment] Order 2016 made by the

Minister responsible for Finance under the provision of section 9(2) of the Corporate Service Provider Business Act 2012.

The Speaker: All right. Thank you.

The Chair will recognise the Honourable Member from constituency 1, Mr. Kenneth Bascome.

Dr. Gibbons?

Yes.

Dr. the Hon. E. Grant Gibbons: I have been asked to do these.

The Speaker: All right.

CASINO GAMING (DESIGNATED SITE) ORDER 2016

~and~

CASINO GAMING (DESIGNATED SITE) (NO. 2) ORDER 2016

Dr. the Hon. E. Grant Gibbons: Thank you.

I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Casino Gaming (Designated Site) Order 2016, and the Casino Gaming (Designated [Site]) (No. 2) Order 2016. Both propose to be made by the Minister responsible for Gaming under the provision of section 4(1) of the Casino Gaming Act 2014.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you for those two Orders, Dr. Gibbons.

Now the Chair will recognise the Honourable Member from constituency 1, MP Kenneth Bascome.

BERMUDA TOURISM AUTHORITY FINANCIAL STATEMENTS ENDING DECEMBER 31, 2015

Hon. Kenneth (Kenny) Bascome: Thank you, Mr. Speaker. Good morning to you and Honourable Members.

I have the honour to attach and submit for the information of this Honourable House of Assembly the Bermuda Tourism Authority Financial Statements ending December 31, 2015.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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: Yes. The questions are being held over until our next meeting. This is a normal procedure on the first day of meeting.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: There are none today.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

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

The Speaker: There are none.

INTRODUCTON OF BILLS

The Speaker: The Chair will recognise the Honourable Dr. Gibbons.

GOVERNMENT BILLS

FIRST READINGS

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

Dr. the Hon. E. Grant Gibbons: 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 Motor Car Amendment (No. 2) Act 2016.

I have a second one, if you would like me to do that now.

The Speaker: Yes.

Are there any objections to that, Members?
Carry on, please, Dr. Gibbons, do the second one. You are on your feet.

CASINO GAMING AMENDMENT ACT 2016

Dr. the Hon. E. Grant Gibbons: 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 Casino Gaming Amendment Act 2016.

Thank you, Mr. Speaker.

The Speaker: Thank you, Dr. Gibbons.

The Chair will now recognise the Member from constituency 1, Mr. Kenneth Bascome.

ST. GEORGE'S RESORT AMENDMENT ACT 2016

Hon. Kenneth (Kenny) Bascome: 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 St. George's Resort Amendment Act 2016.

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

Hon. Kenneth (Kenny) Bascome: Thank you, Mr. Speaker.

The Speaker: The Chair will now recognise the Honourable Minister, Patricia Gordon-Pamplin. You have the floor.

BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2016

Hon. Patricia J. Gordon-Pamplin: Good afternoon.
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 Bermuda Immigration and Protection Amendment (No. 2) Act 2016.

The Speaker: Thank you, Honourable Minister.

The Chair will now recognise the Honourable Attorney General.

BRIBERY ACT 2016

~and~

PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2016

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

I am introducing the following Bills for their first readings so that they may be placed on the Order Paper for the next day of meeting: The Bribery Act 2016, and also the Proceeds of Crime Amendment (No. 3) Act 2016.

The Speaker: Thank you, Honourable Attorney General.

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

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: The Chair will recognise the Honourable Premier.

ADJOURNMENT

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

I move that we do now adjourn until next Monday, November 14th.

The Speaker: Thank you, Honourable Members. The House is adjourned until Monday, November the 14th.

[Gavel]

[At 12:28 pm, the House stood adjourned until 10:00 am, Monday, 14 November 2016.]

BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****14 NOVEMBER 2016****10:00 AM***Sitting Number 2 of the 2016/17 Session**[Hon. K. H. Randolph Horton, Speaker, in the Chair]***PRAYERS***[Prayers read by Hon. K. H. Randolph Horton, Speaker]**[Pause]***ANNOUNCEMENT BY THE SPEAKER****HOUSE VISITORS**

The Speaker: All right, Members, just before we start, we will recognise the Vice President of the Senate, and also Senator Jardine, who are here with us this morning.

CONFIRMATION OF MINUTES

7 November 2016

The Speaker: The Minutes of November [7th], and all Members should have those Minutes, will be confirmed unless there are any objections to that or any need for corrections.

So, the Minutes for November 7th are confirmed.

*[Minutes of 7 November 2016 confirmed]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are no messages from the Governor.

Madam Clerk, yes.

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

The Speaker: Yes. I have a couple of announcements, a few announcements.

First, I would like to announce that MP Leah Scott will be absent today.

RESIGNATION OF MP MARC BEAN

The Speaker: Secondly, I would like to announce to Members that I received a letter from the former Opposition Leader, M. A. R. Bean, indicating the resignation of his seat in the House.

PARLIAMENTARY PRAYER BREAKFAST

The Speaker: Finally, I would like to announce to Members that the Parliamentary Prayer Breakfast will be held on Friday, the 18th of November. That is Friday coming, at 7:25 am, at the Fairmont Hamilton Princess. And the guest speaker is Justice Mims from the Virginia Supreme Court.

MESSAGES FROM THE SENATE

The Speaker: There are no messages from the Senate.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: The Chair will recognise the Honourable Minister for Health. Minister Atherden, you have the floor.

Hon. Jeanne J. Atherden: Mr. Speaker, they are not being tabled today.

[Inaudible interjection]

Hon. Jeanne J. Atherden: They are being deferred.

The Speaker: All right. Both of those papers?

Hon. Jeanne J. Atherden: Yes, Mr. Speaker.

The Speaker: Thank you.

PETITIONS

The Speaker: There are none.

**STATEMENTS BY MINISTERS
AND JUNIOR MINISTERS**

The Speaker: The Chair will recognise the Honourable Premier. Premier Dunkley.

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

The Speaker: Good morning.

2016 CENSUS OF POPULATION AND HOUSING

Hon. Michael H. Dunkley: Mr. Speaker, I rise to inform Honourable Members of this House and the people of Bermuda of the progress of the [2016 Population and Housing Census](#) data collection to date. As of the 7th of November 2016, 72 per cent of assessment numbers have been accounted for, which includes a combination of residential, vacant, derelict, and commercial assessment numbers.

Mr. Speaker, I am also positioned to report the progress geographically. Southampton and Hamilton Parishes have the highest completion rates at 80 per cent, and Sandys Parish at this point has the lowest completion rate at 63 per cent. At the census district level, Mr. Speaker, there are three census districts with a 100 per cent completion rate; however, there are still a number of census districts that fall below 60 per cent at this time. Mr. Speaker, there are a total of 246 census districts. All districts with outstanding households to be counted are actively being targeted by interviewers.

Mr. Speaker, the Department of Statistics has completed the first two phases of the census. The eCensus concluded on the 13th of July, and the Computer Assisted Telephone Interviews ended on the 24th of August. The third phase of the census is the Computer Assisted Personal Interviews whereby interviewers visit households throughout the Island that have not yet completed their census questionnaires to collect information. This phase began on September 1st, Mr. Speaker, and the goal is to complete this phase by the 31st of December 2016.

The census is a national undertaking and requires the support of all residents in order to achieve the goal of 100 per cent completion. In this regard, Mr. Speaker, I take this opportunity to thank all households who have completed their questionnaires and to remind residents that participation in the 2016 Census is mandatory by law and, of course, our civic duty.

The interview should only take approximately 5 to 10 minutes per person. Outstanding households are asked to complete their questionnaire by either visiting or calling the Department of Statistics. That number is 297-7761. Or you can cooperate with an interviewer who will visit your home. Mr. Speaker, there have been incidences wherein householders have declined to participate, and this is indeed unfortunate. As a reminder, failing to complete the census interview may result in a fine of up to \$1,000 per day, upon conviction. Of course, Mr. Speaker, we would like everyone to complete it without having to be prodded to do so.

Mr. Speaker, in closing, I would like to extend my deepest appreciation and thanks to the Director of the Department of Statistics, Mrs. Melinda Williams, and her entire team of statisticians and support staff, for their commitment to the data collection process. Although not planned, staff have been called upon to conduct interviews and have completed over 1,900 telephone interviews and approximately 500 in-person interviews themselves.

Additional interviewers have now been recruited and trained to complement the team in an effort to complete the surveys in a timely fashion. Mr. Speaker, I would like to thank all of those who have been out in the field and urge all of us to help make their job easier as we collect these very important data.

In closing, Mr. Speaker, I wish to thank the people of Bermuda for their support of this initiative of national importance, and encourage participation by all, *Because People Count*. Thank you, sir.

The Speaker: Right. Thank you very much, Honourable Premier.

The Chair will now recognise the Honourable Minister of Health, Minister Atherden.

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

Mr. Speaker and Honourable Members, I stand before this Honourable House to address my fellow Parliamentarians and Bermuda—

Hon. E. David Burt: Good morning, Mr. Speaker. Point of order.

The Speaker: Yes, Honourable Member.

Hon. E. David Burt: Does the Minister have copies of her Statement?

The Speaker: Sorry?

Hon. E. David Burt: We do not have a copy of the Minister's Statement.

The Speaker: Oh, you do not have the copies?

Hon. E. David Burt: No. Nor the copy of the Premier's Statement.

The Speaker: Yes. Yes, hold on a second. Thank you, thank you.

Hon. E. David Burt: Okay.

Hon. Jeanne J. Atherden: Sorry, Mr. Speaker. Copies of my Statement—

The Speaker: No, no, no. We had copies of your Statement. Right, Honourable Member. We have received copies from the . . . can we get copies, please?

[Pause]

The Speaker: If Honourable Members will just bear with us a moment, please.

[Pause]

The Speaker: Honourable Minister, Minister Atherden, if you would, please. Thank you.

MEASURES TO MAKE BERMUDA'S HEALTH SYSTEM SUSTAINABLE

Hon. Jeanne J. Atherden: Mr. Speaker and Honourable Members, I stand before this Honourable House to address my fellow Parliamentarians and Bermuda on the critical matter of reducing health costs for the benefit of all residents without compromising the quality of care.

Mr. Speaker, every adult resident of our Island is aware of our high health costs. For a significant cohort of our population, every month there is a struggle to make money stretch. Ongoing co-payments are a challenge, and deciding which illness to treat is a tough decision. [The Bermuda Health Strategy](#) and the Action Plan 2014–2019, launched in January of this year, identified a range of actions that are now underway to reduce costs and improve quality and access to health care.

One action, Mr. Speaker, is the regulation of health care businesses. This measure . . . The Patient Safety Law, formally titled the Bermuda Health Council Amendment Bill, is a measure to enhance quality and oversight of health care facilities while ensuring costs are fair, by protecting the public from avoidable harms. The law will do three things:

- 1) require facilities to have a licence which shows they are offering creditable health services;
- 2) encourage necessary and appropriate care even when care delivery may be influenced by financial interests; and
- 3) protect the public from risks and exposure to potentially dangerous equipment.

Mr. Speaker, first let me set the context for understanding the Patient Safety Law. In economic theory, a market that meets all necessary conditions for efficient resource allocation is an ideal market. In the ideal market there are commodities to be bought and sold for profit.

Most societies see health care not as a commodity to be sold for profit, but rather as a basic human right that should be accessible to all citizens. Health care is not an ideal market, in economic the-

ory. It is very hard to be a prudent purchaser of care when you are in the ICU, having a root canal, or having a cyst removed.

Mr. Speaker, in addition, competition is also not the same in the health care market. Competition can encourage excess capacity and duplication of services, and thus it can lead to supplier-induced increases in demand. The Institute of Medicine and PAHO [Pan American Health Organization] quote that 20–40 per cent of health care expenditures are unnecessary and wasteful. In health care, some health services are natural monopolies, which can lead to poor quality if competition is introduced.

Mr. Speaker, it is within this context of quality care that our unique health care market needs to apply oversight in competition that I am going to table the Patient Safety Law.

In addition, in addressing the need to have the health system sustainable, it is recognised that the Bermuda Hospitals Board (BHB) has to be part of the solution in reducing health costs for the benefit of all residents, without compromising the quality of care.

Indeed, BHB has implemented its modernisation plan and made \$40 million in cost reductions through efficiencies. This is despite increased demand on its services as our population ages, and the prevalence of preventable, and costly, chronic non-communicable diseases.

However, more is needed, and my Ministry continues to look for ways to reduce health care expenditures centred in the hospital. We remain [aware] that BHB has legislated mandates which no other providers have—they must run 24/7; they are a national safety net and do not ever turn people away based on ability to pay; and they must always be prepared for disaster responses, such as Ebola and natural disasters.

But I firmly believe more can be done, and I have tasked the Health Council with examining how to right-size hospital fees for diagnostic imaging, laboratory services, and professional services according to international benchmarks and industry norms.

Mr. Speaker, let me be clear that this is not only about the hospital. BHB has already voluntarily introduced guidelines to reduce unnecessary testing and increase governance, which has seen decline in its lab and diagnostic imaging modalities. But they cannot stop misuse of the emergency department because ordinary working people cannot find after-hours care or cannot afford co-pays, as they never turn anyone away.

The Patient Safety Law will help to guide patients to the right care at the right time with information accessible to the public. Furthermore, these laws will protect the public from risks and exposure to potentially dangerous equipment while enabling tighter controls to ensure tests are medically necessary and clinically appropriate.

Mr. Speaker, while this will not be an easy road, we know that it will lead to better quality, better access, and better outcomes. To prepare, the Health Council has piloted licensing programmes; consulted with internal, external, and international subject matter experts; conducted voluntary pre-registration of health service providers; and initiated a patient safety campaign to educate our residents about the importance of ensuring quality care with active participation in keeping costs fair.

Mr. Speaker, this process of developing a patient safety law began in 2007, and it has taken 10 years to reach this point. It is a process that upholds the integrity of our facilities in maintaining first-rate care.

Our health system and the public's safety are too important to leave to chance. I believe that passing a health safety law is the right thing to do now. We can achieve quality and fair costs, and promote the right amount of competition in this unique health care market, without compromising the safety of our residents—quality, safe care is a right we all deserve.

Thank you, Mr. Speaker.

The Speaker: Thank you, thank you, Minister.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: Honourable Members, we now move into the Question Period. And the Chair will first recognise the Honourable Member from constituency 5.

MP D. V. Burgess, you have the floor.

QUESTION 1: SECURITY EQUIPMENT INSTALLATION AT HONOURABLE SENATOR FAHY'S AND HONOURABLE PREMIER DUNKLEY'S RESIDENCES

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

Mr. Speaker, will the Honourable Premier please inform this Honourable House the total amount spent to purchase and install security equipment and any other costs associated with the residence of Senator the Honourable Michael Fahey and the Honourable Premier Michael Dunkley?

The Speaker: Mr. Premier.

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

The total spent to purchase and install security equipment at the residence of Senator the Honourable Michael Fahy and all other associated costs is \$12,491.42. And that was done in 2013.

The total spent to purchase and install security equipment at my residence, and all other associated costs, is \$11,775.84, Mr. Speaker.

The Speaker: Thank you, Premier.
MP Burgess?

SUPPLEMENTARY

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

Mr. Speaker, I would like the Honourable Premier to inform us how many policemen are stationed at his house, and how many are stationed at the Fahy's house or wherever he travels?

The Speaker: Premier.

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

In regard to the stationing of police officers at people's dwellings or anywhere throughout the Island, that is a question that should be directed to the Commissioner of Police. As far as my house, I am in a position to know because, obviously, I am home. And that is a matter for the Commissioner of Police, as well, to decide and to put out there.

But I can tell colleagues that when I became the Premier I made it very clear that the police had the responsibility for security. I would take their advice. But I did not want to burden the taxpayer any more than was absolutely necessary. And so, a lot of the work that was done around my house, because it would last on after I was not the Premier any longer, I bore the expense myself.

The Speaker: All right. Thank you, Premier.
MP Burgess, second question.

QUESTION 2: INVESTIGATION OF FORMER PREMIER, DR. THE HONOURABLE EWART BROWN

Hon. Derrick V. Burgess, Sr.: Second question, Mr. Speaker.

The Speaker: Yes.

Hon. Derrick V. Burgess, Sr.: Will the Honourable Premier please inform this Honourable House who ordered the investigation of the former Premier, the Honourable Dr. Ewart Brown, which has cost the taxpayer over \$2 million dollars as at June 2016?

The Speaker: Premier.

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

Section 3 of the Police Act 1974 places the police under the command of the Commissioner, who controls the operations of the service. It follows, there-

fore, Mr. Speaker, that only the Commissioner may commence or conclude a criminal investigation.

Mr. Speaker, I can tell honourable colleagues in this House that we should all be aware that the investigation started in 2012, because shortly after I became the Minister of National Security, I was asked questions about a special investigator, and I provided answers to the House which illustrated such.

The Speaker: Thank you. Thank you, Premier.
Yes, MP Burgess.

SUPPLEMENTARIES

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

Mr. Premier, what is the total approved funding for that investigation?

The Speaker: Premier.

Hon. Michael H. Dunkley: Mr. Speaker, a question in that regard would have to be asked of the Commissioner of Police, because investigations are conducted, as I am sure Honourable Members of this House would be aware, in regards to information received and at the behest of the Commissioner or colleagues. And so they use their resources in the appropriate way to conduct the appropriate investigations.

The Speaker: Yes. Thank you.

Thank you, MP Burgess.

The Honourable M. H. Dunkley, the Premier has provided written responses to Parliamentary Questions from MP Walter Roban, the Deputy Opposition Leader.

Mr. Walter H. Roban: I have been given direction by the Clerk on these questions, Mr. Speaker.

The Speaker: Okay.

Mr. Walter H. Roban: I do not have them, but the Clerk has advised me that it is being handled.

The Speaker: Right. The Premier certainly has responded.

Mr. Walter H. Roban: Yes.

QUESTIONS ANSWERED IN WRITING: BERMUDA FIRE SERVICE EQUIPMENT

1. *Will the Honourable Premier please inform this Honourable House what existing equipment of the Bermuda Fire and Rescue Service is not operational; and please cite its value, cost of repair and the reasons why the equipment is not operating?*

2. *Will the Honourable Premier please inform this Honourable House why the government did not repair the Bermuda Fire Service ladder truck and what is the total approved figure (TAF) to complete the repairs?*

3. *Will the Honourable Premier please inform this Honourable House if the Bermuda Fire and Rescue Service has the proper equipment to address fires on seaborne vessels?*

The Speaker: We now move to oral responses to questions from MP De Silva. So the Chair recognises MP Zane De Silva.

QUESTION 1: COMMISSION OF INQUIRY, LEGAL EXPENSES

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

Mr. Speaker, this question is for the Premier. Premier, will you inform this Honourable House of the hourly rates Conyers Dill & Pearman are charging the Commission of Inquiry for their legal services?

The Speaker: Premier.

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

Conyers Dill & Pearman are billing the Commission of Inquiry at the following rates: Lead counsel, \$500 per hour; alternate counsel, \$350 per hour; and paralegals, \$100 per hour.

Mr. Speaker, information in this regard has already been released to the public domain, but I am happy to repeat it.

The Speaker: Thank you, Premier.
Yes, MP De Silva.

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

The Speaker: Yes.

SUPPLEMENTARIES

Hon. Zane J. S. De Silva: Mr. Premier, you have also told us in the past that the rates from Conyers Dill & Pearman are a discounted rate. With lead counsel being \$500. Can you tell us what the original, what their normal billing rates are if \$500 is the discounted rate?

The Speaker: Premier.

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

I have been advised that rates can go anywhere from \$750 on up, an hour.

The Speaker: Thank you, Premier.

Yes, MP De Silva.

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

The Speaker: Yes.

Hon. Zane J. S. De Silva: I notice the Attorney General is advising the Premier. And he would certainly be able to give us this answer: Mr. Premier, with counsel by your side, can you advise us what the upper limit might be, please?

The Speaker: Premier.

Hon. Michael H. Dunkley: I am not in a position to take that advice. But I can get some feedback and pass it on to you.

The Speaker: Yes, MP De Silva.

Hon. Zane J. S. De Silva: Much appreciated. I look forward to that answer, Mr. Speaker.

The Speaker: Question 2.

QUESTION 2: COMMISSION OF INQUIRY, LEGAL EXPENSES

Hon. Zane J. S. De Silva: Question number 2: Will the Honourable Premier please confirm the additional cost for the Commission of Inquiry [COI] as a result of the new extended deadline of the Commission's work to December 31st, [2016]?

The Speaker: Yes, Premier.

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

The additional cost for the Commission of Inquiry as a result of the new extended deadline for the Commission's work to the end of December, as published before, is \$688,160.

The Speaker: Thank you, Premier.
MP De Silva.

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

The Speaker: Yes.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: Mr. Premier, the first commission or the first price that we received worked out to be \$96,000 per month. This additional time equates to \$172,000 a month. Can you explain to us why those costs have increased almost threefold?

The Speaker: Premier.

Hon. Michael H. Dunkley: Mr. Speaker, the costs have been increased and been extended because of the work that the Commission has done. And upon receiving a letter of request and an outline of the detail that they would like to do, without getting into specifics of where they have gone, the Cabinet has decided that we would support that aim.

But I have been very clear that we are concerned about the extension, and we are very concerned about the increase in costs.

The Speaker: Thank you, Premier.
MP De Silva.

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

The Speaker: Yes.

QUESTION 3: COMMISSION OF INQUIRY, LEGAL EXPENSES

Hon. Zane J. S. De Silva: Will the Honourable Premier please inform this Honourable House what the total remuneration is given to each member of the Commission of Inquiry?

The Speaker: Premier.

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

The total remuneration given to each of the members is based on the following: Chairman—fees are paid at the rate of the President of the Court of Appeal at UK, £460 per day, which is a significant discount for somebody of that stature. There is a subsistence allowance of 190 per day. Reimbursements for air travel at a rate not higher than the business class, and from Bermuda at a rate not higher than the first class, in addition to accommodations in travel to and from Bermuda and UK airports.

Mr. Speaker, sitting members of the Commission, there is a \$5,000 per month retainer, but in the first month of April, due to the workload, it was \$10,000 per month.

The Speaker: Thank you, Premier.
MP De Silva. Thank you, sir.

We now go to the Ministerial Statements. And the first Statement, the Premier's Statement, the Leader of the Opposition has questions for the Premier.

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

The Speaker: Good morning.

**QUESTION 1: 2016 CENSUS OF POPULATION
AND HOUSING**

Hon. E. David Burt: Mr. Speaker, in the Honourable Premier's Statement, he spoke about the census and the collection, and that it is not expected to be finished. Could the Honourable Premier please advise this Honourable House the initial date that was expected for the completion of the census?

The Speaker: Premier.

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

It was always intended to have it completed by December 31st. The Statement today is to try to push it along, because the last couple of months it has been bogged down a little bit when we have gone out to households. So we still want to get it done by December 31st, but we have a bit of work to do when we are at 72 per cent.

The Speaker: Yes, thank you, Premier.
MP Burt.

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

Mr. Speaker, would the Honourable Premier consider—

The Speaker: Is this a supplementary?

Hon. E. David Burt: A supplementary if I could, Mr. Speaker.

The Speaker: Yes.

SUPPLEMENTARY

Hon. E. David Burt: Would the Honourable Premier consider reopening the eCensus, as the eCensus has been shut down as that might assist with the completion rates? Maybe some persons were unable to complete it, and those people might be able . . . and that might be more efficient. Is that something the Premier would consider?

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, thank you, Mr. Speaker. Good question. That is something that was actually brought up in our caucus as well. And I meet regularly with the Director of Stats, and that is something that we have talked about. So I will allow it to be at her discretion.

The eCensus actually worked quite well, and we did extend it from the initial period to this date. But it is something that she can consider doing, and we would support that.

The Speaker: Thank you.

Thank you, MP Burt.

We now move to the second Statement, which was a statement by the Minister for Health. And the Chair will recognise first the Member from constituency 29, MP De Silva.

**QUESTION 1: MEASURES TO MAKE BERMUDA'S
HEALTH SYSTEM SUSTAINABLE**

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

My first question is in reference to page 2 of the Minister's Statement, where she talks about the regulation of health care businesses. And she goes on to say, "A measure to enhance quality and oversight of health care facilities while ensuring costs are fair by protecting the public from avoidable harms." So my question to the Minister is, Does she have proof that the costs are not fair? And does she also have proof that there has been harm?

The Speaker: Minister of Health.

Hon. Jeanne J. Atherden: Mr. Speaker, Members of the House, I obviously am aware of circumstances. And I have been aware of things that have been caught with respect to the quality of some of the establishments, et cetera, which if they had not been caught would have resulted in harm. But more importantly, recognising that as we go forward, we are expanding the [number of] persons who will be subjected to all of these oversights, so that while you might have seen something in one industry, that does not mean . . . and we can be assured that other people out there could be subject to similar harm.

So I am aware of some. But it is one of those things that if you sort of say you have seen something, what is it that is already out there that you do not know yet because you have not expanded your review?

And with respect to costs being fair, I am mindful of the fact that over time costs have been introduced which, if you start to examine them, you might decide that, based on the context of how they have been developed, there might be a method by which these costs should be allocated. And that is why I believe it is important for us to go out and have some measure that we can equate to what costs exist in other facilities, other jurisdictions, updated for what I call the Bermuda version. So I want to make sure that the costs that we have in Bermuda are fair in the context.

The Speaker: Thank you.
Yes, MP De Silva.

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

The Speaker: Yes, yes.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: Minister, you just said that you have caught some things which could have been harmful if you had not caught them. Can you give us one or two examples of some of these things that you have caught?

The Speaker: Minister. Yes.

Hon. Jeanne J. Atherden: Mr. Speaker, I am not prepared to give that information. I am prepared to turn around and make some reference afterwards to the Member who asked the question. But I do not want to give examples because, to me, that is the same type of thing as why we do not give out patient information that you are going to talk about, disclosing things that people could figure out how it occurred.

All I can say to you is that there are issues with respect to some types of equipment, where the equipment might not have been properly calibrated. The equipment might not have been installed in the right way or might have been exposing patients to harm. But I do not want to get into more detail, because I do not believe that I want to disclose something that someone could turn around and say, *Okay, this is my particular facility.*

The Speaker: All right. Thank you.

Ms. Kim N. Wilson: Supplementary.

The Speaker: Yes. The Chair will recognise the Honourable Member from constituency 34, MP Wilson.

SUPPLEMENTARY

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

In that same vein, I wonder if the Minister can confirm her knowledge as to whether she is aware that the majority of the doctors here in Bermuda feel that the regulation of high-risk technology will drive up the cost of health care in Bermuda to the average consumer.

Hon. Jeanne J. Atherden: Mr. Speaker, members of the public, and Parliament, I am aware that this has been one of the things that has been suggested, which is why I am making it absolutely clear that . . . one of the suggestions has been, and if you turn to the other side of it, it is a fact that competition results in costs going down. But as I have said to you, competition in health care does not result in the cost of care going down.

More importantly, as we go forward and we look at the cost of the various facilities and the cost of the various tests, we will make sure that they are

right-sized as it relates to Bermuda and put in the context of the type of unit costs which are associated with other jurisdictions, whether it be North America or Canada. And then we will make it Bermudianised.

So I believe that we have a way of making sure that the costs of these tests, the ones that I have indicated, will actually result in the cost going down to the consumer, while at the same time protecting the quality.

The Speaker: Thank you. Thank you, Minister.

The Chair will recognise now again . . . do you have a second question?

Hon. Zane J. S. De Silva: I do. I do, Mr. Speaker.

The Speaker: Yes. MP De Silva for his second question.

QUESTION 2: MEASURES TO MAKE BERMUDA'S HEALTH SYSTEM SUSTAINABLE

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

Minister, on page 5, you state, "Let us be clear that this is not only about the hospital. BHB has already voluntarily introduced guidelines to reduce unnecessary testing." With that statement, Minister, have they agreed or stated to you or admitted that they have in the past had unnecessary testing?

The Speaker: Yes. Minister?

Hon. Jeanne J. Atherden: Mr. Speaker, and I am very intrigued that the Member asked that question because it gives me the opportunity to make an indication. I need to remind Members out there that BHB by and large is not out there off doing tests on their own basis. When you look at the outpatients, BHB are responding to tests from other doctors saying, *Please do this test on my behalf and send me the results.* And it has become apparent that some doctors are ordering tests which are not appropriate in the circumstances.

So we should not draw conclusions to say that just because BHB did the test in the past and did not raise the issue with the particular physician ordering it that it was BHB doing it. BHB are now saying, We are asking questions and having discussions with the physicians to say, *Why are you ordering X, Y, and Z test?* And so, to me, patient safety and quality is improved. And I want to remind everybody again, on the outpatient side, BHB responds to requests from physicians.

The Speaker: Thank you.

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

The Speaker: Yes, supplementary. Yes, MP De Silva.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: Mr. Speaker, the Minister seems to miss what she has written in her own Statement. Because she goes on to say that “unnecessary testing and increase governance, which has seen decline in its lab . . . ,” meaning the BHB. This is nothing to do with requests from outside doctors or outside laboratories. It says “decline in its lab and diagnostic imaging” facilities, Mr. Speaker.

So my question is, Is the Minister talking about outside requests or is she talking about inside requests?

The Speaker: Minister.

Hon. Jeanne J. Atherden: Mr. Speaker, and to the Members, I will say this very slowly, very slowly.

BHB on the outpatient side gets requests from outside doctors and does the tests in its lab. The lab is there. There is one lab. There is no lab that says, *This is the lab for the outpatient people, and this is the lab for the inpatient people.* It is the lab. So they have seen the reduction in lab tests by the BHB having conversations with outside physicians about certain tests [and] why they are ordering them. And it is in its lab.

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

Yes, MP, you have already had your supplementaries, Honourable Member.

[Inaudible interjection]

The Speaker: You only get two supplementaries. Yes, you had two.

Hon. Zane J. S. De Silva: My first one was a question.

The Speaker: Yes. You had a question and two [supplementaries], two [supplementaries].

Hon. Zane J. S. De Silva: Okay. All right. Let us go, Mr. Speaker. Thanks.

The Speaker: Yes.

Hon. Zane J. S. De Silva: I will go to my third question.

The Speaker: Yes. Question 3. Go ahead, MP De Silva.

QUESTION 3: MEASURES TO MAKE BERMUDA'S HEALTH SYSTEM SUSTAINABLE

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

On page 6, Minister, you state, “Our health system and the public’s safety are too important to leave to chance,” which leads me to the question: If they are too important to leave to chance, and you go on to say, “I believe the passing of this Patient Safety Law is the right thing to do now,” have you had any complaints from patients or the insurance companies with regard to the safety of patients?

The Speaker: Minister.

Hon. Jeanne J. Atherden: Mr. Speaker, over time, and I am sure if you go up on the Health Council’s website, you will see that there have been numerous complaints about the quality of care that individuals have felt that they have had rendered to them.

Now, when you start to investigate some of these things, you do find out that some of them are bordering on issues with respect to patient safety.

I do not want to get into discussions about individual doctors. But I want to say that we have to recognise that complaints mean that individual patients have concerns about what their particular provider . . . and I say “provider” because we keep seeming to be focusing on that this is just doctors. This includes everybody who is in the health system out there. All the health system professionals, et cetera, Allied, et cetera, all come under that.

So there have been some concerns raised about the safety of the patient. And at the time when you go through and you look at something and you follow it up, you realise that we have been able to mitigate. But yes, there are some concerns about patient safety.

The Speaker: Thank you.

Yes, MP De Silva. Supplementary?

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

The Speaker: Yes.

SUPPLEMENTARIES

Hon. Zane J. S. De Silva: Minister, having said that, and you are saying that the information, you are sure, can be found on the Bermuda Health Council’s website. Surely if these complaints are made to the Health Council, they would deal with them accordingly. And I am sure that there cannot be that many. With this proposed legislation, are you not taking a sledgehammer to kill a fly?

The Speaker: Minister.

Hon. Jeanne J. Atherden: Mr. Speaker, Members of the House, and the general public, I do not believe we

are taking a sledgehammer to kill a fly. I believe as we go forward, and as I have said earlier, these regulations, et cetera, that we introduce will cover all the professionals. And so there is obviously concern that professions need to be regulated. You need to examine complaints that arise. And you need to be able to follow up on issues.

And I do not believe that it is a sledgehammer. I believe that it is something which is appropriate, and over time has been warranted. And I believe that the public want—they want to have the knowledge that the quality of care that is being rendered to them is being addressed. And this is what the public is reacting to. They want to see this.

The Speaker: Thank you.

Yes, MP De Silva. Supplementary again?

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

Minister, with regard to you having said that professionals have been talked to, is it your intent, especially with the inference that many of the doctors have not been consulted—is it your intent to maybe invite every doctor, every caregiver in the Island to a meeting to once and for all make sure that you do get consultation from all health providers in Bermuda?

Hon. Jeanne J. Atherden: Mr. Speaker, Members of the House and Parliamentarians, and the general public, I am aware that this matter of the Council and the regulations and the review of technology, et cetera, has been going on for more than a year. And I am also aware of the number of invitations that have been sent out to individuals. I have also been in some of these meetings where persons have had the opportunity to speak and talk and raise their concerns.

So I am satisfied that the consultation has been robust and continues. And therefore, I believe and I say to the general public out there, take an interest in what is happening. Take an interest and ask the questions about your health. Talk to your provider. Ask questions about how this is going to improve the things that are important to you. And as we go forward, make sure that you are aware that your safety and the quality of your care is at the bottom of all of this, nothing else. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

The Chair will recognise the Honourable Member from constituency 34. Do you have a supplementary on this? Yes, yes.

SUPPLEMENTARIES

Ms. Kim N. Wilson: Mr. Speaker, I wonder if the Minister can advise with respect to consultation, is she aware that the vast majority of those persons and physicians and health care workers consulted have

indicated that the regulations as proposed will limit access to health care technology?

The Speaker: Minister.

Hon. Jeanne J. Atherden: Mr. Speaker, Members of the House, and the general public, I am not aware of any conclusion that has been drawn to say that this is going to limit the access of health care for the general public. Because as we go forward, and these things are not done in isolation, we are obviously making sure that we are encouraging people to go out and access the care, look at what is available to them in terms of the provider. And we are not turning around and reducing any access to any individual provider. That is still there. The access has not been limited.

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

Yes.

Ms. Kim N. Wilson: Supplementary?

The Speaker: Yes, yes, yes.

Ms. Kim N. Wilson: I wonder if the Honourable Minister is aware of a letter dated the 7th of November written to her and the Honourable Attorney General from six physician working groups, which outlined a number of concerns with respect to this legislation, one of which referring specifically to the limiting of the access to health care technology.

The Speaker: Yes, Minister.

Hon. Jeanne J. Atherden: I am aware and I have obviously seen the letter. What conclusion someone draws is not necessarily a conclusion that I can turn around and say that it is the right conclusion.

Mr. Speaker, you know, in talking about this, I suddenly realise, and I reminded myself, you go to Dr. A and he says you are ill. And you do not like him and you go to Dr. B, and you get a second opinion. There are lots of people who draw conclusions. But does it mean that Dr. A had the right evaluation of your illness?

All I am saying to you right now is the fact that we do not believe that it is going to limit the access. We encourage the public to get more information about how this is going, and we encourage the public to make sure that they have the conversations with their providers.

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

The Chair will now recognise MP Wilson. Did you have your own questions?

QUESTION 1: MEASURES TO MAKE BERMUDA'S HEALTH SYSTEM SUSTAINABLE

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

With respect to page 5 of the Minister's statement concerning the Bermuda Hospitals Board already voluntarily introducing guidelines to reduce unnecessary testing, I wonder if the Minister is aware that the insurance companies are less likely to pay for diagnostic imaging and testing that is not done outside of the Bermuda Hospitals Board.

The Speaker: Minister.

[Inaudible interjections]

Ms. Kim N. Wilson: It is not conducted by the Bermuda Hospitals Board. (Pardon my English—lack thereof.)

The Speaker: It is all right.

Hon. Jeanne J. Atherden: Mr. Speaker, I am not aware of that conclusion, because if the test is covered, the test is covered, then that coverage will be paid regardless of whether it is in the hospital or at the outside provider.

The Speaker: All right. Thank you.
Yes, MP Wilson.

Ms. Kim N. Wilson: Thank you. I wonder if the Minister is also aware that—

The Speaker: Is this a second question?

Ms. Kim N. Wilson: It is a supplementary.

The Speaker: Supplementary.

SUPPLEMENTARY

Ms. Kim N. Wilson: —that the fees charged for certain tests and/or blood testing are generally less expensive in privately held health care facilities than those offered by the Bermuda Hospitals Board.

The Speaker: Carry on, Minister.

Hon. Jeanne J. Atherden: Mr. Speaker, I am aware of that, which is why, if you go to page (let me just find the page) . . . if you find the page, this is where I have said on page 4, "I firmly believe more can be done, and I have tasked the Health Council with examining how to right-size hospital fees for diagnostic imaging, laboratory services, and professional services according to international benchmarks and industry norms."

I want to have them right-sized. And not only that, if they are right-sized, I want to make sure that the quality is still there, but the cost is the right cost.

The Speaker: Thank you, Minister.
MP Wilson, are you done?

Ms. Kim N. Wilson: My final question.

The Speaker: Second question? Your third question, is it?

QUESTION 2: MEASURES TO MAKE BERMUDA'S HEALTH SYSTEM SUSTAINABLE

Ms. Kim N. Wilson: Yes, thank you, Mr. Speaker. And I will take your lead, because I do not know if I am pre-empting debate. But I wonder if the Minister can opine whether the legislation that was tabled last, I think, July or June concerning reform of the health care business is effectively the same as what is being proposed today, just under a different name, Patient Safety Law?

The Speaker: That is a fair question.

Hon. Jeanne J. Atherden: Mr. Speaker, I think that it is appropriate for me to table the legislation and answer the question. Because I think that will give the public, as well as the Shadow, a complete understanding of what is being done.

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

All right, MP Wilson, those are your questions.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: I hope we are going to pass them? Yes, we are.

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.

ANNOUNCEMENT BY SPEAKER

HOUSE VISITOR

The Speaker: Yes. Just before we get onto the Introduction of Bills, I just want to recognise the Senator Ball in the House.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: The Chair will recognise the Minister of Finance. Minister E. T. Richards, you have the floor.

FIRST READINGS

AIRPORT REDEVELOPMENT CONCESSION ACT 2016

BERMUDA AIRPORT AUTHORITY ACT 2016

Hon. E. T. (Bob) Richards: 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 at the next day of meeting: the Airport Redevelopment Concession Act 2016 and the Bermuda Airport Authority Act 2016.

And might I add that there is a memoir attached to the Bermuda Airport Authority Act 2016 for the information of Members. Thank you.

The Speaker: All right. Thank you, Minister. And the next matter is not going to be tabled, I understand. It is not going to be introduced at this time.

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: Thank you. The Chair will recognise the Honourable Premier.

CONSIDERATION OF THE SPEECH WITH WHICH HER EXCELLENCY THE ACTING GOVERNOR

WAS PLEASED TO OPEN THE PRESENT SESSION OF PARLIAMENT

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

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. Thank you, Honourable Premier.

And at this time, the Chair will recognise the Honourable Leader of the Opposition, MP D. Burt. You have the floor.

[Inaudible interjection]

The Speaker: Yes, the Statement should be handed around. Give them to the other side of the House first, if you would, Honourable Member.

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

The Speaker: Good morning.

REPLY TO THE THRONE SPEECH 2016

Hon. E. David Burt: Mr. Speaker, it is a great honour and privilege to address this Honourable House on the occasion of the [Progressive Labour Party's Reply to the Throne Speech](#). I am aware that this may be the last Throne Speech Reply before a general election; thus, the responsibility falls to me to ensure that the people of this country understand what a future Progressive Labour Party Government will bring.

Mr. Speaker, the people of this country have endured four years of broken promises, four years of a government that has not put Bermudians first, and four years of a government that takes care of its friends before it takes care of its people. The one thing that the One Bermuda Alliance seems successful at doing is getting Bermudians to pack up and leave the country. A far cry from their (and I quote) "We will leave no one behind" mantra from their 2012 election campaign, it seems that the Bermudian people have voted with their feet and are leaving our country behind. This measure alone should be a stinging indictment on the One Bermuda Alliance's term in office—a term that will soon come to an end.

It is time to build a Bermuda where the people can have faith in their government to look out for their interests. It is time to build a Bermuda where the people are not mere spectators, but are active participants in their democracy. It is time to build a Bermuda where the words "transparency" and "good governance" are not just ploys to win votes, but are the actual bedrock and foundation of a government that is truly representative of the people.

A Tale of Two Bermudas

Hon. E. David Burt: Mr. Speaker, as Charles Dickens once wrote, "It was the best of times, it was the worst of times." But while he wrote *A Tale of Two Cities*, the OBA Government has instead written, over the past four years, *A Tale of Two Bermudas*. While one Bermuda enjoys wealth, privilege, and security, the other Bermuda is living from pay cheque to pay cheque—if they are fortunate enough even to be collecting a pay cheque.

In one Bermuda, jobs for non-Bermudians are growing, while in the other Bermuda, Bermudian jobs continue to be lost and Bermudian businesses continue to close their doors. In one Bermuda, permanent residents enjoy full employment, while in the other Bermuda, Bermudian unemployment continues at unacceptable levels. In one Bermuda, the quality of our children's education is determined by how much money their parents have, while in the other Bermuda, students attend schools without wireless Internet and where the infrastructure is substandard.

In one Bermuda, the elite and the privileged enjoy their golden years, secure in the knowledge that their children's future is itself secure, while in the other Bermuda, the senior citizen needs to go back to work to help support her children and grandchildren.

Mr. Speaker, these are the facts that confront Bermudians every day: diminishing opportunities, an ever-increasing cost of living, and shrinking pay cheques. This is the Bermuda that has driven so many of our families and friends away and that causes so many of our young people to view anywhere but Bermuda as a land of opportunity. This is the Bermuda that most of our voters live in.

Mr. Speaker, the OBA consistently says, in a display of mock empathy, that they know the *recovery* has not reached everyone. They are right. The recovery, such as it is, cannot reach everyone because it is not designed to do so. What we see is what we get. This is it. The reason the recovery is not reaching everyone is because these policies from a bygone era are designed to re-create a Bermuda that existed during what some refer to as the glory days. Sometimes, we pretend that hard times are new, that they are a product of the 2008 recession. However, for many in this country they are not. The recession received so much attention because it made have-nots out of those who were used to having. For many people, though, the recession simply deepened what they had been experiencing already. This *recovery* is the extent of what the OBA's policies can produce: There is no second act in this OBA drama.

Mr. Speaker, these are yesterday's ideas from yesterday's men and women, who are trying to fit them into today and tomorrow. The people know it, they feel it, and they are living it. They realise the OBA is not acting in their best interests and are not doing

the work necessary to bring the transformation that Bermuda requires.

The OBA sees only one Bermuda, while we in the PLP see what our people see and experience every day: two Bermudas, separate and far from equal. In the PLP, we seek an end to the two Bermudas and we believe:

- Quality education and higher education should not be limited to only those who can pay for it;
- When it comes to opportunities, what you know should be more important than who you know;
- Our seniors should be able to enjoy their golden years in peace and in dignity;
- Health care should be affordable and universal;
- We must reduce crime by upholding the law and reducing the key contributing social factors;
- We need to develop a tax structure that is fair and just;
- An immigration policy that puts Bermudians first while recognising the legitimate needs of businesses to ensure growth and stability is essential; and that
- It is important to broaden our reach for global investors and actively promote new economic opportunities.

Today's Bermuda must make a way for the gifted children whose mother cannot sit with them to help them do their homework because she has to work two jobs to make ends meet. Today's Bermuda must make a way for the poor who have the will but not the means to make life better for them and their children. Today's Bermuda must include the man who has just been released from jail, has served his time and only needs a second chance to be a valuable and contributing member of our community. Today's Bermuda must find a place for that young person who has lost faith in society, has dropped out of society, and is threatening to become a menace to society.

Today's Bermuda must find a place for the senior who still has much to contribute and much to offer, but to whom society has said, *Your expiration date is past due*. Today's Bermuda must include our unwed mothers, our teenage fathers, the people of faith and those who have no faith, the people who are straight and those who are gay. We cannot afford to toss anyone aside or to leave anyone behind. The next PLP Government is committed to this.

That would be a Bermuda that works for all Bermudians, not some. That would be a Bermuda that would inspire hope in our people and create real, everlasting change for everyone. That is the Bermuda that the Bermuda Progressive Labour Party intends to build.

Lessons Learned in Opposition

Hon. E. David Burt: Mr. Speaker, being in the Opposition has been a humbling and beneficial learning experience for the Bermuda Progressive Labour Party. We have had the opportunity to reassess, rebuild, and renew our commitment to the belief that Bermudians must come first in opportunity, jobs, and success in our own country.

We have learned that we cannot be all things to all people and are prepared to make the tough choices necessary to build a better future for Bermudians. The responsibility of any government is to help those who cannot help themselves and to inspire those who can. We must peel away the layers of systemic dysfunction to empower our people and make our government programmes a means to promote strength, while we address whatever issues challenge our people. The old adage of demanding that people pull themselves up by their bootstraps means nothing if people have no boots.

Mr. Speaker, our priority as a government must be to change the trajectory of our country from one of division to one of unity. We must ensure that we include all in the transformation of Bermuda, as the global challenges require that we adapt quickly.

The One Bermuda Alliance Record

Hon. E. David Burt: Mr. Speaker, four years ago, the One Bermuda Alliance became the Government, following a campaign that made promises which won them the election. As the Opposition, it is our duty to point out the gap between their rhetoric then and the reality now:

1. In 2012, the OBA pledged to (and I quote) “create 2,000 jobs.” Four years later, Mr. Speaker, Bermuda has lost 2,124 jobs.
2. In 2012, the OBA pledged to “pay down our national debt.” Four years later, the debt has doubled from \$1.2 billion to \$2.4 billion.
3. In 2012, the OBA pledged (and I quote, Mr. Speaker) “to reduce the cost of living.” Four years later, the cost of living has risen and students, workers, and seniors are worse off.
4. In 2012, the OBA pledged to “reduce the cost of health care.” Four years later, health care costs are squeezing employers and employees alike, while many employers are reducing coverage due to the increasing costs.
5. In 2012, the OBA pledged (and I quote) “to implement a Zero Tolerance Policy for unethical behaviour” and promised a transparent government. Four years later, the people have borne witness to scandal, a shocking lack of transparency, and anything but zero tolerance.

6. In 2012, the OBA pledged that (and I quote) “privatisation is not part of our plan.” Four years later, the One Bermuda Alliance plans to privatise our airport in an untendered deal in contravention of Financial Instructions.

To the people of Bermuda, the people we were elected to represent, we in the Progressive Labour Party ask, Has the OBA Government’s approach of taking from the workers, the youth, and our seniors, while giving concessions to the elite and privileged, worked for you? Do you feel more included and more a part of our Island’s success? Do you truly believe that Bermuda is working for those whom it should? Do you believe your children will have more opportunities and greater success than you? Are you better off under the One Bermuda Alliance?

Mr. Speaker, over the past four years in this Honourable House, the PLP has laid out its plans for the future. They are rooted in a long-term plan—Vision 2025—that will diversify our economy, create jobs for Bermudians, invest in our people and create pathways to Bermudian success. Many of the plans and policies you will hear about today are not new: They are policies the PLP has developed through careful consultation with community and business stakeholders during our time as the Opposition.

Creating Jobs, Opportunities, Wealth and Prosperity for Bermudians

Hon. E. David Burt: Mr. Speaker, for too many Bermudians, employment has gone from a means of getting ahead to just a means of getting by. It is our belief that a better environment must be created in which Bermudian businesses can thrive, opportunities for Bermudians can be created and in which capable, qualified Bermudians can earn opportunities to train, work and succeed at every level in the private sector.

Agenda for Growth

Hon. E. David Burt: To this end, Government must do everything possible to stimulate job creation. This means we need to reduce the incentive for companies to outsource existing jobs while creating a favourable environment for growth in our domestic and international sectors, which will lead to new jobs. One of the major factors hindering this growth is the cost of doing business in Bermuda.

To address the urgent need for jobs, the Progressive Labour Party will reduce payroll taxes to stimulate job creation. Payroll taxes depress employment, and by taxing employment we are taxing the very thing that we need in Bermuda—jobs. Payroll taxes dissuade businesses from hiring new employees and increase the incentive to outsource. However, Mr. Speaker, that alone is not enough. We must tend to the urgent need for economic diversification and

recognise that Bermuda must position itself to benefit from the rapid changes in technology. Technology is transforming the way the world works, and we must be in a position to reap the economic benefits of this change for our people.

Economic Diversification Unit

Hon. E. David Burt: Mr. Speaker, the next PLP Government will form an Economic Diversification Unit. This permanent organisation will consist of a small number of persons with a proven history in developing economies. The mission of this organisation will be to identify new opportunities for economic diversification and subject them to structured analysis and research. Once areas have been identified and agreed, the unit will seek partners and investment to develop the new local industry.

The Economic Diversification Unit's goal will be simple: to develop one new primary industry that directly provides at least 5 per cent of our GDP and three new secondary industries that each directly provides at least 2 per cent of our GDP by the year 2025. Mr. Speaker, this focused approach to diversification will yield results and will finally allow us to achieve our aims of diversifying the Bermuda economy.

Creation of a Bermuda Fund

Hon. E. David Burt: Mr. Speaker, if we are to create long-term economic growth, we need to use the tools at our disposal to invest and generate economic activity here in Bermuda. There is a high level of investment expertise in Bermuda, and the next PLP Government will take advantage of this expertise by creating a "Bermuda Fund." This fund, which will be seeded by a small portion of the pension funds that are under the control of the government, will allow Bermuda to tap into the investment expertise on the Island, while providing an additional outlet for our large pension funds to invest more of their money in Bermuda-based equity investments.

The Bermuda Fund will not be exclusive to pension funds and other institutional investors; it will be listed on the Bermuda Stock Exchange to allow individuals to invest and to contribute to the development of Bermuda. This fund must have strict controls so that it is not subject to political whims, and will be run for the specific purpose of generating positive returns while investing in the development of Bermuda-based businesses. The fund could invest in industries identified to diversify the economy by the Economic Development Unit. The Bermuda Fund could also be used to attract job creators to our shores while we invest in emerging global industries such as cybersecurity, FinTech, and mobile application development.

Mr. Speaker, this is not exclusively the Progressive Labour Party's idea. It is one of the many

ideas that have been recommended by respected members of the local business community. So, Mr. Speaker, I urge that before the armchair critics speak about the underfunded state of our pension plan, I would urge them to consider that this proposal represents only a small portion of overall pension funds.

Establishment of a Technology Incubator

Hon. E. David Burt: Mr. Speaker, to grow our economy, the PLP will develop a technology incubator at Southside. This will allow start-ups in the technology field that require little more than a computer and an Internet connection to use our regulatory environment while developing their new products and services in Bermuda. A successful technology incubator could lead to other well-established global technology companies setting up a physical presence here. *Bermuda First* recommended that Bermuda become a global centre for intellectual property. Having a technology incubator could assist in realising that goal. Success in this area will grow our economy and also provide job opportunities for Bermudians.

Doing the Right Thing for Bermuda's Workers

Hon. E. David Burt: Mr. Speaker, the Progressive Labour Party was created by and for workers. We are encouraged by the foundation that was laid by labour stalwarts of our past. The Progressive Labour Party and the country's trade unions are critical parts of Bermuda's labour movement. That fact demands that solidarity is maintained so that we can collectively advance the interests of working-class Bermudians. We are a labour party, and our roots demand that we are the political voice of labour, the guardian of labour rights in the legislature, and the champion of the causes of the hard-working men and women whom our labour unions represent.

The Government's role is not only to create an environment where businesses have the opportunity to open and be profitable; we must also protect Bermudian workers and ensure that the only limits to Bermudian success in the workforce are the ones that we place on ourselves. To create a fairer and more inclusive workforce, the Progressive Labour Party will:

- remove the structural imbalances that make employing foreign labour more cost-effective than employing Bermudians, by requiring employers to provide occupational pensions to employees on work permits, who are currently exempt from the requirement;
- complete a comprehensive examination of the social insurance programme, including the impact of changing employer and employee contributions from a fixed rate to a percentage of earnings, and the appropriate-level cap on social insurance contributions. The objective of the review will be to increase the take-

home pay of low earners and to put more monies in their pockets.

Promoting Entrepreneurship

Hon. E. David Burt: Mr. Speaker, the PLP's position is that a key path to empowerment for Bermudians lies in the expansion of entrepreneurship and the facilitation of doing business in this jurisdiction. We have heard how government is often the biggest obstacle when it comes to Bermudians getting their businesses started. Red tape and bureaucracy have strangled far too many legitimate business concepts in the cradle, and that must end.

In 2016, it makes little sense that an entrepreneur needs to visit multiple government departments and often use a lawyer in order to start a business. The PLP will make starting a local business as convenient as possible by creating a concierge service for first-time Bermudian entrepreneurs to handle interactions and transactions with government agencies in one place. The next PLP Government will remove obstacles from business instead of being an obstacle to business. And we will:

- provide new tax relief for first-time entrepreneurs;
- reform our laws to allow greater freedom for peddlers and vendors;
- expand access to foreign capital for first-time business owners through the liberalisation of the 60/40 Rule; and
- increase the lending capacity of the Bermuda Economic Development Corporation, enabling new small business owners with credible business plans to access the capital they need to create jobs for themselves and others.

Growing International Business

Hon. E. David Burt: Mr. Speaker, international business is the primary pillar of our economy, creating direct and indirect employment. While it is a priority that we diversify our economy, our competitors and threats to international business cannot be ignored. We will continue to protect and grow international business in collaboration with industry stakeholders by the ongoing review and modernisation of our business legislation, enabling the introduction of new products to the market in order to keep Bermuda ahead of our competitors.

The PLP will strengthen our international advocacy to protect our reputation in a time of global uncertainty caused by the United Kingdom's exit from the European Union and the recent US presidential election.

Reducing the Cost of Living

Hon. E. David Burt: Mr. Speaker, the cost of living is the primary concern among our people and is the reason why many Bermudians leave to live overseas, as it is just too expensive for them to lead a comfortable life in Bermuda. Mr. Speaker, quality of life should matter. For many in Bermuda, however, doing two jobs is the norm just to stay afloat. This should not be the case, and we therefore have to construct an economy where a parent needs only one job in order to raise their family, not two, or in some cases, three jobs.

The next Progressive Labour Party Government will focus its efforts on attacking Bermuda's cost of living problem. Our policies must reduce the cost of living across all areas—including health care, housing, food and electricity—to ensure that Bermuda is affordable. Reductions in these costs will also boost our attractiveness as a jurisdiction, as they will reduce the cost of doing business, which can lead to job growth.

Fiscal Prudence

Hon. E. David Burt: Mr. Speaker, as the PLP will be the next Government, our priorities are clear. But our aspirations must be tempered by the need to balance the budget. We cannot enact programmes, policies, and legislation that the Bermudian taxpayer cannot afford. Living beyond our means is not an option. Therefore, the next PLP Government will create a Revenue and Government Earnings Commission to examine how we collect revenue, and present recommendations for increasing government revenues. We will also implement SAGE Commission recommendations that target waste and inefficiency within the civil service.

Quality Education for All

Hon. E. David Burt: Mr. Speaker, we believe that a proper and substantial education is a fundamental right for all, not only a privilege for the privileged. The next PLP Government will ensure we have an educational system that provides the requisite foundation and skills for the natural talents and interests of our children. It will encourage use of diversified curricula and programmes, fostering autonomy at the school level so that each school can decide the best approach needed for its students to succeed.

As in all matters involving tough decisions and leadership, there must be a high level of accountability. While teachers and principals must also be accountable, it must start at the top, within the Ministry and within the Department of Education. So it is essential that the tools and resources needed for success be provided so that those at every level in education can reasonably be expected to perform and to achieve. All stakeholders can then be held to account for their part in the student success journey.

Mr. Speaker, the Bermuda Progressive Labour Party's plan includes phasing out the three-tiered system, which will see the end of middle schools. Perennially, this system has failed to deliver the desired student outcomes. The grades, attendance, and behaviour of our students at this level have displayed a disturbing pattern over the years. Our middle schools have fostered unwanted consequences which, some have suggested, can be observed in certain manifestations of local gang culture.

In collaboration with educators, the Bermuda Union of Teachers, parents, and community stakeholders, the PLP will reshape our school system with one better suited to the needs of our youth and the wider community. A key initiative of the PLP's reforms will be the development of "Signature Schools" at the secondary school level, focusing on the learning styles and interests of our children, including academic, technical, arts, business, sports, and special needs.

We will launch a "Head Start" programme in our pre-schools, raising the standard of early education and giving all of our children equal access to the skills they will need to make a successful start at primary school. We will expand access to after-school programmes to provide educational and homework support, and we will add to this components to develop entrepreneurial, athletic, and life skills. Our belief that education should be available to all will be demonstrated by an increase in scholarships and funding, so that our students have increased opportunities to secure higher education.

We recognise the jewel that is the Bermuda College and the many opportunities that it provides to our residents. To assist in developing our talent and offering Bermudians local options, the PLP will work with the Bermuda College to offer bachelor's degrees in education, nursing, accounting, insurance, and business.

The PLP has listened for the last four years, and the next PLP Government, together with our educators, parents, community organisations, and business partners, will make the necessary reforms to give all of our students the best possible opportunities for success. Success is personal and varies for each student. In today's fast-paced, ever-changing technological world, it is paramount that the educational environment be adaptable so that our students are able to pick the road to success that is best suited to them.

Mr. Speaker, the PLP will re-establish public education as the primary and best option for Bermudians, and I look forward to sending my daughter and son to a school that is part of a vibrant and reformed public education system that prepares our future leaders for a rapidly changing world.

Quality, Affordable Health Care

Hon. E. David Burt: Mr. Speaker, the PLP is committed to alleviating the costs of health care. Access to medical treatment is an important right for our people and should not be reserved for those who have the financial means.

The cost of health insurance is causing real pain for families across this Island. Over the last four years, we have seen a rapid escalation in health insurance costs continue, and this squeeze not only affects individuals, but also businesses. As a country, we must do better, and we have to recognise the fact that our health care system is not servicing our needs. We have poor outcomes combined with high costs and a system that is not delivering as well as it should. Mr. Speaker, the other day, a young man contacted me on Twitter to state that his employee deduction for health insurance for both him and his son totalled \$1,900 per month. Many Bermudians are unable to afford health insurance, and they are forced to neglect their own health. We have entered a dangerous era by creating a system that reserves medical treatment for those who can afford it and leaves others behind.

Mr. Speaker, the people whom we serve must question why, four years after the election, the OBA have failed to live up to their election promise of reducing health care costs. Four years have elapsed since the election, and it seems the OBA is still examining how to reduce costs. After four years, the examination should be complete, and Bermuda requires a plan of action that will bring relief to the employees and business owners who so desperately need it.

While the PLP was in office, we developed the National Health Plan. This was a plan that would reduce costs and provide better and greater coverage across the country. After dismissing the National Health Plan, the OBA has failed to replace it and has offered Bermudians more of the same. This is not effective governance; this is not what the people need, nor is it paying attention to what is really causing our people pain. Mr. Speaker, the National Health Plan remains the most progressive step in ultimately reducing health care costs for all Bermudians. A PLP Government will revisit this plan and look to reintroducing it. Additionally, to reduce the cost of health care, the PLP will create incentives to expand competition in the local insurance sector to drive down insurance costs and create more affordable options for Bermudian families. A PLP Government will also require insurance providers to cover established, recognised complementary and alternative medical services.

We welcome the creation of a Chronic Disease Register, which will further provide statistics and insight on the prevalence of two of the most frequent health conditions affecting Bermudians—obesity and diabetes. A PLP Government will make tackling these central to our health policy. Using the results from the Chronic Disease Register will facilitate setting health care policies concerning chronic conditions, which will

in turn improve evaluation of the support services needed.

Mr. Speaker, last week, the Government said that it would (and I quote) “consider allowing the importation of herbal supplements containing cannabinal to allow more options for treatment.” Though we support this step, the Progressive Labour Party would go one step further and allow licensed medical practitioners to prescribe medical cannabis to their patients to address legitimate medicinal issues. Bermuda continues to lag behind our neighbours on this issue, and it is time for us to be progressive to ensure that we are giving our medical professionals the flexibility to prescribe what they feel is best for their patients.

In addition to the items mentioned above, the next PLP government will:

- conduct a comprehensive review of inpatient and outpatient mental health services in Bermuda with a view towards making progressive reform;
- implement a sugar tax, with the revenue derived to be used for health education and early intervention;
- implement incentives for businesses who offer staff wellness programmes and healthy living initiatives; and
- explore the opportunity for small businesses to join together with other small businesses to obtain group medical insurance coverage through local insurance providers. The sharing of risk across these small businesses will likely lead to reduced costs.

A 21st Century Approach to Tourism

Hon. E. David Burt: Mr. Speaker, tourism numbers are improving. The BTA [Bermuda Tourism Authority] is working hard and the team they have assembled deserves our support and also our constructive criticism. What they also deserve, Mr. Speaker, is a government who will deal honestly with the issues confronting our tourism development and provide the financial investment [required] to grow our tourism product. The PLP welcomes the increase in visitor arrivals, but we must point out that [this] has followed an increase in the money available to the BTA for marketing Bermuda.

Since 2014, we have called for increased investment in tourism marketing, and we hope that this uptick in tourism will be sustained via continued investment in our tourism marketing.

Mr. Speaker, the Government is wrong to suggest that investor confidence has returned and that it explains whatever hotel development is underway or on the horizon. The fact is that every hotel development either is underwritten by significant concessions to the prejudice of the public purse or is supported by mammoth government guarantees which have been frowned upon by the Fiscal Responsibility

Panel. Investors are taking little to no risk in this area, and the people of Bermuda have assumed it in their place. This is a false economy, which has not yet been accompanied by the rapid product development and the change we need to see to protect the public from the risks which the Government has assumed in their name.

Mr. Speaker, there are positive signs in the growth of tourism. In fact, the measurement of all things related to tourism is based on how they compare with 2008 when the Progressive Labour Party achieved the last upward trends in visitor arrivals. There are also lessons in the trends we are seeing. The lessons are that travellers today are younger, more interested in experiences, less interested in being told what they can and cannot do, and want a destination to provide not just a reputation but also a memory. Bermuda can be that place, but we must continue to develop a product that is attractive to this discerning traveller and have a marketing strategy that reaches demographics that we used to spurn and pre-determine were not for Bermuda.

Mr. Speaker, much has been made of the return of cruise ships to St. George’s, and we share the hope that this signals to the East End. This modification to the cruise ship policy for Bermuda, however, cannot rest on its own laurels. Two important things must be done to make this return of ships sustainable and beneficial to the East End. First, St. George’s must demand the support of the Government for a makeover. The town must be given the tools to improve its product offerings for the next wave of travellers these ships will bring. Secondly, the long-awaited marina must be brought to fruition, as the real future of the town lies in its ability to service and welcome back yachts of all varieties.

Mr. Speaker, airlift is important to the growth of tourism, but it must be airlift we can afford. Flights secured by minimum revenue guarantees are part of tourism development, but our marketing must make these arrangements short-lived so that flights will stand on their own and our airline partners will not look for minimum revenue guarantees to support our aims in tourism development. It is also time to target aggressively the price locks on some of our key gateway cities which are served only by a single carrier. That puts a Bermuda vacation out of the value considerations of some travellers who want to visit our shores.

Comprehensive Immigration Reform

Hon. E. David Burt: Mr Speaker, throughout our history, immigration laws and policies have been mired in the combustible mix of race, politics and class. They have divided our community, created distinct benefits for some and resulted in the marginalisation of others. Only this year, the One Bermuda Alliance Government attempted a radical and dramatic change to the

law, which, were it not for the mobilisation of thousands of residents, would have been law today. Any unilateral approach to immigration reform must be avoided—such reform must be collaborative, and it must be comprehensive.

The next PLP Government will undertake comprehensive and bipartisan immigration reform and will do so under the following clear principles:

- Bermudians must come first in their own country;
- Policies will be developed through dialogue with the business community to ensure that immigration policy and developing our economy move in tandem;
- We will have clear policies to protect vulnerable guest workers from employer abuse and to sanction abusing employers;
- Policies must recognise that the needs of local business are separate and distinct from the needs of international business.

Mr. Speaker, you will note that I said when the PLP are returned to Government, we will involve the OBA in immigration reform. This is necessary because true leadership puts the needs of the country above narrow political self-interest. A stable system of labour regulation is key to the PLP's growth agenda, and in order for it to be successful, it must be supported by both parties.

Why is it important for both parties to work together on this issue? International investors need to know that they have a stable platform on which to base their investment decisions. Currently, immigration policy can change from government to government, and we will not attract the long-term investment that we need if potential investors feel that the rules may change after an election. That is why it is important for both parties to support a common approach that we can present to the international investment community.

Healing Our Social Fabric

Hon. E. David Burt: Mr. Speaker, before the recession, Bermuda had a host of social problems. However, since the recession, our social problems have only become worse. This is a natural symptom of economic malaise, where you have increased crimes of opportunity, increased homelessness and increased despair. As a country, we must tackle these challenges and the Government has an important role to play overall.

Dealing with the Root Cause of Violence

Hon. E. David Burt: Mr. Speaker, Bermuda continues to suffer the impact of an ongoing conflict between groups of young men, which manifests itself in murder, most often by a bullet. These young men live in

your constituency, Mr. Speaker, and mine. They are our cousins, our godsons, our nephews, our neighbours and, in some cases, our sons. Gun violence affects everyone. It affects the quality of life, it impacts our budgets for national security, it reduces the attractiveness for Bermuda as a tourism and business destination and, most of all, it impacts the countless families who have lost young men to the ongoing violence.

Mr. Speaker, this violence will not be ended by increased enforcement or tougher penalties. It will not be stopped by bans on tinted visors or shutting down bars earlier. We can triple the number of surveillance cameras in our country, but it still will not stop this violence from taking place. We must have the courage to deal with the root causes of this violence or it will only get worse.

As I have said many times before in this Chamber, black males are not genetically predisposed to murder. Given that we are not genetically more likely to kill each other than our white counterparts, we must accept that there are societal factors at play. Mr. Speaker, for far too long, young black males in our society have been marginalised, and what we are witnessing is the effect of that marginalisation. This violence is the symptom, not the cause, and we must address the root causes, which are difficult for many to come to terms with.

Until we as a country understand and take the required action to heal the root causes of poverty, education, lack of opportunity and structural racism, the violence will continue and will likely escalate. Many of our young males exist in a place where they have little hope. They do not have hope because Government and society has not provided many of them with a proper chance in life—in education, in opportunity, and in community support. Often, the only way for them to eat and sleep with a roof over their head is a life on the streets.

Mr. Speaker, I say this not to excuse crime, but to state that it seems, by the actions of our leaders, that we value them less than others. If our actions in government do not value their lives, how can we expect them to value their own? The truth is that we as a country, Mr. Speaker—I am not blaming any party—as a country we have in many instances failed our young black men, and we must do better.

Mr. Speaker, the bold education reforms that we have proposed are a step in the right direction, but they deal with the future. What about the young men who are too old for school or the young men who are already caught up in the conflict? If we as a country are not prepared to address the ongoing effects of systemic racism and discrimination in our country, we will not heal these wounds.

This is why the next PLP Government will be committed to ensuring that young men on the street have options and places to go if they want to educate themselves or use their entrepreneurial talents to start

a small business. However, education matters little if there are no jobs to be had, and that is why not only do we need to get our economy creating jobs, but we need to be sure that our young black men have the skills to succeed.

Mr. Speaker, the next PLP Government will implement the Job Corps Programme to harness and enhance the talent and skills of our young men to prepare them for success. We will also tackle systemic racism and discrimination with the following actions:

- We will strengthen Bermuda's anti-discrimination laws to create real, tough consequences for discrimination.
- We will strengthen the powers of the Human Rights Commission to investigate and penalise businesses that discriminate against Bermudians.
- We will introduce Equality Impact Assessments as a component of our legislative and policy development process to ensure that current and future laws [or policies] do not expand or encourage discrimination.

Tackling the Scourge of Addiction

Hon. E. David Burt: Mr. Speaker, Bermuda has a problem with substance abuse and addiction, and seemingly, more and more persons are falling victim to the disease of addiction. We must do a better job of providing assistance for those who wish to break the grip of addiction and manage their disease. The next PLP Government will re-evaluate the services available to persons who may be struggling with drug addiction and/or alcohol abuse. We will also provide dual diagnosis services for those persons who are affected by both drug addiction and/or alcohol abuse, and by mental illness in prison and residential treatment.

Financial Assistance Reform

Hon. E. David Burt: Mr. Speaker, the next PLP Government will reform Financial Assistance to reflect the needs of today's families, to preserve dignity, to minimise abuse, to create a pathway away from assistance, and to get tough with individuals who abuse the system. The current structure of Financial Assistance does not incentivise able-bodied persons to work, as all money earned is automatically deducted from a person's award. A simple principle should apply—that someone receiving financial assistance should be better off if they are in work. This minor change will provide added incentives for recipients to take part-time work, as it will increase their income. Our reform will also separate able-bodied persons from disabled persons and track each individual programme and budget separately. Additionally, we will include a person with a disability on the Financial Assistance Review Board to ensure diverse representation.

Supporting Our Youth, Seniors and Families

Hon. E. David Burt: Mr. Speaker, the PLP believe that we must make a sincere commitment to fulfil the needs of our youth, seniors, and families. Children and seniors are the most vulnerable of our society, and we must do all we can do to protect and support them.

Reducing Child Poverty

Hon. E. David Burt: Mr. Speaker, in September 2015, the United Nations adopted 17 Sustainable Development Goals. The first of those goals is *no poverty*—to end poverty in all its forms everywhere. After many years of economic challenge, it is no secret that poverty and inequality have become more prevalent, more obvious, and more problematic. Poverty cannot be overcome easily or overnight. However, as a country, we must commit ourselves to the challenge.

Mr. Speaker, the next PLP Government would take the first steps towards tackling poverty with the introduction of a Child Poverty Act. Such an Act will set targets relating to the elimination of child poverty, through measurement of poverty in Bermuda and setting out a Child Poverty Strategy. It is unfair that children should bear the burden of our economic challenges. It is a fact that growing up in poverty—relative or absolute—has detrimental impacts in terms of educational attainment, health, social and family life, and future opportunity.

We know that there are no silver bullets and that we must address parental employment and skills, financial support, childcare and educational opportunity, health, housing, and neighbourhood conditions. However, given the better outcomes for society that come from eliminating child poverty, it is a worthy goal and one that the next PLP Government will pursue.

Extending Maternity and Paternity Benefits

Hon. E. David Burt: Mr. Speaker, in 2000, the Progressive Labour Party created the Employment Act, which for the first time guaranteed all mothers eight weeks of paid maternity leave. Sixteen years later, it is time to re-examine what we have done and look to extend that leave to 13 paid weeks, while also making allowances for paternity leave. The next PLP Government will consult widely on this proposal; however, we will ensure that the duration of paid leave is extended so that mothers and fathers will have more time to bond with new additions to their families.

Decriminalisation of Cannabis

Hon. E. David Burt: Mr. Speaker, this year, for the first time since 2013, the One Bermuda Alliance has again raised the issue of decriminalisation of cannabis in their Throne Speech. A cynical person would say

that this is just an election ploy, but for the OBA this issue represents yet another campaign promise unfulfilled and is an example of a government unwilling or unable to deal with an issue that affects the youth of this country.

Mr. Speaker, this is also an issue of fairness, as black people in our society are far more likely than whites to be arrested, charged and/or convicted for cannabis possession. The criminalisation of our citizens for minor non-violent possession is an open sore on our society, damaging the lives of hundreds of Bermudians, young and old.

Mr. Speaker, it is upsetting to hear the stories on the doorstep of the young father who cannot go away to see his child play in a sporting tournament due to a conviction for simple possession many years ago. Many have been obstructed from years of real opportunity to improve their lives and those of their families. The Government again this year called for more consultation, while their continued inaction will see more young lives impacted forever.

Mr. Speaker, the One Bermuda Alliance has had time to lead on this issue, and they have failed. Therefore, the PLP will table a Bill to remove criminal penalties for simple cannabis possession below a prescribed amount.

Caring for Our Seniors

Hon. E. David Burt: Mr. Speaker, earlier this year our pensioners were treated to the first cost of living increase in five years! That increase, though I am sure it was welcome, did not keep up with the rate of inflation, which means our seniors are worse off than they were five years ago. To ensure that our seniors do not fall further behind, the next PLP Government will institute annual cost of living increases for social insurance that will be indexed to the rate of inflation.

And Mr. Speaker, while I have the attention of this Honourable House, I call on the One Bermuda Alliance to resolve the patient elevator issues at the Sylvia Richardson Health Care Facility which have been going on since July and are negatively impacting the quality of life for the residents and have loved ones concerned for the safety of their relatives in that facility.

Innovative Solutions to Make Bermuda Better

Hon. E. David Burt: Mr. Speaker, there are many other issues that the next PLP Government will address. These range from building the Green Economy and protecting our environment, to assistance for students, both here and abroad, to innovative planning reform.

Create a Fair Government Travel Expenditure Plan That Gives Back to Students

Hon. E. David Burt: Mr. Speaker, the next PLP Government will require all travel booked with public funds to be recorded under a business frequent flyer plan in the name of the Government of Bermuda. The benefits accumulated from this travel will be used to assist students who are recipients of education and training awards to defray costs for their travel and to help other citizens in need.

Work with Bermuda College to Make Government More Efficient

Hon. E. David Burt: The next PLP Government will collaborate with the Bermuda College to promote local application development skills by having students design, maintain, and enhance mobile apps that make government better and more efficient. This practical work will provide real-world experience to our students; will make government services more convenient; and will benefit the college, as the applications developed could be licensed to other governments worldwide. The apps developed will help the government relay information to its citizens and allow residents to communicate issues to the government. Finally, Mr. Speaker, it will save the government money.

Creation of a New Type of Dwelling Unit to Stimulate Construction

Hon. E. David Burt: Mr. Speaker, to stimulate construction demand and to provide homeowners with additional income, the next PLP Government will create a new category of dwelling unit. These new units will have assessment numbers, but will be restricted from having a private car registered at the address. These new units can be restricted to one-bedroom or studio units, with all standard planning requirements except for the need to provide additional space for car parking. Many homeowners have space to create an additional unit, but are unable to create additional parking spaces.

This new type of unit would be ideal for young people just leaving home, students returning to Bermuda wanting their own space, or guest workers who are not interested in purchasing a car. This new type of unit can provide additional income for homeowners with smaller properties who previously were unable to create a rental unit.

More Work for Public Service Vehicles

Hon. E. David Burt: Mr. Speaker, the next PLP Government will reduce the competition for tourism dollars between the government and public service vehicles. The first step to accomplishing this goal will be to reduce the current use of public buses whose sole purpose is to take visitors on sightseeing tours. This reallocation of equipment would not only assist in providing consistent service on all the Island's bus routes; it

is anticipated that this change would also increase the earning potential for the many entrepreneurs who are public service vehicles owners and operators.

Protecting Our Environment

Hon. E. David Burt: Mr. Speaker, our environment is a precious resource, and we must be sure that we do all we can to protect it. The next PLP Government will introduce a charge on single-use plastic bags. Other jurisdictions have implemented this charge, and it has successfully reduced the number of plastic bags entering the environment, and particularly the marine environment where they pose a threat to marine life. In keeping with our pledges made in Vision 2025, the next PLP Government will establish a mandatory recycling programme, which will result in economic benefits for the Island. Additionally, we will produce a Green Paper on a Beverage Container Deposit system.

Investing in the Green Economy

Hon. E. David Burt: Mr. Speaker, the next PLP Government will place shifting Bermuda to a low carbon economy as central to our administration. One of our first steps will be a new Green Paper on Energy to build on the foundational work of the 2011 Energy White Paper. Not only does Bermuda have a moral obligation to reduce our carbon footprint, but it also makes sense from both an economic and national security perspective to lessen our dependence on fossil fuel imports and retain hard currency within the Bermuda economy. A PLP Government will make sure that energy equality is at the forefront of this initiative, assisting those on fixed incomes to reduce their energy costs through supporting reduced interest loans for installing energy-efficient technologies and solar panels for energy production.

The next PLP Government will take the lead in investing in the Green Economy by outfitting government buildings with renewable energy generation technologies, enabling the government to become a net producer of energy, thus saving it \$20 million annually. The PLP will also convert the government's fleet of light vehicles to hybrid and electric vehicles.

The OBA's Airport Privatisation Will Cost Us More Than Building It Ourselves

Hon. E. David Burt: Mr. Speaker, in March 2014, the Shadow Minister for Transport brought a motion to this Honourable House which called for the creation of an Airport Authority. During that debate, he described what the PLP's approach would have been in redeveloping the airport, an approach that would save the taxpayer millions of dollars when compared with the reckless path that the One Bermuda Alliance has chosen. Earlier today, the Government tabled a Bill to

create an Airport Authority and also a Bill granting tax concessions to a Canadian company that was awarded a no-bid contract worth over a billion dollars, in contravention of Financial Instructions.

Mr. Speaker, the Government and the One Bermuda Alliance have spent thousands of dollars trying to convince the people of this country that the privatisation of this airport is a good thing for Bermuda. The irony is not lost on me, Mr. Speaker, that the party led by the Honourable Premier, Michael Dunkley, who pledged in 2007 to shut down CITV, is now using that channel to play a Government propaganda video regarding the airport redevelopment, which is replete with false information. This continues a campaign of misinformation which started two years ago when the Honourable Minister of Finance misled the country by stating that there was no vendor selected for the project, when Aecon was the vendor from the—a fact that he hid from his own Accountant General.

Mr. Speaker, I could talk for hours about why this is the wrong project for Bermuda's seniors, students, and taxpayers, but I will just make two financial points that should make it clear why everyone in this House and in Bermuda should say no to this deal. Mr. Speaker, my first point is that this project will negatively impact our annual budget by at least \$18 million a year. The One Bermuda Alliance has created a website that says this airport [project] will (and I quote, Mr. Speaker) "free up money to help schools and seniors." Yes, Mr. Speaker. That is on a One Bermuda Alliance website.

And last week in their Throne Speech, they said that this project would not reduce (and I quote) "our capacity to invest in education, safety, and other social programmes." Mr. Speaker, this is a blatant falsehood! The figures provided by the Ministry of Finance to the Public Accounts Committee show that this project, which gives away all of our airport revenue to a Canadian company, will negatively impact our annual budget by at least \$18 million! That \$18 million will need to be found somewhere, and that means that we are either going to increase borrowing, raise taxes, or cut services; however, none of those options will mean that this project will (and I quote) "free up money to help schools and seniors"—it will do the exact opposite by draining precious resources from our treasury while our airport profits are exported to Canada.

Mr. Speaker, this project will cost the taxpayer real money, and sadly it will cost a lot more than if we were to build the exact same airport terminal ourselves. The last line of defence for the Government supporting this project is that Bermuda will be protected from cost overruns. Mr. Speaker, Bermuda markets itself as the World's Risk Capital. It would take the Minister of Finance less than a week to get a policy that would insure against the risk of overruns for this project, and I promise you it would cost less

than \$18 million a year. In fact, Mr. Speaker, a local insurance professional informed me that a policy would cost only \$2 million for the entire project!

Mr. Speaker, the second financial point shows just how great a deal this is for Aecon, which is assuming no risk, as the taxpayers are guaranteeing the debt repayments. This deal will give \$34.9 million of Bermuda Government revenue to Aecon, while Aecon only assume \$11 million in expenses annually. We will also reimburse Aecon for their electricity, meaning that Aecon's gross profit in year one will be \$26.5 million! If we assume that Aecon will borrow \$255 million at the rate of 4.5 per cent, Aecon will clear \$10.8 million in profit in year one!

Mr. Speaker, if Bermuda were to build the exact same terminal, but we did it ourselves, we would keep that \$10.8 million profit here in Bermuda. However, the One Bermuda Alliance thinks it is best to ship that \$10.8 million to Canada.

Mr. Speaker, the PLP does not oppose a new airport terminal. What we oppose is this deal, which raids our country's treasury while sending Bermuda's profits to Canada when they should remain at home. We oppose this deal, as it will cause us to spend extra money that we do not have, which will divert money from education, seniors, and social programmes. It is a bad deal; it is the wrong approach; and the Progressive Labour Party will continue to fight this deal, as it is detrimental to our country's future.

Good Governance and Better Government

Hon. E. David Burt: Mr. Speaker, the One Bermuda Alliance's airport deal is a perfect segue into the topic of good governance. We have heard a lot about good governance lately, and that is not a bad thing. The people's representatives should always strive to practise the highest standards of governance; however, that is not something Bermuda's voters have experienced over the past four years. We remember the pre-election pledges of transparency and integrity, which were followed by Jetgate, \$18 million dollars gone missing, and an airport project that is in contravention of the Good Governance Act.

It is helpful to remind voters of the OBA's record, but what I want to share today is what a PLP Government under my leadership will represent. Mr. Speaker, there is a difference between good governance—which deals with integrity, following the law and zero tolerance for corruption—and good government. The Progressive Labour Party that I lead is firmly committed to both, and after the next election Bermudians will have a PLP Government that strives to practise the best habits of good government.

Mr. Speaker, good government is transparent, good government invites scrutiny, good government is humble and is aware that we as politicians in either party do not have all the answers. Good government is being open, answering parliamentary questions,

responding to parliamentary summons, welcoming joint select committees, inviting scrutiny, and making sure that the people have confidence that the government is acting in their best interests. Mr. Speaker, that is the good government that the PLP will give this country after the next election, and that is the standard that the people can expect.

Unlike the One Bermuda Alliance, we will implement that SAGE Commission recommendation to establish three permanent oversight committees which deal with particular ministries. The One Bermuda Alliance rejected this recommendation, stating (and I quote), "We have enough oversight already." Mr. Speaker, it should be clear to all that in Bermuda there is nowhere near enough oversight. Parliamentary questions once a week and a single Public Accounts Committee [PAC] without a full-time staff member are not enough oversight for our Government.

Mr. Speaker, people may ask why the PLP would invite additional scrutiny of their Government after the election, as it is bound to cause embarrassment because governments are not perfect and will make mistakes. The reason is simple: because better scrutiny and better oversight will lead to better results and outcomes for the people of Bermuda. That should be every MP's mission, to make things better for our citizens. When Ministers understand that their actions are open to question and examination, they will not rush things through and they will make sure that things are done properly. When it is clear to governments that anything they do may be exposed, the temptation to do wrong is reduced and Ministers are compelled to always act in the public interest. Only those with narrow political self-interest would want to reduce the amount of scrutiny to which the government is exposed. Democracy is meant to represent the people, and the people's representatives should have the ability to provide the oversight that leads to better outcomes. As a father of two young children, I want them to grow up in a country that has a strong, vibrant, and transparent democracy.

Mr. Speaker, the next PLP Government will also ensure that funding is made available so that a full-time staff member can be appointed to the Public Accounts Committee. The PAC is one of the most important committees that exist inside Parliament; yet it has no resources to do its work. The last few years have seen what difference a little real-time oversight can make, so imagine how much better our governance would be if that type of oversight was full time and in real time on behalf of the people of this country. We should not be content with examining actions seven years after they happen with a Commission of Inquiry. Good government requires oversight when decisions are being made and the persons making those decisions can be called to justify their actions.

Mr. Speaker, we welcome the introduction of the Bribery Act [2016]. However, we do not feel it

goes far enough towards improving governance. The next PLP Government will introduce legislation to regulate political campaign finances in order to ensure a level playing field and reduce the risk of corruption at the political level. We believe that the best policy ideas should win—not the political party with the biggest war chest. Far too often in the world, money has been used to undermine democracy. The next PLP Government sees the introduction of campaign finance laws as a long overdue safeguard for our democracy.

The next PLP Government will introduce Integrity in Public Office legislation to modernise our laws surrounding the buying of votes, voter fraud, conflicts of interest, and other aspects of our electoral and political process subject to abuse by those who would seek to use wealth, influence, or intimidation to obtain political or economic power. The next PLP Government, Mr. Speaker, will enact legislation that allows Bermudians to initiate referendum questions.

Mr. Speaker, the people of this country want a government that represents their interests. The best way to accomplish that is by ensuring transparency in office, and that is what a PLP Government under my leadership will provide to the Bermudian people.

Conclusion

Hon. E. David Burt: In conclusion, Mr. Speaker, the PLP has a commitment to fiscal prudence, a Bermuda where Bermudians come first, protection of the vulnerable, and diversifying the economy. These are values that many Bermudians share. To paraphrase Jesse Jackson, whether we came over on the *Sea Venture* or on a slave ship, we are all in the same boat now. Throughout our history, it has been the PLP that has fought for the other Bermuda—the poor, the vulnerable, and the disenfranchised.

To the unemployed, to the underemployed, and to those who are losing hope: The PLP will welcome you, embrace you regardless of race, country of origin, or sexual orientation, and alongside you we will fight for a fairer, more inclusive Bermuda that works for Bermudians.

To the youth who believe that politics is politricks and that politicians are only in it for themselves: We hear you, we understand you and we need you. Through our actions, not simply our words, we will demonstrate our commitment to your success.

To our seniors: We are listening, and understand the pain you are feeling and the loss of dignity so many of you have endured. We need your wisdom, your experience, and your strength to be a part of our movement for change.

To the disgruntled, disenchanting, and disillusioned One Bermuda Alliance supporter: There is a place for you here in the Progressive Labour Party. Together we can break the pattern of broken political promises and build the Bermuda and the “better way”

that you envisioned in 2012, but that the One Bermuda Alliance Government has failed to deliver.

As former Premier Alex Scott said, “Bermuda works best when we work together.” It is my hope that the change Bermuda is seeking can begin in this Chamber today in this debate. Mr. Speaker, let us refrain from boasting of prosperity that only touches the few while so many are going without. Let us refrain from mouthing platitudes, rhetoric, and slogans. Let us refrain from arguments that amount to little more than, *It’s okay to do wrong because you did it, too*. Let us strive for a level of debate more reflective of adults than of unruly schoolchildren. Let us put the focus where it should be—on the men and women who are counting on all of us to lead the way, who live here and call this Island home—and not on politics as usual.

To those who are tired of the bickering and fighting, we pledge a new phase in Bermuda politics. We must offer constructive criticism, and at many times we will disagree. We must not, however, be disagreeable in our disagreement, but handle ourselves in a respectful manner. A recent US presidential candidate, Hillary Clinton, reminded the world in her television advertisements, “Our children are watching.”

Mr. Speaker, the Progressive Labour Party is determined to make our people proud, to make our people prosperous, to make our people free, and to ensure that our people live in peace in the Bermuda that we will create for everyone.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member.

Now, it is 12:15. It is up to you. Would you rather just do 15 minutes now and 15 after? Or would you rather we break now and you come back and do it all after lunch?

[Inaudible interjection]

The Speaker: Yes. I think that . . .

[Inaudible interjections]

The Speaker: Thirty minutes, thirty minutes.

[Crosstalk]

The Speaker: Honourable Members, I do not know what e-mail you have, but I did not send an e-mail. I did not send an e-mail saying that it is one hour. All right. That is correct. Honourable Member, and I think you had this issue last year, and Honourable Member Crockwell can stand and . . . Let us not start that way. It will be 30 minutes. And I appreciate . . . absolutely. No, no, no. I appreciate it. You are quite right, quite right.

Right. Honourable Members, we are going to break for lunch. And the House is now adjourned to 2:00 pm.

Proceedings suspended at 12:17 pm

Proceedings resumed at 2:00 pm

DEBATE ON THRONE SPEECH REPLY

The Speaker: Honourable Members, we are in the debate of the Reply to the Throne Speech and the Chair will recognise the Honourable Learned Member and—

Mr. Mark J. Pettingill: Mr. Speaker, I am obliged to you, and good afternoon colleagues.

And Mr. Speaker, thank you for confirming over lunch today that I, in fact, have 90 minutes in reply. It was very kind.

[Laughter]

Mr. Mark J. Pettingill: Mr. Speaker, I would also like to thank the Honourable Opposition Leader who has just developed . . . and just kindly delivered to me part of my reply, which was handed to him outside. So we are starting on the right foot. He could have just run off with it, but instead he was kind enough to bring it over to me. So I appreciate that.

Mr. Speaker, people who know me in this Chamber know, I think, that as the Honourable Walter Roban has called me a thespian before (and I should take his compliment), and various things of being a dramatist and into literature and so on, and I think that is probably true. So I was particularly struck today at the start of the Reply to the Throne Speech to see a quote, certainly from one of my favourite authors from all times, Charles Dickens, with regard to the wonderful book, *A Tale of Two Cities*. And the opening quote of that book was, "It was the best of times and it was the worst of times," which is usually the case in any society in perpetuity. And I guess what we try and aim at getting is doing away with the worst of times and creating the best of times all around.

But the interesting thing about that book, Mr. Speaker, is, of course, that is the opening line. The closing aspect of it is by the lead character, Sydney Carton, who says "It is a far, far better thing that I do, than I have ever done; it is a far, far better [rest] that I go to than I have ever known."

And how does he get there as he faces the chop of the guillotine and fate has come about? But it is a good thing that he is doing, and the point is this: It is easy to have lines and quotes from things. But in that book between what happens and where, ultimately, fate is arrived at, there is a lot of work, a lot of substance, a lot of soul-searching, a lot of reflection,

and a lot of tireless, tireless effort to arrive at the fated position of the hero.

Mr. Speaker, I am also struck by the quote of Rumi who said, you know, *when I was a young man I thought I was clever and I wanted to change the world. Now I am an older man and wiser and I know I just need to change myself*. And, of course, that leads into the whole aspect of Gandhism would be the change that you want to see. And these are all things that on reflection I have, you know, endeavoured to propagate and indeed live by.

And it is all well and good, then, because I thought, certainly, that this was—and I will say it—the best Reply to the Throne Speech that we have had up here in a few years. And that is because some things have changed. So last year when I was able to stand up with a few laughs about *there was so much ganja and I thought I would take it home and roll it up and smoke it afterwards*, it is not that type of Throne Speech now. And that is heartening to see.

It is heartening to see, you know, things in the conclusion with the quotes of *Bermudians work best when we work together*. I agree with that. And how we all need to move forward and join hands in some way.

So, it is very heartening to see that type of line being given. It is a little disheartening a couple of pages earlier when I still have to hear things like *Jet-gate* and \$18 million that are missing and so on and so forth because, Mr. Speaker, if you step into a ring of mud wearing a white suit and you start throwing the mud around you are bound to get dirty.

And so while I join with the Honourable Opposition Leader with what he had to say on the final page, you cannot kind of like say, *Here I am going to slap you around a little bit*, and then at the end say, *But let's all be friends* (so I will not slap you back around), because history teaches us that that is not the way it works. But I endeavour to take the higher road. I will leave that to other people because our children are watching.

My children watched for a number of years when all kinds of things were espoused about me and others in this Chamber on both sides by certain particular individuals on that side. And that is why I think the air is better today and that is why we certainly need to move forward in the spirit of being legislators and parliamentarians and have good healthy and hearty debate on the issues. I would not want to stand here and start quoting what people had to say in the Progressive Labour Party in the last week or so with regard to their own issues, because I do not see that that moves the country forward at this stage or gets us anywhere. But let us bear those things in mind that we do not want to keep repeating them and repeating them and repeating them.

So when I see things like that in here on a happy day, like, *Yes, let us do that. We are better when we all work together*. Fine. Then do not throw out the things that you know are nonsense and that

have been around for a long time, because we could all get into that.

So, I start on the basis of saying a lot of work in *A Tale of Two Cities* because it is easy. . . and we have seen this. I know we all watched the slow-moving train wreck/soap opera that it was, of an American election recently. And all woke up the next day aghast . . . aghast at what transpired.

[Inaudible interjection]

Mr. Mark J. Pettingill: But then we probably . . . I am I thinking on the sensibility of working together and probably everybody in this Chamber was aghast and maybe there were a few that are really solid politician pundits who would have spotted that it was doable. And he won! He won and now he is the President. He is the leader of the free world. He is our leader of the free world. So we have to try and get behind him as much as we can.

But it was easy for the President-elect to throw things out—*I'm going to build a wall and it's going to be a wonderful wall. It is going to be so high you cannot even get down the other side. Well, I guess you could use a rope*, he said. But you cannot . . . this big wall, you know.

And then I saw the breakdown of the wall and he was going to start it day one. Somebody sent me this great photograph on the text of Donald Trump there, you know, breaking up the wall the first day in office. And it sounded really good. It appealed to a lot of people—build a wall, and this is what we are going to do. Well, you watch how quickly they slide back from building that wall. Yesterday, there was a news report on CNN about the \$150 billion that it would cost and how long it would take. And it all sounded good. It all sounded good.

But the one thing that I have learned from being in Government, I learned it as Attorney General, and I sure as heck learned it from politics and saying, *We're gonna do this, and when we get in we're gonna do that, and you can rest assured that we're going to fix this*. Because a lot of things in this Reply talk about what it seems that the Opposition is going to get in and fix right away—build a wall overnight. But people should take note of the fact that it says “Vision 2025”, so they give themselves two terms to do that stuff, if they are able to get elected two terms to do it. So they know full well that you cannot just step in, wave Harry Potter's magic wand, and say, *There you go!*

You know, the essence of wisdom is to recognise your own ignorance. God only knows I have had to do that, Mr. Speaker, with regard to thinking what you could do once you take power and then what you are actually able to do. You might be well-meaning; but there are things that get in your way. And, you know, part of them are just things that are not that easy to do. So I just want to highlight a couple of the things that are in this Reply just to emphasise to

the voters and to all of us here about a little dose of reality with some things.

For example, I remember the case of building the bridge to nowhere in the US, in Alaska, and we put these things out like, *Oh, here's a great idea. We're going to do this*. So let us talk about . . . and I am glad to see that it did not go on—the weed debate—for how many pages it was last year, and how many times about this and that, and all the those criticisms that we had. But it is a fair debate to have. I am the one that propagated it first off as the Attorney General some time ago, Mr. Speaker, with regard to, *We have to look at this issue of weed*. Well, this Government has done that and are doing it. But let me tell you what is being said in the Reply to the Throne Speech. It says, “a government unwilling or unable to deal with an issue that affects the youth of this country.”

Well, that issue has been putting young black men, particularly, on the Stop List for the last 30 years. And for 14 years the Progressive Labour Party never even addressed it. We did not have cannabinoids legalised. There was no de-criminalisation. They could not get it done. But now, suddenly, they have this idea that they are going to make it happen and that they are going to somehow change this. So what they are going to do is they are going to “table a bill” (this is at page 17) “to remove criminal penalties for simple cannabis possession below a prescribed amount.”

No specifics.

What amount?

What amount? What penalties? But below certain amounts . . .

So here, let me tell you how that works. What you are doing is taking—I think you would call this *de-criminalisation*—an element out of it . . . that let us say that amount is going to be two grams of marijuana that are now legal. You can have it. Here is the problem, Honourable Leader of the Opposition and other Members. You have to get that from somewhere.

Where do you get it from?

You have to get it from a drug dealer, which is illegal. So on this idea of removing the “criminal penalties for simple cannabis possession,” you think that you are going to de-criminalise something, but in order to get it you still have to be involved in a criminal activity that you are party to—because you bought that weed somewhere.

Now, that is just a highlighted problem at page 17 with regard to a sound bite that sounds great that you will find you would not be able to make work. I know because I looked at it extensively.

Now, I know and I have advised with regard to how I think this issue can be addressed. But the approach of this Government—well, not “but,” what has been a sensible move is to what you can do legally, a steppingstone to the next stage, if you will, by legalis-

ing certain medicinal elements of cannabis and then seeing what next stage you can take that to.

Now this is what happened in the States. This is how they got there in certain states. California just legalised recreational marijuana, but it has been a process of stepping there. So I assure you that the idea of, *We will decriminalise certain amounts that amount to cannabis possession below a prescribed amount*, will not work for you because the person that has it still has to be engaged in a criminal enterprise and, in fact, they have committed a criminal offence.

And here what else are you doing? You are still driving the drug trade underground. And you have not dug down on this when you start talking about the gang culture and everything like that.

The reason you have that problem is because it is a business. That is how the gang culture started in large part. It is a business in dealing largely with illicit drugs, but largely with marijuana, which many people would say in this country should be legalised because of the fact that it is the drug of choice, if you will, although some of us have other drugs of choice, some are fond of red wine, Grey Goose and these things. But you know others . . . we, within here, everybody gets that.

The point is that the Grey Goose and the red wine, and so on, have taken years to develop to the stage where it is lawful because of the way that it is regulated. You know where it comes from. You know what is in it. You know what you are getting. Nobody is out there anymore making bootleg liquor for sale. You are not going—

[Inaudible interjections and laughter]

Mr. Mark J. Pettingill: I was being facetious, right? They are not, nobody—

[General uproar]

Mr. Mark J. Pettingill: And notice I said . . . notice I said—

[General uproar]

Mr. Mark J. Pettingill: No, no—

[General uproar]

Mr. Mark J. Pettingill: No, no . . . no, no, no, no. Notice what I . . . I was not even . . . you know what?

[Laughter and crosstalk]

Mr. Mark J. Pettingill: Hand on heart, hand on heart, hand on heart, I was not even going there.

[Laughter]

Mr. Mark J. Pettingill: But notice what I said . . . nobody . . . notice what I said, though. Nobody is out there doing it anymore. All right? Nobody is out there doing it anymore. I did not even mean to go there.

[Inaudible interjection]

Mr. Mark J. Pettingill: Well, I was coming back to . . . I really did not. I really did not. I really did not.

The reason that Chicago and everywhere had all its problems during Prohibition was because liquor was driven underground so people shot each other up for it. That is part of the problem we have. That is as a result of weed.

So, I highlight this as an example because I am passionate about it and, at the risk of being immodest, I know something about it. The idea right there on page 17, which sounds so great—that you think will fix some social issues—is ill-founded and wrong. And if you came into Government and did that it would be a disaster because you have not thought it out well, at least on the face of what is written here.

And I am happy to talk, and work together. I am happy to talk to Members of the Opposition about that. I have talked to some of them before about this. And I will tell you, right now my own idea is you tread down the road of personal cultivation. But maybe that is a debate for another time. And they did that in other places where you license a certain amount that you can grow for your personal use. That is the type of model to look at, in my view, in addition to the legalising of medicinal elements of it, because you fill the gaps.

And I know because the first year I raised this as Attorney General, the US Consulate came running down to my office with a bottle of wine to say, *Congratulations and what is this stuff about decriminalising marijuana?* Right? He got the call from Washington. What are you talking about? And when I had the pleasure to meet with Eric Holder on more than a few occasions (I saw him on TV the other night on Bill Maher's show, but I met with him a few times) we discussed marijuana. And he is a liberal guy. He is Obama's guy. And he said to me straight up, *Mark, your problem is you've got to get it from somewhere. And the federal government is not going to be on you flying it over from Colorado. So that kills that idea if you were going to go there. And we are not going to be, as a federal government, down with this approach of Bermuda suddenly saying marijuana is legal.* Problem.

That just highlights one thing. So let me just highlight a couple of others that become problematic. And there are more than a few. Right? But I will just highlight a couple more. So at page 17—sorry, at page 6 in the Reply, we talk about an “Economic Diversification Unit.” I was critical of this last year. Your big idea, Opposition, is not, *This is what we're going do to diversify the economy. This is how we are going*

to do it. You are going to get into power and create a new unit to talk about it. A committee! God knows we do not need any more committees. We do not need any more committees. We need to be men and women of action.

So this idea about an Economic Diversification Unit to consider (and I love this bit) creating a new industry . . . Come on! Like Obama says, *Oh man! Really? That is your big play? Come on, man.* You are going to get into power to create a committee to think about what you can do to improve the economy? That is not vision. That does not raise any . . . if you said, *We're going to create an industry that does this, that launches satellites into space from our new satellite launching pad and everybody will line up because we can do it cheaper because* (this is nonsense, of course) *we can do it cheaper than America . . .* whatever, well, that is vision. It might not work, but you are saying something.

But not only that, on the basis of this new industry (which we do not know what it is) that the Economic Diversification Unit (which we do not know who they are) creates, it is going to increase, provide at least 5 per cent of our GDP, and three new secondary industries that each directly provide at least 2 per cent of our GDP by the year 2025. That is pie in the sky. That is just . . . that is the type of thing that you are saying you are adverse to about putting out all these things . . . *We are going to do this, we are going to do that . . .* and you do not even have the decency to say what it is. That, with respect, is not a reflection of being ready to lead. That is a reflection of still being in development yourselves as Opposition.

Well, keep developing until 2025 if that is the best you can come up with. And that is an important one, but keep on down that road because that does not help us to get anywhere with that type of example of what we can do.

It is the same thing with the Bermuda Fund. And my honourable colleague, Sylvan Richards, wrote a brilliant article on that because he knows that stuff. If you want to work together, ask people that know. You are going to divert funds from the pension funds, which we are already questioning whether we have got \$3 billion. How are we going to take money out of that to create a Bermuda Fund? That is not doable. That is not a plan. And anybody that buys into that is really dreaming . . . really, really dreaming that that could possibly work.

And I noticed from here I made a great play before about . . . I got tired hearing about the Blue Economy, the Blue Economy, the Blue Economy. Well, they changed the colour, now it is the Green Economy. So, you know, it is still the same type of concept. Before it was the Blue Economy (and I made a lot of jokes and things about that), but they abandoned the Blue Economy now and we are going to the Green Economy. Well, you cannot just change the colour between Throne Speeches and sell that. That

is a bridge to nowhere. These things take real concise and focused effort on what you can do.

So, let us talk about what is in the doing, not in the criticism of how you do it or how you get there, but what this Government has done—facts. I like speaking with facts. Lawyers do that. If you can get the facts on your side in a law case, if the evidence is on your side then you are in a good spot.

I know there are things to be criticised about this Government. I was criticising things about this Government last week, and rightly so, as a back-bencher. And guess what? It changed too with regard to publication of lists. And I was joined by Members of the Opposition in that regard. And that was working together because we were *ad idem*. And that is a healthy democracy. We have disagreements on this side. I disagree respectfully with the Attorney General's position at times. We work through it. We work things out, or the Government worked things out and you got there. There is nothing wrong with that. But the evidence is, it got done. So that is doing.

So, this is the Government that . . . and these are a few highlights: We cut Cabinet Ministers' pay by 10 per cent to lead by example.

We formed the Cabinet Economic Development Committee to reduce the time it takes to get approval of large job-creating development projects, and we have done it. That was vision. That was initiative and we made it work. And it was not as obscure as, *We're gonna come up with a new industry that is gonna grow the GDP by 5 per cent.* What does that mean? Well, what industry? You have to be able to tell me something. This is substance.

We are the ones that brought in PATI [Public Access to Information] legislation. Fourteen years in Government . . . talked about it, they never did it. We did that. And guess what? Every time there is some issue somebody on that side is running off to go and file a PATI request. They love it now. What? PATI? Let's go! But they would not do it. We made it a reality. We talked about it and we did it, Mr. Speaker.

[Inaudible interjections]

Mr. Mark J. Pettingill: Financially, economically and all the other, we are the ones that passed payroll tax exemptions to boost the hiring of Bermudians.

We issued new rules to government departments to hold their spending to budget allocations. We did that. That is a reality. We made that happen.

We implemented a low interest borrowing plan to finance expected deficits over the next three years and that will save Bermudians an estimated \$20 to \$40 million in borrowing costs.

Hon. E. David Burt: Point of order, Mr. Speaker.

The Speaker: Yes, Honourable Member?

POINT OF ORDER*[Misleading]*

Hon. E. David Burt: The Honourable Member is misleading the House. Our message as stated in this House before, the interest rates and the calculation that the Minister of Finance gave, interest rates went down and not up and that ended up costing the Government more money, not less.

The Speaker: All right. Carry on, carry on.

Mr. Mark J. Pettingill: You know what? I will leave that one to the Honourable Economic Minister to deal with. But we completed the US\$750 million bond issue to stabilise Government's financial position.

Now do not forget when you start talking about (I will touch on this for a second), *Oh, this doubled up and the debt doubled up*. Well, part of the reason was, as the Finance Minister said time and time again, because we did not know until we got in and lifted the hood about how much of a disaster, a poisoned chalice, we had been left with. And that is just a fact. And I am not going back there.

It is a new day for this Opposition wanting to be Government, so there is no point in reasoning. But those are the facts of why . . . if we could not deliver on every single thing that we promised or talked about or wanted to do, that is because when you get in there—and that is why I highlight these things—you suddenly realise what a challenge it is. I cannot just legalise weed. I have got to get it from somewhere. It is a challenge. It sounds nice to say it, but you cannot just run off and do it.

We are the ones that brought the America's Cup to our shores. We are the ones that have already seen that stimulate the economy in the Louis Vuitton Cup. We are the ones that will see it and I know we will all be joining hands in the Kumbaya moment of supporting and doing all we can as Bermudian people for the America's Cup in 2017 and what it can do for us. But we are the ones that made it happen. We are the ones that had the vision, the savvy, to make that deal. We did that and it is a reality and it is becoming more of a reality.

Retail sales are up, construction is up, and unemployment is down. Those are the facts. Let us talk facts, okay? Retail sales are up, construction is up, and unemployment is down. Those are monitors of success. Those are monitors of success for any government. Real estate sales are up. The GDP is growing for the first time since 2008. Those are this Government's realities.

So, and I say this to the listening public and to the not-listening public and to people when it comes time to think about Government, that the proof is in the pudding. And it is easy to sit and say you promised this and you did not do this, you promised this and you did not do that, you should have done, you

could have done, but you did not and here you go. Have a look at what you have done. And our list goes on and on for pages.

I was heartened to see this Opposition mention sexual orientation a couple of times in its Reply. Wow! What happened there? Because they sure as heck were not beating the drum for the gay community before. I do not know if I paralysed them all with the position I took on it and they are all converted now, you know. I know that my good friend, Wayne Furbert, is still maybe anti-gay marriage, but he is certainly . . . You know, maybe we have come around. We are embracing sexual orientation now. That is great. You know, you are embracing gay people. You did not do that for 14 years. When your Member stood up in the House to talk about sexual orientation, not a single person in this House stood up to speak with her. That is the reality.

So we are the ones that made that a reality. In the eyes of the world we made sexual orientation a reality. It was not done.

We are the ones that made medical marijuana a reality, at least get it the right way. We did that.

We are the ones that implemented a Mental Health Court. God knows we need it. You know, we need a Mental Health Court. Somebody said to me once that, when it comes to serious crimes, that people that are mentally stable do not commit those crimes. And they may have a valid argument. But we are the ones that saw that we had got a problem and we needed to address people in a particular way. That is why, probably in a big way because of our approach, imprisonment is down by a third.

Mr. Speaker, I was up at Westgate the other day, I looked and I thought, *Man, that number has dropped since I used to come up here a few years ago. Hmm. Oh, during my Government it has dropped by a third.*

And here is another little fact for you. Homicide is 50 per cent down, 48 [per cent], down by half during this Government's tenure—50 per cent! So you can jump up and down, say what you are going to do for crime and all the rest of it. You talked about it before, but we are the ones in four years, whatever we did, however we got there, we are the ones [in] whose tenure it came down by half—homicide, 48 per cent. We did that and reduced the prison population by a third. Those are realities. Those are the realities.

So, when we talk about real things, Mr. Speaker, we have a growing list of things that are realities that we have made realities and we get done.

Education, we have the longest serving Education Minister in 20 years.

[Inaudible interjection]

Mr. Mark J. Pettingill: The longest-serving Education Minister in 20 years. That is a fact. Wayne Scott is the longest serving Education Minister in 20 years and [he

is] getting things done. And we have had this backwards and forwards with regard to education for some time now, but the results are reflecting better during this Government than they ever did during the previous Government. Those are the facts.

I will leave Tourism to somebody else, because my best mate and partner who is sitting over there right now as an Independent, what he made—

[Inaudible interjection and laughter]

The Speaker: You have got about a minute left. You have just under a minute.

Mr. Mark J. Pettingill: Just really well-timed that as well, too, did I not?

[Laughter]

Mr. Mark J. Pettingill: Well, we would not be ashamed, though. We would not be ashamed.

My legal partner, my business partner, I mean, he made so much happen in tourism that you just look at those numbers—they are up and up and up across the board. We did that. We increased those things.

They are realities under our Government. We did not inherit that. We made them happen. We know they are going to skyrocket next year. And one could only hope because of what we did there we will be able to continue to make that happen and grow on that progress. But we have progressed that. We are the ones, Mr. Speaker, that made that happen.

We passed the Proceeds of Crime Act to address putting money back into communities as a result of proceeds of crime and the seizure of funds that come from that.

So, Mr. Speaker,—

[Timer beeps]

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

Mr. Mark J. Pettingill: —we are making it happen.

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

[Desk thumping]

The Speaker: The Chair will now recognise the Honourable Member from constituency 17, MP Walton Brown.

You have the floor.

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

Mr. Speaker, I think there is a definite future career as a thespian for my honourable friend who just took his seat.

Mr. Speaker, I was just a little bit surprised that the Honourable Member would still want to refer to the 14 years of the PLP Government when we have now had four years of an OBA Government to reflect on. And so in the spirit of looking forward, I am going to look forward and assess what we have before us and what we may be asked to contemplate in the next few years, Mr. Speaker.

Mr. Speaker, the Throne Speech represents an opportunity for the Government to set out its vision and its priorities and also for the official Opposition to set out its vision and its priorities. I would like to commend the Honourable Opposition Leader, one of my constituents, the Honourable David Burt, for an excellent Reply to the Throne Speech. I think that it represents an important vision and an important tone of how to govern ourselves going forward.

Mr. Speaker, yes, I only have 30 minutes and I have a number of issues I am going to reflect on. So, I am just going to make a few comments about a number of areas and then reserve my most extensive comments to issues related to labour, immigration, and our relationship with the UK.

Mr. Speaker, a few months ago a professor of film and the arts from the University of California, Catherine Liu, made the point that today we are not educating our students to think. We are training them for jobs. And it seems as if, at least in the West, we have become so preoccupied with training our students for jobs that we are forgetting one of the critical components of a sound and effective education system. And that is that we do want critical thinkers, we want problem solvers, because in this economy that we see that we are heading toward and embracing, thinkers, problem solvers, are absolutely critical. And we do not yet have a proper emphasis on that.

Education is something that concerns me greatly as a former educator and I do want us to get things in place that reflect the priorities that are needed for our children today. I am heartened by the Opposition Leader's comment with respect to leadership in education. Obviously that is critical. Leadership has to start at the top—the Minister as well as the apparatus within the Ministry. Effective leadership will ensure that we have the kind of student success that we need.

And I want to hear more from Government about the kind of leadership that is required to ensure our students' success. It is not sufficient . . . you do not praise yourself because you have the longest-serving Minister of Education in 20 years. That is not something to be praised about. What is more important is how well our students benefit from the system. Are our students benefitting from adequately resourced schools? Do we have a set of objectives that will ensure that our young people have real opportuni-

ties going forward? Longevity in office is no indicator of success for the client, the student. So I would like to see an emphasis on that, Mr. Speaker, when it comes to education.

Crime is a big issue and a growing issue. Our social malaise that we have with us today is largely determined by the crime that is permeating our country. This is the one area, Mr. Speaker, where I have to clearly say I do not have any clear policy proposals and I see the Government does not either. But we have to get to a point where we do have clear policy proposals. They have to, though. They have to embrace an understanding of the effect of social conditions on the commission of crime. Crime does not take place in a vacuum as the Opposition Leader pointed out. So we need to properly understand that and we need to strike the right balance between ensuring that the law is upheld, social conditions are understood to minimise the commission of crime, and that we provide remedies for those who wish to remove themselves from a life of crime. But it is a complex issue. I know that the Police Service is doing a very good job in trying to strike the right balance between law as well as order.

On health care, I see it as a very simple and straightforward matter, Mr. Speaker. Health care is as much a right for the people as is education. The Opposition Leader said we will have universal health care under a PLP Government. You should not have an issue with someone who has worked her entire life and at the age of 65 faces astronomical medical insurance costs or cannot afford to get treatment. I was profoundly disheartened when I saw on the front page of the *Royal Gazette* a few weeks ago an individual who is, I suspect, on her deathbed having a \$120,000 medical bill that her children will inherit. That is unacceptable. It is just unacceptable.

And if we like to promote ourselves as a rich country, we need to do more and we need to do better for everyone. A universal health care system needs to be in place. You cannot have an effective health care system for people where profit motivation is a fundamental undercurrent. So we need to, not just re-examine, we need to restructure to ensure that we have universal health care and affordable health care, and Government needs to take leadership on this issue.

When I was out at lunch this afternoon, Mr. Speaker, a member of the Legislature said to me, *Nice ideas, but how are you going to pay for it?* You pay for it out of government taxes. The problem, Mr. Speaker, is that our tax structure is ill-equipped for the current needs of a 21st century Government in this country. First of all, we have a tax structure which provides fundamental and generous tax breaks for the wealthiest amongst us. Twenty-first century thinking. How do you actually reduce the tax rate for people who earn more money? It is just an inconceivable notion that we would continue to embrace today. So

we need a reformed progressive taxation system. And then we need to ensure that if working-class people are paying taxes on the totality of their income, then so should everyone else.

But we do not have that in place, Mr. Speaker, so we need to fundamentally reform our tax structure. And I suspect we will have a much more comprehensive debate when we look at the other debate in February.

So, let us talk a little bit about labour. This changing economy has led to a significant diminution in traditional jobs. Outsourcing technology has made it much more attractive for companies to use less people. But we have an opportunity to create better quality jobs in this country. I listened to the Government Member scoff at the idea about job creation. But we have an opportunity to see better quality jobs being created in this country. I did not hear anything in the Throne Speech about that.

It is insufficient to focus just on unskilled, low-paying jobs. There is an opportunity for high-quality jobs to be created and we see them being created as we speak. Who would have thought that most major companies now would require a compliance officer? The area of compliance is growing significantly and the Honourable Finance Minister would know that because of a whole series of obligations. So there are new types of jobs being created. There is a whole area of jobs being created in cybersecurity. It did not exist, to that extent, five years ago. So let us focus on the kinds of jobs that can be created. Let us ensure that Bermudians have the genuine opportunities to get these jobs. I want to see a Government that focuses on these kinds of quality jobs.

And while we are focusing on jobs, Mr. Speaker, let us ensure that people who work and who work a full day and a full week and a full month can actually enjoy a living wage. It is unacceptable that you can have a person, a man or a woman, working 40 hours a week, in some cases 50 or 60 hours a week, and not be able to cover the basics. Or have to have a set of living circumstances that are so stressful just to be able to ensure they can get by in life. Our Government—a PLP Government—will ensure that you do not just get by, but that hard work and full-time work should be a passport to your success. I want to see a government that is committed to that.

I agree with the Honourable Opposition Leader [that] we need to reform the pension legislation because there is a structured inequality that compels, for purely business reasons, a company to have an incentive to hire foreign workers over Bermudians because if you hire a foreign worker you have no obligation to pay into the pension system. If you have a hundred employees it is in your interest, it is in your economic interest to hire foreign workers. So we need to fix that because under this system it disadvantages the working Bermudian.

A Government needs to have a focus on its people. You do not govern for the economy, you do not govern for the wealthy elites, you govern for the people. And all the policies should reflect that. If you are not doing that [you] have no business being here . . . [such a] Government has no business representing the people.

I want to give full credit to my colleague, the Honourable Rolfe Commissiong, who happens not to be here, but he has a—oh, sorry, he was not in his seat, and my eyesight is—

The Speaker: The Honourable Member from constituency 21 you mean.

Mr. Walton Brown: That is exactly who I mean, Mr. Speaker.

[Laughter]

The Speaker: Yes.

Mr. Walton Brown: Because his committee has very important work to do. The fact that it was agreed by this House is encouraging. It demonstrates a spirit of cooperation and a recognition that we need to have something akin to a living wage in this country. I hope the work can be expedited. I hope we can have something come to this Parliament to ensure that there is a real and genuine commitment to that undertaking.

How much time do I have left, Mr. Speaker?

The Speaker: You have got 18 minutes.

[Inaudible interjection]

Mr. Walton Brown: No, I just . . . I do not want to leave out what I have to cover.

So, Mr. Speaker, that needs to be properly and adequately addressed.

And let us talk a little bit about immigration. Immigration, of course, has always been contentious. As a result of events earlier this year, we now have a process that will lead us to a level of collaboration and comprehension in our immigration reform.

There was a letter . . . a protest engaged in by the Premier in what I will call *the reformers group*. There is a working group, of which I am a member, which looks at legislation and there is a Labour Advisory Committee that demand to look at another set of issues. The working group has met more than 75 times since April. Seventy-five times represents a great deal of time and effort. But every member on the group is committed to undertaking the responsibilities passed on to them.

Unfortunately, and regrettably, there has not been a similar spirit of enthusiasm reflected in the Labour Advisory Committee. They have met twice. And so I would encourage the Minister to activate the La-

bour Advisory Committee. I would encourage the Minister to activate the Labour Advisory Committee. In the absence of them doing their work it is very difficult for the working group to do its work because they have to look at issues related to work permits and work permit policy. They are intertwined.

The Premier would know that the letter of agreement talked about concurrent work between the Labour Advisory Committee and the Immigration Working Group. So in the spirit of collaboration and cooperation, I would encourage the Minister to address the matter with a level of urgency because there is a level of frustration because one aspect is being done but the other aspect is not considered with any real degree of seriousness.

Mr. Speaker, as we look at the old question of immigration, we have to confront the level of abuses that take place. And when I talk about abuse, Mr. Speaker, I talk about abuse from the employer's standpoint and from the employee's standpoint. So we have to address it. I have said, I think every year, that there is a systemic abuse of unskilled workers in this country—systemic. Some do not speak very good English and so they are afraid to approach authorities. They distrust power because they come from, often-times, repressive governments.

I have encouraged the Minister of Immigration repeatedly to do spot checks on domestic workers. I am now going to encourage this Minister to do spot checks on domestic workers, some of whom do not have their passports, who do not . . . so they cannot leave if they want to; some of whom are afraid to go to anyone because if they can send the \$100 or \$200 back home, they will do it. They will keep their mouths shut to earn \$200 to send home a month, but they are effectively economic slaves in this country.

And you will know, Mr. Speaker, that the UN has reported a rise in forced labour around the world. We should not be so arrogant to think that we are immune from it. So we need to understand it and I would encourage the Minister to examine this with a level of urgency as well.

Of course, there are those who will abuse the permit process. They will contrive as to get the right sort of person who they want. You know, I am a bit disappointed with the immigration policy which says you no longer need to submit your applicant's documents to verify that they actually have the qualifications that are written down on the form. Because the immigration policy says we trust that you have all the available records, we trust that you have that person's economic qualifications, and we trust that you have the police record, that they have no record at all. But there are employers who will—and do—abuse the process.

So the Government might want to reconsider the blanket trust that has been granted to employers because there is abuse. If the Minister wants particular examples of that, I will be happy to share that with

the Minister. I do not think it is appropriate to raise them on the floor of this House, but as a researcher, Mr. Speaker, I collect my information very carefully and I am happy to share it in the spirit of collaboration and progress.

Mr. Speaker, there is a connection, obviously, between immigration policy and economic growth. It is not the connection that the Honourable Minister of Finance has always asserted, that you need more people to grow the economy. I challenged the Minister on many occasions to give me the economic theorist who posits that. Give me the argument from any reputable economist who argues that economic growth is predicated on increased immigration. Now, it may well be, and maybe the Honourable Member just did not put it right, it may well be that certain types of business development will lead to increased numbers in the country, but not necessarily so. The best example, as many would agree, is the insurance-linked security business in which, because it is so technology driven, companies had to be able to make massive profits without any increase in labour required. So, it is not the case that all economic development brings with it increased numbers in the country.

Likewise, if we had a properly redeveloped tourism industry, we would have many more people coming here contributing millions of dollars through the economy, as it once did, without an increase in population. So I do not want to hear . . . I am sorry, let me rephrase that. I am disinclined to receive warmly an argument that says that we need to have more people here just because it is going to create economic growth. Economic growth is necessary, and it may bring about an increase in numbers. It may. But the argument is not the case that it always will do so.

Mr. Speaker, my final comment on immigration is that the most substantive reforms regarding immigration should come out of this collaboration between the working group and the Labour Advisory Committee. And I would hope that the Government would want to wait for those reports to come in before it contemplates any further immigration legislation. They have tabled one Bill that will make some amendment and adjustments to the immigration law and I will not comment on it now, but I hope to comment on it when we get to debate.

Well, Mr. Speaker, one of the more interesting accomplishments of this Government is something that is not even in the Throne Speech. So I want to publicly give credit to the Honourable Premier for helping to create a committee of the Overseas Territories' leaders in tandem with the UK Government to address matters related to Brexit and the European Union [EU]. It is something that is necessary because we cannot (and I am hoping the Premier will agree with me) trust . . . sorry, we cannot rely on the UK to always reflect our interests, that we must address our own interests. So in that spirit, Mr. Speaker, I want to commend the Government for agreeing with the other

Overseas Territories' leaders to have a sitting around a table to discuss those issues. But here are some of the things that we need to look out for, Mr. Speaker.

First of all, I would encourage the Premier to try to encourage the UK Government to give back what they took away. They took away our right to issue passports. They gave a concocted argument about security. It is a concocted argument, Mr. Speaker, because not a single overseas territory has ever lost a passport or had an abused passport. On the other hand, the UK Government lost an entire truckload of unprinted UK passports in the UK. So I would encourage the Government to try to make that a matter that needs to be addressed.

Secondly, there is a student in London in the UK today who is now experiencing the devastating consequence of the UK not acknowledging and not accepting that in 2002 they made all Overseas Territories citizens in Bermuda full British subjects. This student, a very bright young man, has now been suspended from taking class because his university has determined that in order to prove that he is a UK citizen, he needs to get a British passport. That is unacceptable.

A young man or young woman from Birmingham is a British citizen whether he or she has a passport or not. And it is highly inappropriate for the UK Government to demand that this person either get a passport or, alternatively, apply for a visa. In any event, he has been suspended from school, from university . . . a bright young man. I do not know what effect that is going to have on him going forward. He has written to the Bermuda office, the office of the manager . . . Kim . . . what is—

The Speaker: Durrant.

Mr. Walton Brown: I only call her by her first name. Miss Durrant. She is on vacation until sometime later in the month.

[Inaudible interjection]

Mr. Walton Brown: So that needs to be addressed as a matter of urgency. And the argument has to be made to the UK that if you are a British citizen . . . they made us British citizens, we did not ask for it. I mean, some people did, but they made us British citizens, so you are a British citizen whether you have a passport or not. And this young man needs to be back in school.

So I would like to see some firm representation and also going forward that every single student who wants to go to the UK . . . because many people would know it might be more of a challenge to go to the United States these days, that you would want to ensure that their British Overseas Territory passport is recognised as the equivalent of a British passport for the purposes of registering in school and at university.

Mr. Speaker, with regard to Brexit, the business community has gotten on board right away. They have said, *Oh, we think we can benefit from Brexit, or we don't see any major challenges coming out of Brexit.* That is on the business end. On the political and social end, we need to get up to speed with all of the implications. And right now there is a grey area. So I am encouraged by the committee that the Premier is a member of.

But here are the issues that we need to look at. Will the visa waiver regime be retained post-Brexit? It took a few years to get the visa waiver and we believe it was achieved because Bermuda is a pristine, safe place. We do not have large numbers of immigrants . . . sorry, of people claiming asylum. Although we had four people who we erroneously brought to Bermuda some years ago.

[Inaudible interjections]

Mr. Walton Brown: Mr. Speaker, and on purely domestic grounds.

So, Mr. Speaker, we do not know if that is going to be lost. We need to find out.

We need to find out what are the full implications of all the legislation that has been passed in the EU and attributed to Bermuda. What are we going to keep? What are we going to lose? We need to understand what will be the consequence if Scotland voted to leave Britain. If Britain breaks up, what is the status for us?

There is an old parliamentary report that was submitted this summer. I do not know if it has been accepted by the Government of the UK, but they called for a greater level of autonomy for every single component of Great Britain, of the United Kingdom: Northern Ireland, Scotland, Wales, and England, and then agree on what they should work on collectively. But where does that put Bermuda? We need to find that out. And so this meeting has an important role to play in that regard.

The final issue, Mr. Speaker, is that the UK just announced . . . sorry, the European Union just announced last week that they are contemplating allowing UK citizens to opt in into EU citizenship. So, if the UK or when the UK leaves they will allow UK citizens to be able to say they want to remain EU citizens. We need to be involved in that discussion because there may well be some Bermudians who want to do that as well.

And so you see, Mr. Speaker, it is very important for us to have these matters addressed. I would have hoped that the Premier would have put that in the Throne Speech. But because it is not in the Throne Speech there is no reason why it cannot be addressed because it affects our very future. And in some respects, Mr. Speaker, what happens outside of Bermuda will be more important than the decisions we make inside of Bermuda.

On that, Mr. Speaker, I will take my seat. Thank you very much.

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

The Chair will now recognise the Honourable Learned Member from constituency 31, MP Shawn Crockwell.

You have the floor.

Mr. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to follow the first two speakers, my business partner, the . . . just want to clarify that, Mr. Speaker—

[Laughter]

Mr. Shawn G. Crockwell: —my business partner from constituency 25, and the Honourable Member who just took his seat from constituency 17. I always enjoy listening to their presentations, Mr. Speaker, and they are both good orators and they quite often come with well-thought-out presentations.

Mr. Speaker, I was just thinking. I mean, we have a job to do in this Parliament, Mr. Speaker. And that is to opine on these two very important documents—the Throne Speech and the Reply—particularly as this is the first Reply, maybe the only Reply during this term of the Opposition Leader, as he has just come to take that position. And I want to concur with my honourable colleague from constituency 25 that I found the Reply to be very balanced. And when compared to previous replies I think it set a good tone, Mr. Speaker, in this House. And so we all know the talents of the Opposition Leader, but I would like to congratulate him on that.

But it reminded me, Mr. Speaker, although we have heard two good speeches already tonight, this afternoon, it reminded me of when I was a freshman in this Honourable House in 2008 and we were debating either . . . I cannot remember if it was the budget, because when we were elected that year we went straight into the budget, Mr. Speaker. So if you were a freshman, it was sort of baptism by fire. We went straight into the budget and then we did a Throne Speech Reply. And I recall giving a good speech. I was very proud of myself, and the former Premier, Alex Scott, pulled me aside and congratulated me and said, *Boy, we are going to have to contend with you for many years; you've got a good future in this House.* And I felt good about myself and I was sitting in my seat beaming all night, Mr. Speaker, about how I gave this compelling speech.

And we went late that night and I got hungry so I went to Marketplace to get some snacks and as I was walking in Marketplace people were just walking past me and not saying anything—

[Laughter]

Mr. Shawn G. Crockwell: People were just walking around and I was saying to myself, *Didn't you hear my speech tonight?*

[Laughter]

Mr. Shawn G. Crockwell: And they did not have a clue, Mr. Speaker. They did not have a clue.

So what that taught me very early in my political career, particularly as a parliamentarian, is that it is not always what you say, Mr. Speaker, it is what you do that matters. Because they may not listen all the time, but they are watching, Mr. Speaker. They are always watching.

So I remembered that and I have given many, many a speech since then and while I do not know how many are listening, I know we have a job to do and I hope that every Member of this House will do their job today.

But Mr. Speaker, I want to start by how the Throne Speech started in talking about our experience with Hurricane Nicole, a Category 4 hurricane. But I can tell you when it was elevated to a Category 4 and I was laying in my bed and I got the text message that it was a Category 4, I panicked. I laid there saying, *God help us*, because Category 4 is serious—a direct hit.

And, Mr. Speaker, as a community we brushed aside Nicole like it was just an ordinary storm. It was phenomenal to see a storm that would have devastated other similar sized islands. And we have seen in history these types of hurricanes, the devastation it does to other jurisdictions. And yet our airport was open the next afternoon. I remember that night I had to go to my office and I was convinced that at some point there was going to be a road block and I would not be able to continue, but I had unimpeded access all the way to Hamilton. And you can see where the workers from Works and Engineering, and maybe the volunteers from the Regiment, had been on the job right away, cleared the roads. And I was so impressed with how quickly we were able to get back to business.

But as always, Mr. Speaker, it was the brotherly spirit that after every storm. It is funny, you know. We will have a hurricane, Mr. Speaker, and that is when you find out who your neighbours are. You have been living there for years and you do not even know that the guy you grew up with lives around the corner until after a storm because they all come out and they check on you to see if you are okay and help out in clearing your yard and whatever needs to be done. And so the brotherly spirit is always so palpable after these storms. And we hear the leaders say time and time again, *It would be great if we could harness this all year round*. And so, in my view, Mr. Speaker, we set the tone for that in terms of what type of environment we are going to have in the community.

This may very well, Mr. Speaker, be the last Throne Speech for the Government before the next election. And I believe it makes the Throne Speech and the Reply that much more important. This will be a Throne Speech that highlights the achievements of the OBA Government of the past four years, and that is what this OBA Government is going to have to run on come the next election. And it also lays out the proposals for the final year, the election year, Mr. Speaker. And that is the same thing that the Opposition did. And let me say, because I do not believe that . . . I am looking at the Opposition now and quite a few Members in the Opposition have served in previous Governments, Mr. Speaker. They will know there is a huge difference between implementing proposals and policies, Mr. Speaker, and recommending proposals and policies.

So it is a tough job for Government. A tough job for Government because quite often you can have good ideas and you can do your research and you can have your focus groups. But then when it is time to implement them sometimes you are confronted with unexpected challenges. So it is not easy.

But let me say that I do believe that in the Throne Speech we do see some good things. And so I am going to, first of all, start off with the things the OBA can be proud of, Mr. Speaker. And they are enumerated on page 2 of the Throne Speech. And it has been highlighted already, but I will just quickly go through it.

The fact that Bermuda's Gross Domestic Product has recorded six consecutive quarters of positive growth is a good thing. And the OBA Government should be proud of that. The Minister of Finance should be proud of that.

The fact that the retail sector has grown 18 out of the last 19 months, this is critical for our jurisdiction, Mr. Speaker, and it benefits so many individuals. That is a good sign that we are in an economic recovery.

My favourite is number three, Mr. Speaker, and I will spend some time on that, the fact that air visitor arrivals, driven by the Bermuda Tourism Authority's high-impact marketing, surged 18 per cent during the third quarter this year. Now, I am going to pause on that, Mr. Speaker, because 18 per cent increase in the third quarter and the fact that this year we have had nine months of consecutive growth in tourism is extraordinary . . . extraordinary. And as a former Tourism Minister, and as other former Tourism Ministers sit in this Honourable House, they will tell you. And Mr. Speaker, you have worked in tourism and I was a Shadow Tourism Minister, and I can recall Tourism Ministers being excited over a 3 or 5 per cent increase. That will be a very successful quarter, particularly the third quarter, because those are our busy months in any event.

But Mr. Speaker, when you have an 18 per cent increase, that is phenomenal and it is a direct

result of the Bermuda Tourism Authority's expertise and their hard work over the last two years, Mr. Speaker. And I have been getting up on my feet time and time again in this House, at times under extreme pressure from the Opposition, Members calling for the resignation of the CEO and the resignation of the Chairman of the BTA, and at times calling for my resignation, Mr. Speaker, because they did not see the success quickly enough. And that underscores the whole justification for why we created the Tourism Authority.

For too long tourism has been politicised. And the moment a Minister does not obtain the right results in a year's time, because it is so political, that Minister would be removed and with them would be a removal of strategy, of a marketing approach. And that was the dysfunction of tourism in this country. And so the OBA Government believed that it was the right thing. I as Minister believed it was the right thing to set up the BTA, take the politics out of it, so that these independent professionals can focus on their job without fear of being removed because it is not happening fast enough.

And time and time again I said in this House, *They need two years for their marketing strategy to gain some traction, to get entrenched into the market.* And now we are seeing the fruits of that labour. Now there is a former Shadow Tourism Minister in this House whom I do not see at the moment, Mr. Speaker, but I think that he owes the CEO of the BTA an apology, an apology. And you know—

[Desk thumping]

Mr. Shawn G. Crockwell: —Mr. Speaker, because we do not know . . . I became friends with the CEO and I would call him when everything was breaking out. I do not know if I can say all hell was breaking loose, Mr. Speaker, but that is what it felt like for him when the blogs were on fire calling for his head. And he confided in me some of the frightening and nasty things that were said on the blogs. And I used to tell him, I used to implore him, *Don't read it. Don't read it.* But he read it and his family read it and you can understand why. And as a result of that, we are losing the talent that has produced such phenomenal results, Mr. Speaker.

I think that as a community we need to reflect on that. We need to reflect on that because when a person comes into this country to take on a challenge like that, we need to support him because revitalised tourism, Mr. Speaker, benefits everyone in this country. We all benefit when tourism is doing well.

So I am now imploring the community, those who may be listening, to rally around our tourism efforts, rally around the BTA. Yes, next year we are going to see even greater results because of the America's Cup, but we need to ensure that the turnaround that we have experienced this year is sustained for

many years to come. And I would like to applaud the BTA Executive, the Board of Directors; and we see we have a new CEO who has been selected to take over in the New Year, Mr. Kevin Dallas. And, again, he is a Bermudian and he is coming back home and we need to rally around him so that he can have similar results. So, I was very pleased, although I knew it was coming, Mr. Speaker, but even I did not anticipate such phenomenal results.

The fourth one is hotel developments, large and small, are underway or preparing to break ground, bringing bricks-and-mortar reality to the rebuilding of Bermuda Tourism. We need to make sure, Mr. Speaker, in this House that if we have any job to do in supporting the start of some of these projects that when legislation comes to this House, because legislation has been tabled this session that will help get some of these projects going, we have to support it. We have to send a message to our community that we believe in getting these projects started to put Bermudians back to work, number one, Mr. Speaker. And we have to send the message to the international community that as a parliament we are going to hold hands unanimously when it comes to ensuring that we promote, support, and embrace developers when they come into this country because they watch. They watch. And so when legislation comes here to support these projects, as a parliament we have to show that the parliament is fully behind it so that this can further engender confidence in the international community.

Finally, the fifth one was that revenues are exceeding spending during the first half of the year to produce a surplus before debt service and capital expenditure. Again, Mr. Speaker, those are very, very good, positive signs.

And then you see some proposals in the document. One is the progressive payroll tax reform, something that I know is supported by the Opposition. My question to the Finance Minister is, Does he have buy-in from the business community? Because some influential members of the business community . . . he is shaking his head in the affirmative, Mr. Speaker. Some have expressed concerns to me. But I think that it is something that we need to do.

I think we have to ensure that there is fairness in our community, Mr. Speaker, as it relates to this issue. But at the same time, we have to make sure that our number one partner understands what we are doing, why we are doing it, and that they will buy into that. But, clearly, we need to achieve equity in relation to the payroll tax situation and we have to make sure we get the right reform.

One issue that I was really pleased to see, Mr. Speaker, is the abolition of social promotion in our school system. I will echo the comments of Martha Dismont, another friend of mine, *long overdue*, Mr. Speaker, long overdue. But I am going to applaud the Minister of Education for being the Minister to stand up and say it has to go. It has to go. Because it has

been hurting our students, Mr. Speaker, and it has been hurting by extension our community. And I am going to tell you, Mr. Speaker, since returning to private practice and, my honourable and learned colleague and business partner is a well-known expert in the realm of criminal law, so we have gone back into that area and he asked me to go see one of his clients.

And, Mr. Speaker, I presented the individual with a document (because he needed to read it and he needed to sign it) and he looked at me. And I said, you know, *Are you okay?* And he did not want to tell me the reality, but I realised that he could not read the document. He could not read it. So I took the document, I read it to him. I explained it to him. And that was fine. But out of interest, Mr. Speaker, I asked him, *Where did you go to school?* And he said, *I graduated from a certain institution in this country.* He marched down the aisle in cap and gown, was handed a diploma by the principal with all the trappings of success and achievement, and yet he cannot read.

That, Mr. Speaker, is one of the biggest failings that this country must deal with because he is not isolated. He is not isolated. And we wonder why our young black men end up in gangs? And we wonder why they end up in the criminal type of behaviour, because if they do not have the foundation to build on . . . if you cannot read, you cannot get a job. You cannot fill out a job application. You cannot go and further your education at Bermuda College. So, you imagine the hopelessness of an 18-year-old young man who has been told by his school, *Well done*—but he cannot read! And so, Mr. Speaker, if we can start addressing that as a Parliament and as a community, then we will make some progress.

I really like the protect seniors against age discrimination in employment. I am sure the Honourable Member from constituency 7 is going to . . . I am sorry, constituency . . . yes, 7 . . . because I know that that Honourable Member has been trumpeting . . . I am sorry, Mr. Speaker, constituency 5, 6, and 7. The Honourable Derrick Burgess has been a champion for this particular cause for some time and has been very consistent on his feet about the need to address age discrimination.

My father is 75, Mr. Speaker. He gets up every morning and he drives his truck still—at 75. And although I say, *Daddy, you've got to slow down, relax*, all he knows is work, Mr. Speaker. So, if our senior population is able to work, then I think we have to come up with the right balance because the senior population is growing. Our younger population is shrinking. And so we have to maximise on our seniors and not force them out of labour unnecessarily.

And the renovation of Bishop Spencer, my question (and maybe someone in the Government can address it) is, Why is it taking so long? I remember this coming across Cabinet some time ago, the need to renovate, the need to provide and create suit-

able accommodations for individuals who find themselves on hard times, Mr. Speaker. What they have there now for a shelter is unacceptable. It is not acceptable. This needs to be a priority.

You know, we have a certain image of the individuals who may be in these shelters, but I can tell you just today, as I was in Magistrate's Court, a woman who may very well be a senior citizen was there and had to deal with some things. And as duty comes, I got up and I dealt with her and she wanted to obtain my services and then I offered it to her pro bono and said no problem. And I just asked her, *Well, where do you live?* And I was shocked when she said, *At the shelter.* At the shelter.

And I said, *The Salvation Army Shelter?*

She said, Yes.

People that you would never even know, Mr. Speaker. So, we have to provide them with dignity. That is the responsibility of the Government and this is taking too long. I am glad to see it in the Throne Speech, but it has taken too long. Every citizen in this country is important and has value and should live with dignity, Mr. Speaker.

Mr. Speaker, we quite often hear about the America's Cup. And I do not disagree at all. As the former Minister of Tourism, I remember when I heard the news. I was actually with the Premier at the time and it was a comical scene because we were meeting, we were having dinner with some potential investors on the Island and he got a text message and I could see his whole countenance change and he said, *Can I see you outside for a second, Minister?* And I said, *Sure.* And we went outside and he told me. And all you heard was high-fiving and hugging and then we had to act like everything was normal and go back into the dinner.

But we were so excited because that was such a huge victory for Bermuda, for Bermuda to be on the world international stage to host the America's Cup. And I think everybody can agree that so far the activities that they have put on have been first class. The World Series Events were fantastic.

But, Mr. Speaker, my concern about the America's Cup is that it is not going to impact on all of Bermuda, that all of Bermudians are going to witness a most spectacular event and they are going to witness individuals being able to benefit financially but it will not benefit them. And that is my concern. Walk up and down the Island, Mr. Speaker, and you will talk to people . . . there are some people who are over the moon over it. And there are some people who say, *It has nothing to do with me.*

The America's Cup cannot just benefit people who own retail, Mr. Speaker. Whether or not it . . . and we have seen it because it will, it has. We have seen the rise in automobile sales and that is great. Surely they are going to need to buy home supplies and clothing, you name it. And, of course, it cannot only just benefit those who own property, Mr. Speaker.

How can we figure out for the average Bermudian to lock into the America's Cup? And I was disappointed because I had these conversations with the Government about trying to come up with a solution so that we can create temporary casino licences, Mr. Speaker, for the America's Cup so that we can ensure that we have a casino or two casinos, on a temporary basis if necessary, operating when the America's Cup is here when we have thousands of people converging on this Island with means. You are going to have millionaires; you are going to have billionaires, Mr. Speaker. And what an opportunity that would have been to get this new industry on the go because immediately, if you can ensure the process of having temporary casinos up and running.

And let me tell you, Mr. Speaker, the people, the business folk who are in position to do it are on board, They want to do it, Mr. Speaker. They want to do it, have the ability to do it. And so I was saying, *Let's do that, let's get this new industry going.*

And then what you can do, your very first step, Mr. Speaker, is you can then say we have to train all of the individuals who are interested. And you know where you would start? Where I would start, Mr. Speaker? I would go to Workforce Development. I want a list of all the people who are unemployed, Mr. Speaker, and have come to your department for assistance. I would go to Financial Assistance and I would say to all of these individuals, *If you are interested come and sign up.* As early as January of next year we could have started to train Bermudians who are now unemployed, not just for a job, but for a career, Mr. Speaker, a new career that even if they did not get employment in Bermuda, they could jump on a plane and go to the UK once they were trained.

And you know what that would create, Mr. Speaker? Something that is missing in our community and something that I saw in both documents. It would create hope. Hope. Because people need the opportunity to have dignity in life, to be able to get up, go to work and make a living, support their family. And I guarantee you they will be lining up, Mr. Speaker, for that opportunity.

When I was in The Bahamas years ago, Mr. Speaker, and I may have told this story before, I was talking to the Bahamian Tourism Minister. He said about 95 to 98 per cent of all of the workers in Atlantis were Bahamian. And he said, *It is probably the most coveted job in the Bahamas. They make some of the best money.*

I said, *Well, how much do they make a week?*

And he said, *They make about \$350 a week.*

So I looked shocked and I said, *Well, how is that the best paying job?*

He said, *Go and spend some time around a Blackjack table or something today.* And it was the Martin Luther King Holiday weekend and this was . . . I went around five o'clock in the afternoon, normally at the casino it is really busy around nine or ten o'clock

at night. And I sat at a Blackjack table for two hours and I watched as the black female Bahamian was dealing and every time she dealt a Blackjack she got . . . whoever got the Blackjack would tip her a \$10 tip, a \$5 tip. People who had done well when they left would tip her, a \$25 tip, a \$50 tip, I saw someone give her a \$100 tip. In that two hours, Mr. Speaker, she made \$400 in tips. In two hours she made more than what she gets in a week.

So just imagine the buzz, imagine the energy, during the America's Cup if we could provide an amenity like that, a quality temporary casino experience for our guests that are here and have our Bermudians in their pink Bermuda shorts and blue blazers working in these establishments and the type of money they can make. Let a Bermudian . . . \$400 . . . even if it was just \$400 a day in tips, in a month they could make (working five days a week), Mr. Speaker, just on tips alone, \$8,000. That is when you will get the average Bermudian buying into the benefit of an America's Cup, Mr. Speaker.

So I implore upon the Government . . . it may not be this example because it did not feature in this Throne Speech, it may be others. My advice . . . because it is interesting as being an Independent Member, Mr. Speaker, and I can tell you—

The Speaker: You have about a minute left.

Mr. Shawn G. Crockwell: Thank you, sir.

I can tell you, Mr. Speaker, it has been an interesting experience. But people come up to you and talk to you from both sides of the fence and right now everyone is not feeling the excitement about the America's Cup.

Let me end, Mr. Speaker, on page 3 of the Throne Speech which says "The intention from the outset has been" . . . I am sorry, "The goal is to raise the Island up, where it lives in the hearts of all Bermudians as a barrier-free place of hope and opportunity, an Island that works every day for everyone."

And I will refer to the Reply on page 24, "Let us refrain from boasting of prosperity that only touches the few while so many are going without. Let us refrain from mindlessly mouthing platitudes, rhetoric and slogans. Let us refrain from arguments that amount to little more than 'it's ok to do wrong because you did it too.' Let us strive for a level of debate more reflective of adults than of unruly school children. Let us put the focus where it should be—on the men and women who are counting on us to lead the way, who live here and call this island home—and not on politics as usual."

If we do that, Mr. Speaker, we will be successful.

[Timer beeps]

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

The Chair will now recognise the Honourable Member from constituency 6, MP Wayne Furbert.

You have the floor.

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

Mr. Speaker, first of all, let me congratulate the Honourable Member, Mr. David Burt, Leader of the Progressive Labour Party, for doing such a great job this morning. [During] my brief walk around the city at lunch hour many people, at least the ones I have spoken to, did hear the Reply and were very pleased by what they heard.

Mr. Speaker, the Government started off talking about the Emergency Measures Organisation and about [Hurricane] Nicole. And that is a wonderful organisation. But, Mr. Speaker, let me just let everyone know that if it was not for someone who sits high and looks low and who is able to calm the waves and calm the storms . . . because prayers went up from Bermuda around that time controlling, asking to control the weather so it would not hit us as a Category 4. And that is the One who I thank for helping to make Bermuda a safe place, despite all the measures that we had in place.

Mr. Speaker, the One Bermuda Alliance has done some good things. We accept that. And I heard my honourable colleagues talk about that, particularly on page 2, when they mention about the GDP and retail sectors and tourism (I will talk about that later on) and hotel developments (I will talk about that later on) and public finances.

But let me remind them and the people of Bermuda, in 1998 the United Bermuda Party did not lose the election because of GDP not growing. The United Bermuda Party did not lose the election because of how they ran the finance. Mr. Speaker, they did not lose the election because tourism numbers were going down. They lost the election because they were out of touch with the people of Bermuda. It was as simple as that.

And what I am hearing around the Island, Mr. Speaker, is that the Government is out of touch. I heard the Throne Speech Reply and I leaned over to a former Premier as I was leaving here after the Reply to the Throne Speech was read, I leaned over to him and said there will not be an election soon. And the reason why is because there is nothing in there really that sends a message that you want to get back in touch with the people who you have left behind over the last three to four years. And it is because of that reason why I think many people, even up to today, are not satisfied with where we stand.

It reminds me of a story of a consultant. He said to me that a government had at that time been building hotels, been building hospitals, and the list went on, but he could not figure out why the people were upset with the government because they were

spending money everywhere else. And studies came back to find out the reason why. After doing some further studies, the reason why the people were upset with the government was because they did not solve the chicken problem.

[Inaudible interjection]

Hon. Wayne L. Furbert: Stray dogs. Okay, you remember it, because you and I were sitting there.

It was the stray dogs they were concerned about. It was not about what they were doing. And the government was boasting . . . and we talked about certain things that are being done. But the people were concerned about the stray dogs. That is why they were having a problem with the ordinary people in that particular country.

And so some people do not even understand what GDP means. But what they understand is that they cannot feed their family. What they understand is that they cannot get a job. What they understand, Mr. Speaker, is when you do not relate to the people, that is when they get upset.

Mr. Speaker, we as a country will benefit tremendously economically and socially, and in addition our democratic process will improve, from reduction of inequality and an increase in opportunity equality. And I think this is where my good friend and my Leader, the Honourable David Burt, speaks from. If you listen to the Reply, and I think that is why many people will gravitate to it, it is because it touches the very simple things that people want to understand.

When we talk about the pension, I heard the Honourable Member Mark Pettingill. It is as if he did not understand that there is money being invested by the Government in the pension. And the number that rings about . . . the last I remember it was about a billion dollars. There is a group, a committee that was chaired when we were here. And I am sure the Government has the same committee. It was chaired and it puts money out into the market and invests it.

And so what my Honourable Leader has said is that we will take a portion of that pension fund, call it the Bermuda Fund. Qatar has a similar fund and other countries have a [similar] fund. I remember years ago the Finance Minister used to talk about the Bermuda Fund. What is wrong with taking 5 per cent or 10 per cent of the pension fund, let us say 5 per cent which is \$50 million or let us take 10 per cent and make it \$100 million, and be able to put it in projects that will help to benefit those businesses that may want to set up in Bermuda?

I was aware that there was a company that wanted to set up on the base land and they were not able to get all the . . . and let me just say that providing all the protections are in place. And the Leader speaks about those things, providing all the protections are put in place to allow certain funds to take place. It would benefit this community greatly. As I

said, I am reminded of a particular company that wanted to set up down at Southlands and because they were unable to . . . and I think it had something to do with health care and this was when we were out of Government, but they were talking to us around that time. But they were not able to get all the financing in place. Let us say if we had the opportunity at that time to use the Bermuda Fund, some [of the] Bermuda Fund, and some of the funds were to become available, then those particular opportunities could have created jobs for our Bermuda people.

Mr. Speaker, the idea of reducing the cost of living. If there is a particular issue that is before anyone in Bermuda, the older you get you realise that things are not like they used to be. And that is health care costs. Our seniors, and that is a growing population, have been complaining about health care costs for a very long time, when the United Bermuda Party was in power, when the Progressive Labour Party was in power, and now when the One Bermuda is in power, and the list goes on. And we have to find a way to deal with it. We have talked about, and our Leader has talked about, producing a national health policy. Nothing is wrong with that. We have right now GEHI which sits out here. We have HIP which sits out here. We have the Senior Care which sits out here. And there must be a way because Senior Care sometimes . . . I think it is called Senior Care. FutureCare, sorry.

FutureCare sometimes becomes underfunded because seniors use up the funds. That is not unusual. I am not saying that it is totally unfunded, but if we are able to find a system that allows younger people and companies to pay into the fund, then it can work for all of us.

I am not talking about where we go out and text everybody and produce a national health care plan like in Canada or particularly in Europe or England. I am not talking about that. I am talking about finding a system that can work for us. And by the Minister coming to us this morning and saying that the way that they are talking about reducing health care costs is by . . . a better term I will use is restricting particular health care equipment or limiting the . . . sorry, not the equipment, but limiting the usage of the product.

I had the opportunity a couple of months ago and I am not going to necessarily tell everybody what it was, but I walked into a health care place and I asked for a particular treatment to take place. And I had to go under that . . . I think it was a CAT scan. And because if I had not asked them, my other doctor . . . one doctor who did not have it and my other doctor did have it. Yes, I do have two doctors. I do have two doctors. But my other doctor who does not have the equipment was not able to do it. So I went to my other doctor who has the equipment who was able to do it and they were able to find something there. But some tests are essential. Right?

And so what I am saying is just by saying that the . . . I see the Minister is shaking her head. Just by saying . . . but the test might not have been done. If the test had not been done . . . all right, if the test had not been done then we might not have found the situation, found the problem out. So all I am saying to you, just by under-utilising the hospital or the health care, or the doctors' equipment, does not necessarily mean that it is the best [solution] going forward. That is part of the solution I think we have, but I think we have got to find a way to improve, to allow younger people to pay into a fund. You can call it whatever you want. Put the whole three things in a basket—HIP, GEHI, and FutureCare . . . and I see the Minister now starting to seem like she agrees with me. But you do not come forward with that idea. You do not come forward in your Throne Speech. You do not come forward with that.

And let me just say, Mr. Speaker, they only have four to five months of parliamentary meetings or legislative agendas to deal with some things before the next election. They cannot talk about coming back next November and then lay that in a Throne Speech because the time is out. The clock has run out. Even in November 2017 the time has run out. So we are talking about heading towards Easter holidays and we are now probably closing down early because people will run off to the America's Cup or whatever it is. We have a few months left to get things done.

The casino Bill, the airport, and so a lot of things . . . and it takes time to draft legislation. They all know how that works. All right, they all know how that works. So the time has run out, particularly to talk about reducing health care costs between now and D-day. And yes they might agree. But what I am saying is . . . and I heard one of my colleagues, I am not sure who it was, say that, yes, we know that everything cannot be done because the whole litany of suggestions that the OBA had put forward in their Throne Speech and then they came back in a reply . . . or their Throne Speech, sorry . . . not the Throne Speech, in their Manifesto in 2012, the Throne Speech in 2013, the Throne Speech in 2014, and the Throne Speech in 2015, and it has not been carried out. We know that. But there are some things, like health care costs, that are very important.

If the Minister can rush out and deal with an airport that was not on the Manifesto . . . my Honourable Leader has talked about the cost factor and that revenue [which] we will be taking from that, we can deal with helping our seniors to live a better life. We cannot afford to have individuals living on a decision of whether they have food or medical care. We cannot have that, not in a society where we say it is one of the best GDP, standards of living that we have. We cannot.

Why should I not be able to afford . . . my seniors on top of Crawl Hill are not be able to afford health care. Yet someone around Fairylands is able to

afford better health care. That cannot be right. Some things we have got to stretch our hands out and make it, despite . . . now, I do not want to use despite . . . the *cause*, but work out a system that can benefit our people. So we have got to make health care . . . I am not going to dwell so much on that because I know the Shadow Minister of Health will deal with that.

The other issue, Mr. Speaker, I want to talk about is paternity benefits. I remember the Honourable Member, John Barritt, talking about paternity benefits when I was in the other party. That was 2011. As a matter of fact, if you go back to probably the manifesto in 2007, or to wherever it is, the Honourable John Barritt . . . the reason why I am saying that is because it comes out of the same group. There is no reason why we should be talking about why we are going to have a look at the economic impact on . . . we should not be doing it. We should not be doing a study.

The first thing they think about is let us go do an economic study. Do you think . . . as a matter of fact, I probably should look back to see when they first did maternity leave, whether they talked about having an economic study on what impact it was going to have on business. Those things we should be doing. That is why my Honourable Leader said that these are things that we are going to do. It is not about let us have a meeting around the Chamber of Commerce or whatever it is and see whether it is going to have an impact on my bottom line. These are some of the benefits that we have to do. So that having a discussion . . . and you know where that goes. A discussion would go on and on and on, the study would go on and on and again we are back to the next election and we would not have fulfilled that responsibility.

Mr. Speaker, my honourable colleague talked about tourism. And there is no doubt that tourism numbers have changed. And we on this side applaud it. There is no reason why we do not want numbers to go up. It helps our people around the Island; it helps create opportunities and jobs. So we appreciate that. But let us not forget that the Progressive Labour Party is why Hamilton Princess is there. Not because of the One Bermuda Alliance. That building started and the process started under the Progressive Labour Party. It was because of the PLP that Cambridge Beaches did some renovation. It was under the Progressive Labour Party that the Reefs did some business. It was under the Progressive Labour Party that the hotel across the street . . . so there are times that that takes place.

And, yes, we were working on Morgan's Point. We were working on Morgan's Point, but time takes its toll. It was us that suggested that you move from the Southlands development and move it up to Dockyard, but time takes place, financing takes place, and so we are all aware of that. Because if not, if they were ready, they would have built four years ago when the OBA first got in, but it takes time for financing.

But when a Government steps in and gives a guarantee of a hundred and some million dollars, you can build Fort Knox overnight. That is easy. And that is where the comfort level, as my Honourable Leader said, is not about . . . anyone can do it if the Government is going to step in and say, *I'm gonna back it*. That is not difficult. That is a no-brainer. Make sure the right development is in place, make sure that certain things are up there. But if you are going to guarantee it, people are going to move ahead.

I am just sorry that we did not say that we would guarantee \$162 million. I remember when we were first talking with the St. George's development. I cannot remember the gentleman's name now, but he only wanted a \$12 million guarantee—\$12 million. I remember the Minister of the Environment . . . we worked to get some things done, but all they wanted was \$12 million. Unfortunately, it got close to the clock, the midnight of the election of 2012, and we were not able to proceed as much as we wanted to do to make that happen . . . \$12 million. We should have guaranteed \$12 million compared to \$160 [million] or \$125 million up there in Dockyard.

Mr. Speaker, I heard the Honourable Member Mark Pettingill talking about, *Well, this is what we did*. He is constituency 25. The Honourable Member from constituency 25. Let me remind the people of Bermuda that it was the Progressive Labour Party that worked hard to get the insurance-linked securities in place. Let me remind the people of Bermuda it was the Progressive Labour Party that put the Bermuda Development Agency in place. Let me remind the people of Bermuda that it was the Progressive Labour Party that worked on so many TIEAs, got so many TIEAs signed to make sure things were working.

They have come into a situation and, as I keep on saying, I have not seen any new types of business opportunities coming from the One Bermuda Alliance. Not one new thing has come up. So, there is nothing wrong with my Leader talking about creating what he called an Economic Diversification Unit. It allows a group of individuals, and not another committee . . . these are people who are working diligently day and night on working on creating and bringing in new business for Bermuda—new business. There is nothing wrong with that. Most things that Bermuda Development [Agency] agents are doing, are doing day-to-day, making sure that our captives are taken care of, making sure that this is taken care of. There are so many things we have not even seen them, unless they changed up their policy lately.

The Hon. Dr. E. Grant Gibbons: That is not true.

Hon. Wayne L. Furbert: Well, I am just saying that there is nothing much more that they are working on.

[Inaudible interjections]

Hon. Wayne L. Furbert: The idea of bringing in the new, additional law firms came from the Progressive Labour Party, not from the . . . not from the One—

[Inaudible interjection]

Hon. Wayne L. Furbert: It took timing, Mr. Speaker—Mr. Speaker, as he is aware. I keep on saying to him, to the Honourable Member Grant Gibbons from number—I

The Speaker: It is the Honourable Member from constituency whatever and also it is . . . or the Minister of Economic Development.

Hon. Wayne L. Furbert: The Minister of Economic Development.

The Speaker: Right. Let us get onto the Standing Orders.

Hon. Wayne L. Furbert: Constituency 22, 21, I do not know which number that is.

The Speaker: But it is the Minister of Economic Development.

Hon. Wayne L. Furbert: The Minister of Economic Development.

He is aware. I keep on saying to him that the birthing of the BDA took place in March/April 2013. But the daddy sits on this side. The daddy sits on this side. It was this side—the Progressive Labour Party—that actually gave the conceiving idea to make the thing happen. It was not their idea. So we could not put some things in place to make them happen before 2012 because we knew that the actual taking over of that organisation would not be until March or April 2013, and the Honourable Member knows that. But there is nothing new taking place.

So there is nothing wrong in looking at this Economic Diversification Unit, sitting down, planning for new things, looking at FinTech, looking at other ideas. And the Honourable Member said that we do not have any ideas. FinTech is one thing that we talk about, creating a technological base and opportunities on the base lands. These are things that the Progressive Labour Party has talked about, creating new opportunities for Bermuda, Bermudians, and making sure we get job opportunities going.

So, I just find it amazing that they sit there talking in that way. As a matter of fact, let me just say that on top of the tourism that it was this side that put together the tourism business plan. As a matter of fact, the actual tourism business plan to bring the Tourism Authority . . . it was put in the Act that the Tourism Authority will work with that business plan to make things happen. So there are some . . . and so

we are both working together and getting some things done. Time is all about it. Time is all about that.

I promised the Honourable Member, Mr. Speaker, the Honourable Member of Economic Development, that Honourable Member and any other Tourism Minister will not cut any ribbon for any new hotel opening up. It will be this side that cuts the ribbon for the . . . and if they do not behave themselves they are not going to see the America's Cup either. So it is this side that has worked hard to get some things done. And not one hotel will they cut the ribbon for, Mr. Speaker.

And the reason why I said to you, Mr. Speaker, is because I go back to 1998. It is not about the GDP has benefited individuals. It is about that they have lost touch with the ordinary citizen. It is those individuals that you hear on the street day after day who say, *You guys have got to get back in again. You guys have got to get back in.* If they are not hearing it, they are totally out of touch.

Now, I know they are probably looking at hiring Hillary Clinton's campaign team. As a matter of fact, they have probably changed to Trump's now that Trump has won. They do not want to take the risk of Hillary's pollsters and consultants, but they are probably running over now to see whether Trump works. But it does not . . . I do not care how much money they spend, I do not care how much money they spend in the next election, Mr. Speaker. The people have sent a . . . and you know that Hillary spent a lot more money than Trump—a lot more money than Trump. So it was not in the money. It was about the people saying, *I want to be in touch with the people who are going to be in touch with me.* And that message has not come over from the One Bermuda . . . how much time do I have left, Mr. Speaker?

The Speaker: Six minutes.

Hon. Wayne L. Furbert: Mr. Speaker, I like the idea which the Leader has talked about promoting entrepreneurship. That is one of our keys moving forward. Providing a new tax relief for first-time entrepreneurs. Expanding access to foreign capital for first-time business owners by the liberalisation of the 60/40 Rule. The Economic Development Corporation is key. That particular law has not been changed or any further benefit on that team. Used to be called Business Development; I think it is called Business Development Agency, small business, has not been done since 1993. The changes have not been done since 1993, any changes on the capital of that company.

So we should be looking at that because time has changed, we have inflation that has gone up, cost of living, the cost of things has gone up. Access to capital has gone down as far as the bank is concerned. The money is not flowing as liberally as it used to. As before, I said not only do you have to sign for a note, but your grandma or grandfather who is

dead, you cannot even find them. So we have got to find a way to make sure that it works.

And talking about working, Mr. Speaker. I would like to see the day . . . and I am just saying because that is what I personally believe, that just like in the States that they allow (and this is talking about entrepreneurship) individuals to buy cars and where you are able to go and pay \$200, \$300 a month, or \$400 a month and just walk out with a car. Why can't we do that in Bermuda? Why can't we do that? Instead of you go to a bank and they want \$20,000 or \$10,000, \$15,000 down. And I know there are Members on that side that have car dealerships. I am not speaking to them; I am speaking for the benefit of Bermudians. Why can't it work accordingly to make it much easier for people to get access to certain assets?

Assets. One of them is a car. Some things that our people would have for the rest of their lives. A car, maybe, they would not have a house, but they do take pride in their car. So I would love to see that day happen, whether they do it or whether we consider doing it to allow it so people can have access to other financing, alternative financing, arrangements. So we all run to the bank and every five minutes they may turn you down because you, you know . . . for something. I think that is a good idea.

Mr. Speaker, comprehensive reform, my honourable colleague, Walton Brown, has clearly spoken on that issue and we support him tremendously.

Paternity leave. We support decriminalisation of cannabis. And let me say, let the Minister . . . let the Honourable Member, Mark Pettingill, from [constituency] 25.

The Speaker: Honourable Member, let us . . . Honourable Members, the Standing Orders ask that we do not use names. The Standing Orders ask that we use the constituency.

Hon. Wayne L. Furbert: The Honourable Member from [constituency] 25.

The Speaker: Constituency 25, yes.

Hon. Wayne L. Furbert: Constituency 25, that is all right, okay. It is just hard sometimes to remember those numbers, Mr. Speaker. I will be honest with you.

[Inaudible interjection]

The Speaker: Yes, the only . . . you can look at—

Hon. Wayne L. Furbert: I am just telling you sometimes . . . and you all know that sometimes you do not remember it when you are speaking about the constituency. But I respect what you are saying.

The Speaker: Sometimes yes; but the Standing Orders are that we work towards that.

Hon. Wayne L. Furbert: Yes, I agree, Mr. Speaker. I have no problem with that.

So the Honourable Member from constituency 25, when we are talking about cannabis . . . but let us wait until the Bill is brought by the Opposition, let us wait to see what happens.

But I agree that at the end of the day that there is some benefits, the way that I have seen it. Now I definitely am not a, you know . . . trust me. But it all comes down to us working to find a way to make it better so people will not be penalised. And some people use the word "de-penalisation," some people use the word "decriminalisation," but whatever it is, we can find a way and just leaving it out there for people. Because right now I remember the, I forget his position, Mr. Mussenden talking about finding a way to make that happen. Even when we were in Government we had a policy in place, if I recall, that when the policeman stopped a person for a certain amount of grams was kind of saying, *Well, okay, that's naughty. You shouldn't have it*, but at least they would not go up to court and have their name recorded on a Stop List. All right?

An Hon. Member: You stopped it?

Hon. Wayne L. Furbert: I am saying I heard the Honourable Member . . . we stopped it, but they never brought it back.

The Speaker: Yes, speak, speak . . . just . . . let us not have the speaking across, Honourable Members.

Hon. Wayne L. Furbert: So I am just saying that there are methods and ways up there so both sides can work together on this.

The last thing I will speak about, Mr. Speaker, is on job opportunity. We brought a Bill, and I am very grateful for the Leader talking about working together on—

The Speaker: You have one minute left.

Hon. Wayne L. Furbert: I am very glad for the Leader talking about working together on certain positions to get things done.

If you recall, Mr. Speaker, earlier this year we brought a motion for growing job opportunities, and the One Bermuda turned it down. I think it was a bad decision because at the end of the day if we work together on certain things, particularly on the economy and growing job opportunities, many people benefit whether they are in Government or we are in Government.

I think what more people out there are looking for is for us to work together on certain things—health

care costs, immigration reform that my honourable colleague has brought up, on a living wage, or on issues of . . . women's issues. As a matter of fact, all being brought from this side. If we work together on certain issues, I think we can conquer a lot of things. I know our differences have been tough over the last three or four years, but I think we can make a difference.

And finally, Mr. Speaker, I would just read what my Honourable Leader said and I will just repeat what—

[Timer beeps]

The Speaker: Thank you, Honourable Member.

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

The Speaker: The Chair will now recognise the Honourable Minister.

Minister Patricia Gordon-Pamplin you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker, and good afternoon to you and to our colleagues.

The Speaker: Good afternoon.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I am going to start with the Opposition Leader's response to the Throne Speech and the last page of such, in which the penultimate paragraph says, "To those who are tired of the bickering and fighting, we pledge a new phase in Bermuda politics." And he goes on to talk about constructive criticism and the like.

But is it not very interesting, Mr. Speaker, that if you start on page 3 of that same document in the third paragraph he starts with, "the OBA consistently says, in a display of mock empathy, that they know the recovery has not reached everyone." So if you are going to start on the one hand and suggest that there is some kind of cooperative and collaborative approach that we have and failing to bicker and fight, he certainly did not start with the correct tone. And you know, I do not expect any different, Mr. Speaker. It is just sad that if that is going to be your hallmark. Then start on the high road from the beginning. But I think that was a little bit too difficult. Nobody objects on this side to things being made better and for us to be put under scrutiny.

Mr. Speaker, I had occasion to send a note to the outgoing Leader of the Opposition and basically to say that notwithstanding that we have sat on opposite sides of the political divide, know that personally I do not have any objection to scrutiny because by being held accountable it assists in better governance for everybody. And I said that with a very clear conscience because it was important for me to know that

we can embrace one another, and notwithstanding our differences in policy we can certainly agree not to be disagreeable. We can agree to disagree without being disagreeable.

But let me just say that the very first comment that was made when the Honourable Member took his leadership in the press conference that was given, standing side by side by his Deputy Leader, what did the Deputy Leader say? *Let us relegate the OBA to the dustbin of history.* That is the level of elevation of our standards, our policies, and our interactions that we are likely to expect? I do not think it is going to get any better. So I think for those of us who want to sit and live in cloud cuckoo land and think for one second that this document that we have today has any iota of honesty behind it . . . honesty is not the word that I want—of sincerity behind it, I think we are definitely living in cloud cuckoo land. I think it is sad and it is unfortunate.

The Honourable Member who just took his seat from constituency 6 piqued my interest in his comments when he was speaking about what their Government did while they were there and what they started. And he talked about Princess renovations and Morgan's Point that got started and Reefs renovations and Cambridge Beaches renovations—all of which happened under their watch as a result of their concessions that they gave.

But let us turn and look at page 5 of the Opposition Leader's response in which he says to the people of Bermuda, who they were elected to represent—we, we elected to represent—"Has the OBA Government's approach . . . giving concessions to the elite and privileged, worked for you?"

So, Mr. Speaker, let me say that, yes, we gave concessions to Princess Hotel; yes, we gave concessions to other properties that were coming up; and without those concessions we would not have had some of the jobs that have been created. *So has it worked for you?* Yes, it has. The Honourable Member from [constituency] 6 has just absolutely boasted—*We did it, we did it!* But we get this document, which is as duplicitous and disingenuous as one could be, Mr. Speaker, to come and say that, you know, *Has this worked for you?*

You know, mark the progress and success that this Government has put on the table because it is the politicisation of what it is that we do. It shows that that talk about reaching across the aisle and working together is not genuine. And I do not want the people in the streets and on the highways and byways to think for one second that there is a new day in this Honourable House. This document defies that comment, Mr. Speaker, and I will not allow that to go unchallenged.

Mr. Speaker, let me also say that I refer to page 4 of the Opposition Leader's response, and I can tell you that (one, two, three, four, five) six paragraphs down, "Today's Bermuda must include our unwed

mothers, our teenage fathers, the people of faith and those who have no faith, the people who are straight and those who are gay.”

Mr. Speaker, I almost swallowed my coffee when I heard the Honourable Member read that comment, because you will recall, Mr. Speaker, when we debated that particular topic in this Honourable House. To a person on that side of the aisle, Mr. Speaker, with the exception of two—the Honourable Member from [constituency] 17 and the Honourable Member from [constituency] 33, no 36—were the only two who stood and gave some kind of support for the idea that our gay population are a part of our community. And what happens, Mr. Speaker? What we have in that respect is, with this and the platitude that is included in this document, it simply is playing games with people and their lives.

So, if you are indeed concerned about the plight of all of our community, Mr. Speaker, let me say to Members of the Opposition, do not wait until after the next election irrespective of the outcome, because we expect to be back here bringing additional policies. But do not wait until then. Hold your hand up now and say that we made a mistake and we therefore want to embrace every single person in our community irrespective of their sexual orientation.

Do not play games with them in documents like this because you will have people out there saying, *Well, they said they're gonna do this for us. They said they are gonna do this for me*, but when you had the opportunity you turned your back on those very people. Do not be disingenuous; do not be hypocritical. That is offensive to those people who are hoping that there is something in this community for them to be able to live alongside each and every one of us, Mr. Speaker.

Mr. Speaker, all I can say about that is you know Saul turned to Paul on the road to Damascus, and it is quite possible that there has been an epiphany. It is quite possible there has been an epiphany. And if that is the case, Mr. Speaker, we should all embrace it. But let us not castigate on the one hand and fail to support people because it is not politically expedient; it is not going to buy us votes, so we are not going to support you in this particular topic. But yet on the other hand you are going to put it in a document and say we want to make sure that Bermuda is a Bermuda for everybody.

Mr. Speaker, the bottom of the page, we must be willing “to change the trajectory of our country, from one of division to one of unity.” And where is that when we listen to the gutter filth that comes out on a daily basis on the radio airwaves? Where is that unity? Where is that level of support and that level of conviction to work together? It does not exist. So Members might look at a flowery-worded document and take some comfort and some hope from it, I am a little bit more pragmatic, Mr. Speaker. I look at what is. I look at what is said. I look at what is embraced. I

look at what is advanced by Members opposite and the surrogates that represent them, Mr. Speaker. And the message that comes through loud and clear does not in any way, shape, or form depict anything that is identified or verbalised in this document.

So let me say, Mr. Speaker, I certainly hope, for the sake of our country, that the Leader not only believes in some of the things the he has put but that he gets the message through to his supporters, that he gets that message through to the Members who sit opposite and with whom we have to work as he is asking that we embrace their new approach to doing things. I am a little bit realistic, Mr. Speaker, I just do not see it happening. However, I am willing to give the benefit of the doubt. But show me, do not tell me. Show me, do not tell me.

Mr. Speaker, when we talked about creating jobs, it is distressing to us as a Government that we have seen the job losses that we have. We wanted to be able to have an infusion of jobs that were going to positively benefit. And we have had some success, not as much as we would have liked, but we have had some success, Mr. Speaker. Let me say that very recently, on Thursday of this week, the Loren held a work fair at the Department of Workforce Development. This is a new hotel which is being built that the Honourable Member from constituency 6 says we will never cut the ribbon for. The Loren is so far advanced and we will see it and we will cut a ribbon irrespective of the negativity that he wants to espouse to suggest that we are unable to do so.

But there were 156 applicants who showed up at that work fair, 100 of whom have been shortlisted for interviews, Mr. Speaker. And that is the kind of thing that we want to show that shows we are trying to do everything we can to embrace work opportunities to create for our people. When we want to see what is going to happen at the East End hotel, we may not have broken ground as early as we would have liked so that people could actually have shovels in the ground and be there working, it is unfortunate, but it is coming though.

We talk about the airport and Lord only knows, Mr. Speaker, all we could do is have Members opposite jumping up and down, stomping up and down, taking their marbles and going home and trying every possible means to undermine the project, to put a bitter taste in the mouths of Bermudians, notwithstanding that this is a creation of jobs for some of our people. But no, *I would rather politic* (is what they are saying to me, Mr. Speaker). *I would rather politic than see your people out there working*. And they would stand and they would defy that the comment that I have just made is accurate.

But Mr. Speaker, listen to their words. Show me, do not tell me. If you can say that we recognise that there are benefits and opportunities that inure for our people, that they are able to be put to work, if you can tell me that you are genuinely concerned, then

support some of the capital projects that we want to put forward in this Government, support the America's Cup and what it will bring. And I understand that some people will not feel, initially, that there is anything in that process for them for the America's Cup.

Mr. Speaker, we are trying feverishly to make sure that the benefits of everything that we do are able to permeate throughout the entire community. So do not for one second think that what we are doing is either meant for some elitist group or that it is one sided. There has been construction going up at Dockyard. How many small contractors have had the ability to go to Dockyard and to be able to work on construction on a project that they might not otherwise have had because of the America's Cup? How many people now have opportunities—entrepreneurial opportunities—that they would not have had but for the America's Cup?

We have to stop the bickering. We have to stop the *I didn't do it therefore I won't support it* mentality because all of our people deserve opportunity. And when our people are hurting we in this Chamber—both sides of the aisle—have an obligation to work together to ensure success in our labour markets, Mr. Speaker.

When I listened to or read the Throne Speech Reply on page 5, in which the Opposition Leader in the last paragraph said we want to ensure that “capable, qualified Bermudians can earn opportunities to work, train, and succeed at every level in the private sector,” [that is] 100 per cent laudable, Mr. Speaker. We can support this, we can embrace it, we strive towards it on this side of the aisle. Hence, it follows that when it is articulated from that side of the aisle it is something that we can honestly and fervently support, Mr. Speaker. But we also recognise that some of the prior policies that existed had chased away some of those jobs. So we want to help to bring them back.

And is it taking longer than we would have liked? Yes, it is. But we are not going to grow weary in trying to make sure that those jobs come back, Mr. Speaker, because outside of that, knowing that a lot of the things that had been done . . . there is a word that was brought to my attention very recently after the very recent elections in the United States and it is called “trumpery.” And when I first heard it I thought *Wow, what does that mean?* Because I am not saying that I am 100 per cent *au fait* with everything that is in the dictionary. But that was the word that I did not know. So I looked it up and it meant *nonsense, twaddle, useless rubbish*. So if we do not see ourselves working together for the benefit of our people, this document that has been produced by the Opposition Leader in response to the Throne Speech is nothing but trumpery, Mr. Speaker.

Mr. Speaker, let me also say that in this document we talk about we must “protect Bermudian workers and ensure that the only limits to Bermudian success in the workforce are the ones that we place

on ourselves.” I could not agree more, Mr. Speaker. But when you hear Members opposite jumping in a press conference when there is an effort to try to make sure that Bermudians are considered, to say that they basically are crying down the department and the board and everything else in the Immigration Department because it was expedient to do so, then I think that it is unfortunate because nobody bothered to make a phone call to get one iota of information. But, you know, anything to get out there and publicly decry what the Government is doing, what the Department of Immigration is doing, let me just do it! It does not matter, we do not have to have facts, do not confuse us with the facts is what they are saying to us. Do not confuse us with the facts. Let us just get out there and do what we can to try to undermine the entire process of Bermudianisation when it comes to what happens in the Immigration Department.

So, Mr. Speaker, I am going to get off of the Opposition's Reply because some of the things there, as I said, are trumpery. Other things, I will wait to see how they develop and see what will happen. But I would like to focus on those things . . . oh, before I do that let me just make a comment with respect to the concerns raised by the Honourable Member from [constituency] 17.

I want to applaud the work of the Immigration Reform Committee. They have shown commitment. They have shown that they have taken their responsibilities very seriously; they have met a significant number of times—the Honourable Member indicated 75—and that they were waiting for the Labour Advisory Committee to do their part in order to make the whole thing work together. And the Honourable Member implored me to see if we could light a fire under that aspect of it in order that these negotiations and this progress can be made in tandem.

And I take to heart the comments made by the Honourable Member because we have . . . it is not something that has been neglected. The challenge that we have is you can only lead a horse to water; you cannot force him to drink. So when you have put in place the terms, the conditions, they know what they have to do. If they fail to meet, and this is a very specific area, it is not about saying, *Oh, we will just go and replace you because you are not doing what you were expected to do*. That is not what is . . . you know, I do not have that flexibility. And in the absence of that, I will try to encourage one more time the Labour Advisory Committee to get on with the work that they have to do hand in hand with what is being done by the Immigration Reform Action Group so that we can see meaningful progress.

We are behind schedule with what was in the initial agreement that they would attempt to do when they were first set up in March, that they would have certain legislation that would be brought to the House by June, certain other legislation before the House closed for the summer and then more legislation that

would be ready for when the House resumed in November. We have not quite reached that level of advancement. And I lament that, Mr. Speaker, because I think that this whole aspect is very important, not just to get it done, but to get it done right. And if we require all hands on deck to work and ensure that things are being done and done well, we have to be comfortable that those who have responsibility also take that responsibility seriously as has the Working Group thus far. So let me show my appreciation to the Working Group, Mr. Speaker, and to indicate that hopefully things will get better and we will be able to see some good success.

Mr. Speaker, I would just like to speak to some of the issues relating to that which will be required under the Department of Immigration, Home Affairs and Labour.

Mr. Speaker, we have the Department of Workforce Development. And I do know that the Chairman of that department sits here, and I am not going to steal his thunder. But as the Minister responsible for Workforce Development, one of the things that is very important to us is to ensure that competencies are attained. And in order to do that we are required to have a curriculum in place. We have put in the request to make sure that we have the individual to set the curriculum, which would be the nucleus and the basis of the certification process.

We in the department are not willing to continue to have work permits that are being issued, notwithstanding the demand that we might have, if the first order of business ought to be to ensure that not only are our Bermudians certified with an approved and a standardised curriculum that they are able to pass. But in the absence—and I stress this—in the absence of Bermudians being available to do any particular job and hence the requirement to bring in somebody with a work permit holder, we will not be permitting somebody who has a less than standard qualification that is outlined and determined by the curriculum . . . they will not be able to have a work permit. And that is something with which the Department of Immigration will be working in lockstep with the Department of Workforce Development to ensure that those opportunities that ought to be made available to Bermudians are made available.

One part of that is already in place such as the electricians and welders, it is already in place. We now have to make sure that the standards are put in place for the gardeners, landscape gardeners, and . . . (there is another, it will come to me in a moment). But those are the things that we have to make sure that we put in place, Mr. Speaker, so that our Bermudians are able to be trained, that they are able to go and take the subjects and gain the competence that is required by the certification process to make sure that the consumer is comfortable when they hire somebody that that person is absolutely qualified to do the job that they hold themselves out to do. We have had

many people over time who have offered themselves as an expert in a particular area and they have not been able to fulfil the requirements of the job that they have been hired to do at the level of expertise that has been necessary. So we want to make sure that there is a stop to that.

But we want to make sure that our Bermudian young people—people, period—that our Bermudian workforce have that opportunity to have that proper development even in the absence of a work permit holder. I am more concerned with making sure our people are fine first, making sure our people are fine first. And that might not fly well, it might not bode well for some employers who, for whatever their specific reasons are, seem to be intent on ensuring that they bring in work permit requests first rather than looking for Bermudians first. And I think that some of them, perhaps, have been frustrated over the course of the last month or two as some of these appeals come to me as the Minister to look at and make sure that, you know, I am not going to sign off on this, you have got to find among those 40 applicants somebody who can do the job that you want. And in the absence of you being able to find somebody who can do that job there has got to be somebody who is nearly ready to be trained.

And that is my commitment to this department, Mr. Speaker, to ensure that Bermuda jobs are sent out to Bermudian employees, and only in the extreme case where such an individual is not available, then we can make sure that we can allow work permits to be renewed or at least to be applied for. I think that is critical.

You know, I think as a Government we have tried to put that forward. But I think that sometimes you might be overwhelmed with the amount of work that there is out there. And to me it is like if it takes another week, if it takes another couple of days to make sure we get it right, you are going to have your Bermudians being considered first and foremost. And I throw that marker down to employers who might think that it is appropriate to send me an application for a work permit when, in fact, I do not believe in my heart of hearts that it can be justified or that it is necessary.

The department, Mr. Speaker, is also looking to amend the Rent Increases (Domestic Premises) Control Act and we will have that being tabled in the legislature. And that amendment, Mr. Speaker, will be designed to strike a balance between rent control, the rights of landlords to have a fair return on their investments, and the rights of tenants to be protected. Too frequently we find the ups and downs and the idiosyncrasies of the market that drive whether somebody can stay in their home or not. These are things where we have got to be able to put the legislation in place so that those protections exist.

No landlord ought to be in a situation in which they are renting their home to a tenant who refuses to

pay, notwithstanding they might take them to court and it takes forever and ever, and then find that before you know it they are well out of pocket as a landlord and cannot afford sometimes to fix even the damage that has been done by the tenant who ultimately they may be able to have [evicted from] their apartment.

On the other hand, you have tenants who are living in dwellings, Mr. Speaker, and they do not want to think that a particular event is arising. Therefore, this landlord has the right to put me out on the street because. There are prescribed conditions under which tenants may not be . . . you know, be asked to be evicted from their home, that a landlord may not request eviction. There are conditions and there are situations in which the tenant must be protected and the landlord must be protected. So that legislation is going to be coming before us, Mr. Speaker, and we will be able to debate it at that point in time.

We do know, as I mentioned, that the Immigration Reform . . . how much time do I have, Mr. Speaker?

The Speaker: You have got four minutes and 20 seconds.

Hon. Patricia J. Gordon-Pamplin: Thank you very much.

The Immigration Reform Group as part of the legislation that they will be bringing forward, they are looking at the moment at the integrity of mixed status families and we certainly hope to have some legislation that supports that aspect coming before us, obviously, before this session is over. And we will have the opportunity to debate that at that point in time.

We will also look at, Mr. Speaker, amendments which will address deposits, progressive enforcement, repairs, tenancy rights for boarding house residents, and other areas where the Act is actually silent.

Also, Mr. Speaker, we are looking forward to a legislative review of our Trademarks, Patents and Design Acts in order to bring them in line with international treaties and best practices. And I think that that is being spearheaded by the Registrar General who is Mr. Aubrey Pennyman who has brought yeoman service to the department and I applaud him. And you know they are led by my very able Permanent Secretary, Rozy Azhar. But I think that, you know, to be able to have a department that works together, that is able to coalesce around the things that are important, and making sure that we advance the Government agenda is very important. And I do have a team of people who are quite adept at being to do just that, Mr. Speaker, and I applaud the people who work for the department because it is not an easy department in which to work.

Mr. Speaker, let me just end by saying—and a half an hour goes by so quickly—but let me end by saying that the opening comments and paragraphs on

the Throne Speech spoke to the ability of the country to work together.

Mr. Speaker, I said at the outset of my comments today that I had some reservations. I have reservations because the reality of what we are facing did not dovetail with what we are seeing in black and white. But, Mr. Speaker, I am prepared to give the Opposition the opportunity to show that they truly believe that which they have written, that we can as a government—and I say that [with a] small “g”—both sides of the aisle can work together to make sure that we have the best, not for us, not for people this side, not for people that side, but for the people whom we represent.

Mr. Speaker, I look forward to the day when success and progress are the hallmark of this House of Assembly.

Mr. Speaker, at some point, when we get to the next election, and at that point in time when we can look back on our progresses, when we go back and we face the electorate, we can say that we gave it our very best. That is the only measure that any one of us should be able to boast about when we go and knock on somebody’s door and look them in the eye.

Mr. Speaker, I do not believe that there is a person in this Honourable House who did not approach their responsibilities in this House with the best of intentions, irrespective of the criticism. Irrespective of what might be duplicitous, irrespective of what might have come across as being hypocritical, I believe that individually we have all put forward our very best efforts.

And Mr. Speaker, certainly on behalf of our Government and this side of the aisle, every member of the public can be absolutely assured that we will continue to do that which we deem to be best and to give it our very, very best efforts.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member from constituency 34, the Learned Member MP Kim Wilson.

You have the floor.

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

Mr. Speaker, thank you for allowing me the opportunity to participate and share in this debate. First of all, I certainly would like to applaud the Leader of the Opposition, the Honourable Member from constituency 18, for setting the tone by delivering a very balanced, reasoned, and considered Reply, one that touches upon the hearts of Mr. and Mrs. Bermuda, one that is inclusive and one that sets out a policy and initiatives in which it is clear that we, on this side and hopefully by extension all of us in this room, are putting the interests of the Bermudians first in their country.

Mr. Speaker, during my time I would like to offer a few comments with respect to some of the initiatives that are being advanced by the Government with respect to their Throne Speech as well as to spend time outlining our Reply, and then perhaps spending the majority of my time remaining on issues specifically as they relate to health.

Mr. Speaker, I appreciate that the Throne Speech sets out the Government's agenda for the legislative year. And having had an opportunity to sit as a member of the Government previously I recognise that the Throne Speech does not necessarily contain all of the legislation and/or policy initiatives that the Government wishes to proceed with. There is also—

The Speaker: Yes, please, I ask Members please, that when a Member is speaking let us not even move in front because I see all kinds of movement in front of the Honourable Member who is speaking. So please, Honourable Members, get in your positions before the Honourable Member who is speaking takes their seat and then there is no need to be ducking and all that you need to do in order to stay out of the line between the [Member] and the Speaker.

Carry on.

[Laughter]

Ms. Kim N. Wilson: Thank you, Mr. Speaker. Do I get my two minutes back for that slight interruption?

Mr. Speaker, as I was saying, appreciating that the Throne Speech sets out the Government's agenda, there are also times insofar as throughout the legislative sessions where there will be competing interests, other matters and shifts of policy and direction will occur. But also, equally of importance, Mr. Speaker, is the fact that the Reply is an opportunity for not only the Opposition to set out what their initiatives and policies would be, it allows, in this particular case, given the timeline, an opportunity for Bermudians to hear again what the vision would be of a PLP Government.

Now, Mr. Speaker, again, I will just spend a few moments with respect to some of the comments in the Throne Speech as well as the Reply and then spend the majority of my time addressing the issues concerning health.

Mr. Speaker, first of all, I would like to speak quickly about the issue raised in the Throne Speech, in particular at page 7, as it relates to amendments to the Human Rights Act. Now, first and foremost, I applaud the Government previously for amending the Human Rights Act last year to address the issue concerning mental disabilities as a ground of discrimination. But I notice in the Throne Speech the Government is indicating that they would examine ways to protect seniors against age discrimination in employ-

ment. Now, I have a couple of questions and concerns about that.

And I stand to be corrected, but I believe that seniors are generally referred to as those individuals over the age of 65 and above. So my first question and concern relates to a proposition of advancing in the Human Rights Act a procedure that allows for age discrimination in employment against seniors when seniors are 65. And we have a policy that currently exists within the Government that you must retire at age 65. So it seems to me that that is somewhat of an oxymoron in that if you must retire at 65, what good is it to put in the Human Rights Act an amendment to discriminate . . . for anti-discrimination based on age against seniors?

What I would like for the Government to perhaps consider is as in other jurisdictions the whole issue concerning age discrimination as it relates to hiring practices, promotion practices, compensation and the like speaks to discrimination of an age of, for example, 40 and above, so that there are circumstances where the age limit is lowered so that we are not having issues where I am 65 years old and you are putting in an amendment that says that I cannot be discriminated against, but by virtue of my age and I am 65, when the Government in and of itself are making me—are forcing me—to retire simply because I am 65.

We have all heard the stories of individuals that we are living longer, we are living healthier lives, the Member of Parliament that sits immediately behind me from constituency . . .

The Speaker: Thirty-one.

Ms. Kim N. Wilson: —[constituency] 31 spoke about his 75-year-old father who is still working and I am sure all of us know of situations in our own immediate—

The Speaker: The Speaker is in that category.

An Hon. Member: He is not 75.

Ms. Kim N. Wilson: He is not.

The Speaker: I am not 75.

Ms. Kim N. Wilson: Oh, okay.

[Inaudible interjection]

Ms. Kim N. Wilson: But you see my point, Mr. Speaker. There are individuals that are . . . we are living longer and healthier lives and the reality is if we are going to look at amending our Human Rights Act to provide for age as a ground of discrimination, then I think we should consider looking at lowering that age as opposed to starting at the senior point of 65.

Mr. Speaker, turning also to the Throne Speech as it relates to page 10, which is a vexing issue that I have discussed over and over again, and that deals with Government's commitment to "form a cross-ministry committee to address the challenge of collecting arrears for child maintenance payments." Now, Mr. Speaker, in my private life I have had an opportunity to represent many individuals—both male and female—who find themselves frustrated by the court system as it relates to the collection of child maintenance payments.

And if I can quote my learned and honourable friend who first spoke from constituency 25 where he said, *no more committees, we are men and women of action, let's just act*. And I submit that in that particular scenario (and I am going to refer to another one like that where there is a committee) why can we not just act? We are sitting here talking about an issue that is so vexing to many, many people as it relates to outstanding child arrears and we are saying, *Okay, we get you, we hear you, we are going to establish a cross-ministry committee to address the challenges*. Let us just act on it.

Let me offer a couple of suggestions. For example, Mr. Speaker, as it stands now in many other jurisdictions, if you have outstanding child arrears (and I am speaking for men and women, Mr. Speaker), then the government will not issue a driver's licence, the government will not issue a fishing licence, the government will not issue any type of government licences. We can make No Travel Orders. So unless you have addressed and satisfied the orders of the court as it relates to child maintenance, you cannot get on a plane. Do you know how many times it is vexing for a parent to have to come out of Magistrate's Court having to try to pursue a court ordered payment for the children (and we all recognise that the only people that suffer are the children), only to find out that they cannot serve the other party because they have already jetted out of the jurisdiction, so they are not even here. And that is a very vexing and frustrating event for any parent to have to go through when they are trying to make ends meet in an already depressed economy.

There are a number of things that we can be doing right now to address the issue of child maintenance payments and I just mentioned just a few of them, and I would implore the Government to consider those. And those are amendments that can be made right to the Children Act and/or the Magistrate's Court Act or the Matrimonial Causes Act, and these amendments can be made now as opposed to establishing a cross-ministry committee to look at the challenges. We already know that the challenges exist. Ask the woman that is waiting for her child maintenance or the man that is supporting his children and does not have access to those children. These are some of the scenarios, real life scenarios, that the people of Bermuda want answers for.

Mr. Speaker, if I can turn quickly to the issue that was raised in the Throne Speech as it relates to . . . I cannot find the page right now, but it speaks to the issue of alcohol. And it does indicate that the Government will . . . I have to find the page, if you do not mind, Mr. Speaker. It is dealing with the underage drinking, Mr. Speaker, on page 10.

The Speaker: Yes.

Ms. Kim N. Wilson: All of us in this Chamber will recognise the issues affecting driving whilst impaired and underage drinking. And we all recognise what the physical detriments of underage drinking are to a child whose brain is still, and physical body, is still developing. The Government has proposed at page 10 to . . . recognising that there is an issue concerning underage drinking, to, during this session, have a debate on a motion of "social host liability laws."

So they are not even going as far, and again, to quote the Honourable Member who I spoke about previously, here we are, we are men and women of action, why not use our vision and act rather than bringing a motion to the House to debate? So we may very well have a 10-hour motion to debate whether or not we should have "social host liability laws." Why not just act? Why not just proceed and put the legislation in front of us? It will probably find bipartisan support.

Mr. Speaker, for your edification, social hosting laws are necessary and they have found favour in many jurisdictions. And what they mean is that if an individual host is the adult and there is a party where underage drinking takes place, then the adult whose house or boat or yacht or wherever the party was taking place, whoever . . . they are the host so, therefore, they can be held criminally and/or civilly liable for such an occurrence.

And, Mr. Speaker, the reality of the situation is that underage drinking is a phenomenon that we understand that exists in Bermuda. And we, as legislators, can do something about it. And rather than have a motion that will take, like I said, 10 hours to debate, let us just pass a law. Let us just table the legislation. We could look to amending existing legislation. Let us act. We are legislators. That is what we have been voted in to do, and let us act.

Mr. Speaker, I would like to now turn really quickly to some of the items that were mentioned in our Reply to the Throne Speech and then turn quickly to the issues concerning health.

Mr. Speaker, the issues concerning health, one in particular I would like to speak about relates to diet. And you will note that some of the Reply to the Throne Speech that outlines the issues concerning . . . oh, excuse me, Mr. Speaker, I am going to spend five more minutes real quick before I turn to health to highlight a couple of the other items in the Throne Speech.

The Speaker: The Throne Speech or the Reply?

Ms. Kim N. Wilson: I am sorry, the Reply, I am so sorry.

First of all, the issue concerning, at page 8, “Promoting Entrepreneurship.” Mr. Speaker, not everybody wants to work for someone else. In fact, most economies begin to see an improvement and an uptake of economic activity through entrepreneurship. And you will recall, Mr. Speaker, that it was the PLP Government that introduced the Economic Empowerment Zones to help to promote entrepreneurship and working for oneself, which will also encourage hiring other persons. And the fact that we as a PLP Government will create a concierge service for first-time Bermudian entrepreneurs goes hand in hand with encouraging entrepreneurship.

Unfortunately some people may have a grand idea of a business prospect, but manipulating and facilitating all that red tape and bureaucracy to get from idea to the development stages to the implementation of the idea can be a daunting exercise and it can put a restriction on somebody converting their passion into profit. And therefore, Mr. Speaker, what this government will do, what a PLP Government will do, will create this concierge service so that an entrepreneur or a first-time entrepreneur can go to a one-stop shop and have all of the resources that they need and all of the information that they need to help them to turn that idea into profit.

Mr. Speaker, reducing the cost of living at page 9. One of the biggest obstacles to living here in Bermuda in the absence of working two and three and four and five jobs, is the fact that not only do we live in a society that has an extremely high cost of living, but we do not have a living wage. And as part of the Joint Select Committee on Women that, Mr. Speaker, you appointed, one of the recommendations that will come from that committee is addressed specifically to the aspect of a living wage. It makes no sense if I work three and four and five jobs if I am only making \$4 an hour when a loaf of bread is \$5. We have to look at that. And I am certain that when we deal with looking at reducing the cost of living that goes hand in hand and we will have to address the aspects of providing for a living wage.

Health care—one more thing—how much time do I have, Mr. Speaker?

The Speaker: Fourteen minutes.

Ms. Kim N. Wilson: Okay. Real quick, “Signature Schools.” Oh my goodness.

Mr. Speaker, this confirms the commitment that a PLP Government has to our youth and to our future through a policy of education that will do a number of things. One, it will take steps to phase out the middle school concept, which many of us have heard on the doorsteps and have agreed that it is cer-

tainly a contributing factor to the violence and the antisocial behaviour and the gang warfare that we are seeing here in Bermuda. But more importantly, of equal importance, excuse me, Mr. Speaker, is the establishment of signature schools. Not every person or every student wishes to be an actuary or a physician or an accountant or a lawyer. There are many, many highly gifted and bright and brilliant children, students, that learn differently and they have different interests in life. They may be extremely gifted in art, extremely gifted in technical skills, business skills, sports, and there are in our population children that have special needs.

And Mr. Speaker, the fact that we as a PLP Government will address all of those things that I have just spoken about, not in one mega school that is a comprehensive school, but in various schools or various environments so that the children that are gifted in the arts can perform, the children that are gifted in the sciences and the maths and the academics can also perform, and the children that are gifted in the technical and the sports and the businesses can likewise perform. And likewise children that have special needs can have special education adapted to their needs so they too can perform.

Mr. Speaker, let me turn to health real quick. Quality, affordable health. I think two of the, I guess, probably the most important pinnacles of any society, Mr. Speaker, are proper education and affordable health care. In fact, it is a basic human right that persons should have the opportunity to be able to have affordable health care and proper health care. And we all recognise that the health system in Bermuda is not sustainable. In fact, Mr. Speaker, a report, as I understand it, that was completed in 2011 showed that the average cost of health care back then was like \$7,000 per person and now it is just under \$12,000.

Mr. Speaker, that is not sustainable and we have to do something differently. We cannot continue doing the same thing expecting a different result. And Mr. Speaker, if you look at the Throne Speech Reply, in particular at pages 11 and 12, we speak to a number of areas in which we think we can help to address the health care issue by reform as well as reducing the cost to the consumer.

Let me start with the sugar tax. Mr. Speaker, we recognise that obesity is an overwhelming concern in Bermuda. I think I read somewhere where 74 per cent of adults are either overweight or obese in Bermuda. And we recognise that of those—well, 42 per cent of adult Bermudians also have three or more chronic diseases and these things . . . we call them “sugar” but it is diabetes, blood pressure, or heart disease. The contributing factor to those three things is diet and exercise.

And Mr. Speaker, the introduction of a sugar tax, I believe, will go a long way in helping people to improve their diet and to recognise the importance of diet and to get rid of that thing we call *sugar*. In addi-

tion to that, the money that can be earned, or the revenue earned from this particular tax, can go right back into promoting healthy lifestyles and education. So, again, we recognise . . . and the Honourable Minister of Health from constituency 19 spoke about the importance of prevention and we agree on this side that prevention is far cheaper than a cure. So if we can try to eliminate or minimise the use of sugar through taxation, then we have seen in other jurisdictions where not only has it increased the revenues and the revenues have been utilised for important purposes such as education.

Mr. Speaker, some of the other things that I think a PLP Government would consider with respect to reform are to look at . . . and a [Member] spoke about that earlier today, is to look at the implementation of a group health insurance. Right? We have indicated about competition and how it drives down costs and we recognise that, but we are too small of a jurisdiction to have the multitude of private insurance companies that we have where we have people that cannot afford medication, cannot afford insurance and every day they go to work praying that nothing happens to them and that they do not get ill or that one of their family members likewise gets ill. And I think that we have to address that.

And one of the ways that we should consider is what is referred to as the public option or Obamacare which you see in the United States. And no, it is not to get rid of any of the existing insurance companies in Bermuda, it is another option that people have that they can buy into. Whether it is built upon the GEHI scheme or the other . . . FutureCare or HIP, the reality is that there are people out there that are living pay cheque to pay cheque and regrettably the last thing that they are thinking about is buying health insurance because they cannot afford it.

But if we can think of another, devise another plan where people that are the most vulnerable in our society, those low-income families, that mother who is trying to get child support from the father of her children but he is jetting away to New York somewhere. These are the type of individuals that need to have insurance but they cannot afford it. And those are our vulnerable and we are our brother's keeper so we have a responsibility to create a health care system that allows for everyone to be able to have proper medical health insurance. Nobody should be left behind.

And on that note as well, perhaps the Government will again look at this whole issue concerning youth subsidy. If a parent has major medical insurance and their employer is paying it pursuant to the legislation, why are children still on the youth subsidy (which is the savings that can be provided)? That is a savings, Mr. Speaker, if . . . and I am only speaking about circumstances where a parent through their employer has major medical insurance so that their children are covered. Why should the Government be

paying that money for those children to be provided with free health care? And I am only speaking about this scenario; I am not speaking about people in need. I am speaking about the people where there is employment that provides the insurance.

And real quickly, in talking about health, I would like to tie in exercise. We all appreciate the importance of exercise and I appreciate that the Government is looking, at page 22, to provide for the development of White Hill Field. Mr. Speaker, I have to ask this because members of my community are asking me what about Sandys 360? The Government is committed to exercise and committed to doing for the community. Regardless of the circumstance, I was not at the table so I do not know all of the nuances about how we got where we got, but all I know is there is a beautiful multi-purpose building sitting there wasting in the Somerset community where not even the children of Sandys can use it. So when it rains they do not get to go outside and play, they have to sit in the classroom and eat their lunch. So they do not get any exercise activities or outdoor activities. Why can Government not equally make a commitment to addressing the issue at Sandys 360 where parents get it up and running, if not for the community certainly for the children that live in this community and that go to that school. And as you know there are people from Southampton to Somerset at that school. So I would implore the Government to address the issue concerning Sandys 360 as soon as possible.

Mr. Speaker, do I have more time?

The Speaker: Yes, you have got five, six minutes.

Ms. Kim N. Wilson: And I get the other two minutes?

The Speaker: Just under six minutes.

Ms. Kim N. Wilson: Do I get that two minutes back?

The Speaker: That is already included.

Ms. Kim N. Wilson: Okay. Thank you.

Mr. Speaker, I would like to also turn back to health care. Mr. Speaker, I would also like to invite the Government, we have spoken about the issue concerning obesity and the sugar tax . . . I think I am done.

Mr. Speaker, I think it is important that we certainly address the issue of affordable health care. And it is a very sad state of affairs when individuals have to choose between the necessities such as food and clothing and housing and circumvent paying for any type of insurance because they cannot afford it notwithstanding that HIP is on offer, but some people cannot even afford HIP. And, again, the most vulnerable in our society are seniors and our low-income families. We . . . they deserve better.

They are looking for better and they deserve better. And I would certainly ask that the Government consider looking at options so that everyone can be provided with affordable health care. We as a PLP Government will be committed to that and we will be committed to the initiatives that are set out in our Throne Speech Reply and we will be committed to ensuring that this is a Bermuda that works for everyone.

Mr. Speaker, I would just like to end by speaking a little bit about *A Tale of Two Cities*. Now you probably as an academic would have read that book as well, and I read it quite some time ago, but the plot of that novel really relates to two main characters. There was Sydney Carton who represents Paris, who was guillotined at the end, and then there was Charles Darnay who represented London. And you will recall that it was set in the period of time prior to the French Revolution.

One of the final quotes in this particular book of Dickens is as follows, and I would hope that as I read this we will all think about looking forward to the day that we can properly serve the people that have elected us and put us in this place, and provide initiatives and incentives and legislation that will help Bermudians feel that they have a place within their society. And the quote is as follows:

We will register our faith as a calm, soothing certainty. Both we will be reborn in glory and made illustrious—in our own Bermuda, the Bermuda that is the home of our Bermudians.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member from constituency 28, MP Sousa.

You have the floor.

Mr. Jeff Sousa: Good afternoon, Mr. Speaker,—

The Speaker: Good afternoon.

Mr. Jeff Sousa: —colleagues, and those who may be in the listening audience.

I am very pleased to rise this afternoon to contribute to the Throne Speech. Even though I am under the weather I feel it is very important.

As we all know the Throne Speech that was delivered by the OBA Government sets out the agenda for the year ahead. But we also touched on different things that we have done in Bermuda over the last four years, many of our successes.

And Mr. Speaker, I truly do love the cover. I wish the listening audience could see the cover of the Throne Speech document and, of course, the title “We Rise Together.” Very similar to the theme that was used throughout . . . the slogan used throughout the Hillary Clinton campaign “Stronger Together.”

So often, Mr. Speaker, I hear those on the other side saying we do not care. And I want to state very clearly that everyone on this side does care. We are all, you know, members of this Island. We are mothers and fathers and some of us grandparents, and we care very much.

Actually, Mr. Speaker, each and every one of us contributed to this Throne Speech and I can say with no hesitation as a guy with a little bit of common sense that I feel that many on that side read and listened to the document at the same time I did because I saw them with their highlighter pens and taking notes. But that was not the case with this side because we are all together on this side for the people of Bermuda. We spent an entire afternoon at the Premier’s home going over the finer details, and I assure that every Member of the One Bermuda Alliance, including all the backbench like myself, contributed to the document that we heard the other day.

We are very aware, Mr. Speaker, on that caring note, that the last eight years have been tough for many of us because, obviously, we have family members that live in this Island as well. And I assure everyone that we are working very hard to make sure that the Bermuda we all live in is going to be a better one.

Mr. Speaker, I truly believe that the tide is turning. Our community is no different from any other community in the world where our citizens are looking for jobs and opportunity, a reduction in the cost of living, improved education, health care, safer neighbourhoods—a better life. And, again, I am pleased to say, Mr. Speaker, that the tide is turning. All you have to do is drive around the countryside and you can see the amount of Bermudians that are working on their homes, fixing up their properties, and of course this is creating jobs. Again, I am a contractor out there and I am on the front line. I see the opportunities that are being presented.

I liked what I heard, you know, some on this side and on the Opposition side talking about entrepreneurship, something that has been very passionate to me my entire life. And there is a huge opportunity for Bermudians that have that entrepreneurial flair [and that] is a bed and breakfast, the style which we would see in the United States and the UK. Not many have talked about that, but I do feel there are huge opportunities because many of the people coming to Bermuda—and we know there are going to be many coming here in the coming years—would rather stay in our home and see the way we live and the food we eat versus staying in one of the large hotels. So I think there are some big opportunities for those that may be listening to take hold of that.

One of our highest priorities from day one has been creating jobs, work, for our people. And this is a message that I personally delivered to young men and women throughout Bermuda. And there are actually jobs there now. And soon there will be many, many more. You know, earlier it was mentioned by the Min-

ister of Home Affairs that there was a job fair that took place just last Thursday next door at the Department of Workforce Development (for the old timers that would be where the Magistrate's Court used to be). And it was great to hear that there were 156 individuals that attended that job fair and it has already been shortlisted to 100.

Of course, being the Chairman of the National Training Board, I did make a point to reach out to the Director of the Department of Workforce Development, Mr. George Outerbridge, and also Pandora Glasford, who is the Training Manager there, to ask them how it went. And you know they actually shared with me an e-mail from the General Manager, Kinga Englebright of the new hotel, and you know he was talking about how delighted he was and he wanted to share what one of the candidates had said, that it was the best open house he had ever experienced in Bermuda. And that it was really a successful day and that they did find quite a few "diamonds"—and that is obviously quoting him. So I thought that was really sharp.

You know, here we have an opportunity for I believe it is 60 or 70 Bermudians to work at this boutique hotel. Again, for the listening audience, that was the former Pink Beach Hotel. And similar types of job fairs will be taking place for the huge opportunities ahead of us with the Morgan's Point facility. For example, there is already a marina being built. There is concrete up there. There is a hotel being built. And then, of course, in the not too distant future there will also be the new hotel in St. George's and the airport project. So, of course, we have all these projects coming up. The amount of opportunities for our people is going to be unbelievable.

Actually, just when I was walking by the Department of Workforce Development coming back from lunch there was a gentleman there, a young Bermudian, who handed me this application form that he was handing in to the Department of Workforce Development. He was applying for a job with an internship programme that is a joint venture between Aecon Group and the Department of Workforce Development. This just took place a couple of hours ago. So this is an opportunity that has been created for a young Bermudian who is seizing it. And that is what I would really encourage those that are out there listening to seize the opportunities that are being presented to us. These next couple of years are going to be unprecedented in our history. I believe this with all my heart.

Again, when I hear those on the other side—the Opposition, the PLP—continue to say we do not care, I understand that it is politics and ping pong and so on. But that is not true. We on this side . . . and I know I have become friends with everybody on this side. You know, they are caring Members of Parliament. We care about our Bermuda. I have two grandsons now, you know. My youngest grandson, Riley, just went a year old and I have a four year old. I can-

not look in their eyes or in the eyes of any Simons, Smiths, Talbots or anybody's eyes and not think about the Bermuda we have going ahead.

Of course, we all saw, and this is something that I have worked on extremely hard along with those of the Department of Workforce Development and the National Training Board, which is the National Training Plan. You know, I am happy to say, I have said it in the House before, but Part 2 of the Plan is complete. We did have a change in Ministers, so that will be rolled out soon.

Again, back on the entrepreneurship, and this is something that I think both sides understand, but you know when we . . . Let us be real. Look at the entrepreneurs that are on this side. You know, we have got sitting next to me MP Glen Smith. You know we have got Craig Cannonier, Michael Dunkley, Grant Gibbons. You know we have got numerous entrepreneurs on this side that truly understand business and creating jobs for our people. I think of a young lady who came into my office years ago, Lenny Masters, who was looking for employment. She had an idea about creating a job, creating a business. And now she is making cookies and cakes and she is booked for the rest of the year.

I mean, this is actually amazing stuff. You know, you look at Antwan Albuoy who had an idea, a vision, and now has started a new dynamic business which will be water sports and stuff. And we have seen with the new tourists, who now are much younger, that they want that type of thing, something different than same old, same old.

Bermuda has always been popular to the traditional more senior tourist. But we have seen the figures; we have seen how the demographic has changed. Just the other day I went to a small business on Queen Street just above Pick-A-Pet called Savory Kernels, which is a new business selling all different kinds of popcorn and stuff. It opened up just a couple of weeks ago.

Again, as was touched on with the [Member] who spoke before me, and I am in agreement with much of what she said, you know we teach . . . we tell our young people to go to school, get a great education so they can get a good job. Why are we not telling our young people to go to school, get a great education so they can own their own business? My entire life I have been an entrepreneur. I have been self-employed since 22 and I am 56, so you can figure that math out. You know? So we have to encourage that. And there are oodles of opportunity. And truly the entrepreneur energy is alive and well in Bermuda.

I look at . . . she is a woman now and of course she just got married, but Rebecca Hanson Singleton who started TABS. I remember when she was a young girl going to Gilbert Institute. She had a dream and she started this business. Now she has her own signature store on Reid Street. Can you imagine how this young Bermudian felt when our

Olympic Team was walking into the Olympic Stadium with Bermuda shorts on and she was the one that designed and introduced them to the world?

Mr. Speaker, again, I truly believe we are on the right track and the tide is certainly changing. Just touching on health care, you know we have the diet and exercise and this something that we have to be more concerned about as a people. We see our closest neighbours, the Americans, with obesity. And of course we see it here in Bermuda. I was shocked when I had the tour of the hospital some time ago to see and hear from the Chief of Staff how bad the situation was in Bermuda with diabetes. And I mean, I could not believe it, it was one of the highest in the world. So we really need to get on top of that.

Sticking with health is the fact of dementia and Alzheimer's. I am happy that that is in there now. This is affecting lots of Bermudians. It has affected me personally because my mother had it and my father has it today. And it is affecting so many people. And we have to be really real on this subject. If you go back 100 years ago, the life expectancy for a man was 47 and today it is 50 [*sic*], so we are living longer as a people. So health care going forward—

[Laughter]

Mr. Jeff Sousa: —is going to be something that is going to be really, you know, concerning—

[Inaudible interjection]

Mr. Jeff Sousa: Stop chirping now.

—to our people. So health care is going to be a really important thing because we are living longer and, of course, the birth rate has dropped, you know, quite a bit.

On page 6 we touch on education. And I certainly like the idea of implementing alternate pathways to student success by utilising City & Guilds applied certification. Because all of us learn differently, Mr. Speaker, and not everyone is going to be a doctor or a lawyer, nor do they wish to be. And, of course, we certainly need first-class plumbers, carpenters, masons, and yes, Mr. Speaker, horticulturists. And, of course, on that note the trades have changed so much. Nowadays in order to be a very successful mechanic you need to know how to use computers. That is very important.

Recently, and I would like to see more of this, I attended a graduation in the Botanical Gardens as the Chairman of the National Training Board, and also as an owner of a large landscape company. And I was very pleased to see Mr. Roger Paris on the hands-on course that he was offering in the Botanical Gardens to train young Bermudians. I addressed them all to tell them how many jobs were out there and that their attitude made such a difference. And I was so impressed, Mr. Speaker, that I did hire two of those young men

and they are still with me today. That was . . . I would say about a month ago, Mr. Speaker.

Of course, for myself, this is very close because I was an apprentice myself 40 years ago. And I would like to encourage more of these apprenticeship-style training programmes along these lines in the masonry trades, carpentry, and so on because we are going to have so many more opportunities in the future with all these major projects coming up, and I mentioned about the airport training internship that is being offered and so on.

Touching on tourism. This is something that I have always been very passionate on, Mr. Speaker, as a proud Bermudian. And I try my hardest each and every day to be a true ambassador to Bermuda, whether it is on the social networks or on the street. And I feel we all should be doing this. But I cannot tell you how pleased I am to see that we were featured in numerous magazines recently, in particular the *Lonely Planet* magazine, where in the December issue they mentioned Bermuda as a *must visit* place in 2017. And, of course, this has happened all before we had . . . I should say after the America's Cup information and so on. And the *Lonely Planet* magazine is actually the largest travel publication in the world. The word that is getting out to the world is fantastic. So we can only imagine what Bermuda is going to be like in 2017, 2018, and 2019. It is going to be actually incredible.

The Speaker: You are not reading are you, Honourable Member? You are just looking at your notes, right?

Mr. Jeff Sousa: And, of course—

The Speaker: You are just looking at your notes, Honourable Member?

Mr. Jeff Sousa: Yes, I will let you . . .

The Speaker: Yes, all right.

Mr. Jeff Sousa: Of course, we could not be happier with the stimulation we have had from the America's Cup and, of course, that is continuing on. And we saw last year in October all of the energy that was generated with that and we can only imagine what is going to take place in the coming months.

On the entrepreneurial side again we see that the BTA has earmarked five beaches in Bermuda for additional activity and those, of course, are Horseshoe Bay, Shelly Bay Beach, Tobacco Bay, John Smith's Bay, and Clearwater Beach. And you know I have listened to some of these presentations. The opportunities for entrepreneurs here is absolutely amazing. And following up on what we heard the Member, a Dallas Cowboy fan, the former Minister of Tourism from con-

stituency 31. And you know we heard the increase in tourism figures and that is positive for all of us.

On that same note we look at the retail sector for the last . . . you know it has been stagnant for many years. But we saw that it has grown 18 out of the last 19 months. And, of course, this has been pushed by the confidence in the community.

Mr. Speaker, we as a Government, must do all that we can to assist small businesses, family businesses, because they are the backbone of any economy, any country. And I see it taking place out there, the increase in employment. I was talking to my colleague that sits next to me about how many new Bermudians we have hired. Likewise he was sharing figures with me. And we have to be real. All of these businesses are hiring, you know, your uncle, your brother, your cousin, our brothers and sisters. So we also must encourage the people to *buy Bermuda* more because these keep these people employed.

Mr. Speaker, this Government will continue to look to stimulate foreign investment in this country because that is so important to allow us to do many of the things that we want to as set out to do in our Throne Speech, while at the same time we will continue to do what is necessary for all Bermudians to make sure that no Bermudians are left behind. And I feel strongly, Mr. Speaker, that the future is bright with the One Bermuda Alliance Government at the helm.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 24, MP Lawrence Scott.

You have the floor.

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

As you know, I do a lot of reading myself. And although I am not going to quote *A Tale of Two Cities*, when I look back on the OBA or this Government's (how can I say it?) track record over the last four years, to put it politely, it reminds me of a story by . . . I would call the OBA's term in office a Lemony Snicket. Mr. Speaker. The OBA is a Lemony Snicket. And just for those that are not hip to what a Lemony Snicket is, Lemony Snicket is the [pen] name of an American author, Daniel Handler. He wrote a book. And his most famous book is called *A Series of Unfortunate Events*. And this is why the OBA administration reminds me so much of this story.

It is a children's story (just to give you an overview) based off of where the parents die in a fire and . . . and it has got three children: Violet, Klaus, and Sunny. And after their parents die in the fire, they are then sort of having to live with a murderous uncle, a murderous relative called Count Olaf who . . . they did do a movie about it called *Lemony Snicket's A Series of Unfortunate Events*, and Jim Carrey was Count Olaf. What he tried to do was to get the children's inheritance and then try to get rid of the children. But

when he realised that he could not get rid of the children and get the inheritance, he tried to just set up a series of unfortunate events just to try to keep them in his custody and in his care, too scared to run off. And so this is where, to me, the OBA administration reminds me of this *Lemony Snicket's A Series of Unfortunate Events*.

And it is interesting that the Honourable Member from constituency 31, former Minister of Transport and Tourism, said something that I found interesting which was, *It is not what you say but what you do*. So in order to be fair, Mr. Speaker, let us look at what the OBA has done. And I am not going to go all the way back to the beginning right now, but just in recent . . . just even comparing the 2015 Throne Speech to the 2016 Throne Speech. They got just about half of the things that they had promised in 2015 done.

And so then you have got to look at what things did they get done because most likely if you cannot get everything done in a timeline, you would focus on what you believe is most important. And when you look at some of the things that they got done—they built bathrooms at White Hill and Shelly Bay, they approved the Census, and they got a new Government website—Mr. Speaker, so that is what they got done. So then what are the unimportant things or the things that the OBA, or the Lemony Snickets, feel as though were unimportant, Mr. Speaker? It was the school improvement plan, that did not get done; the implementation of the STEM curriculum that did not get done; an amendment to the National Pension Plan that did not get done; Seniors Abuse Register that did not get done.

So, Mr. Speaker, when I read on page 13 that the Government has, and I quote, "The Government has no tolerance for impaired driving," that raised a lot of red flags because I want to know when did this happen, Mr. Speaker? When did they all of a sudden, out of the blue, get a no tolerance policy when in 2015 they promised to bring roadside sobriety checkpoints and testing? That did not get done. Another Lemony Snicket, another series of unfortunate events, Mr. Speaker.

And what happened since the Throne Speech of 2015 was read to now, Mr. Speaker? We have had seven fatalities in the last quarter of 2015. We had 327 collisions. In Q1 and Q2 of 2016 (of this year), we had six fatalities. We had 34 collisions which ended up in serious injuries. We had 301 that had slight injuries, and 359 damaged collisions, Mr. Speaker. And what was one of the most likely contributing factors to this? Alcohol, Mr. Speaker, or impaired driving.

So when did the Government come up with this no tolerance for impaired driving, if they could not . . . if they did not . . . they promised it last year; but they did not bring anything. They did not do anything. And, once again, it is in the 2016 Throne Speech.

But, Mr. Speaker, a promise given, a promise denied, is just the status quo for the OBA Government. They have not . . . how many promises . . . we can count . . . it would be better to look at the promises that they did keep than the promises that they did not. Because of the fact that the OBA did not keep their promise of bringing roadside sobriety checkpoints, Mr. Speaker, people have lost their lives.

Now, Mr. Speaker, it is funny how my father who is up there in age (I will not tell you his age because) . . . see? Yep. He hit me to a little something and he keeps saying, *The more things change the more they stay the same*. And the thing is that I did some research and I did some digging and I realised that in December of 2007, the then-Opposition Leader, now Premier Dunkley, and then Senator, now Minister of Finance Bob Richards, were quoted in local media (or the daily) as saying *this Government* (referring to the PLP) *is about spending money on political propaganda*. And when they were talking about that they were talking about CITV. And I was like, *These byes are doing whatever*. And then I looked at June 2012 because . . . and this is where the Honourable Member that just took his seat who spoke before me from constituency 28 said *Oh, I don't think that the other Members had a say in it*.

Mr. Speaker, what I am about to tell you is in this actual Throne Speech Reply about June 2012 when One Bermuda Alliance Senator, Michael Dunkley, found the opinion poll and agreed that the Opposition should have equal time on CITV. And his quote was that that was gratifying, that the 72 per cent of the population believed that the Opposition should have just as much time on CITV as the Government.

Now, I go on to quote, and it says, "It is clear"—

The Speaker: Where are you quoting from?

Mr. W. Lawrence Scott: *The Royal Gazette*, June 2012.

¹"It is clear now from the inception of CITV that the Opposition has received very little time on camera and that is not acceptable," he said. "It is gratifying to learn that the majority of people polled feel that the Opposition should be allowed equal time."

So, Mr. Speaker, you might be asking, what do a quote from 2007 and comments from 2012 have to do with the 2016 Throne Speech? I am glad you asked. If you looked at page 14 of the Throne Speech, it mentions the airport redevelopment. And now when it comes to the airport redevelopment, Mr. Speaker, the OBA have recently produced a 15-minute political propaganda (using the Honourable Premier's terms) video and are having it run on CITV. And that is all to do with the airport.

This video is professional, very well done, professionally done. If you have not seen it already, I encourage you to go and watch it, Mr. Speaker. It is actually about 11 minutes and then it repeats itself for the last three. But those 11 minutes are professional, Mr. Speaker. But the thing about that presentation is, Mr. Speaker, early in the presentation it talks about how the OBA has adopted a public/private partnership. The thing is that it did not mention that the PLP recommended that first, and I was the one that recommended this back in 2014, that we actually have a Bermudian controlled Airport Authority established first.

And the difference between the way that we have recommended it and the way that the Government is actually doing it is that with us creating a Bermudian controlled Airport Authority first, then the Airport Authority would source a contractor through a tendering process. And that is how you make sure you have value for money and all the time maintaining control, not just operational control, financial control, decisionary control over our airport, Mr. Speaker.

But because . . . and Mr. Speaker, it is not just something, a plan that I came up with out of the blue. It is actually a plan that is considered international best practice. The Bahamas used the same PLP method. Jamaica has used the same, [and] Trinidad. And let us now get away from similar countries like ourselves, but industrialised nations like the United States of America, Europe. Countries in Europe use the same model that I, that the PLP presented in 2014.

But now next the CITV film goes on to talk about the several members . . . because it shows several members of the public asking why it was not put out to tender. But what the film does not realise . . . and they come up with some fluff piece on why they believe that it was not put out to tender or why they want you to believe why it was not put out to tender. But what they fail to realise is that the same approach that the OBA Government is using, the UK Government rejected for another one of their colonies. And it was proposed by the exact same people that this Government is going to sign off with.

Therefore, Mr. Speaker, we have to ask once again, if the OBA is doing things in the best interests of this country, if it is not good enough, if it did not pass the UK Government, if it did not pass another Government's . . . the UK Government's smell test, how is it the best thing for Bermuda? And then also it did not meet the prerequisites of Her Majesty's Green Book.

But then, Mr. Speaker, once again, this CITV propaganda video went on to talk about that . . . you know, who are going to be the real landlords. And it failed to show and talk about workers' rights and the treatment of workers because under the OBA, because . . . and we have to look at this because there were workers that actually went on and went and per-

¹ [Royal Gazette](#) 11 June 2012

formed industrial action earlier this year based off of how they were being treated. This does not mean this is something that is not just superficial; this has the ability to shut the airport down. So, Mr. Speaker, how can the Government protect the workers' rights when they are about to put an essential public service in private hands?

Mr. Speaker, it is just that it is funny how the same things that the British Government say that they are against, making sure that they do not want to be financially liable or anything like that, and one of their greatest concerns is that with the way the OBA Government is doing this, the British will have a financial contingent liability for one of their colonies—which is us. Therefore, this is not just a mess that the Minister and the OBA Government are putting Bermuda in. It is bringing UK and Great Britain into this same mess.

To me, Mr. Speaker, that is where I always say that the OBA administration is a Lemony Snicket's series of unfortunate events. You have had Jetgate, which is an unfortunate event. You had the Pathways to Status, which was an unfortunate event. You have the airport redevelopment, which is an unfortunate event. You have . . . Mr. Speaker, I almost forgot to talk about rental cars. That is another unfortunate event, Mr. Speaker. Do you know why? It is putting undue and unnecessary competition on an already oversaturated market, or industry, which is the taxi industry.

My honourable colleague from constituency 6 talked about making sure that you stayed in contact and you stayed in tune with the people, Mr. Speaker. But the OBA Government has not done that. They went off to look for . . . they did not consult everybody prior to bringing it, prior to trying to bring it the first time, and they have not consulted everybody this time around again.

So, Mr. Speaker, that is why tonight, probably even as we speak, you have taxi drivers that are going to open up and re-establish the taxi division of the BIU. Taxi drivers are getting unionised to protect themselves against the OBA Government or this Lemony Snicket administration.

Mr. Speaker, this is unheard of. This is when you are supposed to be consulting with people and this is when you are supposed to . . . and once again, it goes back to what the Honourable Member, the Independent Member from constituency 31, said before—*not what you say, but what you do*. Right?

So, Mr. Speaker, what this Government is doing is nothing more than selling you pipe dreams, putting up smoke and mirrors, and doing what they want to do anyway. And that is why you cannot take this Throne Speech . . . you cannot even take it at face value because if you look at their track record, if they did not get 50 per cent . . . they got less than or just about half of last year's done. They are going to get even less done now because of the fact (once again it has been brought up) that they have less time

to do anything. So what is important to them? Once again, the pushing and trying to shove the Airport Authority or the airport redevelopment down our throats. Right? Knowing that it is a bad deal for this country.

Yet they are not going to sit there and work on the things they did not get done, which was our education system. But they say they want to talk about education. They say that they care about education. They say that they care about our children. But yet they do not invest money in our education. So if you care about somebody, why are you not investing money in education?

They do not care about our safety because every year the budget for the police gets cut even further, more and more. And then what happens? Did they bring roadside sobriety checkpoints last year? No, they did not. Are they bringing it this year? They say they are. But once again, can we believe them? No, we cannot. They are Lemony Snickets, Mr. Speaker, a series of unfortunate events. And we have had in just three quarters 13 fatalities on our roads. Right, Mr. Speaker? They cut the budget for road safety, Mr. Speaker, and they also, once again . . . notice how everything becomes full circle because when I talk about road safety I go back to the rental cars. And not to anticipate a debate, Mr. Speaker, but the way that they plan on doing the rental cars, it is not in best practice. When you start having to govern through negative resolution, which I will go into more detail later, but that is something that we have to do.

And then also, Mr. Speaker, when looking at some of the stuff, the legislation that was tabled today when it comes to the airport redevelopment, they are increasing, they are doubling the departure tax now. So this goes back to what I said in 2014, when you make the contractor the Airport Authority, they get carte blanche to do whatever they want to do. Right? And what happens . . . that means that the taxpayer is paying it, the Bermudian is having to pay increased rates on airplane tickets because whatever goes into departure tax just gets passed on to the consumer, gets put into your plane ticket. Therefore, it goes against what we need, which is lower airline fares for our tourism product. And if you cannot get the lower airline fares, people will not fly to Bermuda. If people do not fly to Bermuda, you have to provide [airlines] with revenue guarantees. If you provide them with revenue guarantees, that is an unsustainable business model. So from the party which says they have all this business acumen, they are making poor business decisions.

But you should not be running a country like a business. It is called political science for a reason, because there is a science to it. There has to be a balance. You have to . . . your bottom line is not the dollars and cents in politics. Your bottom line is your people and the people's well-being, the quality of life that we are providing for them. And when you have health care going through the roof, when you have

insurance rates going through the roof, Mr. Speaker, and, of course, the health care is directly tied to the road fatalities and all these collisions on our roads, because then insurance claims have to go in, the first responders have to come out, police have to investigate, Mr. Speaker, and all of this because the OBA Government, or this Lemony Snicket's administration did not keep their promise, did not do what they are supposed to do.

If they have not done it for four years, what makes you think they are going to do it in five? What makes you think they are going to do it the next time? So we cannot believe what they say because, remember, they got elected based on the fact that they had no track record. And I stand by the Opposition Leader and my party leader when he says, ask yourself if the OBA administration, if this Lemony Snicket administration, is working for you. Then that is who you vote for. But if it is not working for you, if the cost of living has gone up for you, if your pay cheque has gone down, if your dollar does not stretch as far as it used to, if you are not feeling as safe—not just on our roads, but in your home—as you were before they went in, Mr. Speaker, that means it is not working for you.

That means this is not the party. That means that, you know what? Nice try. You tried. You gave it your best. And I am not saying that they did not give it their best, but sometimes good is just not good enough. And that is what is coming from the OBA—not good enough—it is a Lemony Snicket administration.

Thank you very much.

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

The Chair will now recognise the Minister of Finance Bob Richards.

You have the floor.

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

I will try my very best not to take up a half an hour so that other Members can speak.

The Speaker: Good. I wish everyone would take that stance.

Hon. E. T. (Bob) Richards: Well, I am not promising I will not take it, but—

[Laughter]

The Speaker: Good, good to start that way. And you did . . . the Honourable Member who just took his seat started the trend.

Hon. E. T. (Bob) Richards: That is right. That is right.

Just a few comments on the Reply to the Throne Speech, Mr. Speaker, and it was very high on

political rhetoric, but I think it was lacking somewhat in substance. And certainly in many areas it was not fact based.

I took particular note of the itemised comments on the OBA's record. I think that that particular part of the Reply was really a distortion of the OBA's record. Early in that itemisation was a reference to a loss of the number of jobs and, you know, unfortunately we do not have good job statistics in Bermuda and we do not have up-to-date job statistics. You know next year, sometime next year, in the summer the Stats Department will come out with some job statistics that relate to the summer of 2016. So we really do not have up-to-date job numbers. It is unfortunate, but it is what it is right now. So the numbers that the Honourable Leader of the Opposition used could not possibly reflect what is going on today. They are not up to date.

He kind of ignored some of the things that are up to date, though. He kind of pretends that they do not exist. Some of the things that are up to date are retail sales. And we have had many consecutive months of retail sales gains. One of the other stats that are up to date are GDP numbers. We have had real GDP growth in the Bermuda economy for, quite frankly, a year and a half; two years now.

We have tourism arrivals and spending showing spectacular growth rates, as some of the other Members have already noted. We have new capital projects that are underway and some of them about to start and, of course, that equals construction jobs. And we have the America's Cup which has already equalled, or, should I say, meant construction jobs. We have had many small contractors working up there at Dockyard and also many contractors working up there at Morgan's Point as well.

So, all these are things that are on the up side that have increased. And you cannot have growth, Mr. Speaker, in these sectors . . . we cannot have GDP growth in Bermuda . . . you just cannot have GDP growth in Bermuda without growth in jobs. I mean, the economics are just not possible. So to deny that there is a positive trend going on as far as job creation is denying the obvious. You just cannot make that case.

In any case, Mr. Speaker, you do not have to make that case in terms of economics. All you have to do is look around you. I was driving home the other day, I just got back from a trip yesterday and was driving around, and I saw something that was really surprising. I saw a bunch of tourists on mopeds. And here we are almost in the middle of November and we are seeing a bunch of tourists on mopeds. Right? It kind of took me back like 30 years almost. So you know things are happening; good things are happening in this economy.

Now, I found it to be almost amusing in the second (I am not sure if it was the second, I think it was the second) distortion about the increase in public debt under the OBA. The Opposition says that debt

increased from \$1.2 billion to \$2.4 billion. And he says, you know, it doubled, it is a 100 per cent increase. Well, that may be true, Mr. Speaker. But when the PLP took over in 1998 the public debt was \$165 million, so the difference between \$165 million and \$1.2 billion is 627 per cent! So public debt went up 620 per cent under their administration. So, you know, do not tell me about this thing doubling under our administration. Our administration was lumbered with the sins of the past, the sins of the former Government. So this was really, it was really stretching it beyond all imagination.

And you know what we have done, of course, is to reduce the deficit. And it is the deficit—the annual deficits—is what swells the debt. When we took over the deficit was out of control. It was over \$300 million. And so we have now got that down to the point now that we are actually showing a surplus on current account . . . before debt service costs, we are actually running a surplus in this Government. This is the first time in living memory that this has happened. And we can have some sort of criticism on financial management? It is kind of, it is kind of really off the charts.

Of course, there is another distortion about privatisation that they are . . . what we are proposing at the airport. It is not privatisation. It is a public/private partnership—partnership between the public sector, i.e., the Government, and the private sector who are borrowing the money for us. So, you know, it is not privatisation; it is a public/private partnership.

It also said that it was sole sourced. That is true. It was sole sourced, but it was not sole sourced in contravention of Financial Instructions. That is not true. Every step that was required by Financial Instructions was taken. But you know, it was one of the based . . . that particular thing is based on the strategy that if you repeat something that is untrue enough times it becomes true. But every time that is said around me, Mr. Speaker, I am going to refute it because we abided by Financial Instructions according to the way the Financial Instructions are laid down.

Now, one thing I noticed about this particular Reply to the Throne Speech is that they seem to want Bermudians to have collective amnesia, particularly as it relates to some of the things that happened in the past. They want to sort of . . . you know, time began, somehow, somewhere, before . . . just at the end of 2012. That was the beginning of time, all right? You do not want to look at anything before that because time started on December 12, 2012.

But I am afraid that means that you and I, Mr. Speaker, are just infants. You know, we are four years old. And I know I must be . . . something must be wrong with me to have this beard and to have no hair and just be four years old. It is kind of a bit of contradiction because time did not start in December 2012.

And you know what, Mr. Speaker? We do not have collective amnesia either. We are not that old where we have forgotten everything. And I would say

that is true for most Bermudians. They remember what it was like. In fact, one of the things they remember, Mr. Speaker, is that Bermuda endured a painful extended six-year recession. All of us, no matter who we were, walked through that valley of the shadow of economic debt which was the recession, and there was one party that drove us into that valley and there was another party that drove us out of that valley. The party that drove us into that valley of the shadow of economic debt is the party that is now in the Opposition. This Government drove us out of that valley and everybody should know that.

So the thought occurred to me, as I was reading this discourse by the Opposition Leader about the haves and the have-nots and the gaps between the haves and the have-nots. It is a common theme worldwide. I am sure that you, Mr. Speaker, and everybody that has been following the elections in the States and the political discourse in the UK as well, [will note] the gap between the haves and the have-nots is a common theme that runs between them. But those big countries do not have . . . there is one thing they do not have in common with us in that we have just emerged from a six-year recession. No other country I know of endured a six-year recession. No other country except those that are in war in the Middle East. Other than that, no countries which are not at war have had a six-year recession. The six-year recession is unique to Bermuda—unique to Bermuda.

So during a recession, Mr. Speaker, which is what you might call an economic storm, if the ship is handled poorly in the economic storm, it takes on water and starts to founder. On any ship, like in an economy, you have various decks (you know, the sun deck, the boat deck), and you have the decks at the bottom of the ship (you know, steerage in the bilges). In the economic ship, Mr. Speaker, the wealthy people are on the top decks, poor people are in the bilges in steerage in the lowest decks in the ship. Now, Mr. Speaker, during an economic storm if that ship is poorly handled and the ship starts to founder in the storm and take on water, who do you think drowns first? The people at the bottom. That is why we have an increase in the gap between the haves and the have-nots. Because during a six-year recession the poorest people always suffer the most.

So you have all this rhetoric about trying to do something about the haves and the gap between the haves and the have-nots. We have to understand how we got here. We got here because of poor handling of the economic ship in a storm. That is why we had a six-year recession and not a six-quarter recession. That is how we got here. And that is why we have an increased gap between the rich and the poor because those who are at the bottom of the ship . . . a lot of them have drowned because the ship has taken on water.

Now, this Government, in spite of what the Opposition says, Mr. Speaker, are better ship han-

dlers and we have righted that ship and we are pumping the water out of that ship. So in spite of all this rhetoric, these are the facts. As the Honourable Member who opened the discussion for our side talked about, you know, let us talk about facts. These are the facts.

So we are not going to be talking about what I will call “artificial mechanisms” or certainly vague promises of how we are going to close the gap between the rich and the poor. Yes, we would like to do that. But you cannot do that in a foundering economy. You cannot do that. You have got to fix the economy first. You have got to do that first. You have got to right the ship before you can start bailing. You have got to right the ship. And that is what we have done by having that economic growth that I talked about when I first started.

Another thing that we have done to try to close that gap between the rich and the poor [is] we have announced—I announced it in the Budget, it is confirmed again in this Throne Speech, and we are working on it right now—that we are going to install a progressive payroll tax system in this country. We are going to do that, where people on the lower end of the scale are going to pay less tax than people on the higher end of the scale. It will be the first time it has ever been done in this country and it is way over due, way over due!

And the Opposition when they were the Government had 14 years to do it. They did nothing—nothing—about that. Nothing about that! We are going to get this done and we are in consultation with the business sector as we speak. Quite frankly, we have been in consultation with the business sector for almost a year—no, for over a year now, talking about this. Over a year we have been talking about this.

So one of the things that I also noticed is that if the Opposition want us—*us*, and I mean, not just us on this side, but those in the Bermudian public—to really accept that they are going to do something different than what they did when they were the Government, the only way we can actually accept that is if they take ownership of the mistakes they made when they were the Government. They have got to take ownership of those mistakes. They have got to, you know, [be like] a guy on the sports field. He fouls another guy in basketball and the guy puts up his hands and says, *Yeah, I did it, I'm sorry*. But you do not hear that, Mr. Speaker. Oh, no. What they want is, they want us to forget it. But if we are to believe that they have changed, that they understand the mistakes they made, they have got to put up their hand and own it. And we have not heard a peep about that.

One other thing that I noticed—

Mr. Walton Brown: Point of order.

The Speaker: Yes, Honourable Member.

Mr. Walton Brown: The Honourable Member is knowingly misleading the House.

The Speaker: What Standing Order is he—

Mr. Walton Brown: The Standing Order that says he cannot mislead the House. We have—

The Speaker: There is no Standing Order that says that, Honourable Member. Is it a point of clarification you want to give?

Mr. Walton Brown: That is exactly what I said, Mr. Speaker. It is a point of clarification.

The Speaker: Okay.

POINT OF CLARIFICATION

Mr. Walton Brown: That the Honourable Member knows that this side, on more than one occasion, acknowledged errors under a 14-year period of Government.

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

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

Look, one of the things that I noticed also about the discourse in the Reply to the Throne Speech is that there just did not seem to be much acknowledgement of the whole public debt issue. One of the reasons that we actually got elected in 2012 is because we really focused on the dangers of the public debt and convinced enough Bermudians that this was a really big deal, a really big problem that had occurred and that we would make it a priority for our Government.

And there is not much reference to that at all. As a matter of fact, some of the things that the Opposition said they are going to do will impact the public debt. They said they want to cut taxes. They do not say how that is going to affect the deficit. As I said, we made it a priority. They said they want to increase funding for tourism. They do not know how that is going to be . . . we do not know how that is going to be paid for.

They called the revival that we have seen in tourism lately . . . I mean, they cannot deny that fact, but they have called it a *false economy*. They have called it a false economy. You tell that to the taxi drivers who are now working their tails off all these hours and making a whole lot of money compared to what they were doing five years ago. You tell them it is a false economy—they will laugh at you. You know, the other thing about taxi drivers in Bermuda (we all know it), they are not really shy when it comes to giving you their opinion and they are really at the tip of the spear, particularly when it comes to tourism. They are at the

tip of the spear. So you ask taxi drivers if they think this is a false economy. I do not know where they got that one from.

And it is all because, you know, they said that we are in the Government, we are giving guarantees. But you know, Mr. Speaker, these guarantees are part of a strategy that has brought this economy back. The guarantees that we have given have not been accidental. They have not been thoughtless. They have been strategic, to bring the economy back and to create jobs. So it is not a false economy; it is an economy that is the result of strategic thinking by this Government. That is what it is.

Just look at the construction industry that is coming back today. It is because of the strategy of this Government. A lot of these projects needed government guarantees to get financing, and we gave it to them.

And by the way, you know guarantees are not the same as debt, because when we give guarantees we get paid as a Government. We do not rent out the Government's balance sheet for free. We do not do that. We get paid. So it is not the same thing as borrowing money where we pay.

I was interested in your . . . there was a reference to the Fiscal Responsibility Panel [FRP] that said that they would take a dim view of these guarantees. Well, they certainly will not take a dim view of the GDP growth that has been produced. One of the biggest problems that we had when we first set up the Fiscal Responsibility Panel and when we were looking at going to the markets [was] the markets wanted to see economic growth in Bermuda. But when I went to the markets in September, we had no problem with getting money because the things that we promised to do three years ago had come to pass. We had shown a reduction in the deficit and we had produced economic growth. That is why we got debt at the lowest spread over treasuries in the history of this country. That is why we got it—because we made promises and we kept them. And I know the Fiscal Responsibility Panel is going to be looking at that.

And by the way, Mr. Speaker, you know, we put in that Fiscal Responsibility Panel. We put in that Fiscal Responsibility Panel so that Bermuda and the Bermuda economy and the Government would gain credibility in the rest of the world. And we had to put in that Fiscal Responsibility Panel because the credibility of Bermuda had been eroded by the previous government. So that is why that Fiscal Responsibility Panel is there.

I was surprised to hear about the, about any mention of the SAGE Commission by the Opposition Leader because—

[Inaudible interjection]

Hon. E. T. (Bob) Richards: I was surprised to hear any mention of the SAGE Commission.

Mr. Speaker, you will remember that the Opposition kept this Government and me personally on my feet to 6:00 am in the morning trying to stop the formation of the SAGE Commission. And they have the temerity to actually refer to anything to do with the SAGE Commission? I mean that is incredible. That is really incredible.

So they want to have a RAGE Commission, a Revenue Commission. That seems like what they want. But, you know, we do not need a RAGE Commission. What we need is—and this is what we have got—a very competent economic management bunch of folks in the Ministry of Finance. That is what we have got. We do not need a RAGE Commission. We just need Finance run properly, and that is what we have got. So we do not need that RAGE Commission that they want to talk about.

Now, I was interested to hear, and I quote this from the Reply, it says, "Poverty cannot be overcome easily or overnight."

Really?

Really? Poverty cannot be overcome easily or overnight?

Yet they basically have wanted the OBA to flip a switch and fix all the problems that existed when we took over. And then there is a realisation all of a sudden, an epiphany, that this thing cannot be fixed overnight. Oh, come on. You know, come on. It cannot be fixed overnight, everybody knows that. Everybody knows that. But in our case, we are making progress. We could not do it overnight, but we are almost four years down the track and it is happening, it is on the ground, these are facts, anybody can see it.

There is a long part in this Reply about the airport redevelopment project. And, you know, I guess to some extent it is presaging a debate in Parliament. I do not want to spend a whole lot of time on it, but there has been a lot of . . . as usual, there are a lot of misleading statements, unfactual things in there. But I want to say one or two things on it. And the Opposition Leader says it is privatisation, well, once upon a time he was a very big fan of privatisation. Now, you know, privatisation has become a dirty word to him. But it is not privatisation.

And then there is this business about the \$18 million. You know, you cannot take current account revenues and expenses and ignore capital account figures. It all comes out of the same pot. You know, it is . . . to make an analysis based on only current account is not a false economy; it is false accounting. It is faulty accounting. And it seems that the Honourable Member does not understand this, does not understand the difference. He has talked about gross profits of Project Co. He does not seem to understand the difference between gross profits and net profits.

There is no appreciation for the difference between net profits and cash flow because, Mr. Speaker, the difference between the profits and the cash flow is the fact that Project Co has got to pay back the debt

plus the interest that they have had to borrow to build our airport. They want to forget about that minor detail. So this is all faulty accounting.

The example that he gave about the numbers is not even worth mentioning, but the thing about the \$18 million that he says that we are chalking up in terms of the expenses, it enables us to avoid spending, for the next two years, \$184 million to put in that place that we would have to do just to keep it running . . . just to keep it running. So the avoidance of those capital costs are key to the economic equation here. But, again, they just want to ignore that. You know, *don't confuse me with facts* they are saying, *don't confuse me with facts*. But it is the debt repayment that is going to be the big drain on Project Co when it starts.

So they have said, *Well, you know, we are the insurance centre of the world, what do we need CCC for? We can get insurance in Bermuda*. Well, I guess we could get insurance in Bermuda, Mr. Speaker, and that may take care of the overrun problem. But what about the \$267 million of additional debt that the Government would have to assume? It is both of these things—the protection against overruns and not having to have an additional \$267 million of debt on your books.

The only way you can get protection against both of those things is the model that the Government has chosen. So these arguments are spurious arguments. Again, it is based on the notion that if you can tell mendacity enough times people will start to believe it. But it is not flying here.

It just seems that this whole debt problem is something that the Opposition does not get. You know, they have a blind spot for it. They just do not seem to get it.

Now, the Honourable Member who spoke just before me talked about that the UK was against this model that we are using. Well, they may have had other reasons for being against it in the Cayman Islands, but the fact is that the entrustment level that this Government has is in black and white approval of the UK Government. You cannot have an entrustment letter and turn around and say that the UK Government does not like it. They do like it. We have it in writing. We have permission. And as you know, I did not think we needed that permission, but we got it anyway because we cannot have any doubt. We can have no doubt. If we have any doubt that we have the authority to do this, then we will not get financed. It is as simple as that. So we have permission from the UK Government, we have an entrustment letter to show that it is so.

So, Mr. Speaker, I do not know how much time I have left but I am just about out . . . finished what I have to say—

The Speaker: You have got about . . . you have just over . . . you have got two minutes and 30 seconds.

Hon. E. T. (Bob) Richards: Excellent, excellent.

I just wanted to say in closing that when all things are considered the Bermuda people will see that the model that this Government has chosen to redevelop our gateway fits the important criteria that we have to fulfil as a prudent Government. We have to protect ourselves against overruns which, of course, was hundreds of millions of dollars in the past, and we have to do it in such a way where we do not add to the public debt. This method is one where we get those very important financial aspects covered. There are a lot of other benefits to it that we can talk about when the Bill comes, but those are the two most important things for us.

You know, when the PLP did the hospital, the Government guaranteed the debt. But the Government was not in the kind of position that we are in now, so we have to do things differently because we are in a more difficult position. So that is all I have to say.

Thank you very much, Mr. Speaker.

The Speaker: All right. Thank you. Thank you, Honourable Member. I was forgetting you changed your seat. I was going to tell you that you had better go take your seat.

[Laughter]

The Speaker: The Chair will recognise now the Honourable Member from constituency 5, MP D. V. Burgess.

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

Mr. Speaker, first I would like to commend the Leader of the Progressive Labour Party for his Reply to the Throne Speech. I thought it was—

The Speaker: And Honourable Member, I am going to have some supper, okay?

Hon. Derrick V. Burgess, Sr.: Yes, sir. I will pause until the young lady, the [Deputy] Speaker, takes her seat.

Mrs. Suzann Roberts-Holshouser: I like that “young” part.

Hon. Derrick V. Burgess, Sr.: Yes, I only speak what I see.

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, in the Chair]

The Deputy Speaker: Thank you, Member.

Hon. Derrick V. Burgess, Sr.: Thank you, Madam Deputy Speaker.

The Deputy Speaker: Please proceed.

Hon. Derrick V. Burgess, Sr.: Yes, as I was saying, I was commending the Leader of the Progressive Labour Party for his Reply to the Throne Speech. I thought it was a very balanced Reply and one that, again, any government, any people would be satisfied with.

But Madam Deputy Speaker, I really want to concentrate just a little—I should not say a little because I do not want demean or make it of any less importance—but I want to talk about health care for our seniors.

I am glad to see that the Minister has included in the Throne Speech about dementia, but I am not satisfied that Government has gone the lengths that are needed to treat and care for people with this very serious disease. Now, we all know that anyone who has dementia, it is a life-shattering disease, one that changes the whole routine of a family, a long-term disease for some.

Madam Deputy Speaker, I think we have to step up to the plate and get some money put aside and try to deal with this situation because I think we are not very serious about it. Because it is . . . I see the writing is in there, but I am not comforted by that.

Madam Deputy Speaker, at the World Health Organisation Conference that was held last year it said that as at that date, August 2015, 46.8 million people are living with dementia. Now, I am not sure of the figures here. I am not sure of what stage one is . . . whether it is mild symptoms or severe, which is kind of progressive because there are three stages. So we are not sure. It would be nice to have these figures because this is something that, I guess 15 years ago it was not even mentioned in Bermuda. I guess we probably did not know about it then. But that is what is happening. And it is predicted that this disease increases by 9.9 million per year, which means that for every 3.2 seconds there is a new case of dementia. And they predict by the year 2030, 74.7 million people—that is an increase of 60 per cent—will have this disease.

Now we know, as we have been told in this report, that the current cost to treat it is like \$818 million a year. In fact, in three years' time . . . in two years' time, 2018, that will become a trillion dollar disease. And then in the year 2030 they are projecting that it will be a \$2 trillion disease. And what are we doing about it? Because at this conference they drew some conclusions, some recommendations, and if you will not mind, because I do not want to just skip over this, this is a very serious one, if I can just read some of the recommendations.

The Deputy Speaker: Please, yes.

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

It was agreed at this conference that the people with dementia need to be supported through awareness raising of dementia, creation of dementia-friendly communities that reduce the stigma associated with the disease, promotion of risk reduction measures, support for family [caregivers]; assess the long-term community and residential care services to enhance care for people with dementia in hospitals; a commitment to care that minimises the use of medical and physical restraint.

Madam Deputy Speaker, those are just some of them, but to restrain or drug a person with dementia is against their human rights. And this is happening today in our homes. And I think it is happening because many of the caregivers in these homes really have not had good training to deal with these people with dementia. So I would encourage the Minister to take note of this here because they can . . . the only time you know is when you go and see, and it has been seen in some places where people have been physically tied. And I have heard they have been given psychotic drugs that make them drowsy because, you know, people with dementia . . . there is no daylight, no night time, and for the caregiver it is 168 hours a week. Every day, every hour of the day people with dementia need attention.

Madam Deputy Speaker, I was reading an article and this wife says, *I am no longer a wife*—she is a wife caring for her husband who has dementia—she says, *I am a caregiver. I need support just like my husband needs support*. Because what is happening [is] a lot of these, particularly family members, that are caring for loved ones with dementia, they get burnt out. And sometimes . . . and they keep going until they become ill.

In fact, I know some people, I used to visit them, and the lady she looks immaculate, but her husband contracted dementia and she struggled with it and I could see her ageing by the day because he was up and down, up and . . . you have got to watch him 24 hours a day. Since which she has put him in a home and you can see her vibrancy coming back in her face. You know, it is something that she did not want to do, Madam Deputy Speaker.

In fact, a lot of us here really do not understand what the caregivers go through. We sit here . . . we could be anywhere and make policies on these folks without even consulting the caregivers. And the people with mild dementia . . . you know, the people with mild dementia can remember some things. Some cannot remember from one hour to the next. But they can talk to you and reason with you but in 10 minutes time they will not remember what you said. And so this conference has called that anytime you have got any policies to do with people with dementia that the caregivers, the family, and the person that is suffering from dementia, if they are at that mental stage, they need to be included in this policy change.

Madam Deputy Speaker, in fact, they did a survey. In Europe and in the Americas they said the peak number of cases is amongst those aged 80 to 89. Those are the new cases. That is in Europe and the Americas. In Asia, it is 75 to 84 years old. And in Africa, it is 65 to 74 years old.

Madam Deputy Speaker, I know some people in Bermuda, not even 60, who have contracted this disease . . . not even 60 years old and suffering from dementia. I had a friend, I should not say “had” a friend, I “have” a friend that we used to travel quite a bit in Bermuda and he was at the early stages. I knew something was wrong because we were going to one place and we left for where we were going, but he was driving somewhere else. I just started to just play it down like everything was fine. But it was not fine. It was not fine, because you do not want to, when you know something is wrong, but you do not know what is wrong, you really do not want to come on that person. And right now that person has full-fledged dementia. He does not know who you are or anybody. And it is difficult. I cannot go visit people like that. My mother had dementia; I could not visit her.

Madam Deputy Speaker, we call for some action by the Government to deal with this serious disease because this is very serious and we see it on a daily basis. I call for the Minister to immediately . . . and she may have done it. And it is no disrespect to the Minister because I think the Minister, and I say this sincerely, I think the Minister is trying to do a good job, I have no problem with that, to let the homes know they cannot restrain physically, cannot physically restrain a person with dementia or drug them out because it is against their human rights. That needs to stop immediately, now. And I am sure the people that are the caregivers that are doing this, they really do not know, and they are not trying to harm that person, this is the only thing they know.

In fact, it was earlier . . . I think it was last year (or it could have been this year) we had a fellow come down from overseas (from England) and they ran a course (I think it was a three-night course) for people who want to get knowledge and training. And these courses were full. No one could get into them. And this fellow came (with the help of Ms. Carol Everson who helps us out quite a bit) and he actually implored the Government in his statement to the newspaper that we need to get a policy in place to support people who have come down with this disease. And he talked about the anti-psychotic drugs being used to make people drowsy. We must stop that right away because one thing you do not want to see is *I'm going to keep them quiet with the drug*. It is almost like something you give somebody on death row, he is on his way to the chambers and I guess they give him a little cocktail, drug cocktail, to whatever . . . to calm him down. And this is the way I look at that and I think we cannot—we cannot—let that happen not even another day in Bermuda.

We have got to do it and I know it is going to take a lot of money, but in fact, Australia has got the largest clinical research going on right now. So we are hoping with that research being carried out in Australia that it will help all of us. They have pumped over \$35 million dollars into this research in Australia.

So I really take this personally. I take it seriously, because so many of our Bermudians are coming down with that situation. Some of them walking around right now do not even know it. They have got a very mild dementia. I was talking to a senior on Saturday and I said do you remember that? *No, I don't remember*. And said, Oh my God . . . and I am not a doctor, I cannot diagnose that. And I wondered in my mind if this is the early stages of it. I am hoping that it is not. But because many years ago when we saw people acting the way these folks act we thought they were crazy. And I am not saying that to cause any disrespect. That is what we thought. And we laughed at them and we did that type of thing. We did not know any better. You know, it was a lot of years ago women probably had cancer and we did not know that, they were just sick. But things have changed and we know these types of things today.

So we just have to deal with it. It is one that . . . there is no cure yet. Hopefully they will find one very, very shortly, Madam Deputy Speaker.

Madam Deputy Speaker, I want to go to the seniors again. We talked about the health care. You know, what continues to amaze me—and I am not opposed to giving tax exemptions as we have given, we are giving everybody, and I do not say that loosely—we are giving businesses tax exemptions, but we have not given the workers any exemptions. We have not given the seniors any exemptions. What we have done is we have increased the cost of health care to seniors. We increased the health insurance at least by 30 per cent. Licence for cars has increased in the last six years. And I am speaking based on no increase—wage increase—for Government employees, no increase. As a matter of fact, since 2011. We only just got one for the seniors, they got one this year. But medicine has increased, lights, clothes, everything has increased, food, but nothing has increased in terms of income for the worker. In fact, in page 3 of the Throne Speech they have the cost of living pressures on people, but it is not pressures, it is the cost of living increases. Increases will . . . I guess it is a nice way to not use the word “increases” to use “pressures,” you know, but it those cost of living . . . the lack of them, that has caused these pressures.

In fact, Madam Deputy Speaker, it takes me to the living wage that we should be parroting here today because, particularly when you have the disparity that exists today and it just did not happen today, it did not happen in 1990, it happened before then. But the income disparity between blacks and whites is great. In fact, let me just make the point. And this is from the Labour Force Survey Executive Report in

2015. And what it has here is that blacks earn \$56,188 in 2014 and in 2015 they earned \$56,341. Well, I guess that is an increase of \$160. But when it came to whites, they earned \$71,874 in 2014 and \$74,208 in 2016, over \$2,500 increase. There is nothing fair about that. There is nothing fair about that. That is a difference between blacks and whites of \$18,000 . . . no, no, it is more than that. No, no, I got it right, yes, \$18,000 disparity based on this here. That should not be. That should not be because it continues to occur throughout the world that even when blacks get the qualifications, they still are paid less. In fact, the Trade Union Congress in the UK did a survey and just endorsed . . . well, not endorsed, but it . . . well, really endorsed what we are seeing here.

The Deputy Speaker: Supported.

Hon. Derrick V. Burgess, Sr.: Regardless of your qualifications being the same, whites were paid more than blacks. Now we have to stop that. And if any government was concerned about that . . . because a lot of our social problems today and yesterday occurred amongst blacks because of very little income. And Madam Deputy Speaker, in Canada (the Government should be very happy about this), in British Columbia they are addressing the living wage. And if I may, Madam Deputy Speaker, give you the definition of a living wage from the ILO [International Labour Organization]?

The Deputy Speaker: Yes, please.

Hon. Derrick V. Burgess, Sr.: I just want to read this. It says, “. . . The living wage is usually measured. The idea of a living wage is that workers and their families should be able to afford a basic, but decent, lifestyle that is considered acceptable by society at its current level of economic development. Workers and their families should be able to live above the poverty level, and be able to participate in social and cultural life.”

Well, that is . . . this . . . a living wage goes beyond a minimum wage, because in Canada, and even some parts of the States, they are having this conversation and they are making it very clear. We are not talking about a minimum wage; we are talking about a living wage, one where one does not have to work two and three jobs to make ends meet like a lot of us had to do years ago. We are supposed to be making it better for the future, but we are not because people are suffering. I know and you probably know with your experience with how you move around that some people are really having it hard.

And this is something, if the Government—if any government, regardless of whether it is OBA or PLP—is serious about bringing the level of your people’s minds, their bodies and souls, to an acceptable level, then that is something that we should be serious about. And we are not saying take the profits from one

to give to the other, it is not about that, it is about sharing it. You know you see many times . . . I have seen and I am sure you have seen that—let us take Wal-Mart for example, they report billions of dollars of profit and they were paying their people, most of their people, under \$10. Now they made some improvement in the last 18 months, but they are still reporting billions of dollars of profits.

Madam Deputy Speaker, I have a problem when I see on television (I am sure you do too because of your love for children) . . . when you see them suffering. And we have . . . they cannot even get water, they are making appeals for water and milk on TV. And we have got billionaires that . . .

I will wait for you, Madam Deputy Speaker, because I like to speak to you.

The Deputy Speaker: Thank you. Please proceed.

Hon. Derrick V. Burgess, Sr.: Yes. You have got billionaires that have got all this money and they will not spend it if they died 10 times and came back, and we have got people . . . too many people suffering and I am not even talking about Bermuda. We have got Haiti and . . . and a lot of parts of Africa, even in the United States.

[Pause]

The Deputy Speaker: Sorry, please proceed.

Hon. Derrick V. Burgess, Sr.: That is okay, Madam Deputy Speaker.

So, Madam Deputy Speaker, when we can give all these concessions to businesses . . . in fact, what the Government is proposing to do is to guarantee the revenues if they give this contract to Aecon. Do you know who that guarantee comes from? Ms. Smith, who is making \$25,000 a year. She has to go deep. I cannot go deep; I have got holes in my pocket. They have got to go deep to guarantee some billion-dollar company their minimum revenues. Something has got to be wrong with that when we have people in Bermuda, seniors in particular, who cannot afford to eat the style of meal that you and I would want every night.

They have got to compromise on meals in order to get their drugs and pay for other types of expenses that occur. And some people may say, *Well, they should have saved when they were young.* That is the foolish talk we get. How could they save what they were not receiving? They were not getting it. They were getting a pittance, how could they save that? I am amazed at a lot of them, how they got some of the things that they got, with what little they took in. I have seen many employees run their homes from a phone on the job, their second job or third job, doing homework and making sure their children are

doing that just to make sure that their children get the proper care, Madam Deputy Speaker.

Madam Deputy Speaker, our own Bermudians, when it comes to the loss of jobs, the unemployment rate for blacks is double to that of whites. Ironically, PRCs have very little unemployment at all or maybe none. That cannot be right. It cannot be right in a country—in any country—where your own are unemployed and others come in here and make it. And I am not against foreign workers because the exploitation of foreign workers is not acceptable. They are workers, and they are human just like me. And some of them cannot speak because of the fear if they did speak they would have to go home and they cannot afford that.

I think it was my cousin the Honourable Member, Walton Brown, that said this morning some are satisfied with being able to send [home] \$200 a month because back home they get nothing. But that should not comfort me. It should not comfort any employer, because it is wrong. Modern day slavery is outlawed. And Bermuda should not be a part of that. If you are going to bring in any workers, then they must compete with Bermudians for the same rate of pay. And the reason why they have so many unemployed Bermudians is because they are using foreigners at a reduced rate.

Madam Deputy Speaker, we have Bermudians coming home with degrees. I know a lady with a master's degree and I know a few other young people with degrees who cannot get jobs in here. One lady is going back to school to do something else. You know, and then the one that says *should I go back to Bermuda?* This should not happen. And I am not only talking about black little girls and boys, it happens to them more than anybody else, but it happens to white Bermudians also because I am talking about a white Bermudian that I know that the job was given, despite the qualifications, was given to a foreigner. And the party that promised—Government—2,000 jobs in 2012 . . . and I heard one speaker say, *Well, you know, you can promise things in the build-up to an election, but as you get in you may not be able to deliver.* Well, I do not subscribe to that. If you cannot deliver, then do not guarantee those jobs.

Now, Madam Deputy Speaker, the Throne Speech talks about good governance and the conduct of public officers, civil servants, and even politicians. Well, Madam Deputy Speaker, that is addressed in the Code of Conduct for Civil Servants, conflict of interests, 723, that is already there. Now if they want to improve on it, then fine. You know, in fact with history . . . it is in the audit book where \$16.3 million was not collected and the Auditor then and the Accountant General said, *Oh, well, we may never collect that.* Never called the police, no investigation, it is okay. Well, it is not okay, it is not okay.

And Madam Deputy Speaker, how much time do I have left . . . an hour?

[Laughter]

The Deputy Speaker: Two minutes and 47 seconds.

Hon. Derrick V. Burgess, Sr.: Oh, let me . . . try to extend that for me, all right?

Gift clubs, Madam Deputy Speaker, what is happening today out there? Gift clubs have been going in Bermuda for over a hundred years. Now they are telling people they have got to fill out all these bank forms in order to do . . . just like you go the bank, you have got to fill all this out in order to participate in a gift club. The Government, I understand the international laws and everything else, that should not affect those gift clubs. These gift clubs started most times in the church and the lodges and many people save there for Christmas, whether it is \$2 or \$3 . . . you know, and get that. They are the dormant bank accounts.

[Beeping sound]

Hon. Derrick V. Burgess, Sr.: That is not two minutes, is it? That is not music.

The Deputy Speaker: No, that is not music.

Hon. Derrick V. Burgess, Sr.: The question I would like to ask . . . because the Government says they want to address that, how many accounts at the banks are dormant? How much is the dollar value sitting up in those banks? And how long has it been there? And then I would want to know if any of this money has been taken illegally. I do not know.

Also they are talking about the breathalyser test, which is fine, I am okay with that. Will they have a test to test if someone is on drugs, high on drugs? Or is it just alcohol? Because it does not make sense if you can just test this guy for alcohol and he says, *Well, okay, I'll go do something else, there's no test for that.* We do not want to stop that and promote this. You know, we want to stop it all, but I understand.

And the other thing, toilets are dirty and these . . . the Government says they are going to put more public toilets in these areas. Right now I understand they have only one person cleaning the toilets for the whole Island—one person. And I have pictures . . . I do not know if I sent them to the Minister, I probably did not, but I must send them to him because one thing, he has been very accommodating. And this does not even come under Mr. Cannonier, but they need to hire some people to clean our toilets. Because we put a new one in, down in Hamilton Parish in Shelly Bay, I wish they had put two, but they have the one for the men and one for the women. We have got hundreds of people down there daily using it, but as they say, *better than nothing.* Two toilets each would not cost much more money, but I know the Fi-

nance Minister probably said *I'm only going to give you so much money*. And my cousin, Cole, is coming on, he is the toilet man, he takes care of the toilets on the beaches.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: His minister, I should say, sorry. That is my cousin, that is my blood cousin, yes.

So, Madam Deputy Speaker, I guess my time is up. Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you very much.

The Chair now recognises the Government Whip from constituency 2.

Mrs. Nandi Outerbridge: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, this is now my fourth or fifth Throne Speech as a Member of Parliament and I am very pleased that the One Bermuda Alliance has presented in front of me a Throne Speech and a document that I believe strikes the right balance between continuing to care for our economy and making sure that our people are not left behind.

So the Opposition, as I look on page 5, early on in their Throne Speech Reply asks, *Are you better off under an OBA Government?* And Madam Deputy Speaker, I have to look at page 2 of the Throne Speech—the OBA's Throne Speech—and it talks about Bermuda's Gross Domestic Product has recorded six consecutive quarters of positive growth, retail sector has grown 18 out of the last 19 months, air visitor arrivals has surged 18 per cent and hotel development has ramped up. We have seen evidence of that, Madam Deputy Speaker. So when I ask myself are we better off under an OBA Government, I have to say, yes, I believe so.

What people have to understand is that it was very important at the beginning of the One Bermuda Alliance's term to get the economy back on the right track. While we sit up here and deny that we inherited a mess and when you look back at the track records which show that it was a mess, even though we have this electoral document in front of us right now called the Throne Speech Reply, we cannot deny that we inherited a mess. And the One Bermuda Alliance had to make things right. We had to make the real hard decisions to get things back on track.

And now the time has come for us to take care of our own. And the One Bermuda Alliance Throne Speech 2016, that document does just that, Madam Deputy Speaker.

There are so many things that I can talk about and go through in this One Bermuda Alliance document, sorry, the Throne Speech. But where I want to start, Madam Deputy Speaker, is on page 6 with education. And education creates the foundation for our

future. And this is one of the many important reasons why I am starting with education.

One area that I have been fighting for quite some time, Madam Deputy Speaker, is to put an end to social promotion. The Minister and the Ministry have made the commitment that they will end social promotion and I will stand by them on this for many reasons. As a director on one of our school boards there are some things that come across me while I am in those meetings that concern me greatly, Madam Deputy Speaker. And these [would] be looking at the terms and the term comparisons as far as grades go, and even looking at some of our students and witnessing some of our students coming into high school levels who cannot read.

While it is important to acknowledge our children that are doing well and to praise them and celebrate them every step of the way, we must not forget our children that can slip through the cracks. We must not forget our children that are looking for that village to help raise them, Madam Deputy Speaker. We must not forget those children that are searching for guidance, those children who are acting out in ways that people will call antisocial behaviour, but they are just seeking help, Madam Deputy Speaker. We cannot ignore the fact that those are all traits of students that their grades tend to be low and we cannot ignore them by pushing them through the education system, Madam Deputy Speaker. So with that being said, we must end social promotion and the OBA is committed to that.

Now for the people listening in the public who ask themselves what social promotion is (because not everybody knows exactly what social promotion is), I would like to just read a definition that explains what social promotion is. And "social promotion is the practice of promoting a student (usually a general education student, rather than a special education student) to the next grade after the current year" (and this is the part that strikes me, it says) "regardless of when or whether they didn't learn the necessary materials."

Madam Deputy Speaker, "whether they did not learn the necessary materials"? That is interesting to me. To me that creates a false sense of confidence, not only for our students, but for our parents who were trusting the education system. A promotion to me is seen as an advancement. So promotion in school would be a learning advancement. So I am a bit puzzled as to how social promotion is a learning advancement, this is not the case. Why would we want to create a false sense of accomplishment for our children? Social promotion effectively eliminates the need to even have the whole school process because if students are allowed to be promoted no matter what, then really there is essentially no need for the school process.

Madam Deputy Speaker, I have been researching this for quite some time and I have been looking into it and speaking to teachers about it, but it

did not strike me until I actually witnessed it first-hand. And I had a child over at my house a couple of months ago and I was going through their school bag and looking through the work, and the first document that I took out of their bag was a spelling test. And I looked at this spelling test and I saw two out of 10 and I thought to myself, *okay, fine*. And then I looked next to it and there were no . . . the words were wrong, but there were no corrections. Now I remember when I was in school, if I had two out of 10, I would have to spend my lunch hour figuring out how to spell those words correctly. But that . . . not just that puzzled me. What puzzled me was pulling out the next document from this child's bag and it said "Student of the Week." Now that shocked me. I was confused. If that is not false hope I do not know what is.

So I took it upon myself to contact that teacher. And I am not going to disclose the schools, but I said to them, *You know, I am just trying to figure this out, like how does this work?* And you know their response to me was, *Well, some children get zero out of 10 and somebody has to get it*. And I was shocked because I asked my mother, who is a former school teacher, what she would have done in this situation and she said, *Nobody would have gotten "Student of the Week."* And she looked over and she went over and she said, *Even these two out of 10 I would have gone back and changed it to five things and we would have started over*.

So needless to say, social promotion ending is not just a big win for the OBA and a big win for the OBA's Throne Speech, but it is a big win for Bermuda and our children's future because we owe it to them to get this right.

Now, Madam Deputy Speaker, as I look further down on page 6, I look at the area where it says that the Minister and the Ministry recognise that there are weaknesses within our school subjects. And a good example of this, and I am glad that it is outlined in here, is math because math needs to be targeted. I cannot speak enough about how important math is. The teachers need to be armed with the resources to be able to teach our students the information that they need. And not only the teachers, but the principals, need to understand that not all teachers can teach their children at the same pace. We need to come up with the right method. And we need to examine it school by school because I know that different schools have different . . . there are various things that are going on at different schools and no one thing can kind of work for everyone, so we definitely need to examine it on a school-by-school basis.

I know for some schools it is the period of time they are given to actually learn the subject before taking a test. I know at some schools the period was changed where it used to be six periods where you were given to learn; now it has moved to five. And I cannot understand that. I am glad that the Ministry has taken it under consideration to get this part right,

in particular, because we cannot continue to change a system that we feel is not working fast enough because we owe it to our children, again, to get it right. It is important that we do this, Madam Deputy Speaker.

Madam Deputy Speaker, I just want to turn to page 10 of the Opposition's Reply and midway through their page they talk about how they are going to expand the access to after-school programmes and to provide educational and homework support. And like we have heard a few people say tonight, it is easy to make promises that do not have to be acted upon. But I can assure the Opposition that this One Bermuda Alliance Government has looked into this. We have examined this. This seems like a no-brainer. But when you speak with all the stakeholders and all the components involved with making such a thing work, they will understand that it is actually more complicated than words on a paper.

But with this, when they go on to say that they add this as a component to develop entrepreneurial, athletic and life skills, at this point I just want to recognise a programme that is working, that is mixing athletics with life skills and homework and that is the Beyond Rugby Programme. This has been a successful programme. We have looked at this programme to see how other community clubs can utilise this programme to make it work for them. And I can assure you that while we are still examining the after-school programmes and trying to alleviate that burden on parents when it comes to homework, we are every day trying to bridge the gap between the corporate world, the community clubs, and education. So I am glad that they mentioned this, but I just wanted to make it known that the One Bermuda Alliance has already been examining these possibilities.

One other thing that I am hoping comes to fruition when it comes to schools, and I have talked to the necessary Ministers (unfortunately we are not there yet to get it into this Throne Speech), but that is addressing the overall infrastructure of the schools. And this is in regard to particularly cutting down the operational expenses as it pertains to schools. And I have had quite a number of schools reach out to my company, which is a solar company, and inquire about getting solar panels on their roofs.

And I say, why not? Every year we see that our budgets are tight. We squeeze our budgets, and a lot of our costs go to the operational expenses—well, a lot of the costs within the operational expenses go to electricity. So I think it only makes sense to start looking at ways that we can save money and it is also better for the environment. I am hoping that we can look for a viable option in the near future when it comes to that. So many homes have already committed to having solar PV. Businesses are signing on every day. So it only makes sense to start looking in that direction for a more greener Bermuda.

Now, Madam Deputy Speaker, moving on from education I just want to quickly go to page 17 of

the Throne Speech where it addresses the absentee voting. And this is something that has been on many a Throne Speech before and I am glad to see it back on this Throne Speech because with an election pending it is important that our college students are given the opportunity to have a voice in the future that they will be coming home to. I do not need to say much on that, you know, it makes sense for many reasons. Not everybody can afford to fly back home when the writ drops before the election. So it is there and I am hoping that we are committed to this, to making this happen this time around for sure.

Now, Madam Deputy Speaker, I want to move onto age discrimination, because this falls under my Ministry and it has been a hot topic lately. So I am happy to see that the Minister and my Ministry have taken the undertaking to examine the possibilities, or look at what age discrimination is, how it is affecting our seniors. Ultimately I want it to kind of look at the broader spectrum. As it is now, there is a lot of talk on it about retirement as it pertains to our seniors in the public realm, but I want people to be mindful that while taking care of our seniors we are also not disadvantaging our youth. I will be very . . . you know, grateful and look forward to the discussion that comes out of age discrimination, and I will be participating in those discussions as well as best I can.

Madam Deputy Speaker, page 16 of the Throne Speech Reply, the Opposition talk about Financial Assistance. And I also just want to make it clear that the OBA have examined the Financial Assistance reform. And it is interesting because we have examined this kind of exact criteria in the first paragraph. So I do not know if we are all on the same page or what, but I am just glad that this is being looked at by both parties. We are examining that and as far as the second part, this is already being done. So I do not know when the Throne Speech Reply was written or if this was added in, but that is done. So they can check that off their list. We can check that off for them, the OBA has done this.

Madam Deputy Speaker, I was very excited when I saw that we were going to be examining the potential of family leave as it pertains to women in the workplace, maternity and paternity. Being on the Women's Committee I know that this was one of the topics that came up that women are disadvantaged when it comes to the workplace for the times that they have to spend out with their children, the times that they have to go . . . even once they have their children, the time that they have to spend getting their children to the various activities, to school, and what have you. So I am excited that we are finally going to be looking at this.

I have looked at some things online on what makes, you know, why this would be a good option. So I am excited that we have undertaken to examine the advantages of this. We need to do all we can, really, to alleviate the burden on women in our soci-

ety. Women are taking a huge burden at the moment and we need to do what we can to help alleviate that burden.

I heard earlier some people on the other side saying, you know, why examine it? Let us just jump straight into it. Well, these are one of those things that could potentially burden our small businesses, so we have to take the time to talk with the stakeholders to make sure that we are getting something like this right. It does not make sense just rushing into a document and then having to reverse it at a later time. It makes sense to get it right from the beginning. So I hear them, I understand that everyone wants things to happen overnight, but it is best to go through the right process so that we only have to do it once.

[Inaudible interjection]

Mrs. Nandi Outerbridge: The other thing, Madam Deputy Speaker, that I am glad is being addressed is child maintenance. And it really gets me angry when I talk about this because it baffles me that, mostly fathers, and I am not saying all fathers, but when it comes to collecting child maintenance it is in majority fathers. They can help make children, but they do not feel obligated to have to take care of them. It really shocks me, so I am grateful that we are going to be having a committee that is going to be looking at this. I understand, again, that they were saying, *Let's look, let's just make this happen*, but we have to take our time when it comes to these things. And I have spoken to the Premier about this.

When I saw this I was excited about this and I talked to the Premier and I said, *You know, we need to make sure that Transport is in there, we need to make sure that Immigration is in there, we need to make sure that Social Development is on this cross-ministry because when it . . .* I will give you an example when it comes to Transport. I think it is a shame when I see a parent catching the bus with their children, a mother having to catch the bus with her children or her child and up drives daddy in his fancy car with his wheels, pumping music, and he owes child support. It does not make sense to me. It does not. So I am glad that we are examining this. It is about time, to be honest with you.

Madam Deputy Speaker, on page 17 of the Opposition's Throne Speech Reply they discuss decriminalisation. And in that discussion of decriminalisation, closer to the end, they say they "will table a bill to remove criminal penalties for simple cannabis possession below a prescribed amount." I will be very interested in hearing what consultation they have had with the various stakeholders. I know that the One Bermuda Alliance has made the commitment to have the consultation and I heard earlier that, *Oh, it's fluff, it's fluff to keep having these consultations and it's an election ploy to have these consultations and not act on it*, but the decriminalisation is a step up from the

current caution policy that we reintroduced to get us on the track of the conversation even starting with decriminalisation.

So when the time is right I will be supporting decriminalisation, but in the meantime during these consultations, as one of the Honourable Members alluded to earlier, we have to speak about everything when it comes to decriminalisation and the legalisation of marijuana.

We need to open up those conversations to cultivating as well because, as the first Member that took his feet today said, there is still a criminal element involved with decriminalisation. So I am interested in hearing from stakeholders what will work in our small community and our economy that we can kind of push forward with the best decision because let us be honest here, the majority of the persons that are disadvantaged by this policy are our young black males. And we need to look to create opportunity in other avenues and outlets for these young black men. And giving them a criminal record at a young age is not creating opportunity. So I am glad to hear that the Opposition are on board with this. I would advise them, if they have not consulted, to consult or hold off on their Bill until proper consultation has taken place so that we can all come out with the appropriate solution to move in the right direction for this one.

And lastly, Madam Deputy Speaker, I just want to speak quickly on the dog restriction policies being reviewed. This is, again, a long-time coming and one that I have mentioned time after time. And I believe that by reviewing this dog policy, you know, it can possibly create the opportunity for the, shall I say, pit bulls which are now a prohibited breed to possibly become a restricted breed. I have spoken to the Minister about this so I am excited to hear what comes out of this review process. I mentioned to him that we can undertake to look at all the criteria. I know that I have restricted dogs, a restricted breed, and the application process is not an easy one. So we can put together the proper criteria so that bad breeders are not breeding dogs or have got these dogs that are essentially prohibited because we cannot continue to punish the breed for the owners. We just cannot. There are many people who take care of their dogs and welcome these dogs, let us say pit bulls, as pets into their home, so we cannot, we just cannot continue to punish the breed. So I am glad that this is in here.

Mrs. Nandi Outerbridge: Madam Deputy Speaker, in closing I just want to thank all the Ministers and the Premier for their hard work on this Throne Speech, and also thank them for finally addressing some of the social issues a lot of us have been crying out about for quite some time. There is no doubt in my mind that after reading through this Throne Speech and after our track record of the last four years that people are going to say that the One Bermuda Alliance is the right party to get and keep Bermuda on track. It is loud

and clear that through this we have not forgotten about the people of Bermuda and we will rise with them.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Member.

The Chair now recognises the Member from constituency 29, the Honourable Z. S. De Silva. You have the floor.

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

Madam Deputy Speaker, I would like to start out by thanking our Leader for producing a document that I think will be a historic document. It certainly . . . just walking about town today, Madam Deputy Speaker, I received many, many compliments about this Reply to the Throne Speech.

But, Madam Deputy Speaker, I would like to start out on page 2 of our Honourable Leader's document where he talks about Charles Dickens and *A Tale of Two cities*, and I quote, "the OBA Government has instead written, over the past four years, *A Tale of Two Bermudas*."

He goes on to say, "While one Bermuda enjoys wealth, privilege and security, the other Bermuda is living from pay cheque to pay cheque—if they are [fortunate] enough even to be collecting a pay cheque."

And having said that, Madam Deputy Speaker, I will move straight to another page which ties into that now.

Madam Deputy Speaker, give me one second. I am trying to find a newspaper clipping from Mr. John Wight earlier this year. And the reason I wanted to quote Mr. John Wight, Madam Deputy Speaker . . . it was earlier this year, and with your indulgence I would like to read a few excerpts from that.

The Deputy Speaker: Please proceed.

Hon. Zane J. S. De Silva: Yes. And he talked about his resolutions for next year, Madam Deputy Speaker.

He said,² "For starters, let's talk about 'disenfranchised' Bermudians. What does this mean? It means that we have far too many in our community who do not see a Better Bermuda for themselves and their children in 2017 and beyond."

And for those who do not know, John Wight is the current president of the Chamber of Commerce, and he is also the CEO of Bermuda Fire and Marine.

An Hon. Member: BF&M.

Hon. Zane J. S. De Silva: Yes.

Okay, now, Madam Deputy Speaker, if I can go on and quote a few more. He says, in his article,

² [Royal Gazette](#), 3 November 2016

his concern about “thousands of jobs that left Bermuda, we desperately need to focus on addressing through immigration reform—another one of [my] resolutions—the slow loss of our ‘social fabric’ in Bermuda.”

And he goes on to say, “I can’t quantify it, or measure it, but I can feel it. And it doesn’t feel good. But why? In two words: ‘income disparity.’” And I am sure that my colleague, Rolfe Commissiong, will have a few words to say about that, as he always does, because he has been beating that drum for quite a while.

Madam Deputy Speaker, he also went on to say, “Then, starting in 2009, we began to feel it. Expatriates started to leave the island in droves from 2009 through to 2013.” He went on to say that Bermudan jobs were lost as well as expatriate jobs.

“Proud people put out of work. The large middle class that was the strength of Bermuda shrunk big time. While some Bermudians have succeeded through these difficult times,” (and this is important) “. . . far, far too many—are struggling; disenfranchised, not knowing where their place in the future of Bermuda is, or if there is a future for them” at all.

And he went on to ask, “What is the answer? I’m not too proud to say” he says, “that I don’t know.”

He says, “I don’t know. But I’m not willing to stand on the sidelines and do nothing.

“The one thing I know for certain is that we need to start talking about it and collaborating to find solutions.” And that is very, very important—find solutions—because what we are finding, Madam Deputy Speaker, is that if you go on to page 14 of the Progressive Party Leader’s Reply, last paragraph, he goes on to say:

“Mr. Speaker, for far too long young black males in our society have been marginalised, and what we are witnessing is the effect of that marginalisation.”

He goes on to say, “This violence is the symptom, not the cause, and we must address the root causes . . .” And I think that what our Leader was saying is the same thing that John Wight was saying earlier on this year, that a lot of the challenges we have with our young black males today . . . it is a deep, deep problem that we must address. We must address it. If we do not address it, we will feel the continued effects of that non-addressing of a very serious issue in our country.

We can almost talk all night, every Member of this House, when it comes to the disparity amongst the people in this country between blacks and whites. But we have other fish to fry tonight, Madam Deputy Speaker.

Madam Deputy Speaker, I would like to talk about tourism for a moment, on page 12 of the Progressive Labour Party’s Throne Speech Reply. The Leader welcomes the increase in visitor arrivals. Well, I too welcome the increase in visitor arrivals, Madam

Deputy Speaker. You will know, Madam Deputy Speaker, I am sure you will remember when I was Shadow Minister, the former Minister of Tourism [and I] traded many words in this House. I think, if I remember correctly, he even asked if the (he did not call my name, but) former Shadow Minister of Tourism was going to apologise for some of the comments he made back then.

Well, let me say this: I will not apologise, Madam Deputy Speaker, because at that time we had a CEO that was making hundreds of thousands of dollars, receiving bonuses, but did not give positive results. In fact, the numbers continued to do gown for two years in succession. So I make no apologies for that. But, I tell you what. I will congratulate him for this latest result, along with the Bermuda Tourism Authority team. But let me say this: I hope that the numbers will continue.

And let me say something else for the record, Madam Deputy Speaker. I hope that whoever succeeds Mr. Bill Hanbury triples the current numbers, quadruples, even, Madam Deputy Speaker. As we have always said on this side, we do not mind if the OBA is successful, because if they are successful in getting the numbers of tourists coming to our Island, if they are successful in encouraging international business to continue to come to our Island, it will create jobs and all our people will be working and . . . I would gladly stand here and beat that drum and congratulate them every week, Madam Deputy Speaker, because as I have said before, if every one of our unemployed people goes to work I am happy. You will not hear any noise from me, and I do not think you will hear too much noise from anyone on this side if all of a sudden we had, as Mr. Jeff Sousa has stated in this House . . . he said that after next year we will have over-employment in Bermuda. I hope, for his sake, they are right because I wrote it down that night, and I keep a note right here on my desk.

So, Madam Deputy Speaker, I make no apologies for any of the comments I made as Shadow Minister of Tourism, that our numbers were down, our people were unemployed, and our people were struggling—as they are today—and we were giving out hundreds and thousands of dollars in bonuses. So I made no apologies for that.

Now, Madam Deputy Speaker, I would like to move to page 17, where our Leader talked about caring for seniors. He talked about, “earlier this year our pensioners were treated to the first cost of living increase in five years!”

He also went on to say that, “the next PLP government will institute annual cost of living increases for social insurance that will be indexed to the rate of inflation.”

That is fantastic! And it is something that I implore the OBA Government to do the next and last time they will have the opportunity, which will be next March, because I envision, Madam Deputy Speaker,

that we, as a future Government, will make those decisions when the time comes.

Now, Madam Deputy Speaker, some of the things that I think it is important to note, because you will remember when the Finance Minister announced this pension increase for our seniors, and, you know, everyone beat their drums across the aisle. But, Madam Deputy Speaker, let us not forget a few things. What has happened since the OBA [became the] Government? The first thing they did was increase FutureCare premiums for our seniors. That was the first thing they did. They took away the right—

Hon. Patricia J. Gordon-Pamplin: Point of order, Madam Deputy Speaker.

The Deputy Speaker: Sorry, you're point of order is . . .

POINT OF CLARIFICATION

Hon. Patricia J. Gordon-Pamplin: The Honourable Member is misleading the House.

What happened was *some* of the premiums were increased, and some were significantly decreased, because the earliest people who signed up for FutureCare were at one level and those who signed up a year later were significantly higher. What we did was to equalise. So *some* were paying higher premiums, but a significant number paid lower premiums.

The Deputy Speaker: So, Member, I just want to thank you very much. I am not going to eat away your time, but that was a point of clarification. And we must remember—

Hon. Patricia J. Gordon-Pamplin: No, a point of order. He was misleading the House.

The Deputy Speaker: Well, a point of order should not be used to dispute or disagree to a matter, and I believe that those discussions were disputed. Thank you.

Hon. Patricia J. Gordon-Pamplin: They were not.

The Clerk: To clarify a matter.

The Deputy Speaker: Right, to clarify.

Hon. Patricia J. Gordon-Pamplin: It was a point of order.

The Deputy Speaker: Please proceed.

Hon. Zane J. S. De Silva: Okay. I hope I will get a few seconds additional, Madam Deputy Speaker.

Madam Deputy Speaker, I stand by that. FutureCare premiums were increased for some, and they were dropped for others. But let us think about those for whom the premiums were dropped and why they were paying the rates that they were. And some were increased, and why were they paying the rates that they were? Madam Deputy Speaker, we could go on for two hours on that, but I will not be distracted.

The second thing, Madam Deputy Speaker, that was done, was that the patient's right to see the doctor of their choice was taken away. You might recall that they reopened services at the clinic where some of the PLP seniors were given a choice to go see a doctor that they were comfortable with, i.e., you did not horde people in a particular spot like animals, or their dignity was thrown into question. They could pick the doctor of their . . . that was taken away from them, Madam Deputy Speaker.

Madam Deputy Speaker, the subsidy at the hospital was reduced. What does that mean? That means that Mr. and Mrs. Smith have to pay more. They have to pay 10 per cent more, and sometimes even more than that.

The OBA Government took away some of their land tax benefits that some of our seniors were receiving. And let us not forget Finance Minister, Bob Richards', famous quote to our seniors at a seniors event when he told our seniors that money does not grow on trees, and insulted many that were in the room, if not all. This OBA Government will spend at least \$1.2 million on the Commission of Inquiry, which is just a witch-hunt—at least—because we do not know if it is going to be extended yet again. We know that they just increased the time frame for them to do their work, and we know the taxpayers are going to pay another \$76,000 per month on this extension.

They have also spent another million on chasing Dr. Brown for the last six years that we know of. Maybe that is two, maybe it is three, maybe it is four. We may never know.

The lack of jobs that they promised. They promised 2,000 jobs prior to the 2012 election, Madam Deputy Speaker. Two thousand. We have since lost another 2,000. In my book, two plus two is four. That is 4,000 jobs, Madam Deputy Speaker, that we have lost. Do you know what that has done? It has put more pressure on our seniors, because many people—and even in this room, I dare say—may have children or relatives where their children have lost their jobs, and who is supporting them? Hmm? Pop-pop and Nana. That is who is supporting them. And that is not only the grandchildren, that is some of the children. Some of our middle class people that I was talking about a few minutes ago, those are some of the people who have been affected. I think it has been more middle class people who have lost their homes in the last three years than in any time in our history.

They took away free education at the Bermuda College. More burden on our seniors. Why do I

say that? Why would taking away free education be a burden on our seniors? You know why? Because some of our grandparents—some of whom never had the opportunity to even think about college—grandchildren want to go away to get a better education so that they can have a better life. So you know what the grandparents are doing? They are dipping into their pockets to help out their grandchildren.

You had a former Minister, Minister Moniz, turn off the water up at WEDCO, if you remember. Turned it off. The Honourable Member, Michael Scott, MP for the area, knows darn well what I am talking about. He had some of our seniors . . . they were . . . it is almost unthinkable, Madam Deputy Speaker. But that is how this OBA Government had treated our seniors. And the Honourable Member who just took her seat talked about how well the OBA Government had treated our people and she was positive that they will be elected again in the next election. I do not think so.

Madam Deputy Speaker, we can find \$77 million for the America's Cup, may be \$100 [million] by now. We can spend \$35,000 on a trip to Rio. We can spend \$5,500 for rooms that we did not even sleep in!

Some Hon. Members: Ooh!

Hon. Zane J. S. De Silva: You see, Madam Deputy Speaker? We can find all this money, but we cannot find money to take care of our seniors like the . . . we could not give them pension increases over the last four years. But we can spend millions and millions of dollars, we can take these trips that cost \$35,000. I am all for supporting our athletes, but you cannot be a little more organised than that, Madam Deputy Speaker? You mean to tell me as a Government who takes trips every month cannot talk to the airlines and say, *Listen. Our situations are going to change. We are going to be . . . things are going to fluctuate a little bit.* You are telling me that we cannot do anything? You say, *Well, it was booked months in advance; we couldn't do anything?* Seriously?

Madam Deputy Speaker, we seem to find money for everything. One point two million dollars for the Commission of Inquiry. All these millions of dollars. They can find money to do all of these things, but they cannot find money for things that our people need most. It is disheartening, Madam Deputy Speaker. Very disheartening, indeed.

Now, Madam Deputy Speaker, I would like to move on to . . . thank you, Leader, for that absolutely fantastic document that will be a yardstick for the future for many Bermudians to look at and be a guide.

Now, Madam Deputy Speaker, how much time do I have left, please?

[Inaudible Interjections]

Hon. Zane J. S. De Silva: Okay.

Madam Deputy Speaker, let us move on to the Throne Speech proper. On page 2, they talk about, "Hotel developments, large and small, are underway or preparing to break ground, bringing bricks-and-mortar reality to the rebuilding of Bermuda Tourism."

Hmm. Okay.

Madam Deputy Speaker, in the OBA's Throne Speech, 2015, on page 3 they said that they expected shovels in the ground in St. George's the first quarter of 2016. We are in the last quarter of 2016. Now, prior to that announcement, you might recall the former Minister and I hooking over these timelines. There was one announcement made by the former Minister at one stage that they were going to start in June [20]14. They would be starting that development in St. George's June [20]14. Well, you know, here we are. Here we are. It has not started yet. So one seems to wonder.

Let me say again, I am hopeful that the hotel gets off the ground. I am very hopeful, very hopeful indeed. I would like to see two or three more. So let us be clear, you get hotels . . . and I declare my interest. I just might get a bit of work out of that too. But the fact of the matter is that I do want it. But these promises and deadlines that keep getting missed, the Bermudian public need to take note of.

Now, let us move on to page 5 of the Throne Speech, second paragraph, ". . . the long-term care system is affordable and financially sustainable . . ." and they talk about "including the development of private sector incentives to invest in the development of long-term care facilities."

Well, I was very disappointed not to read anywhere in this document produced by the OBA anything on Agape House. I would venture to think that most people in these halls have been to Agape House at one stage or another. Agape House, to me, is a place of angels. I have been there several times, Madam Deputy Speaker. It is a place of angels. But it is also a very old place. And it needs to be renovated. Sorry, it does not need to be renovated, it needs to be knocked down and it needs to be rebuilt. The staff, the people that end up experiencing Agape House need better facilities, Madam Deputy Speaker. It is really in bad shape. It is really in bad shape, and I implore the OBA Government to look deep inside their budget as that time approaches for next year to find some money for Agape House. And I will state on the floor of this House that I am willing to personally help with the financing and construction of Agape House, as I have told some of the directors already. I told them that when I was Minister. Too bad we lost the election, because we would probably have been building it by now.

So, now first thing the OBA might be saying is *Where are you going to get all the money to do these things? Where are you going to get it?* Well, I will stand to be corrected, because hopefully the Finance

Minister and the Premier are somewhere in this House listening. The Commissioner of the Tax Office, Madam Deputy Speaker. I understand that there are hundreds of millions of dollars of tax income that is not being collected by the Tax Commissioner's Office. And I am not talking about payroll tax arrears; I am not talking about any other arrears. I am talking about adjudication of estates. I understand the adjudication of estates . . . there are hundreds—not tens, hundreds—of millions of dollars being tied up in unpaid taxes because they have one person working in that department. They are more than months behind. And I have one particular individual that I know personally that has been waiting months and months and months for this to happen so that they can pay their taxes and get the deeds for the property they have bought.

Madam Deputy Speaker, hundreds of millions. Now, I stand to be corrected, and I hope Dr. Grant Gibbons is going to correct, or at least do some homework and let us find out if that is true or not.

An Hon. Member: You're just throwing out a number to see if it sticks.

Hon. Zane J. S. De Silva: No, I am not throwing out a number. I have been told . . . the Honourable Member says I am throwing out a number to see if it sticks.

Well, I have been told that that is what it is. So, if the Honourable Member thinks I am throwing out a number and seeing if it sticks, let us bring it to this House and tell us, and I will gladly put up my hands and apologise. But, I will wait for it.

Now, Madam Deputy Speaker, page 8. They talk about Team StreetSafe, and they talk about the "intervention and crisis management skills that have been used to tackle tensions between rival groups that sometimes turn violent." Madam Deputy Speaker, they go on to say they are going to "re-engage Operation Ceasefire to conduct an intensive review of Bermuda's anti-gang initiatives."

Really? You have been at it for four years, and now you are going to do an intensive review of Bermuda's anti-gang initiatives? But you know what? It is mind-boggling sometimes. It makes one think, *Really?* If Premier Dunkley and the OBA put as much time and money into this as they did, say, in the Dr. Ewart Brown investigation, Bermuda would be better off. But we tend to go on these witch-hunts that cost millions of dollars and you had things like this, where we talk about in the Throne Speech of *we're going to do all these new reports, we're going to put all this money into this* . . . not money, but they are going to re-look at the initiatives.

So you have Rome burning, Madam Deputy Speaker. Rome is burning. And here we are involved in witch-hunts on our former Premier and some of the former members of the Progressive Labour Party Government. It is just mind-boggling to me. And let us not forget they are going after our civil servants too.

Now, Madam Deputy Speaker, on page 9 they talk about they are going to continue supporting communities and sports clubs. Let me say very quickly, I mentioned on the floor of this House several months ago and several times, Southampton Rangers Sports Club. They are the only club in Bermuda that pays rent for their field—\$1,200 per month. The only club. So you know what happens, Madam Deputy Speaker? The club finds themselves in a bind, because we all know that a lot of the clubs operate on alcohol sales. So they have this juggling act. Well, the majority of income comes from alcohol sales. So who drinks alcohol? And who comes to the club to drink alcohol? If the Government were serious about dealing with some of these gang issues . . . I brought it to this House several times before, and I am not going to let them forget it. Let us help Rangers out. Let us pay that rent every month and challenge them to hold some social events to maybe pay a portion of that back. Or let us talk to the owner and buy the property.

You know we are talking about building up White Hill. And that is close to my heart. I am a former Eagle's man. Everybody knows that. But I do not want them to . . . I know what they plan for White Hill and it is long overdue. But me say, let us not forget Rangers. It just happens to be in my constituency.

Now, Madam Deputy Speaker . . . gosh, I have to try to figure out what I am going to do here.

The Deputy Speaker: You have three minutes.

Hon. Zane J. S. De Silva: Tourism industry. You know what? That is one of the things . . . three minutes plus my other little minute that is because of that . . . you know.

The Deputy Speaker: No no . . .

Hon. Zane J. S. De Silva: Okay, Tourism industry.

I wanted to just touch on that yet again because we cannot forget that on page 12 the Government "engaged in a multifaceted effort to rebuild the tourism industry and restore Bermudian jobs, career and business opportunities that diminished through years of industry decline."

It sort of made me think, *Well, do we have a passionate person in tourism?* I certainly know that former Minister Crockwell was. And I know that the current Junior Minister is passionate about it. It made me think about this trip that was taken to Chicago, right? And I think Dr. Grant Gibbons, and the ACBDA and maybe the Premier and a few others went, and they left the Junior Minister—their own Junior Minister—behind. And they take the PLP Shadow Minister. I mean, you talk about a slight.

Hon. Kenneth (Kenny) Bascome: I didn't want to go.

Hon. Zane J. S. De Silva: The Junior Minister says he did not want to go.

Well, I guess the Junior Minister did not want to go, but he does not want to do anything about tourism, I guess, because Dr. Grant Gibbons tabled the Gaming legislation just last week! Do they not have any confidence in the Junior Minister?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Do they have any confidence in him?

[Inaudible interjections]

The Deputy Speaker: Members, I want to only hear one person speaking.

Hon. Zane J. S. De Silva: Madam Deputy Speaker, I tell you what. If I were Junior Minister and my Leader took away the Opposition's Shadow . . . I tell you what, him and I would have some words. We would have some words.

And let alone if my Leader let somebody else table legislation that comes under my Junior Ministry . . . you don't have the confidence in me to carry legislation to this House? I would . . . my Leader would hear it.

[Inaudible interjection]

Hon. Zane J. S. De Silva: He would hear it. *No you don't; you need someone else.* That's what I would tell him.

[Inaudible interjections]

Hon. Zane J. S. De Silva: That's right.

The Deputy Speaker: Members.

Hon. Zane J. S. De Silva: Oh, no, you are not going to take up any of my time; I'll get you on that later.

[Laughter]

Hon. Zane J. S. De Silva: But, Madam Deputy Speaker, very important. I think when you talk about trust and transparency that the OBA talks about, let us talk about Morgan's Point for a moment. Remember the letter of comfort they brought here? It said it was \$125 million. And then three weeks later it was \$165 million. Forty million dollars out of the hat.

An Hon. Member: Where did it go?

Hon. Zane J. S. De Silva: I don't know what it is now.

The other thing that really got my attention tonight, and I hope Bermuda was listening, Bob Rich-

ards, the Honourable Minister said that the cost of the airport is \$267 million. Well, guess what? When he first brought it to this House it was \$200 million. Three months later it was \$255 million. So here we are, revealed tonight I think for the first time, that it is \$267 million.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Whoa!

And here it is. This is the biggest construction project in Bermuda's history and, guess what? Two weeks after the Throne Speech last year, Minister Richards brought it out; it was not even in the Throne Speech last year. So what was going on? What was going on with that? And if you talk about transparency, the Premier, Mr. Dunkley, asked for an investigation to take place—

The Deputy Speaker: Thank you, Member. Have a seat. Thank you, Member. Thank you very much.

The Chair now recognises the Member from constituency 1, St. George's North, Mr. L. K. Bascome, JP, MP, Junior Minister for Tourism.

You have the floor.

Hon. Kenneth (Kenny) Bascome: Thank you, Madam Deputy Speaker.

I rise this evening the first time to participate in a Throne Speech debate. And the reason for that—

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: That is right. It is social. And anybody who knows me, knows that I am a social likeness.

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: That is right. That is right. It has been four years. I have a little hot potato for you all.

Hon. Zane J. S. De Silva: No wonder you are not getting those trips to Chicago.

Hon. Kenneth (Kenny) Bascome: First of all, I would like to say thank you to the Honourable Member for highlighting the Rangers issue. I would like to say thank you to the Honourable Member for highlighting Agape House. I would like to thank the Honourable Member from constituency 34 for highlighting Sands 360. And I will ask that Honourable Member who delivered the Throne Speech Reply why did his Members not speak with him about putting this in his Reply?

And I will say to the Honourable Member who has left now, the former Minister of Tourism, I would like to say thank you to that Honourable Member for

piloting the Tourism Authority Bill through this Honourable House, Madam Deputy Speaker. Then I will go on to social promotion.

This is something that I have been speaking to for years, Madam Deputy Speaker. And you will be aware that I work as a mentor in our correctional system. So this is something that has been high on my personal agenda for years, Madam Deputy Speaker. For years. And the Honourable Member stated that he had to interview a client who was unable to read. This is something that I have been speaking to for years.

[Inaudible interjections]

Hon. Kenneth (Kenny) Bascome: And you will be aware that the Members cannot break my concentration, because I have learned, always remember the last words that you utter and you can always pick up where you need to go. I am a master, Madam Deputy Speaker.

They then highlighted the fact that the Tourism Authority was taking slams, the numbers were not increasing. And constantly I was speaking with Mr. Bill Hanbury and saying to him, *Stay focused. You know what you are doing. Stay focused and things will turn around. And then you will walk away from Bermuda with a sense of pride.* And to the Honourable Member who just spoke on Mr. Hanbury, [he] has decided to move on because his family could not deal with the added stress, Madam Deputy Speaker.

I believe that what we as the One Bermuda Alliance have presented in this Throne Speech is obtainable. And I said to the Honourable Premier that this is something that I believe is tangible, and I believe that we as a party will be able to deliver it to the Bermudian populace, Madam Deputy Speaker.

Now, the Honourable Member who just took his seat talked about overruns and cost and things of that nature. I would just go back a little bit when the former Accountant General *[sic]* started an investigation how he was ordered to be arrested. He was ordered to be arrested.

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: The Auditor General . . .

An Hon. Member: By who?

Hon. Kenneth (Kenny) Bascome: By who?

[Inaudible interjections]

Hon. Kenneth (Kenny) Bascome: You tell me who.

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: No. You tell me.

[Inaudible interjection]

The Deputy Speaker: Member, please speak to the Chair.

Hon. Kenneth (Kenny) Bascome: I am speaking to you, Madam Deputy Speaker. I would invite them to jump up and tell me that I am misleading the House.

An Hon. Member: You are.

Hon. Kenneth (Kenny) Bascome: Jump.

Hon. Zane J. S. De Silva: Let me help . . . point of clarification, Madam Deputy Speaker.

The Deputy Speaker: Member, will you yield to that point of clarification?

Hon. Kenneth (Kenny) Bascome: No, Ma'am.

The Deputy Speaker: Thank you very much.

[Laughter]

Hon. Zane J. S. De Silva: He just asked us to get up!

[Laughter]

The Deputy Speaker: Member, please continue.

Hon. Kenneth (Kenny) Bascome: Madam Deputy Speaker, they are playing games, they have the wrong personality; I am going to tell you that right now. We, in the One Bermuda Alliance, are going to stay on track. We are not going to be distracted. They all shout abuse at me, Madam Deputy Speaker. They talk about entrepreneurs. Well, I will say to you that most of them over there do not support entrepreneurs.

Mr. Rolfe Commissiong: No, we support *äntrepren'ners*.

Hon. Kenneth (Kenny) Bascome: Yes, pronunciation is a great thing, Mr. Commissiong.

Madam Deputy Speaker, I am not going to speak very long, because I am going to say to you that as the One Bermuda Alliance, we have determined that we are going to polish the jewel of the parish that I personally represent. And the Government of the past did not realise the value of the UNESCO World Heritage status, Madam Deputy Speaker. And we in the One Bermuda Alliance are going to take the initiative to make the Town of St. George the shining light that it should be internationally, Madam Deputy Speaker, because the World Heritage status carries such significance throughout the world. But we, in Bermuda, have not used that designation to the full

advantage where we could make it the shining light of the new world.

We are part of the new world, Members.

Madam Deputy Speaker, you would be aware that two years ago I led a delegation to Williamsburg, Jamestown, to show the members in the Town of St. George how those folks used their historical connection to encourage the visitors to come and visit their particular entity. And we would show that they are envious of us because they will never ever get the UNESCO World Heritage status, because it is a recreation of what the Town of St. George is naturally.

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: Well, that's even more so why you should have taken full advantage to make sure that it was utilised to increase the visitors' participation to our wonderful little Island, Madam Deputy Speaker.

And I will say to you once again that we in the One Bermuda Alliance are going to show Bermuda what we can do, given the opportunity to take this country to another level and another term of Government, Madam Deputy Speaker.

And with that, I am going to sit down. Thank you.

The Deputy Speaker: Thank you, Member.

The Chair recognises the Member from constituency 16, Pembroke East Central, Shadow Minister of Community and Sports [Development], Mr. M. A. Weeks.

You have the floor.

Mr. Michael A. Weeks: Yes. Good evening, Madam Deputy Speaker.

To the Honourable Member who just sat down, I thank him for his social lesson and the history of the world UNESCO in St. George's.

Madam Deputy Speaker, let me just say that I want to start by congratulating our new party Leader on delivering such a great Reply to the Throne Speech and outlining our vision. It was a balanced approach to us as a party and how we are going forward and prepare, not only for the next election, but to take back our Government.

Madam Deputy Speaker, I want to go right into *A Tale of Two Bermudas*, starting with page 2 of the Government's Throne Speech, when they said all the platitudes of what they say is (how can I put it?) a great outlook for our economy. When I sat here reading it over, after I heard it on the day of the Throne Speech, I immediately came to the conclusion that the term "two Bermudas" is more than a term. It is a reality, Madam Deputy Speaker.

As I go on the doorstep, and like most of us on both sides of this Honourable House, the conversation a lot of times goes to the economy—lack of

jobs, lack of employment, under employment. You know, those that used to have two and three jobs are now down to working part time. And rather than point fingers, I think I just have to realise that, yes, we do have two Bermudas, Madam Deputy Speaker.

The OBA had promised us the creation of 2000 jobs in 2012. One of the things our new party Leader made clear today was that we have lost another 2,100, I believe. And one of my honourable colleagues did some math. And I had to write it down and check it to make sure he was correct. He said 4,000. I had to write down the 2,000, and write down the 2,100, and lo and behold, he came to the right figure. We are down 4,124 jobs.

Again, I have difficulty leaving page 2, but I am going to move on, because that is all the accomplishments that the OBA say that they have had. They have to come with us "back o' town" and talk to some real people. But I am going to start with the Bishop Spencer School. As the Shadow Minister of Community and Sports (and my background, obviously, is in counselling and rehabilitation), the Bishop Spencer school was talked about five, maybe six, years ago when I was the Minister. And my colleague, the Honourable Shadow Attorney General, visited Bishop Spencer and some other places and went to meet with the Salvation Army and had that as the new rehabilitation and homeless shelter. We were pretty well close before the last election.

The current homeless shelter is about 20 years. We can laugh at certain things, but do not laugh at our homeless people and the issues of Bishop Spencer not being made ready for those who are the least among us.

Madam Deputy Speaker, the homeless shelter, as mentioned by the Honourable Member from constituency 31, . . . he made a statement of how deplorable the current shelter is. Having a little knowledge of the agreement with Bishop Spencer and the Salvation Army, of the agreement with the Salvation Army about Bishop Spencer and/or another place that could be used and made ready for the homeless, if I recall correctly, the issue was that Salvation Army can raise the money to renovate the facility. But Government would have to give up the land. It makes sense to me on two fronts, Madam Deputy Speaker: a) Further along in the Throne Speech (I think it is page 15 or 16, I should have marked it, but I did not), Government has made a commitment to sell off excess property.

My argument, Madam Deputy Speaker, if you are looking to sell off excess property anyway, and we talk about having a social conscience, why not make a deal, a gentleman's agreement with the Salvation Army, to sell them the Bishop Spencer property at a reasonable rate giving Salvation Army the responsibility of raising the money, for the renovations to make Bishop Spencer purpose-built, purpose-ready for the homeless? To me it makes common sense. It is like a

win-win. It is a fix. They have the facility, Salvation Army does not want to put too much money in it if the land is not theirs. It makes sense to me.

Now, if the goal posts have changed since I last had the conversation . . . again, I have to ask the question, *Why has the move not been made up there if they have to be closer together?*

During the last hurricane . . . I have to regress a little bit because the Throne Speech started with how we came together in Hurricane Nicole and as a country we bonded and everything was back to normal in quick time. Everything was back to normal only in certain parts of Bermuda. I, for one, visited the shelter. I had to give my honourable colleague from constituency 21 an update because he was ringing my phone off the hook—*Get down there to the shelter and see what is happening*—before and after.

The flooding that takes place there I cannot explain because it actually brings tears to my eyes, because people are still living there. The people are actually still living there. I would implore this Government to come to the table with the Salvation Army, sooner rather than later, so that we get the project of Bishop Spencer up and running. It is more than a homeless shelter; it is supposed to be a purpose-built facility for the homeless and rehabilitation.

And we must make it clear, Madam Deputy Speaker, that the face of the homeless has changed. It is not just the 25 to maybe about 40 or 45-year-old black man that finds himself on skid row. More and more are younger and younger, females and families. So when we are talking about the GDP and what was done in the last couple of quarters and all that, that is fine for some sectors. But I say, *Whoa*. Go down on Parson's Road and tell those guys down there how well we are doing in our economy and explain to them why they still have to sleeping with rats running over their feet, and when it rains they have to huddle in a certain corner to try to escape the rain from coming in the windows and coming off of Till's Hill, splashing all through the house and whatnot. Let us go down and talk about GDP and explain to them at the same time how affluent our country is.

So, as I move on, Madam Deputy Speaker, I would like to leave the Government with this: Sit with the Salvation Army. Since you are in the business now of selling excess property, sell Bishop Spencer to them and then you can talk about operational costs going forward. Because it is a charity it is not going to be able to raise a whole lot of revenue going forward. So we must put that on the table one time. We cannot charge people looking for shelter a fee. As a matter of fact, right now in our Salvation Army some of the residents complain that they have been asked to pay \$5.00 per day. That sounds like pittance to some, but it is a lot of money to a lot of others.

[Inaudible interjection]

Mr. Michael A. Weeks: Yes.

Madam Deputy Speaker, I move on from the Salvation Army to Financial Assistance. Financial Assistance has been talked about over and over again. And just like the face of the homeless has changed, the face of Financial Assistance has changed. It is high time, and our party Leader touched on it, that we have Financial Assistance reform, real Financial Assistance reform, Madam Deputy Speaker.

Clients that I talk to (and I am sure I am not the only one, because we have a lot of socially conscious Members on both sides) talk about how they are treated. They are mistreated when going for assistance. They talk about how because pride makes them go out and work, the little work that they find, no matter how minimal the remuneration may be, when Financial Assistance finds that out they get penalised, and in some cases all of it is taken. So what we have seen, and we are going to see more and more . . . we are creating an underclass. These people are choosing between *do I go out and work at all? or do I just sit, do nothing and get my Financial Assistance award every month?* These are the things that can't wait.

I know we are all concentrating—well, not all, but there are some that are in the position to make a difference who are concerned about the GDP and retail factors and all of that kind of stuff. But there is another Bermuda that needs attention, and needs attention now.

I know of situations, and again I am speaking because I am on my feet and I said that I know, but I know people on both sides understand the same thing, that because of the financial situation we have families moving back in together. That too has become a penalty in Financial Assistance. If I found myself in hard times, or if my son or daughter find themselves in hard times, and they said, *Well, let's move back in with daddy or momma*, but that has to be a secret move too because that becomes another penalty. So this is another example.

We have talked about Financial Assistance reform for far too long now without really doing something about it. We have got to do it, because as much as we may throw around numbers and say unemployment is up, I have an issue with unemployment on the rise—I mean, with employment on the rise, and Financial Assistance awards on the rise. Those things do not mesh, or should not be going in the same direction on the pie chart. One should offset the other. I know we know that Financial Assistance is on the rise. So that in itself makes us question just how well employment is moving upwards.

Madam Deputy Speaker, I would like to make some suggestions for Financial Assistance. One suggestion would be the Government could immediately establish satellite offices. One may ask "Why satellite offices?". Well, if I am on Financial Assistance, like most people, I have no money. I have to find my way to town. And it seems all right to some. But some

people do not even have the money for a bus to go to town.

An Hon. Member: Four dollars.

Mr. Michael A. Weeks: Four dollars. And this is \$8.00 because it goes back and forth. So let's establish some satellite offices to make it a little easier for people who find themselves on Financial Assistance so they can get to these places in order to fill out the proper paperwork. And that leads me to another comment about reform—job search.

Job search in Financial Assistance is another thing that people who are looking for financial assistance are having trouble with, because as I talk to them they say, *Mr. Weeks, it is becoming more and more difficult to get the job search papers signed because employers are tired of the process.* When these clients go back to Financial Assistance and say that, that too is means for penalisation. It needs reform.

I read in the Throne Speech, again I did not mark the page, but I saw where they had the Governor is looking to hire a Community Service Coordinator. People that are on—and not everybody, I do not want to stereotype them, but a lot of these clients I encounter, because I encounter Financial Assistance/rehabilitation (you know) /homeless. That is a lot of my client base. And when you encounter these people, because they are people too; they have feelings too. So this is not a negative one, but what they tell me is, *Where do you want me to go and do community services, Mr. Weeks? Where do you want me to go? I'm busy trying to get a meal today and ensure a roof over my head tonight, and to raise \$5.00.* These things, when we sit down and talk about economic successes, have to be mentioned against those real stories. Those are real life experiences from real Bermudians that do not see, or do not want to hear about the GDP and retail sector and all of that.

Let us deal with our people where they are. I have always felt, and I have always said that the OBA are not in touch with our people. These are real people, Madam Deputy Speaker.

Social promotion. I will say *hat's off* to the Government for recognising that social promotion is not working and is actually having a negative effect on the development of our children as they reach school-leaving age. I was never an advocate. And as we talk among ourselves as colleagues on this side about education reform . . . oh, before I get to social promotion, I am going to talk about nixing the Middle School. From my limited research on education, Madam Deputy Speaker, the powers that be in the mid-to-late '90s went to Canada to tackle their middle school system. And they went during a time when Canada was getting away from the middle school system because it was not working. It was not working for Canada and Canadians. But that search party, the work party, or whatever party you want to call it that went out there

and came back and introduced it to us here in Bermuda, that has not been the best fix or fit for Bermuda since its implementation. Most of us, if we are honest with each other, say it did not even start off right. The middle school system should have never have been. But I think we have to move past the point of pointing fingers and blaming to saving our children, to saving the next generation. We have to put our foot down and say the time is now to fix it.

Madam Deputy Speaker, getting back to social promotion. I remember when I was a little kid (I am younger than most people in here, but when I was young, and in primary school—

[Laughter]

Mr. Michael A. Weeks: Yes, Madam Deputy Speaker, I am younger than most others. But I am saying that to say, Madam Deputy Speaker, that most of us, all of us, remember a time. I tell these stories about sports day. There could be 100 people lined up at the race, but we knew that at the end of it, there were three ribbons—first, second and third. It means you worked harder then. First, second and third, Madam Deputy Speaker. And I am saying that to say that we learn early that not everyone is a winner. Some may not like to hear that. But not everyone is a winner.

And those that are on the fringes, because I was a perennial fourth place finisher. So what does that say? I was outside the ribbons. But it kept you coming back to it. It kept me coming back and trying.

And I see one of my honourable colleagues who was in school with me. He could not beat me in the race.

[Inaudible interjections]

Mr. Michael A. Weeks: He couldn't beat me.

Anyway, I am saying that to say that was a good lesson for us then, that you have to work hard to improve if you want to achieve and attain the goal. We came up with something about social promotion, that everybody is a winner, people get pushed into the system, 15, 20 years later we ask ourselves, *Where did these guys come from? Where did these guys come from? From our sons, our god sons, our nephews, some of whom were socially promoted, but when they got out in the real world and they looked for a job, they find that it is still a competitive world out there. So where do they feel comfortable? Amongst those others who have been done an injustice by being socially promoted. So I take my hat off to the Government for finally wanting to get rid of social promotion. I know that is a part of our education reform on this side when we get back in our rightful place.*

Madam Deputy Speaker, moving on to the America's Cup. I have spoken about the America's Cup for the last two or three years, and I can stand

here and say I was never an advocate of the America's Cup—again, because of the impact that I saw even before it really got up and running on the two Bermudas. My challenge to Government here a few years ago when the America's Cup first came was if the America's Cup is going to be good for all of us, let us address some of the infrastructure of our established sailing clubs. We have three historically black sailing clubs, West End, Mid Atlantic, and East End. If the Government wants to be seen, even, that the America's Cup is for all of us, that would have been a good place to start, because those three facilities . . . and a lot of times we get a little uncomfortable talking about it, but each facility that I just named, there is another sailing club within shooting distance. I am sure you will not see guys shooting anymore, but—

An Hon. Member: Sailing distance.

Mr. Michael A. Weeks: Within sailing distance, yes. A country mile, because there was a black sailing club and a white sailing club. The white sailing club has always been funded.

The America's Cup comes down with \$77 million and ultimately there is supposed to be a sailing regatta; show good faith by putting some money in those facilities. Two, three years later, I have not seen any evidence of it.

[Inaudible interjection]

Mr. Michael A. Weeks: Someone else has, well, you point it out to me. (How much time to I have?)

The Deputy Speaker: Four minutes.

Mr. Michael A. Weeks: Four minutes? Just under five?

Staying on the America's Cup, real quick, Madam Deputy Speaker, I was up at Dockyard two weeks ago, not Dockyard proper where all the fancy renovations are being done. I went to a football game up at Ireland Island, Rangers Football Club. Island Rangers were playing Southampton Rangers. What I noticed when I was at the field was that everybody was changing on the field.

I should have left it alone, but I asked the guys, *Why are you guys changing on the field?*

Oh, Mr. Politician (they called me), and they had me hemmed up for a good 15, 20 minutes telling me all of this money is being sunk up there in Dockyard, but no money is being sunk in their community club.

[Inaudible interjections]

Mr. Michael A. Weeks: No money is being sunk in their community club.

The most they have seen it, is they put a new road from the top of the road coming down to the field. And that is not for the community (as my honourable colleague comments), that is for parking when the America's Cup actually takes place.

[Inaudible interjection]

Mr. Michael A. Weeks: That is deplorable.

I was sitting at a table for the officials. And I had to be careful where I sat and where I put my legs because of the jagged edges. This is \$77 million of the people's money for the America's Cup, right in the heart of the America's Cup regatta community, an age-old community. Some of my colleagues know a little bit more about Island Rangers than me. I know it is for football. But they are Bermudians, nevertheless, and they deserve some attention.

Immigration reform. Time is running out?

The Deputy Speaker: Two minutes and a half.

Mr. Michael A. Weeks: Two minutes and a half.

Immigration reform. I applaud my honourable colleagues, especially my honourable colleague from constituency 17, for being so passionate about immigration reform. Well, a part of that immigration reform (and I have raised and I have spoken to him about it before) that we have to address over the last 30, maybe 40 years, with the ability of middle class status in Bermuda, a lot of Bermudian children and families have had the opportunity to go away to school. A consequence of that, Madam Deputy Speaker, is a percentage of those children have created children overseas. So when we talk about immigration reform, in my opinion, I have said it before, we need to start there.

What happens to the child that is born of a male overseas? Historically, if a woman has a child, wherever the woman goes she takes that child; that child is fine. But a male who has a child overseas, what happens to that child when he has the choice whether or not to become Bermudian? And these are not conversations we are trying to have. I personally know of two instances where a male has gone overseas and had a child. What status does that child have? Bermudian status from birth?

[Inaudible interjection]

Mr. Michael A. Weeks: Oh, it has been fixed?

[Inaudible interjection]

Mr. Michael A. Weeks: No, it has not been like that.

[Inaudible interjection]

Mr. Michael A. Weeks: It is like that for the mother; but not the father.

[Inaudible interjection]

Mr. Michael A. Weeks: Either parent now? Okay.
Decriminalisation, before I sit down.
It is high time that we got on and dealt with the decriminalisation for small amounts of—

[Inaudible interjection]

Mr. Michael A. Weeks: I thought it fit.

[Inaudible interjection]

Mr. Michael A. Weeks: Well, anyway, it is about time that we addressed the criminalisation because for too long it is the young black male who has been adversely affected when it comes to marijuana. And these stop and searches that I hear some reform people saying . . . I am a little iffy on that, because, again, the people that will be stopped along the street, in the cars, are going to be our young black males.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Member.

The Chair now recognises the Member from constituency 7, Hamilton South, the Honourable S. D. Richards, Minister of Social Development and Sports.
You have the floor.

Hon. Sylvan D. Richards, Jr.: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, when I read the Reply to the Throne Speech today, a few phrases popped into my head. I thought about it, particularly in the context of what happened in the United States of America. And what I wrote down was this: *[Pompous rhetoric; they have lost the ideas; but no details as to how these plans will be implemented]*. That is what the PLP Reply to the Throne Speech is, [pompous] rhetoric with lofty ideas, but no details as to how these plans will be implemented.

I must say those documents are cut and paste from prior years. Cut and paste from prior years. But I can understand why, Madam Deputy Speaker, because the new Leader of the Opposition has been a little pre-occupied lately. So he may not have had the time he would usually put into the Opposition's Reply to the Throne Speech.

So, with that being said, I will comment on sections of the Reply that I felt are relevant to my Ministry. But before I go into that, there will be an election at some point and I hear Members of the Opposition always say that the One Bermuda Alliance is out of touch with the Bermudian public, that we do not have empathy for the little guy, and the little girl, and that we are only concerned with business, and friends and

family, and all sorts of rhetoric. And that grates me to my core, Madam Deputy Speaker. And I am going to tell you why.

I have taken a lot of stick in the last few months for one reason or another. And that is fine. It is part of being a public servant. But I am out there in the community, Madam Deputy Speaker. Always have been. I go from Somerset to St. George's regularly. I go to places that others [fear] to tread.

[Laughter]

Hon. Sylvan D. Richards, Jr.: They are laughing because they know it is true! I even have a new nickname. They call me the "Party Minister." The Party Minister, because I go everywhere and I talk to everybody. Some of the people who come up and talk to me, I don't even know who they are. But I give everybody a listening ear. So nobody over on that side is going to tell me that I am out of touch with the Bermudian public.

I work in international business. I speak to titans of industry. Tobacco Bay is one of my favourite Sunday afternoon haunts. And I go there and I mingle with everybody, from tourists to locals. I have a little drink and I reason with people. And they tell me a lot too. So I just want to put that out there, Madam Deputy Speaker.

Now, let us get into the Reply to the Throne Speech. I am going to put my glasses on, because my eyes ain't what they used to be.

On page 4 there is a quote, and I will read it from the Opposition's Reply, "Today's Bermuda must find a place for the senior who still has much to contribute and much to offer but to whom society has said, 'Your expiration date is past due.'" I agree with that. We have an ageing population. People are living longer. Some are living longer and healthier. We have seniors, one day not too far from now I am going to be in that category, who are vibrant, have good work ethics and would love to contribute to our Island home. So when I was fortunate enough to be appointed by the Premier to this Ministry, I sat down with my permanent secretary and I said, *Listen, I already have a legacy and part of my legacy I want to be that we do away with age discrimination.*

He said, *Well, Minister, some work has already been done on it.*

I said, *Great! Take it off the shelf, dust it off and let's move forward.*

So we are going to do that. For those listening, the Human Rights Act 1981 protects against age discrimination in accommodation, goods, facilities and services but not employment. So this Government is going to examine ways to protect seniors against age discrimination in employment and there is going to be wide public consultation. So I am putting the public on notice we are going to be coming to you and I am wanting to hear your views. There are economic and

other trade-offs to be considered. So we are going to consult with Government, the public sector, and the private sector. We are going to look at policy and legislation in other jurisdictions, Madam Deputy Speaker.

You know in Bermuda the normal retirement age is 65, early retirement is 55. But, as I said, people are living longer; they are living healthier in some instances. They want to work. So moving away from mandatory retirement is essential and I believe the financial benefit is that it will provide some relief to our underfunded benefit plan. If you allow an individual to work longer, if that is their choice, they continue to pay into the benefit plans. That would take the strain off of Government.

You know, the UK Equality Act 2010 provides protection against age discrimination. They do have exceptions, meaning that an employer can make a decision based on age if it is objectively justified and proportionate. Now, I learned that at a public forum at Bermuda College about two weeks ago. It was an excellent panel.

The Canadian Charter of Rights and Freedoms also provides protection against age discrimination. It covers persons 18 years and over. And there are exceptions for public positions which are prescribed under a separate Act. So we are going to look at what other countries have done and put it into the Bermuda context.

On page 5 of the Reply, there are some other sentences, point number 5, actually, on page 5, which reads, "In 2012 the OBA pledged to 'implement a Zero Tolerance Policy for unethical behaviour' and promised a transparent government." And I will stop there.

You know, the Reply says that the OBA is not transparent, shocking lack of transparency, showing anything but zero tolerance. But, Madam Deputy Speaker, this Government enacted PATI, Public Access to Information. Why would we implement PATI? If we are what the Opposition says we are, that would go against our self-interest, would it not? It would not make any kind of sense. PATI was sitting there and had not been implemented. We did it.

And I must say it does not make our job any easier, because we are under the scrutiny of the Bermudian public, something the Opposition never did. So when they get on their high horse and get all self-righteous about transparency, I have to remind them and the public that it was this Government that implemented Public Access to Information.

Some of those Honourable Members on that side have already taken advantage of it. And rightly so. So let us get it clear: There is no tolerance for anything untoward over on this side. I have gotten to know my parliamentary colleagues quite well over the four years since we were elected. And I call a spade a spade. We work hard for the Bermudian people. There is no sense of anything untoward over on this side. And I suggest that people in glass houses should not throw stones.

On page 6, there is a whole section on the Creation of a Bermuda Fund. We have seen this before. There is nothing new there. The problem I had with this idea then and still do now is that the seed money is going to come from the government's pension funds, which are already underfunded. It is going to mean setting up another government department that is going to increase the size of the civil service, which is not what we should be doing at this time. And it refers to fiscal prudence. I can see so much irony in that statement, Madam Deputy Speaker. I just do. So I will leave that alone.

On page 16 of the Reply (bear with me while I turn to that page) . . . now, my good friend from constituency 16, for whom I have a lot of respect, and I value his opinion, was talking about financial assistance . . . but before I go to that, on page 16, it says, "Our reform will also separate able-bodied persons from disabled-bodied persons and track each individual programme and budget separately." Well, how I know that was a cut and paste is because we are already doing this so it may not have been applicable when this was originally written, but we are doing that. We are doing it now.

For clarity and for the benefit of the public, the Department of Financial Assistance monitors the categories of able-bodied unemployed persons and persons with disabilities on a monthly basis in terms of both the number of persons on financial assistance and the budget spent for each category. These are on separate programmes, but are categories of financial assistance clients. And both come under the social assistance programme. So this is already being done.

But I did want to touch on what my good friend, a Howard alumni like myself, is saying about financial assistance. A lot of what he said has merit. I do not criticise or take on board good suggestions just because they come from somebody else. Now, I have to say that the Department of Financial Assistance does great work under very difficult circumstances. I have gotten to know the director and her staff. She is a good director. She is getting ready to retire next year and we are going to lose her. But I am sure there is someone in the pipeline who is going to fill that space. Very responsive.

Not long after being announced as the Minister, I quickly found out that everybody on financial assistance knows who the Minister is. And I know that because they stop me in the street! *Mr. Richards, Mr. Richards, I need to talk to you.* And I stop every time. I get e-mails. I get phone calls from clients of Financial Assistance needing help, needing a little guidance; they have an issue that they need resolved. Now they contact the Premier because he is accessible and he passes it on to me. And every time that I send that information to my PS and my director I get a prompt response, a detailed response. So, once again, I do not want to hear we are out of touch. Nonsense! That's what it is. It is untrue, and it is [pompous] rhetoric.

ric (when I go back to how I opened my talk here this evening).

Yes, we have looked at ways to do things differently in Financial Assistance. But it is easy, when you are not Government, to come up with ideas and suggestions. But when you get down and you talk to the people on the front lines and you dig into the weeds, it is never as easy as you would like it to be. Never as easy.

All of the challenges the Member from constituency 16 brought up I have looked at based on suggestions from all sorts of people. And it is challenging to do some of the things that even I would like to do, because there are unintended consequences. Unintended consequences. But I want it to be known that if you have any issues with financial assistance contact the director.

A statement was made by the MP from constituency 16 that people feel disrespected when they go to the Ministry. I have received e-mails from some individuals who felt that they were not treated as nicely as they would like to have been, and I deal with those. But I will say that I have full confidence in the sensitivity of the people that work in Financial Assistance. They have a difficult job dealing with human people's issues. And yes, it is still difficult out there for too many people. But, I always say, and will continue to say, the best social programme is a job.

I do not think that people want to be on financial assistance. There may be some. I am sure there are some that say, *Hey, I'll just collect a cheque*. And Financial assistance is not unemployment insurance. Some people in Bermuda have it twisted. It is not unemployment insurance. It is to give a hand to those who, through no fault of their own, find themselves in financial difficulty. And because of the financial pressures and constraints this Government has been under, it is a challenge to meet the needs. That is why this Government is focused on growing the economy.

Now, maybe some do not understand business. I do not know. I cannot speak for them. But I know that when you have a shrinking pie there is less pie to feed the mouths that need to be fed. So you have to grow the pie. How do you grow the pie? By growing the economy, Madam Deputy Speaker.

I can quote percentages and GDP and stats all day long. But like the Member said, people want to know *how am I going to feed my child and pay my rent and buy my medicine*. That is what Financial Assistance assists with in a big way in this country.

Salvation Army. Earlier this evening, when my parliamentary colleagues asked, *Why is it taking so long?* When I was appointed Minister, I asked the same question. *Why is it taking so long?* So I met with the Major of the Salvation Army. The Minister of Public Works and I toured the homeless shelter on North Street in Hamilton. Clearly, it has outlived its usefulness; clearly, they need a new facility. So this Government is fully committed to working with the Salva-

tion Army to provide good quality transitional housing and support programmes for the most vulnerable.

The Bishop Spencer property has been identified and we are in discussions with the Salvation Army to replace that emergency housing shelter in North Hamilton with a facility that will meet the needs of its clients. And we will continue to communicate and meet with the Salvation Army until that facility is up and running. So that is a work in progress. But I am committed to making that happen. It has to happen. As a society we have to look out for the weak, for those who need a hand up.

Madam Deputy Speaker, I am pivoting now to our Throne Speech. Part of our Throne Speech is to broaden the role of the Co-Parenting Mediation Council, which clearly covers child custody and access. This Government is going to introduce legislation that is going to transition the Co-Parenting Mediation Council to a full scope Family Mediation Council. What does that mean?

Well, in addition to the child custody and access we are also going to support child support, which was touched on earlier, spousal support, Madam Deputy Speaker, division of property and other financial matters. All to promote the interest and welfare of our children and families through reconciliation, settlement, and compromise between parties. This is a Government that cares and we are showing it by our actions.

So, OBA achievements. That is what I like to talk about. The Opposition knows what we have done. They know we are being successful. It scares them to death. And I get it. They need to eat, but I will not allow anyone to negate the hard work, the blood, sweat and tears and effort that this Government . . . we have put in work for the last four years. As was said earlier this evening, the former Tourism Minister took stick because tourism numbers were not turning around [snaps fingers] like that.

I had people tell me that the Tourism Authority was never going to work, it was a waste of time, a waste of money, blah, blah, blah, blah, blah. Now look at what is happening in tourism. I talk to a lot of tourists. Like I said, I like to go around Tobacco Bay. And I ask them, *What made you come to Bermuda?* Do you know what shocked me? Cheap airfares! If you listen to the rhetoric you would think that Bermuda is the most expensive place in the world to fly to. I have had more than one first-time visitor tell me, *We came here because the airfare was cheap*. But they do say, *It's a little expensive once we got here*. But they came because the airfare was cheap.

My parliamentary colleagues have mentioned that Bermuda's Gross Domestic Product recorded 18 month positive growth, sustained recovery. The retail sector was up 18 out of the last 19 months due to increased consumer and business confidence. People kind of pooh-pooh or laugh at like the growth in the retail sector. Who is spending money? Who is buying

stuff? Bermudians? They are only going to buy stuff if they have more money in their pockets, right? They are feeling confident about spending, right? Tourists? There are more tourists on the Island. They are spending money, right? That is why the retail sector has been growing for 18 out of the last 19 months. That is a real achievement, because before we took the Government it was going in the opposite direction.

Air arrivals are up 18 per cent during the third quarter this year, on track for the highest number of arrivals since 2008. Eight years ago was the last time we saw those levels of air arrivals. That is a phenomenal achievement, especially when we had to deal with all the headwinds from the Opposition and their supporters, and others saying that everything was doomsday with tourism.

You know, sometimes in Bermuda we are successful in spite of ourselves. I asked a taxi driver, last week, *How was your season?*

[He said] *Oh man, it was great!*

I was like, *Really?*

[He said] *Yeah man, it was great!*

I said, *What do you attribute that to?*

[He said] *Oh well, you know you guys did all right. I guess the Tourism Authority did all right.*

I said, *Yeah?*

He said, *Yeah. But, you know, some people came because there ain't no Zika here.*

I said, *You know what? You might be right. If I'm in New York and I'm like, 'do I go to Dominican Republic or Puerto Rico (or some other island that's got Zika), I am like, 'Bermuda, no Zika?' Oh! And it's only an hour and 45 minute flight and tickets are cheap . . .*

So we are still blessed as a country. The sky is not falling, regardless of what some people might try and portray.

Hotels are either underway or preparing to break ground. There is a hotel being built right in the heart of my constituency, the Loren [at Pink Beach] Hotel. They had a job fair last Thursday. I think 150 people turned up, 100 people on the short list. They will probably end up hiring 60-odd or so. In my constituency, very, very pleased about that. When I ride through there or drive through there I always look up on the hill and watch that place come up out of the ground. Success, Madam Deputy Speaker! Spell it, success!

And last, but not least, revenue exceeded spending during the first half of the year due to surplus.

[Timer beeps]

The Deputy Speaker: Sorry Member, sorry Member. Have a seat.

Hon. Sylvan D. Richards, Jr.: All is going to be well.

The Deputy Speaker: The Chair now recognises the Member from constituency 33, Sands South, Shadow Minister of Economic Development, Mr. J. S. Simmons.

You have the floor.

Mr. Jamahl S. Simmons: Thank you, Madam Deputy Speaker. Good evening to you. Good evening honourable colleagues, and good evening listening audience.

I am glad that that Honourable Member who just took his seat is connected to the community. I am glad that he moves around the Island and gets out in the community and sees our people and hears the stories of our people. And I hope that that connectivity of which he claims will spread throughout the front bench of the One Bermuda Alliance, will spread throughout the backbench of the One Bermuda Alliance and create a new level of appreciation from where we are as a country.

Now, Madam Deputy Speaker, Andrew Jackson, former President of the United States, a man of which I agree with very, very little, once said that we should measure the success of our nation not at the apex but at the base. And it is at the base, it is not Tucker's Town from which we should measure our success; it is "back o' town." And we must recognise that the view from the back seat of a BMW as you are driven around the Island is very different from the view of a person who lives on White Hill Field. The view of the wonderful greens of the Mid Ocean Golf Course is very different than the view that you would get in North Hamilton.

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

Mr. Jamahl S. Simmons: So, Mr. Speaker, when we speak of the situations that our Bermudian people are facing, the ones who have not seen the GDP hit them where it matters—in the pocket; the ones who have not seen the retail sales hit them where it matters—in their pocket; the ones who have not seen the air arrivals hit them where it matters—in their pocket; when we speak to the Bermudian who is working 40 hours a day [sic]—

[Laughter]

Mr. Jamahl S. Simmons: Forty hours a week Mr. Speaker . . . well, they laugh. They do not know anything about hard work, Mr. Speaker.

[Laughter]

Mr. Jamahl S. Simmons: But, Mr. Speaker, when you ask people who work 40 hours a week and still do not make enough money to cover their expenses, when you have people who are working two, three jobs and still cannot cover their expenses, and we

have had people who have been unemployed for two years, three years, four years, five years, six years, they have not felt the success.

And it is okay for the Government, I understand. You are in an election year. You have to do the sales pitch and try to convince people we are headed in the right direction. But, Mr. Speaker, it is real people and real lives that are at stake here. Real people and real lives.

Now, Mr. Speaker, when I spoke to the Member's connectivity, I hope . . . I believe he is genuine and I hope that his colleagues also feel that connectivity. And, Mr. Speaker, there are a number of points that the Government raised in their Throne Speech that I hope they are serious about. I hope that they genuinely mean it. And the reason why I say that, Mr. Speaker, is I can point to progressive payroll tax, eliminating social promotion, improving the quality of and prevalence of [in-]school Information Technology, protecting seniors against age discrimination, increase cruise arrivals, increase air lift, absentee ballots, Code of Conduct for MPs, allowing use of specific forms of cannabinoid drugs for medical use. We hope that they are serious because these are things that in many ways we have pushed for, we have called for, we have asked for, and we support. We have to see the details in terms of how they present it because with the One Bermuda Alliance the Devil is always in the details. But we hope that they are serious about this and that they will come forward with these initiatives.

Mr. Speaker, somehow between December 2012 and November 2016 we have gone from 2,000 jobs to 1,000 volunteers at the America's Cup. We have heard the talk of jobs, good jobs, quality jobs, jobs with futures, slowing being dialed back and we are not hearing that as often now. And, Mr. Speaker, what we have looked at with our Throne Speech Reply is the understanding that we must take the worker who is not making enough [to make] ends meet and ensure that they have a pathway to success, a pathway up out of their situation.

We have looked at our young people, and it is interesting. The Honourable Leader of the Opposition had a line in here that struck me. And I think it is critical to repeat. He said to the youth, and I quote, Mr. Speaker, "To the youth who believe that politics is politricks and that politicians are only in it for themselves: we hear you, we understand and we need you."

Now, Mr. Speaker, the interesting thing, my constituency is one of the youngest constituencies in the Island. I only have about 100 or so seniors in it. And so the bulk of the people who live in [constituency] 33 are working age. Either they are about to enter the workforce, if there are jobs they can find, or they are in the workforce or working age, as you would say. And what we are hearing from people is that they have looked at their parents and their grandparents and the path that they took and where each of

us looked to the generation ahead of us and said, *You know what? They have put me in a position to go on and do better.* I think most of us in this Chamber can look around and say that we have been given the opportunity to do better than our parents, better than our grandparents. But there is a generation coming up now that does not see a better future for itself. They do not see a future for themselves that requires a good education, because many of the people who did well in school with them, people who went off to university, are just as unemployed as they are. They do not see a future in the employment market because the people they know who are working, who do have jobs, are lucky to have jobs, they are not seeing them making the salaries they should make or moving up and advancing despite the work that they are doing.

So, they are a group that is looking towards . . . at one point they looked towards the politicians and they said, *You know what? These guys, I believe their promises. I believe that they will make life better for me.* But they have not seen the results. So they are losing faith in the pathways to success that we all knew or that we all followed—go off to school and get a good education, work hard and you will be rewarded. They are losing faith in that because they are not seeing it in their reality. And so part of what we have to do is . . . while we spent a lot of time this year debating a Pathway to Status, we look at a pathway for Bermudians to come back into society, become a part of society, so that they no longer feel that anywhere but here is the land of opportunity.

You have heard the stories, Mr. Speaker, I am sure. I was canvassing on Saturday and I went to a household where there were 10 people registered in the house. Five people were there that just moved in, but there were five people who had moved. I asked them, where did they go? Well, the mother and father had moved to North Carolina. The children moved to the UK. Why did they go? They could not find work.

So, I tell the story again. This is what we have to really restore—hope. And we are not doing that, Mr. Speaker. The talk that we have heard, the bragging and boasting of our success, is not reaching people. And without a plan . . . and that is not what we heard . . . what I saw from the Throne Speech by the Government, was not a plan that said to me, *Young person, I know you're struggling. I know you're losing faith. But we have a place for you in Bermuda.* I did not see that.

We can talk about education. I think it is important that we reform education and improve education. But if there are no jobs to send them to when they finish school, I then have an unemployed educated person. Jobs, jobs, jobs. They are needed.

Now, Mr. Speaker, part of what we did, and there has been some joking around about the PLP does not understand entrepreneurs. But, you know, I cannot say that most of us had the good fortune to inherit a business from anybody. So we never had

that good fortune. But we do know people in the community who built businesses from the ground up without a trust fund, without an inheritance, without a loan from daddy. And what we saw is that there were people who, given the right opportunity, having a trade, having a skill, having a marketable skill, they could do for self and employ others. And one of the reasons why we continue to support entrepreneurship is because we know that Bermuda, while we become more openly inviting to foreign companies coming and setting up, we still have to do a better job about making access to the dream of owning a business more accessible to others.

So we talk about the concierge service for business, because when we talk to business people who are starting out, we talk to our young black businesses, they say, *Do you know what? I had to go to this department, this department, this department, this department, this department, I got the wrong paperwork . . . well, if you are a company in international business you do not have that issue. If you are a hotelier coming here, you do not have that issue. And that same level of red carpet treatment must be applied to our people. It must be, because if that person who maybe had gotten a redundancy pay and says, You know what? I have a business idea. And not every business idea will succeed, but they have that money in their pocket and they were made redundant, and they say, You know what? Now is the time I am going to start a business.*

We cannot afford to have them delayed. We cannot afford to have them run around. We cannot afford to have them begin to feel as though, *You know what? Nobody is on my side. I don't have any hope.*

Mr. Speaker, our Leader talked about the *Tale of Two Bermudas* and I can tell you, Mr. Speaker, that we have to come to grips that in an island this small we cannot afford to leave anyone behind. So we look at Job Corps to give our young men who have lost hope the skills, the refinement, the certification, to get back into the workforce. We look at making it easier for entrepreneurs to get going so that we can take some of these young men who may be brilliant, at this moment, criminal entrepreneurs, and give them a pathway to legitimacy. We look at the people who we have placed in our prisons and who will be looking to come out and turn their lives around and we invest in them. The best investment we can make is in our people, Mr. Speaker.

Now, my portfolio relates to tourism. And tourism excites me. It does excite me because I do think that we are starting to see some momentum in tourism. I think that we are seeing some things that are positive. But, we have to prepare for the competition that is now, and the competition that is coming. Cuba is coming. Now is the time for us to continue our marketing efforts, solidify those efforts. But then also, we need to expand.

Mr. Speaker, for years Bermuda has been engaged in what I call "nostalgia tourism." How often do you hear, *We need to get back to the good old days; we need to get those same people who used to come here back here again?* Mr. Speaker, those people are dead and dying, and the children who may have the same prosperity, who may have the same lifestyle, have a different interest, a different way of looking at things. So we envision a tourism that is more cosmopolitan; our audience is more diverse. We reach further, because not every millionaire is a 55-year-old Caucasian from New England or New York. There are wealthy people around the country. And we have to ask ourselves, where are the wealthy jurisdictions? Why are we not attracting an audience that reflects the wide scope of the tourist market that we should be appealing to?

We have to begin to feel that we are open to everyone. You know, there was a time when the Honourable Member who used to sit in this Chamber said *we're not a hamburger/hotdog crowd.* And that is true. The hamburger/hotdog crowd maybe cannot afford some of the things we offer. But we look at the guest properties; we look at the smaller properties. Mr. Speaker, I truly believe that that is going to be a major, major part of our tourism industry going forward.

Why do I say that? Authentic Bermudian experience. Why? Nothing better!

Two, creating a now diverse housing market so you allow people to say, *You know what? I don't want to spend \$400 there, \$700 there, \$900 there, there is a place for \$200, there is a place for \$150 a night.* So we are now creating options for people who might have before said, *You know what? Bermuda is too expensive.*

And I am glad that the Member who just took his seat talked about the fares, that people came here because there were cheaper, and understand that the two biggest business incentives for coming to Bermuda are cost of airfares and cost of accommodations. If we get behind the guesthouses, the smaller properties, even Airbnb, we are now creating a broader base that we can attract. So you know what? That person who goes and stays at that little place in St. George's and pays \$200 per night, I caution the hotels, the larger properties, do not view them as a threat. Do not view these smaller properties as your competition, because that person who spends \$200 a night there is the same person who will take a cab and eat at your restaurants. They will play on your golf courses. They will enjoy . . . you are now giving them a taste of the Bermuda experience that when they have more money in their pocket, when they progress, you now have gotten them hooked on the Bermuda experience. They will say, *You know what? This trip I have a few more dollars. Let me go to Tucker's Point, let me go South Peet, let me go Hamilton.* And that is where we start to feed into getting Bermuda into the consciousness and getting into a wider audience, a

more diverse audience, a more cosmopolitan audience, Mr. Speaker. That is what we need.

So we look at things like the beach plan that the BTA is doing, which I am happy to say was part of the Progressive Labour Party's tourism plan, that excites me because we are now looking at the product. We are now looking at how we can refine the experience for our visitors. But the message I have is this: Let it not be the same old people who always get all the contracts and the same old, same old. Let us champion diversity. Let us make sure that we have a fair and open opportunity for everyone that has something they can sell, something they can present, business ideas to participate fully.

It would be a shame, Mr. Speaker, if we see the same businesses that have gotten contracts before and it is just sort of an expansion of a monopoly throughout the Island. Let us widen it out and make sure that we see diversity—*di-ver-si-ty!* It makes no sense to give out a contract on a beach to a business if there are going to be no Bermudians working for it, even if there is a Bermudian owner. That has to be part of what we are looking at, the inclusion of our people in it.

Mr. Speaker, I am not going to be very long. Mario Cuomo years ago when he gave his Democratic National nomination speech for Walter Mondale, he spoke about Ronald Reagan's shining city on a hill. And he talked about how Ronald Reagan saw America as this place where everything was prosperous and everything was wonderful. And it reminds me of where we are today. There are some who see the prosperity. They embrace it, Mr. Speaker, because they live it. It is up to us to ensure that the hope of that prosperity reaches everyone.

Mr. Speaker, we want to see out of this Government in the time remaining more than what we have seen so far in this Throne Speech. We want to see an actual plan to take the unemployed from being unemployed to working. We want to see a plan that takes the worker who wants to advance and wants to move up to where their future lies. We want to see the college students who will be coming home this summer where the summer jobs will be, and we want to see for the worker who has been in a career and seen that the industry has contracted and there is no longer a future there, how we can help them start their own business, segue into another career.

And one of the things that I think we should really look at, Mr. Speaker, is an Island-wide human resource assessment so that we can determine the skills available throughout the Island and be able to identify and pair those skills with careers. That involves also going to the schools and our counsellors and getting a better picture of where we want our country to go, because I know Bermuda needs nurses. We have a shortage of nurses. We have many work permits out on nurses. There is a global shortage. But how many of our young people are

there right now who may be in a dead-end administrative job, no prospects of advancement, no prospects for the future, slow wage, who might be converted into a nurse? How many of our construction workers might be converted into something else when the construction boom is not happening? We could start giving them a career and not just be reliant on all the hope that a hotel will be built, or a hope that this gets built.

This is the conversation we need to be having. And, Mr. Speaker, as I close, I would like to thank the Honourable Leader of the Opposition, the Honourable David Burt. I was very pleased with his presentation. I was glad he actually had the time to talk about the plight of young black males, because we often get afraid to talk about colour. We like to say we do not see colour, we like to say that colour does not matter, but it is . . . if you do not see it, you cannot address the problems that are caused or that stem from it. So I think that we have really taken a big step here.

Mr. Speaker, as I close, in the Palace of Westminster, I am made to understand that there are occasions when a Member on his feet may have a sip of brandy as he is speaking. I understand that may be the case. I recognise that we are not in the Palace of Westminster, and I recognise that I am certainly not in a position to have any brandy, and there is certainly none in this glass! But, as I take my seat, Mr. Speaker, I would, if I had a glass in my hand, raise it and give a toast to absent friends and give a toast to our former Leader the Honourable Marc Bean, and thank him for his service.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister for Economic Development, from constituency 22, Dr. Grant Gibbons.

You have the floor.

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

Mr. Speaker, I have to say I am encouraged. I think we are making progress, and I will explain why I am saying that.

I think we are making progress because the Opposition has now actually admitted, apparently, that there is a recovery underway, and what we are now talking about is whether it has affected as many people as it possibly could. I think that is progress from a year or so ago, when I think there was certainly a denial that anything positive was happening at all. But we have actually heard Members on that side talk about good growth in the tourism area. We have heard about growth in other areas as well.

I think it is interesting because on page 3 of the Reply, the . . . it is a bit unfortunate in a way, it is this issue of how you word things. But it says, "Mr. Speaker, the OBA consistently says, in a display of

mock empathy, that they know the recovery has not reached everyone.”

But, Mr. Speaker, I think the issue is what we know about. And the Honourable Member who just took his seat talked about younger Bermudians worrying about whether they would be as successful as their parents. What we are really dealing with is a problem that started a number of years ago.

I think it is interesting because, on page 3 of the Reply . . . and it is sort of unfortunate in a way. It is this issue of how you word things. But it says, “Mr. Speaker, the OBA consistently says, in a display of mock empathy, that they know the recovery has not reached everyone.”

But, Mr. Speaker, I think the issue is what we know about. And the Honourable Member who just took his seat talked about younger Bermudians worrying about whether they would be as successful as their parents. What we are really dealing with is a problem that started a number of years ago. And I think we would certainly admit on this side that there are members of the community who certainly are suffering. We heard about the issues of trying to address the homeless, the Salvation Army structure down on North Street and just the fact that it is about to fall down and is really in very, very poor condition.

But I think the issue, frankly, is that when the Opposition talks about those two Bermudas and those who are least affected, I think we cannot forget about what happened five, six, seven, eight years ago. Because the recession—which was unprecedented in Bermuda—which lasted almost six years really hurt most those who could least afford it. They were the ones who effectively had the most trouble in terms of dealing with it. They are probably, in some cases, still the ones out of work, still on financial assistance.

I think, as one of my honourable colleagues said earlier, there needs to be a recognition on that side that one of the reasons this has taken so long and one of the reasons why the recovery is not addressing everyone’s needs as quickly as we would like is because of the extraordinary and unprecedented downturn we saw back from about 2010 to 2012. When you have a loss of 5,000 jobs, basically 2,000 of those were Bermudian, and 3,000 leaving, we have said before that that basically re-levels the economy in a lot of ways. It basically drops it down to a degree where you have lost hundreds of millions of dollars. And I have said before that those 5,000 jobs probably equated to the loss of about \$300 million in spending every year.

And so, when you have a reset like that, it takes longer to come out of it. And I know the Opposition will often say, *Well, it was an issue of global downturn*. But as my honourable colleague, the Minister of Finance, has said on any number of occasions, a lot of other countries were in and out in 18 months, two years. Bermuda experienced six years of economic decline. And it is only now that we are starting

to see some of the recovery, which, admittedly, has been slower in coming. But we are now starting to see recovery, I think, in a fairly significant way.

The Honourable Member who just took his seat talked about people who may have some money who would like to start up a business. The fact of the matter is this is as good a time as any to start a business. And I say that because you do not want to start a business in a downturn, because there is less disposable income. There are fewer people who are out there with jobs. There are fewer people who are spending money. And I think the simple fact of the matter is that this, in a more buoyant economy—and we are not there completely yet—is a good time to do that. So, I say that there actually is hope. And there is, I think, an improvement in a lot of different directions.

Mr. Speaker, I guess I would say it is a very interesting world out there. Some would say it is a crazy world out there right now. When you think about Brexit and the uncertainty that it has created in the UK, the pound dropped as much as 20 per cent. I think it is down about 15 per cent from where it was prior to Brexit. When you think about the terrorist attacks, we just celebrated, in some respects in a perverse sort of way, the anniversary of the attacks in Paris. When you think about Nice earlier on this summer, some of us experienced that when we were over in France for the World Series. Toulon was really buttoned down. There were a lot of soldiers who were there with automatic weapons. Clearly, it is a very, almost a paranoid feeling in France right now.

When you think about ISIS and what is going on in some parts of the Middle East, the continuing attacks on offshore business centres by the European Union on US multinationals as well, talks of a new European Union blacklist, I think we are in, in many respects, very, very difficult times. We have experienced a US election which is going to raise some very interesting issues for Bermuda in many respects. We were concerned about what is known as the Neal Bill before, which might have impacted our reinsurance. But now we are looking at the Ryan-Brady Tax [Reform] Plan, which could have an impact as well in terms of how Bermuda fares, particularly in terms of our international business.

But the good news, Mr. Speaker, and I think we have seen that in terms of the fact that people now recognise there is a recovery, that Bermuda is moving ahead in spite of all these things that have been going on. I would like to think, and I believe, that it has been a good, steady hand from Government. I think this Government has done a very nice job in terms of rebuilding confidence. And by that, I mean certainly, partially, investor confidence. When we think about how business was going almost five years ago, it was heading very much in a downward direction.

We have seen confidence in terms of XL Catlin, who have now redomiciled from Ireland to Bermuda. We have seen confidence basically from the

work that the BMA has done to get Solvency II in place. And I think we have also seen some of the issues that that has done to better position Bermuda. Because I think one of the real challenges that the UK has right now with Brexit is this issue of losing financial service businesses, both to Europe and the United States as well. But we are in much better shape now from a Bermuda perspective, relatively speaking, because, essentially, of the credibility and the confidence that Solvency II has put in this jurisdiction in terms of the financial services.

I think there are some other indicators as well. And I am talking about investor confidence right now because that is extremely important in terms of what we have seen, going back five years and possibly 10 years as well. When you look at the recent Government Bond issue, which the Minister of Finance talked about a few weeks ago, that was \$665 million, I think it was. And that basically was placed at an extraordinarily low interest rate, at least by historical perspectives for Bermuda. It was 3.7 per cent, which is one of the lowest interest rates I think Bermuda has seen in a long, long time.

That basically means there is investor confidence. And it is even a lower rate than we saw back in 2013 when that \$750 million bond issue was placed, because that had a much higher interest rate, at 4.85 per cent. So what that is basically saying is that the markets have a favourable view of Bermuda, that there is higher investor confidence in Bermuda as a consequence of that. And I think we are starting to see that in terms of what is going on in terms of our recovery as well.

We have often talked about a two-track plan. And yes, Mr. Speaker, the Government certainly does have a plan. We have done a lot of work over the last few years in a lot of departments. And basically, ministries have had to really tighten their belts. But we have imposed a significantly increased discipline in terms of government spending. And that is very important, because if you can decrease the amount of government spending, then you do not have to take as much out of the taxpayer's pocket. It means you are leaving more money in their pockets that they can spend themselves.

We have also done a good job in terms of starting to reassure existing businesses here. We are starting to see more jobs placed here. We are seeing growth in international business. That is not to say that we have not seen, essentially, some consolidation going on. But it would be unfair to say that we are not creating jobs. We are creating jobs all the time. I think when you look at some of the investments that have been made in terms of jobs, I think of Cross Island, which was the reclamation up at Dockyard. That employed 150 Bermudians. There are another 50 non-Bermudians employed in that as well because of some of the overseas contractors. But I think we have seen actual growth in a lot of different areas.

In terms of other measures, others have touched on it. The retail sector has grown. We have seen six quarters of positive GDP growth, five quarters actually in terms of constant dollars. Air arrivals—up unprecedented 18 per cent in the third quarter. I do not think we have seen 18 per cent growth in air arrivals in a very, very, very long time. This year, air arrivals up 14 per cent.

The Reply to the Throne Speech was a little bit (what is the word?) certainly dismissive in terms of some of the St. George's efforts. But from a cruise ship perspective, we have gone from four scheduled calls in 2016 to 16 calls in 2017. In Hamilton, it has gone from 16 calls in 2016 to 23 next year. And I think we heard a number of years ago from the former Government that it was not possible to get small ships into St. George's. We have got two small ships coming as a result of the recent contract with NCL [Norwegian Cruise Line]. One of them is the Oceania Cruises, very high-end ships, and that should be extremely good for St. George's as well.

We have also seen some other successful connections between the cruise ship activity and indeed Dockyard as well. The Cross Island Reclamation, half of that fill actually came from the channel widening in the North Channel. And I think that was a very successful use of effort to do, to kill, as it were, two birds with one stone.

The growth that we have seen and jobs that have been paraded now in new hotel infrastructure are certainly obvious for a lot of people. My honourable colleague, Sylvan Richards, talked about what has changed from Pink Beach to what is now the Loren. That is supposed to open early in 2017. We have seen significant progress up at Morgan's Point with ground breaking up there and construction on the Ritz Reserve.

The St. George's project is coming along very nicely. Surfside over in Paget has certainly seen a move for renovation over there. We are optimistic that the Tucker's Point sale will close fairly soon, as well. And there is discussion about Elbow Beach, as well, taking some of those existing smaller, older rooms and essentially doubling them up to create much larger rooms.

So, when the Progressive Labour Party asks in their Throne Speech Reply on page 5, "Are you better off under the OBA?" The answer, Mr. Speaker, is clearly yes. It is clearly yes. And we have seen that in terms of just the dramatic change from where we were five years ago to where we are now.

I think a lot of people certainly say, *Well, it's not affecting me*. But the fact of the matter is, Mr. Speaker, that you have got to be able to create an environment—an environment of confidence and company creation. And I think we have seen that as well.

I note on page 2 that there is a comment here that "Bermudian businesses continue to close their

doors.” What the facts actually show, Mr. Speaker, when we look at new business registration—and these are local businesses I am talking about now—we have seen increases every year in terms of the number of new business registrations, local business registrations, from 2012. In 2012, there were 114 local business registrations. That is new local Bermudian companies. In 2013, there were 142. In 2014, there were 156. These are local Bermuda companies, new ones. In 2015, there were 188. And what we have seen so far this year is, for half the year we have seen 123 versus 91 for half the year from last year.

Why is this important? Why is this more than just a statistic? Because these are local companies which are actually hiring people. They are creating jobs, and they are creating opportunity for people out there. And I think it is really important to get that message out there. You might say it is a bit of a leading indicator. But unless you have job creators coming along, unless you have new business, then you do not get the jobs that are so important for our Bermudians, and particularly for our young people coming along as well.

I would like to switch gears for a couple of minutes here—and, Mr. Speaker, how much time do I have left?

The Speaker: Fourteen minutes.

The Hon. Dr. E. Grant Gibbons: Fourteen minutes—and talk a little bit about some of the items that we have seen before in the Opposition’s Reply to the Throne Speech.

The “Agenda for Growth,” and I am looking at page 6 here. One of my colleagues talked a little bit about it earlier. But I am looking at this proposal of an Economic Diversification Unit. And I do not think this is a new idea. I think we saw this going back to a Budget Reply as well. But it is this concept of forming an Economic Diversification Unit. Mr. Speaker, in many respects we already have an Economic Diversification Unit. That is the reason why the Bermuda Business Development Agency exists. Yes, part of their effort is to market and promote Bermuda and to make sure that existing businesses are growing and that we are doing what we can to make sure that the climate and the environment, whether it be legislative or otherwise, is very favourable for that.

But the BDA is also there to look at diversification. And it is interesting because the Reply says, “This permanent organisation will consist of a small number of persons with a proven history of developing economies.” Mr. Speaker, that actually describes the OBA Government to a T. We have been developing this economy over the last four years. We have seen it on the tourism side with new hotel infrastructure. We have seen it in restoring confidence on the international business side. And we have seen it with some of the new companies that are coming in that we have

seen every year in terms of exempt companies as well. And many of these exempt companies are hiring people.

The information that we have from the Tax Commissioner’s Office is that the 112 new exempted companies since 2012 that have a physical presence have hired 433 new registered employees. So we are seeing the kind of growth and development. Is that sufficient, Mr. Speaker? No. But it is a change, and it is a move, certainly, in the right direction.

The concept of this Economic Diversification Unit, according to the Opposition Reply, will be simple to develop—one new primary industry that provides growth of at least 5 per cent of GDP and three new secondary industries that each directly provide at least 2 per cent of our GDP by the year 2025. Mr. Speaker, it is easy to say these things. I can remember when I used to work in the pharmaceutical business. We used to laugh about the proposals. They would say, *All we need to do is find a new antibiotic that has 2 per cent in sales of the overall antibiotic market, which is billions of dollars.* The fact of the matter is that there is no *there* there. It is easy to make a broad promise of this sort. But there is no *how* there. There is no substance to this. Simply saying that we will grow something or identifying something that will grow by 5 per cent—it is a lot harder than it looks. And I think we have seen that in terms of what the former Government certainly experienced.

My honourable colleague talked about this concept of a Bermuda Fund. The idea of creating a Bermuda Fund using the pension money, which is under the control of Government . . . again, this is sort of a very . . . I had a former civil servant text me a little while ago. And he said, *It’s unbelievable that we would take money out of our pension funds, which are already underfunded, and put them into an idea like this.* I think the issue here is that the pension funds ought to be able to select private equity funds and other things. But to simply take money out of those, which is for the benefit of civil servants, and invest it in a fund like this, which is unproven and would possibly even lose money, is a very poor idea. I think it is not something that we could certainly support on this side.

But what we have been working on, Mr. Speaker, is putting together a Bermuda Fund which is coming from other sources, not from the pension funds. And that is something that I am hoping the Minister of Finance will be able to talk about in the not-too-distant future, a Bermuda Fund that is funded from other investors that will basically be able to invest in Bermuda, structures in Bermuda, entities, and basically provide some additional stimulus to the economy.

A certain amount in here is also essentially about entrepreneurs. Mr. Speaker, I had the pleasure this afternoon of opening Global Entrepreneurship Week. There is the concept here of an incubator, of helping entrepreneurs out. And I think that is some-

thing that the Bermuda Economic Development Corporation have actually done a very nice job of over the last couple of years in terms of providing, in some respects, I will not say a one-stop shop, but certainly facilitating and helping entrepreneurs to develop their business plans and also doing a lot to essentially stimulate the broader concept of entrepreneurship on the Island.

We have seen certainly a dramatic increase in terms of the activity in the Global Entrepreneurship Week. There are some 40 events that are scheduled, and they have been growing over the last couple of years. As I understand it, they have reached out to almost 5,000 people in terms of the penetration that they have made.

So, Mr. Speaker, at least some of the issues that are important here, and I think you have seen this in terms of the Throne Speech. This ability to be able to stabilise the economy and create additional confidence puts us in a much better position now to be able to tackle some of the social issues. We heard about the issue of the Salvation Army, earlier on, and the Honourable Member from constituency 16 talking about his discussion six years ago.

The problem is that that was never executed. He was never able to make that happen. And I think that is the challenge that we see with a lot of issues in this Reply to the Throne Speech. You cannot eat vision, Mr. Speaker. There are certainly ideas here, and there are certainly concepts, some of them are certainly recycled. But the fact of the matter is that what we have found as a Government is we are now putting this economy in much better shape and a much better position to address some of the social programmes, which do cost money and which, effectively, a Government is only able to do when it is in better economic shape.

One of the ones that I think has a lot of promise is the Bermuda Hospitals Board Medical Patient Home, which is being set up. And that has started already, and that would be based at the hospital. And it addresses this issue that when you look essentially at the spectrum of people in the community out there, and other countries have seen this as well, particularly the United States, it is often a very small proportion of the community which is responsible for a great deal of spending on disease management.

And so, the hospital-based Medical Patient Home will look specifically at chronic noncommunicable diseases, diseases like heart disease, diseases like diabetes, and basically do a much better job of handling, a more comprehensive job with follow-up on those patients who really need additional help. In some cases, it may actually require social counselling as well. But communities which have started to address this find out that this is a good way to cut the overall cost of medical care as well, and provide much better care to those patients who actually need it. Because as we know, diabetes has skyrocketed as a

consequence of obesity in Bermuda, and it is a very expensive treatment on an annual basis, I think over \$250,000, maybe more than that, every year.

Mr. Speaker, I would like to touch on a couple of other issues which appear in the Reply, and I can speak to them in terms of some of the things we are doing. There is a section in here on protecting our environment and investing in the Green Economy. Suffice it to say that this is something that we have well underway right now. The concept of creating more alternative sources of energy is a concept, again, that has been around for a number of years. I think the former Government talked about creating essentially a utility-scale photovoltaic, or solar, farm down at the airport finger. The only problem is that they never did it. And now we are in the process of bringing that online. We have started the RFP process already. We had some 29 bidders—Bermuda, Europe, the United States, Canada, all over the world—who would like to bid on that particular project.

We are creating a shorter list now from those who qualify, and we should be able to go out at the end of this month, the beginning of December, with an RFP to create what would be, in the first phase, something like 6 megawatts of power that can be fed back into the grid, we hope at a lower cost than that which is created through fossil fuels. We will have to see how those bids come in. But that is the first phase of it.

There has been a lot of discussion about putting photovoltaic solar panels on different government buildings. But the good news is now, Mr. Speaker, this is more than just talk. We now have with the Electricity Act in place the ability to be able to actually manage that process of integrating what we would call distributed generation actually into the grid itself and having a way to regulate that. So we are moving forward in a very, very positive way on that.

Mr. Speaker, I think it is also worth [commenting] on some of the things about the America's Cup. I think the Chairman of the Bermuda Tourism Authority said it very nicely in a recent opinion piece, that the America's Cup has given Bermuda extraordinary coverage out there, not only in articles that he felt the Bermuda Tourism Authority would never have been able to access before, but in terms of some of the stories about the athletes, in terms of some of the stories about Bermuda and the excitement. We have seen a real increase in that younger demographic, the 25-to-35-year-old demographic. And I think some of that we can attribute to some of the excitement created in terms of our efforts to rebrand Bermuda as a much more interesting and exciting place to be.

The teams that have been here in many respects have provided in their own way a big economic contribution simply by being here. With the America's Cup Event Authority, with Oracle, Artemis, and Soft-Bank Team Japan, we have something over 230 team members here. When you add in another 250-plus

family members, we have almost 500 people who are actually living here. They are renting houses. They are renting apartments. They are spending money in the community, and they have been out there. They have been active in the schools. They have gotten involved in the community. And certainly, they have done a lot to help with programmes like Endeavour, which are creating—

The Speaker: You have got just over a minute left, Minister.

The Hon. Dr. E. Grant Gibbons: Okay.

Creating opportunities for some of the young people in school through the Endeavour Programme—which touched probably almost 1,000 younger people. And the construction alone coming up, and we have seen already in terms of new facilities for the Red Bull Youth base, for the Event Village, for the Emirates Team which is coming, for the British Team, for the Team France, and also in the South Basin, with the extension of that as well.

So, Mr. Speaker, there are a lot of things going on which we think are certainly contributing to this recovery and certainly will position us better, [put us] in a much better place to deal with some of these issues that we would have liked to have done more, but simply we could not, given the state of government's finances and the economy. Thank you, Mr. Speaker.

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

The Chair is going to recognise the Honourable Member from constituency 21. MP Rolfe Commissioning, you have the floor.

Mr. Rolfe Commissioning: Thank you, Mr. Speaker. It is certainly great to be back before you again.

The Speaker: It is good to see you as well, Honourable Member.

Mr. Rolfe Commissioning: Thank you.

Mr. Speaker, yesterday Ms. Carolyn Young was laid to rest. Ms. Young, as many of us know on this side, was a staunch member of the labour movement, probably going back about four decades, the wife of Mr. Kenyetta Young, who himself was a labour stalwart of this community, of the Bermuda Industrial Union. His wife formed that cadre of women of my mother's generation and your mother's generation who contributed just as much as the men in grabbing Bermuda by the scruff of the neck on behalf of fostering economic, political and racial justice in this country.

And you know, Ms. Young, whom I knew quite well, was always supportive of the Progressive Labour Party, her BIU [Bermuda Industrial Union], and all of us here, would have been quite proud today to see

that the Progressive Labour Party, by way of this document delivered by the new Opposition Leader, Mr. David Burt, reaffirmed its commitment to those political philosophies, that political ideology which calls for us to continue, or better yet resume, that struggle to make Bermuda a more perfect democracy, not only politically, but economically; that we also will appreciate the need for the country to have a greater degree of economic justice.

I heard the Member from [constituency] 22 commend us for at least acknowledging that the economy has started to show some, to use that phrase of the last four or five years, some *green shoots*. Well, I want to commend the OBA, or at least him, as well. Because when he mentioned about the great recession, he did not in a reflexive way say that it was caused by the PLP. So I will reciprocate the spirit of commendation on those lines, Mr. Speaker.

I will say this, though. The great recession that he identified and the great damage it did to our economy and even to our social fabric, he talked about the length of time it has taken for Bermuda to begin to see these green shoots. But I do not think he realised or has appeared to acknowledge that we also entered into that great recession a little later than our trading and other partners in the world that we always compare ourselves to. He talked about 2010. In some of these other countries, that great recession began to really bite in 2008 and 2009, 2007 even. So we are coming out of it a little later, but we also went into it a little later.

But this Vision 2025 stands in stark contrast to a government document which, at the very least, was pedestrian. I mean, this may be the last Throne Speech from the current Government before the next election. But it has a number of blind spots and certainly betrays a certain lack of ambition with respect to the great need that is out there in our community. I remember speaking to the Honourable Member for [constituency] 34, the Honourable Member Kim Wilson, earlier . . . or, no, on the day that the Throne Speech was delivered as we sat just down the hill there. And I whispered to her. I said, *Is there some disconnect here? I am seeing a lack of real ambition here in the Government's Throne Speech. But the need in our community is so great.* That is what I mean about the "disconnect."

In contrast to the disconnect of the OBA with respect to their Throne Speech, we see a real connection, as evidenced today by the PLP's Vision 2025 document.

Mr. Speaker, if I may quote here from the OBA's document first. (And I just lost the page, and I will get it in a second.)

The Speaker: Let me know where you are so I can follow you.

Mr. Rolfe Commissiong: I will, I will, once I find it myself.

Page 2 of their Speech from the Throne, and I quote, “Continuing economic progress and recovery is key to this plan, and Government’s two-track strategy to renew growth and job creation while imposing discipline on the public purse is bearing fruit.” It outlines in bullet point form the fruits that it is bearing, and I will read a few of them. “Bermuda’s Gross Domestic Product has recorded six consecutive quarters of positive growth, signalling sustained recovery from what was, by any measure, a six-year depression.

“The retail sector, stagnant for years, has grown 18 out of the last 19 months, buoyed by rising consumer and business confidence.

“Air visitor arrivals, driven by the Bermuda Tourism Authority’s high-impact marketing, surged 18 per cent during the third quarter this year with the year on track for the highest number of arrivals since 2008.”

And then it speaks to the respective and current hotel developments that are taking place.

But, Mr. Speaker, I spoke of this disconnect. The theme that was used that I thought was quite apropos by the Opposition Leader in his response on our behalf, where he talked about the One Bermuda Alliance record from another perspective.

And similarly in bullet point form, if I may, on page 5 of the response, as he mentioned this morning, “Mr. Speaker, four years ago, the OBA became the government following a campaign that made promises which won them the election. As the Opposition, it is our duty to point out the gap between their rhetoric then, and the reality now:

7. In 2012 the OBA pledged to ‘create 2,000 jobs.’ Four years later, Bermuda has lost 2,124 jobs.
8. In 2012 the OBA pledged to ‘pay down our national debt.’ Four years later the debt has doubled from \$1.2 billion to \$2.4 billion.
9. In 2012 the OBA pledged to ‘reduce the cost of living.’ Four years later the cost of living has risen and students, workers, and seniors are worse off.
10. In 2012 the OBA pledged to ‘reduce the cost of health care.’ Four years later health care costs are squeezing employers and employees alike, while many employers are reducing coverage due to the increasing costs.
11. In 2012 the OBA pledged to ‘implement a Zero Tolerance Policy for unethical behaviour’ and promised a transparent government. Four years later the people have borne witness to scandal, a shocking lack of transparency, and anything but zero tolerance.
12. In 2012 the OBA pledged that ‘privatisation is not part of our plan.’ Four years later the OBA plans to privatise our airport in a sole-sourced

[untendered] deal in contravention of financial instructions.” Close quote.

So again, the juxtaposition of, as something reflects that theme of two cities, two Bermudas, as opposed to the One Bermuda that they promised to create.

Mr. Speaker, the OBA in 2012 promised to make Bermuda great again. I know it sounds eerily familiar from what we have just heard over the last few months to the west of us. But certainly, some of the same impulses that led to the movement on that side are culminating in 2012, so some eerie parallels with what took place over the last year and a half in the US, but I will save that for another time. But they promised to make Bermuda great again. But for too many, that was but an empty promise; it is a hollow promise, and people are really burdened, continuing to be burdened by the lack of real opportunity, jobs, and a sense of hope and optimism in this OBA economy.

We see growing numbers of people talk about the fact that they can no longer afford to live in Bermuda, the growing income disparity. Mr. Speaker, I too want to quote from Mr. John Wight, who I think actively sums up what we are getting at here. He too acknowledged by way of the [Royal Gazette](#) article that was printed only on October 4th, 2016. And if I may, I want to quote. He says, “Gross domestic product figures show an improving economy. The Bermuda Tourism Authority is reporting strong numbers. Very good news for Bermuda.” So again, he gives credit here. “Are we out of the woods yet? Not by a long shot. In fact, in many ways, I am as concerned about Bermuda’s future as I ever have been. Why?” He summed it up in two words: “Income disparity.”

“There are too many Bermudians hurting. ‘Bermuda’ used to work for all. It doesn’t now. It works for many, but not enough. Why? Who is discussing this? What is the plan to ensure that it does work for all again?”

Furthermore, he says, “My background is financial, so the economics of why we need change is easier for me to articulate. What concerns me equally, however, is the social fabric of Bermuda. I can’t quantify it, but I see it and I feel it. Children sent home from school because their parents couldn’t afford uniforms. In Bermuda? In 2016? Heartbreaking and disturbing. And we can’t allow this to happen.”

Mr. Speaker, I contend here today that the OBA has a blind spot. When Bermudians are saying that the OBA does not care about Bermudians, this is why! Because they can get right up here and sound so out of touch with the realities of Bermuda we know and live in today. My good friend, Mr. Grant Gibbons there, from constituency 22—

The Speaker: It is the Honourable Minister of Economic Development, from constituency 22.

Mr. Rolfe Commissiong: The Honourable Member and Minister for Economic Development, constituency 22, right next to my own, has always had a blind spot with respect to the issues of racial justice! He thinks that, *Oh, well, we'll grow the economy, and then we can put some crumbs on the table to ensure that you black guys down at Salvation Army get a habitable place.* Is that the height of our ambition? No! Suddenly, where is the Honourable Member from [constituency] 22 [sic], next door to him? Because usually when I talk like this, he would not get up and defend himself or speak on behalf of his views on racial justice. She would be tap dancing on his behalf. That is the OBA reality!

But it is not a reality that is going to help Bermuda today. They want to take us back like Trump did, to the 1950s, make Bermuda great again, a one Bermuda! Well, the people are not going to buy it this time. Like Mr. Kevin Minors told the Premier over a recent trip to the UK. Well, the Premier was struggling—struggling to keep his inner Trump from being exposed. But Kevin Minors smoked him out of that closet, you know, that closet where you hear him saying, *Our brothers and sisters.* But clearly, the Premier has a highly defined sense, a highly defined sense in terms of white identity. It was clear. Oh, when Mr. Minors said, *What about the need for some sort of affirmative action-style policies, racial equality policies to ensure that black qualified Bermudians are going to get opportunity within companies?* So the Premier's response is what? *Well, what about those black companies that only hire blacks?* Ah, gee, come on! So the Premier has been smoked out of that closet.

The One Bermuda Alliance Government does not get it. We know, for example, that the levels of income inequality that have continued to grow here have been phenomenal. And it has been a reality that has been confronted by both or all three governments that we have had from those three parties, although in essence it has only been two, because we all know that the UBP and the OBA are still the same. But technically, there have been three parties. Mr. Chris Furbert, at the BIU banquet only a few months ago—I don't know, eight, nine months ago, frankly, somewhere in that vicinity—I thought in a very compelling presentation outlined the growth of wage disparity along racial lines in Bermuda, spanning almost two decades, or two decades, actually.

[Inaudible interjection]

Mr. Rolfe Commissiong: Yes, thank you, Michael, I mean, Mr. Scott.

In 1982, Mr. Speaker, the wage disparity along racial lines in Bermuda for black males versus white males and others stood at \$13,840—significant. In 1993, however, it had increased to \$41,169. By 2004, another major increase. The gap widened to

\$49,463. In 2013, it was at \$76,476. This is really deep here because, remember, 2013 means that the increase was continuing even at the height of the recession.

Now, that is just on the male side of the gender equation here, gender and race. Similarly, Mr. Furbert laid out the same sort of disparities between black females and white and/or other females. In 1982, it was \$625. It was really modest. But, in 1982 you see that and you say, *We're moving. You know, by the year 1990-something, that's going to be down to like, you know, nothing. Because we're moving in the right direction.* But clearly, we were not, because by 1993, with respect to the female side of the equation and race, the gap had grown to \$7,240. In 2004, eleven years later, a \$35,700 gap. And in 2013, similarly with the gap between black males and other males, \$75,119.

Mr. Speaker, is there any wonder that . . . I mean, various estimates, because I don't know. Maybe they do not want to have the data to track immigration. We all know that Bermudians are like refugees now, going to the UK in numbers. We all have relatives, from sons and daughters and cousins, out there. We know that. They all come from our black middle and lower income families and households. Various estimates tell me now that we are talking about 2,500 who are over in the UK. But let us give a conservative estimate. Maybe it is 1,000–1,500. It has got to be something in that region. We need to get those data. How can you craft policy without it? I do not know. To me, it would be urgent for me, if I was the Government, to get those hard data.

But it is a reflection of the growing income disparity. John Wight is no flaming radical. What his concern is, and the growing concern of more enlightened members of the business community, not like some of the old dinosaurs, the old Bermudian dinosaurs who have always dominated that sector—they are realising that income inequality is ultimately destructive and that it will destroy our social cohesion and whatever degree of social stability we have enjoyed over the last 20 years. That is how insidious it is. We have always had this, particularly along racial lines. But it has grown exponentially.

And the rise of gang formation, gang violence, all of this is all tied into this, these numbers. It is all tied in. Let us not be under any illusions here. Again, that is why the OBA is cruelly out of touch. And Bermudians are realising it. Unless they can succeed in driving another 4,000 Bermudians, primarily black Bermudians, out of here between now and the next election, they are going to lose. But I am sure they are working on that.

Mr. Speaker, I am very happy about the fact that we are talking about the living wage, and I want to just thank my colleagues, not to me personally, because I am not the only one who has been pushing this. You had the People's Campaign with Brother

Jason Haywood; of course, Reverend Nicholas Tweed, whom they are seeking to also drive into exile from what is his home, as they did his father; you have had the union with Mr. Chris Furbert and others, talking about this. The Government, to their credit, has actioned the Labour Advisory Council, and they are in deliberations as well, along with the joint select committee, which you formed and facilitated after the vote was taken by this House. So it is an issue whose time has come.

Mr. Speaker, just yesterday I went to a church service over there around Curving Avenue, my constituency. The old church. The old great Reverend Fubler, you know, he of the cowboy hat. Oh, man. I had to go. I had to go. And it was fascinating, and I want to thank them. And Brother Ottiwell Simmons was there, Honourable Member of this Chamber, for decades, as we all know and love. He was there with me, and others. But we had two bishops visiting. One was from Trinidad—no, born in Trinidad, but now is one of the district leaders of that church, based in the northeast, along with a Jamaican bishop, who formerly was a pastor at that church back in the 1980s. He is also now at the regional level. And they were both here.

Both of them were heavily involved in . . . I would say not heavily involved in politics, per se, but certainly they were just as concerned now with some of these churches with what is happening with their parishioners in their daily lives as they are in securing their place in heaven in the next life. And so to me, that is a welcome trend, we are seeing more and more attention to what is happening today right now in the living lives of their parishioners whom they care for.

And the living wage came up. And, you know, they know how important it is. It is a small tool. But it is a necessary tool to ensure that those who are most vulnerable with respect to those trends which I just briefly talked about, and others, are not going to be a part of this race to the bottom that occurs when you have growing abuses on the part of employers who are seeking to maximise profits off the backs of vulnerable workers.

I understand there is a very, very well-known fast food (not necessarily fast food, but restaurant chain) in Bermuda. They employ foreign workers from Asia, Southeast Asia. They pay them only about, in real terms, Mr. Speaker, \$5, \$6, maybe \$7 per hour. These people are then working 50 or more hours per week. And they wonder why the Bermudian workers are demoralised? Not lazy, not lacking in work ethic; listen to what I am saying, Mr. Speaker, please. Why they are demoralised.

Or what about the fact that in another part of our economy in another area, and I do not want to call any names because it may lead to some embarrassment, you have an individual employer who is hiring people on a part-time basis, but yet requiring full-time

work from them, which is in contravention, I believe, with respect to our Employment Act. But these are the types of abuses. That is why, Mr. Speaker, if you remember, I quoted Thomas Perez in this Chamber a few months ago, where he said (he is the current, yet outgoing, Secretary [of Labor]), *No one should be working 40 hours a week and be living in poverty.* Thomas Perez, the Secretary [of Labor] of the United States of America. But that is what we are seeing in this country.

What about the issue of overtime? Mr. Pernell Grant against Apex Construction—another abuse, but one that by the previous PLP Government, facilitated by not being willing to stand up back in the early and mid-2000s, and close that loophole, which has been egregiously abused by employers. Overtime should not be a privilege; it is a right.

Lastly, Mr. Speaker, in terms of the living wage issue, it is so necessary even from a purely economic standpoint . . . I think it is necessary from a moral standpoint. But even from an economic standpoint, when you put more disposable income in the pockets, in the hands of those who are inclined to spend it more, it offers a boon to your economy, helps to jump-start demand. It is in their interest, even business's interest, to not close their minds to this. Because again, one of the benefits is that it is going to be helping to repair our tattered social cohesion.

So, Mr. Speaker, how much time do I have left, please?

[Inaudible interjection]

Mr. Rolfe Commissiong: Four-forty-five.

Mr. Speaker, I am very proud to be a member of the Progressive Labour Party, and I am very proud to stand here today in support of this objective, in support of this document. Because, Mr. Speaker, this document, along with its sister document, Vision 2025, lays out a blueprint not in terms of a short-term palliative, but in terms of a well-thought-out strategic plan that makes the Bermudian people the centre of the plan, not just some of them as is the case over on the other side.

Mr. Speaker, I often used to hear the Member from [constituency] 21 going throughout the 2000s make the claim about friends and family, accusing the Progressive Labour Party of only looking out for their own. Well, Mr. Speaker, we clearly see who are those who have really perpetuated friends and family. It is clear for all of us to see now after four years. But this document, the Vision 2025 document, begins the process or continues the process of trying to restore hope and confidence in that we, the Progressive Labour Party are about to resume our historic role of fighting on behalf of those who are the least amongst us, fighting on behalf of those who are the marginalised and powerless. And we are determined to fight

that battle unapologetically till victory is ours! Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Minister for Public Works, from constituency 12. Minister Cannonier, you have the floor.

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

It is turning out to be a rather tame night. And I am glad to hear the exuberance from the Honourable Member from constituency 21. I think that I probably would start out by saying this. I am not exactly sure when some of this stuff struck him or when he came to the realisation. And when he talks about the fact that he is resuming something, that would suggest that you dropped the ball or that you let something go. And then I continued to listen to some of the stuff about how there has got to be some blind spots.

But how dare the Honourable Member from constituency 21 get up and talk about a blind spot and forgetting people? When the whole reason the OBA exists and won the election is because they forgot! They had a blind spot! And I am talking about a blind spot, Mr. Speaker, for black businesses. Mine, me, one of them who struggled! Where was the aid? And the number of black entrepreneurs who lost their place under the leadership of the PLP Government is astounding! So how dare he come? Why get up and talk about a blind spot?

I mean, this thing has been going along quite well. I quite believe that we were on the way of putting some things in the past. And as the Honourable Member in this vision here from the PLP Government in the Throne Speech Reply, eloquently states that we cannot be getting up here and fighting and pointing fingers back at one another! We need to be on a common cause here. So if you are going to get up and start throwing stones, I am not going to be quiet about the fact that black entrepreneurs are out of place today—and I can speak to it, and I will—because of a failed PLP Government.

An Hon. Member: It is all rubbish.

Hon. L. Craig Cannonier: You can say *rubbish* all you want. But I know what the black men . . . I can recall at Berkeley the number of guys who stood up and were paraded in Berkeley, *Oh, these are all of the great entrepreneurs who are going to be great.* I am telling you today, I do not know one of them who is still in business today—not one of them! And these were well-established guys. So do not get up in the House of Assembly and start throwing stones!

I want to go back to what the Honourable Member says, that *the Premier has been smoked out of the closet.* Well, here we go again, *smoking out of the closet.* When the gay community wanted to talk

about same-sex marriage, coming out of the closet to talk about it, you could not hear a peep from the PLP! They did not say a word! And you want to talk about coming out of the closet? Come on! Do we not think about what we are saying when we get up here? This does not make any sense to me.

Income inequality—that brother was on a good line, income inequality. He is right. We have got to fix this! But fixing it, I did not see it in the Throne Speech Reply, Mr. Speaker. He spent a whole bunch of time talking about a living wage. I did not see it in here. If it is that vital and important to them, it should have been in this book! It is not in it! It is not there.

So I will back down. And I will ease off. Because I know that the Opposition are on a good line. The Opposition Leader put them on a good line. So I would suggest the Opposition Leader talk to the Honourable Member from constituency 21, because he is on a good line, and I think that the Honourable Member from constituency 21 is jeopardising that good line. They were on a good line. I read this thing. I read it even before the Honourable Member finished reading it. I was like, *Hey bye?* In good old Bermuda vernacular, *This bye here's trying something! He's actually trying something here!*

So we want to be on a good line and length. Those bumpers are going to get slapped for sixes if they keep coming. Nothing, nothing in the Throne Speech speaks to a living wage. Okay.

So listen, Mr. Speaker—

[Inaudible interjections]

Hon. L. Craig Cannonier: Yes, yes, yes. We can all slap sixes around every so often. It is kind of nice. I am glad to wake everybody up at about ten o'clock, because I must admit I was sitting there saying, *Hey, this is really nice, man! We are going to get out of here early. We are going to be on a good line and length.*

But I want to go back to what I originally wanted to say, and that was this, Mr. Speaker. I want to thank the Premier. You know, because I know his position and it is not easy. Honourable Members in Cabinet have been beaten on. But listen, man! And he has been beating on us. We have got to keep pressing this thing, we have got to keep pressing this thing! But we came here as a government to be fiscally, financially prudent! That is how we got here. So that is what we have been doing so that we can start giving the egg to those who need it. I mean, Financial Assistance, how many millions have we increased it to help? To help? And now we are in a position where revenues are up.

So now we have got a Throne Speech that is reflecting the fact that revenues are up, and we are now trying to put those monies to social events, social things that will allow the community to rise together. And hopefully, we can get to the point where this ine-

quality that the Honourable Member from constituency 21 was talking about, which I completely agree with—it needs to be dealt with. It needs to be dealt with. The inequality for men and women for the same position has got to be dealt with.

The question is, as they speak in the Throne Speech Reply, when the rubber meets the road and you are saying you want to make some tough decisions? I mean, let us just face it. The PLP has been government before. They were Opposition, then they were government, now they are Opposition. So they have been there, done that. Are they really willing when the rubber meets the road to make those tough decisions?

The reason I ask that question is because I remember the silence on same-sex marriage. Well, come on, guys! Make a decision! Make a decision. So it is going to be real interesting as they go forward. I read this Throne Speech Reply—real interesting, Mr. Speaker, to see how they handle the church in this matter. I am looking forward to watching how they politically situate themselves and make their manoeuvres throughout it.

But again, I want to go back to the Premier, because the Premier continues to say, *Guys, we have got to continue with the social agenda and getting stuff done*. So I commend him for the pressure there of making sure that we struck a great balance with our Throne Speech.

I also want to thank the Honourable Member, the Opposition Leader, for this Reply. It could not have been easy for him. This could not have been easy for him, understanding some of the challenges that the party is going through, which is why I cannot understand why some of them would even dare to get up here and throw stones! We know the challenges that they are having. It is no secret. But here you are, having challenges, and you still want to throw stones! That is why I cannot understand the Opposition Leader, he was striking on my balance here! I am giving this guy credit! And his Honourable Members want to throw stones? No, no. That is not going to work. That is not going to work.

I remember going away when I first got involved in politics. And I got away. And first of all, the Premier said, *Look, you guys. I want this Throne Speech to be short! Everybody, a page or less. Three paragraphs is good enough. If you can't get the point out by then, something is wrong*. Well, you know politicians, Mr. Speaker. We have difficulty keeping to a one-sentence answer. So we are back to 24 pages of a Throne Speech, or 21–22 pages. I see the Reply is 24 pages. But anyhow, it is difficult.

Now, I was doing my training, Mr. Speaker, and the guy gave me these five pages and said, *Look. I am giving you these five pages. Read them through. And I'm coming back in three minutes. I'm going to ask you questions. You need to answer with one sentence*. Well, you know, I was a politician-in-training. I

could not stick to one sentence. And he said, *Why is it that politicians cannot stick to a simple answer? We have got to get colour; we have got to go all over the place. And we see it here every time we get up and the rhetoric goes back and forth*.

I say all of that to say that it is not always easy. And running a country is not easy. The Opposition knows that, and we certainly as a new government understand it, and the challenges. We understand what we stepped into, the hole that we were in. We adopted that, and we are climbing our way out of it financially. And now we recognise . . . I mean, personally, I have been astounded over the last two weeks the number of people who have told me that they have gotten new jobs and better-paying jobs. That is telling us something. There are indications here. We cannot hide from those things. We must acknowledge them. There is some success there.

So if we can improve, get faster, do better at it, I would like to hear that from the Opposition. But certainly, I am not putting up with throwing stones; that is for sure.

Now, Mr. Speaker, I also notice that there are a couple of things on page 4 of the Reply. It really is an adaptation of what we have been saying all along. We do not leave anyone behind. We have been saying that for the last four years. And *Bermuda that works for all Bermudians and not just some*, that is something that also we have been saying for some time now. So I recognise that there is somewhat of a move towards the middle. The left and the right are moving towards the middle, and it feels like we are in a race to, whoever gets to the middle wins the race type of thing. So this is going to be a very, very, very interesting year with the new leadership in place, as far as the Opposition, Mr. Speaker.

Now, they talked about *lessons learned*. And I took this to heart. Making tough decisions, we know that. It is not easy in this political atmosphere, but we have got to make them. And our history shows that we have been willing to make some of these tough decisions. Hence, some of the concerns by the public and others because we know that we cannot please everyone. But also, Mr. Speaker, I was really intrigued by the Reply, on the bottom of page 4. It says, “Mr. Speaker, our priority as a government must be to change the trajectory of our country, from one of division to one of unity.” I could not embrace that any more. And I think that the Premier has been trying to lead us to come together to unify. And I am so heartened by the fact that the Opposition Leader now has put this into place.

And to continue with the last sentence, he says, “We must ensure that we include all in the transformation of Bermuda, as the global challenges require that we adapt and adapt quickly.” Now, that is where politicians have to make some tough decisions. And so, as I said before, it would be interesting that, as we move along throughout this year in some of the

ideas, I am looking forward to embracing some of the ideas that come from the Opposition. I believe that there are many there that we can adapt. I have heard that from many Members in private conversations going back and forth, that they have offered some great solutions that I think we can adapt.

But I must say that this Government, the OBA Government, throughout the challenges that any government has as it tries to lead, has risen to the occasion many times. Now, we are not going to always get everything right, and I recognise that. But you know what? You have got to keep pressing forward, because when you are riding that jet ski, if you let off the throttle, you have no steering ability. You have got to keep that throttle on and the pressure on. So I appreciate what the Opposition bring to the table in that form of pressure.

I want to move on, Mr. Speaker, to tourism. On page 13, I want to highlight some things that have not been highlighted yet. On page 13, I was quite intrigued by what was said there. It brings up two points, that St. George's must demand the support of the Government for a makeover. I found that interesting because we have been working very closely with the Corporation of St. George's and the needs that it has. But it says that St. George's must demand support. Well, I am not sure why they are saying they should *demand support* because we have been there all along. In fact, my Ministry just . . . more than \$1.5 million was given to the support of the Corporation of St. George's because the cruise ships are coming, something that has not happened in years, new cruise lines coming to the St. George's port. So I was a bit taken aback by that. I did not understand why it was in there.

And then secondly, "the long-awaited marina must be brought to fruition as the real future of the Towne lies in its ability to service and welcome back yachts . . ." Well, I would encourage, and I would like to sit down with the Opposition Leader to talk to him a little more about this, because that deal that the Corporation struck has got to be one of the worst business deals I have ever seen. And I am not afraid to say it. Because I felt that not only did it marginalise people of my persuasion and colour the way that it was done, but it also marginalised the Corporation of St. George's and their share of what it should be. It is not fair and equitable, what St. George's Corporation is doing here. And I brought it to their attention.

And so, the slow-up to that marina is not this Government. It is the developers. And I am not afraid to say it in public—it is the developers. If we asked them to go down there and build it and go ahead and build it right now, they could not even do it. They could not do it! But we have been working with them and trying to get it coming along, and allow the St. George's Corporation to see the sense in what we are saying—*You have got a raw deal here! It is not going to work!* So I would like to share some more of that. If

any of the Honourable Members from the Opposition would like to hear a little more about what I am talking about, I would be more than glad to share it with them, because it really did concern me.

Now, concerning tourism also, the Honourable Member from constituency 31, Minister Crockwell—I am sorry, former Minister Crockwell, he mentioned about this whole idea about getting the gaming for the America's Cup. As I was thinking about what he was saying, I thought it was a brilliant idea to say, *Well, I do not know if we should do that*. But, Premier, maybe what we should do is allow Crown and Anchor! Good old-fashioned, Bermuda-owned, Bermuda-run Crown and Anchor, bringing the world into our form of gaming. I think that is a brilliant idea. (We can discuss it. I am just—sorry to bring that up on the floor here, Premier.) The Honourable Member bringing that up, I do not see that happening. It would be much easier for Crown and Anchor. Anyhow, I thought that that would be a good idea for getting Bermudians to the forefront of something like that there.

How much more time do I have, Mr. Speaker?

The Speaker: You have got 13 minutes.

Hon. L. Craig Cannonier: Oh, great.

On page 16, Mr. Speaker, supporting our youth and seniors. I want to talk a little more about the Ministry of Public Works. One thing, though, just as a side note, that has bothered me for some time now, when we talk about supporting our youth, especially our youth, Mr. Speaker, I have been concerned about—I do not know how to put this any other way. I am concerned about adult males who are taking advantage of our young boys and our young girls. At a time when families are vulnerable, there are families in poverty, and we have predators out there. We have just seen in the *Royal Gazette* here lately an issue of this here.

And it is frightening. If you are out there on the street and you are talking to people and talking to families, some of the things that are happening to our young boys and girls. We have got to get to the bottom of this, and we have got to avoid these men who are taking advantage of these young kids. It is a shame. And they should not even get out on early parole, early time. No way it should happen! Do your full time. Anyhow, that is just a little pet peeve of mine. Sorry, Mr. Speaker.

But back to Public Works, the Ministry of Public Works. You know, our Throne Speech starts out by talking about Hurricane Nicole. And I want to stop for a moment and just thank the members of Works and Engineering.

An Hon. Member: And Parks.

Hon. L. Craig Cannonier: And Parks, yes, and Parks.

I had two radios during that storm, and I could not believe how late they stayed out, until the storm came, and how earlier I was on the radio with everybody, almost saying, *Hey, guys, look. It's a little too early to get out there.* But the Works and Engineering staff and the Parks staff were out there cleaning up. And I just want to thank them for their dedication to this Island. And it did not matter if they were in St. David's or Tucker's Town, Warwick, Dockyard—it did not matter where they were. They were out there doing a service for the people, and they did a phenomenal job. In fact, I know some Honourable Members in the House here who were bringing them teas and coffees and soft drinks. I was out running back and forth, taking soft drinks to many of the guys, the community thanking them, giving them refreshments.

It is great to see that during these troublesome times, we can come together. And I am hoping that in the House of Assembly that we have this opportunity and that we take up the opportunity that the Honourable Member from constituency 21 talked about, and start getting to this inequality and that we start working together to resolve it.

Now, I want to speak a little more specifically to some of the things that Public Works are doing as far as our social responsibility and revenue opportunities. It might be a little difficult in thinking about revenue opportunities for the Public Works. But we have shown an example of that already, where we have surplus lands. And I am calling it surplus lands because we have over 1,000 properties that fall under government. That is an astounding amount for this size of an island. And there is no way for us to keep up with the maintenance of these properties. They have been falling apart for decades, some of them. The finances are not there to keep them up to the standard that they should be.

And so, as you know, last year we had the opportunity. We sold a property this last year gone. And that was a test to see what the market would show. We raised \$700,000 for Harrington Sound Post Office. And we are looking at about \$10 million. We have got 30 different properties. I do want to sit down . . . I forgot the Honourable Member Lister's constituency number.

An Hon. Member: Thirty-five.

Hon. L. Craig Cannonier: Thirty-five, there we go.

I am looking forward to sitting down and talking to him a little more. Because many of these properties, we just do not want to put them out there and the highest bidder gets it. We believe that there should be a way of making sure that some goes to low-income residential and the likes. So I am looking for advice and assistance. And I will be talking to him a little more. We started out talking, but time has lapsed, and we need to get back to that conversation. And I am looking forward to bringing back to this

House the opportunity of raising more revenue through the sale of these lands and properties.

And then, Mr. Speaker, we talked about our social responsibility. You know, White Hill Field is one of the . . . it is a beautiful field. I do not know how many football games you won up there, and cricket games you won up there, Mr. Speaker, but it is a gorgeous field.

[Laughter]

Hon. L. Craig Cannonier: But the challenge of the field is this: It is not an international field. And so we cannot entertain any international matches on the field. But it is one of the most picturesque fields, where you can drive around it and the likes. And so what we are looking at is being able to make it into one of these international fields. And so we are going to build a community centre there. We have talked to many of the people in that constituency who would like to see a community centre. We are working with the Department of Youth and Sport also. They are going to assist us with that. We just finished building—not quite finished yet—the bathrooms that we have built there. So, we are moving towards making it an international field so we can have more games of international standards entertained in that area. So that is something that we are looking to do. And I am glad to say that our Ministry has found the monies to be able to do something like this here.

We have also said that we want to have more public bathrooms. And the Honourable Member who spoke about making sure that they were clean, well, we are working with Parks to ensure that we can keep those clean. But we are going to build more bathrooms in some of the other areas, beaches, and we are considering some other clubs as well. I know St. David's had brought it up to me back some time ago, that they would like to have a bathroom down there. So we are going to build more public bathrooms. And this has nothing to do, necessarily, with the America's Cup. Some might say, *Oh, you're just doing it for America's Cup.* No. This is to do with the fact that it has long been needed, and it goes towards ensuring that everyone, Bermudians and the visiting public, get the opportunity to enjoy amenities that should be available to them.

One of the other areas that we also talked about was the Old Depot, the recycling Depot in Devonshire. I know it has been an eyesore. We have been keeping recycling bags there until we can get them down to the quarry, the recycling plant there. We are going to clear that area, make sure that it is levelled off and have a basketball court and the likes there so that the community can enjoy those amenities as well.

So, we will continue, Mr. Speaker, to look at opportunities within our Ministry of improving. I have always attempted, when I have gotten calls from the

Opposition for assistance, I have attempted to be prompt in my responses, to get onto work as quickly as possible. I know that Salvation Army is something that has been a major concern. Those negotiations, which have not been in my hands, but we did gift the old school to Salvation Army. So I am hoping that they close that deal out soon, those who are negotiating the deal.

But again, Mr. Speaker, I am grateful for the opportunity that this Government has had to show that it knows how to lead, to get us into a fiscally prudent position, and to also start recognising that we are responsible socially for this country and that we need to do more. So I am grateful for the Premier's leadership, and I am grateful even so for the Cabinet Members, who are working very, very hard as I work alongside of them.

I also want to thank the Opposition for their Throne Speech Reply. I believe that it was a wonderful take on the direction that they wish to go. It certainly was aspirational. So with the aspiration of what I see in that Reply, I am looking forward to the nuts and bolts coming out of that, to see how we can move this country forward. Thank you very much, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Whip, from constituency 3. And it is MP Lovitta Foggo. You have the floor.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker. I want to thank the Member who just took his seat, the Honourable Member, for at least acknowledging—and so have some others—what we are attempting to offer in our Reply to the Throne Speech. I think it is one that demonstrates vision and identifies several pathways that we, when the Government, can get it right for the people of Bermuda.

Mr. Speaker, everyone knows that I, basically most times when I stand, I stand and I speak for education. But what I want to say, Mr. Speaker, is that this Reply points out just how dynamic our society is and how we are witnessing today changes, continual changes within our society. And let us face it. We know that much of that is owing to the impact that technology, along with globalisation, is having not only on Bermuda, but on communities worldwide. And in fact, Mr. Speaker, certainly that impact is such that it has definitely changed the way in which the workforce operates.

I point that out, Mr. Speaker, because that presents education with a major challenge. When we sit in the classrooms and try to shape or help shape young individuals, we are tasked or should be tasked with always keeping in mind the type of society within which they are going to have to operate. And because it is, it does seem to be an ever-changing society, or

societies, then we have to train our young people to be able to manage that, to be able to see, to read the trends and understand what their natural fits are going to be in our societies.

Which is why, Mr. Speaker, it is important and necessary that we offer the type of educational environment that allows every student to be able to self-actualise and realise their full potentials in whatever arenas they feel will allow them to be able to be productive. Because, Mr. Speaker, as has been stated in our Reply, it is not just about training an individual to take their rightful place in the workplace. It is really more about training that individual to be the best he or she can be and to be able to use their skills to successfully operate within an environment.

And if we are looking at trends, Mr. Speaker, we have to be honest. When you look at places like the United States, our closest neighbour, it is clear that the workforce even in that large country is changing considerably. Many of your big Fortune 500 companies, and others, want a different workforce. And by that, this is what I mean, Mr. Speaker. They are not looking for that employee who is going to be there for the next 20 or 30 years, because that does not quite fit. Their (I guess you can say) arena, their institution, they are looking for the employee who comes and brings a certain skill set who can help them drive their businesses the way in which they wish to.

You know, companies, because of technology, have less of a need for large employee numbers, because so much of technology has removed that need. And we have seen it here in Bermuda, many job losses, the diminishment of jobs in the workforce here in Bermuda. And much of that, or many of those jobs have much to do with the fact that technology has made it such that those positions are no longer needed to be carried out, necessarily, by certain numbers of people. You can have one or two people. Or you can outsource the work somewhere else where the labour force is cheaper.

So, it has become, as I stated, crucial for every individual to understand their particular niche. Whether they want to be a fisherman and supply fish to a restaurant, whether they want to be some sort of computer technologist, whether they want to be a doctor, they need to understand the needs of the society within which they live and what they can bring to the table so that they are never in a position where they are not marketable.

To emphasise that point, Mr. Speaker, you can look at arenas like (I guess you would call it) the computer world, the technology world. And at one time, you needed computer programmers in great numbers. You needed computer programmers to be able to decipher things, because without those key people, your systems, should they malfunction, it meant that maybe the whole institution might not be able to get work done. Now they have all sorts of programmes. You teach children coding in school. That

was something that was just left for the specialists a decade and a half ago. Now we are doing it at the high school level.

The key is to teach children how to be able to use that technology to work for them, not just knowing how to use the technology, but if you are going to make, for instance, a job or a career in that arena, know how to make that technology and use it and manipulate it so that it works for them. So that at the core of it all, the individual is the one who is secure, and secure such that whatever the workforce is, you are going to need their assistance or you will want whatever services they are able to provide.

So saying that, Mr. Speaker, within our schools we have espoused ensuring that the type of curricula that we provide will be diverse enough to be able to be used by any school, picking any one of them, to be able to get students to achieve at a level that is going to render them successful.

It is incumbent that any government constantly be looking at the education system for us because it feeds into every other aspect of the society. So it is crucial that we get it right there first. Gone are the days . . . we live in the twenty-first century, and using nineteenth century or even twentieth century techniques in a classroom setting no longer fits. We know there is enough material out there that speaks to the fact that the student of today does learn differently.

That does not mean that every single technique that is out there, or methodology that is out there, when it comes to pedagogy gets thrown away. Because we know that there are some methodologies that have survived generations. Why? Because they work. And so, we are hoping to be able to provide a platform where autonomy is allowed at the school level so that those responsible for ensuring that the students within their halls succeed, are able to pick the pathway, knowing who their students are, that they believe will get the students to that desired end point.

And, Mr. Speaker, I took the time to speak to that because . . . and I have heard other Members suggest it. We do have all sorts of inequities within the society that we live in. And education plays a key role into helping to level the playing field. If we do not equip our children with the skills and education that they will need to be successful, then we are feeding those inequities. And we must get it right.

Nelson Mandela, in one of his final public speeches, spoke about poverty. And he had spoken about slavery and poverty at the same time. And slavery was (I guess you can say) one of the worst acts that have ever been committed against mankind. And he pointed to poverty as basically the next-worst thing. Because poverty (and I am paraphrasing his speech), in essence, has the same crippling effect on people that slavery had. And he said that it is incumbent upon societies to ensure that they put things in place which

allow for all people who live within that society to be able to prosper.

And when a society has figured out how to get that (these are my words now) . . . when a society has figured out how to address that in a meaningful way, simultaneously they are addressing all those other issues that emanate from things like poverty and the other inequities and slavery that has created all of the imbalances that we have in our society, whether it be economic or otherwise.

And so, Mr. Speaker, the PLP have engaged or are engaging down a road where we are putting a platform together, that looks at redesigning certain fiscal and economic policies, that we believe are crucial in terms of changing them, so that we can begin to ensure that the right funding is in place for a PLP Government, to address the concerns that will begin to level the playing field.

We should be equal players in our society. And we should contribute equally. And when one man is, let us say, earning \$15 and the next man is earning \$100, when you take \$5 from that \$15 and take \$5 from that man who is earning \$100, the impact of that is vastly different. Taking the \$5 from the man who only earns \$15 may mean that he cannot keep that roof over his head, he cannot put food in his mouth and the mouths of his offspring, and he finds himself in the position that really keeps him where he is or causes him to spiral downwards. Whereas the person who is losing \$5 out of the \$100 has far more comfort and has far more ability to be able to manage and do the normal things one would expect a person to be able to do, earning wages to survive.

And so, Mr. Speaker, when I look at this, and I do hear people saying that our budget is ambitious and it speaks of many things that perhaps they do not feel that we will be able to achieve. But I say this, Mr. Speaker. For every step that we make in terms of implementing this, we are one step closer to ensuring that when we get there, when we become the next government, we will be able to put these measures into action. And things may not change overnight. But they will change.

And any government should always be guided by the principle that it operates for the benefit of all peoples in their society. It should not be where one group seems to enjoy more rights than another. It should not be where one group seems to have the ability to secure jobs, to buy homes, to enjoy the finer life while the other, in spite of all of their efforts, can barely manage, and not because they have not done the things that we tell them they should be doing to realise success. Because they have done all of those things, quite often. But because of the discrimination, because of the prejudices that are steeped within the constructs of this society, we every day are witnessing situations where there is not a level playing field.

Mr. Speaker, again, it is important to highlight why education is a key feature in getting it right. And I

can tell you this: We will operate inclusively. We will secure feedback from every key player to ensure that the platform that is put together for our educational system and, ultimately, for the people of Bermuda, that platform will be one which enjoys buy-in from all. It will be a platform that, from a practical point of view, can work and will work, and it will form the basis of levelling the playing field for all who live in our beautiful Island we call Bermuda.

And on that note, Mr. Speaker, I want to thank our Leader for this vision that we have all shared in. This is a collective effort. We do on this side collaborate. There is an exchange of ideas. One person is responsible for ultimately putting it together, but he did that based on collaboration with those who sit with him. So this is a reflection of where we as a group will take Bermuda once we sit at the helm again.

I am glad the Honourable Member who just took his seat before me at least acknowledged what he saw are some very good ideas for a way forward for Bermuda. And we invite the Government to work with us. And we will help them help carry Bermuda forward. Because we are not of the ilk, we are not of the ilk, Mr. Speaker, that says that we will only do it once we get there. We need it to start today. So they can use Vision 2025. They can use this Reply to help start carrying our people forward. Because every second that passes that we do not put things in place to get it right means that people continue to hurt.

So on that note, Mr. Speaker, I will take my seat.

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

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

Ms. Susan E. Jackson: Good evening, Mr. Speaker.

The Speaker: Good evening.

Ms. Susan E. Jackson: I want to thank both sides. There certainly have been some healthy suggestions put to the floor through both the Throne Speech and the response to the Throne Speech. And it is healthy and it is motivating to see that there are visions out there on how to progress Bermuda and develop all of the people on the Island. And I appreciate that we have all come together to make sure that we have a good healthy start to the 2017 year and beyond.

But I do want to note that . . . I want to say from both sides of the fence that there are some elements that are missing from both Throne Speeches. And as a backbencher, I am taking note of that and am prepared to continue to advocate, in particular, the issue of what do we do to get every single person on a fair and balanced playing field? How do we provide

the same opportunities for all people and not feel that there is any kind of inequality within our community?

I have noticed that in particular through the public service that I have been carrying out with members of my constituency, in particular. And small groups of us have begun to collaborate and work together in an effort to help people who have found it very difficult to help themselves over their life spans. And part of me is being very patient because I know that we have to continue to help those who have found it very difficult to help themselves. But I have to reflect and wonder why, having 14 years of a government that had people who were able to, in my opinion at least, visually relate to members of the society who were feeling maybe disenfranchised, and somehow these individuals were either ignored or overlooked. You know, I cannot even imagine to think what had happened in the early 2000s that allowed our young black males in particular to have been overlooked, forgotten, let down by healthy and progressive black men who were in power, who had the influence and the opportunity to do something to help, and somehow just left these young people to their own mechanisms. And so, they now are young adults who do not have any tools or skills to help themselves.

One thing I can say is that this community is coming together. And we are collaborating and we are working together to find ways to assist, in particular, our young people to navigate through the system and find some level of success. And as much as the previous Member who spoke from [constituency] 21 and the Minister of Public Works—you know, we are starting to have the conversations, healthy and progressive conversations about what is it that we have to do to make or create an opportunity for everyone in Bermuda to have a fair opportunity for success?

So even though it feels at times that it is getting heated, I believe that this is the beginning of what can be a very healthy conversation. We just have to keep our eye on where we are going with this, keep it constructive and be prepared to actually put into action the suggestions that may arise from debate on this floor.

But I want to get back to collaboration a little bit. So, there is a constituent who approached me from my constituency and had an issue where there was a young person who needed some support in order to make ends meet. And this situation, this scenario is not any different from the scenarios that have been raised by other Members on the floor this evening. The learning from this for all of us has been that we can sit here and complain about individual things that are not working. We may even talk about how we need to change our laws or allow for increases or additional taxes or any kind of revenue that is generated on a national level to help develop programmes.

But the truth, for me, the truth for constituents, the truth for the individuals who need our help is, what can you do for that individual right now and right here?

And I found that in the experiences that I have had working with the community is there is a very healthy appetite to assist young people to navigate through the system and reach some level of success. So when I speak of collaboration, I speak of our neighbours, our friends, our families, our teachers, who care. And they are willing to continue to bang the drum to get their Members of Parliament involved, to get members of local charities and non-profits involved.

And through those conversations, we are able to not only find the people who have the expertise to navigate Financial Assistance, to navigate finding jobs and apprenticeships and increased education, to find the methods of financially supporting our young people, [but also] within the community on a day-to-day level, there is an awful lot of activity going on to help our young people to get some level of success in their lives and confidence so that they can develop a skill and move on.

My question, my challenge, is as a Government what can we do to make those choices greater for our young people? And I absolutely—the Minister of Parks is sitting right there—I take a bow. He has done an amazing job by giving an opportunity for young people to get involved at apprenticeship levels through Parks. Oh, my goodness. I congratulate the Minister for supporting this programme, which has morphed into almost a comprehensive camaraderie amongst young men in an effort to give them some level of security, financial security. It gives them a skill. It gives them social structure, friendship, [and] role modelling. And it is that kind of experience that is going to begin to develop the kinds of individuals, healthy individuals who will become productive adults within our community.

But again, it is the vision, I believe, of all of us to have those opportunities, to have a broad range of choices for our young people. It does not have to just be what seems easiest or what is the fastest to accomplish, but that this same kind of support system would be in place for whatever a young child wants to do, and that the support system will be there for them through to adulthood and independence.

It is that same kind of support that we as a government are working very hard to produce for our seniors. And I certainly again have been in the constituency and have experienced seniors who are doing their best to live at home and be able to maintain a level of comfort within their homes and a level of independence as they age.

The Minister of Health, whom I highly commend for all of the efforts that she has done in the Ministry of Health, in particular, the Senior Advisory Council, which I have had an opportunity to participate with . . . and through that council, Ageing Well in Bermuda has been drafted. It is a comprehensive plan to assist the seniors in our community as they age. And certainly as one who is on that threshold, I can firmly understand the importance of having the mechanisms

in place for us to be healthy and to be productive as we age.

Although I am not going to try to, at this stage, get into any depth of the Ageing Well in Bermuda, because I believe that many of the pieces are going to come to the forefront eventually anyway, but I would like to just highlight some of the things that the Government of Bermuda is working on to make sure that seniors are able to live healthy and productive lives in Bermuda. And the important thing about this, in particular, is that it is not always about . . . I want to say it is not all about the money, that there are so many other factors. There is the contribution and there is the participation of all of the members of the community that will really build on this plan and will create a lifestyle for all of us as we venture through this.

So if I backtrack just a minute, just taking a family, we are middle-aged adults. And we have ageing parents. And we have to navigate what is going to happen with our parents moving forward. So in the first instance, there is a responsibility of the Government to support those caregivers and to be able to put in place policies or promote or advocate for policies that will allow our adult caregivers an opportunity to have the flexibility to care for their parents or their older members of the family, or friends whom they are caring for in their senior years.

On the other side of it, we want to make sure that seniors are educated and are financially planning for their futures so that when the time does come when they are not working any longer, that they have the funds to support themselves. The Government is looking, and it is mentioned in the Throne Speech, at how do we solve the age discrimination problem that exists? How do we balance between the fact that our population is decreasing, but we have got an older generation that still wants to work? We have to provide jobs for the young people, because they are the ones who are healthy and will be productive workers and will make contributions to the Consolidated Fund that Government holds. And at the same time, we want to be able to allow people in their senior years to continue to be productive and working citizens.

So within the Throne Speech, that was a big topic. What can we do to make that work? Where do we find that balance?

In addition, if there is any way that we can create incentives for those who are living at home, wanting to age and stay at home, are there any kinds of incentives that we can create so that it does become more affordable to stay at home? Certainly, if there are any ways that we can assist people who want to stay at home as they age and need to make any adaptations to their homes, is there any way that we can incentivise that? So, the Well Bermuda Plan has a number of issues and suggestions that the community can embrace. We would hope that much of this is about community support. There may be some legislation involved, certainly looking at how we

protect people who may not have family members to oversee their valuables, and whether we need to embrace or research further statutory roles such as the Office of the Guardian and other kinds of roles such as that to protect our seniors.

So, the Well Bermuda Plan is something that I hold dear. I certainly will support the Government as we venture through this strategy and develop whatever legislation and policies and regulations are needed in order to protect seniors and make sure that they have a productive and healthy living environment as they age in Bermuda.

That was the big piece of the Throne Speech that resonated [for me]. And certainly there are a number of people who are neighbours within the constituency who hold this topic dearly. And so, I will continue to advocate for the members who are interested in making sure that they are able to take advantage of anything that the Government has to offer so that they can continue to live comfortable lives at home.

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, in the Chair]

Ms. Susan E. Jackson: And with that, Madam Deputy Speaker, I will take my seat. Again, I am most grateful for all of those who have worked on both sides of the floor to come up with very solid and well-grounded ideas for the Throne Speech and Response to the Throne Speech for 2016. Thank you.

The Deputy Speaker: Thank you very much, Member.

The Chair takes the opportunity to recognise the Member from constituency 36, the Honourable M. J. Scott, JP MP, Shadow Attorney General, from Sandys North. You have the floor.

Hon. Michael J. Scott: Good evening, Madam Deputy Speaker.

If nothing else, Madam Deputy Speaker, at this debate today of the Throne Speech of the One Bermuda Alliance Government, as manifested in the Reply produced by the Opposition Leader and the Member for constituency 18, if it has done nothing else, it has certainly caused us to have a far going-over of many of the cross-cutting ills that bedevil this society as we come out of the worldwide economic downturn that began to afflict economies—this economy, economies across Europe, and certainly the United States.

It has revealed a number of different approaches to how we should make ourselves viable to be the next government, from the perspective of the Progressive Labour Party's Reply speech today, or how indeed the OBA Government of the day should retain the mandate to continue to earn the vote and support of an electorate in the next election, which is in the offing.

The One Bermuda Alliance has, as I have heard, promulgated between its management, its protestations about managing this downturn and responding as it must to social agenda demands, all generated by the fact that many people are out of work, thrown out of work. Promises that were made in 2012 to do the most important thing, which was job creation, have failed. And we have heard the Minister stand up and say, *We haven't had the kind of success that we'd like to have.*

But this is my observation. The One Bermuda Alliance, just like the United Bermuda Party, have a chronic and historic inability to prioritise social agenda objectives without being preoccupied or caught up, as in this case, caught up in deficit reductions and deficit reduction economics and the creation of surpluses. They do that. They did that in the 1970s and 1980s under pressure from the Progressive Labour Party then, from a civil strife that we had had, which Lord Pitt presided over and said, *You need to get on with social programmes. The country needs them.* And with advocacy from the Progressive Labour Party greats, United Bermuda Party policy addressed some of the Pitt recommendations.

This was one other example historically of how the United Bermuda Party, the OBA Party, had to be cajoled, preferring because of their being a business-populated Government—they focus more on the business side of things—cajoling and twisting of arms to get on with social programmes was the rule of the day.

And it is no different today. And the call for that side, the government benches, to get on with social programmes is still met with this kind of failure to prioritise. And it is so dissimilar, and there is a distinction between how the Progressive Labour Party has dealt with these issues.

You know, Madam Deputy Speaker, the credible observers of really what happened with the world economic financial crisis have indicated that and made analysis that the crisis was in three waves. And it was interesting. I claim your permission to refer to . . . it is the *Parliamentarian*. I just happened to open it and look at the example of Malta. But there we have the now-Opposition Shadow Finance Minister, but he has been a Finance Minister. He has made an observation that the world economic crisis was driven in three waves. One was the banking, was the first wave issue, in crisis. Well, we had one, too. Remember the Bank of Butterfield issues that we faced here? It was because they were the primary players in lending. And then when the financial crisis struck, they were put at risk.

The second wave was the economic downturn itself. And the third wave was sovereign debt and the management of it. All of these things are the realities of Bermuda. And those three waves, banking crises, the economic downturns and sovereign debt administration, or management, all interlinked. And yet I

grow weary of listening to the proposition of the One Bermuda Alliance laying the blame squarely at the feet and door of the Progressive Labour Party. It has been so disingenuous. And it was therefore somewhat heartening to look at credible observers on this problem indicating what it was all about.

And interestingly, a preoccupation with deficit reduction and growing a surplus, rather than listening to and berating Opposition budget responses, budget replies and Throne Speech Replies, saying that we must diversify the economy and create the jobs, this preoccupation with deficit reduction and creation of surpluses did several things. No jobs were created. We say, and I think there is some credibility in this, that it extended the recession. And unemployment grew as well. I will come to the way that the Maltese experience absolutely mirrors some of the things that the Progressive Labour Party had been calling for.

But now we have a new narrative coming from the One Bermuda Alliance, and I heard this from the two chief financial spokesmen from the Government, which is that Bermuda has endured its recession more, for six years, whereas other Western economies came out of it within 18 months. And, remarkably, the blame for us being in the recession for [six years] again is laid at the door of the PLP. Well, I do not own that. You are not sticking me with that, and you are not sticking the PLP with that. I very much, emphatically, state that the preoccupation with deficit reduction in this country by the Minister of Finance contributed to the recession being extended for over these many years.

And the question must be thrown back to the Minister of Finance: What on earth did you do to accelerate us out of this six-year recession? Why did you not listen to the PLP? You could have listened to Malta. I mean, reply after reply has indicated, do new diversification strategies. Do not extend the recession. I mean, we went on and on about it, and it is a matter of record. So, I throw that question directly back to the Minister of Finance: What did you do to accelerate us out of this and have a breakthrough from this six-year recession? But for God's sake, do not say that this is the fault of the PLP. After all, the levers of economic and fiscal management were in the hands of the Government, and they had a duty.

This may be an opportunity to refer to the 450,000 population of Malta. With your permission, I will read from the *Parliamentarian*. They have an economy which has factories. I mean, the differences are there. But the principles, I think, are apropos. They decided to focus on their industries. They invested in an infrastructure. They created schemes within factories to keep the factories open. They did not engage in just blind stimulus packages or stimulus programmes. I mean, the whole idea was that they did [provide] some financial assistance. They did not drop to three-day weeks. Persons who were out of work for maybe two days out of the five-day week, the gov-

ernment supported them. But they were engaged actively in being innovative, and not extending the recession and just engaging in deficit reduction so that there was a freezing on all activity.

These were the things that we have been advocating, as I have said. I have also been reading *Wealth and Poverty*, by George Gilder. And another principle articulated by him is in these simple two lines. The whole idea that we have been advocating from our Shadow Minister of Finance, Mr. Burt, and our former Leader of the Opposition, Mr. Bean, was doing for self, generating entrepreneurship. It has been described this way by modern economist, Mr. George Gilder. So the whole idea is to generate growth and profits for entrepreneurs and revenues for the government, not by enlarging incentives and rewards, but by the expansion of information and knowledge. Locking into the intellectual capital of your people, whether Bermudians or international business, the combination of all the talent here, and driving new entrepreneurial experiences and efforts within our borders. That has a local impact and local reach and an international and global reach.

We have cried this cry for four years to the Government, but have been laughed at and scoffed at whilst the Minister of Finance has pursued this unimaginative, inflexible deficit-reduction economic programming. And it has not helped us. So I do not own that we have been in a six-year recession because of the PLP. Do not make me own that. I will not own it, and do not make the PLP own it. The burden and duty was on those who have control over the economic levers and should be doing a lot more than they are doing.

So, the fundamentals are, of course, that need to be addressed, and the Member for constituency 21, who spoke with passion and eloquence about these ills that we face, economic disparity that exists in the figures of \$50,000 to, say, \$74,000, as the Member from constituency 5, who speaks for seniors, Mr. Burgess, spoke about, lasting over a decade. You do not need to be a mathematician to recognise that that kind of disparity must have deep long-lasting disparity impacts on the people who are in the despairing category. And it is a racial piece. Blacks, \$50,000 income compared with their same counterpart, white working persons of \$74,000, in some cases. That is a fundamental that we had not seen the Minister of Finance or the Minister of Economic Development grapple with.

Education and training and operating skills—another thing that Malta did was that whilst people came out of work in the factories, they paid for their training in IT, to make them more skilled-up and ready for the Maltese economy. I mean, these are the things that we have been saying should be happening and should have been happening. And what we get are scoffing at these kinds of propositions in Budget Replies after Budget Replies.

Education is critical, and we have heard throughout this whole debate, Madam Deputy Speaker, why education has suffered. We have heard good suggestions, including in this Throne Speech, as to how it can be improved. And we get more scoffing, and we remain in a recession. And it is not good enough. The fundamentals have to be dealt with.

I began to mention the Pitt roadmap that we have urged the former governments of the United Bermuda Party to follow. We adopted the recommendations of Justice Tumin that spoke to the disparities of arrest and detection for traffic offences when he was here. He was here for that specific purpose—what is going on with the disparity of treatment of arrest and prosecutions of young blacks, creating a prison farm within Bermuda? Because if you had an arrest for small quantities of cannabis, it has got you on a stop list. It stopped you from traveling. And you became a captive in a 20-square-mile island, while his white counterparts did not experience this. Tumin said this must stop.

The Progressive Labour Party made this the underpinning to the decriminalisation efforts that we had, that had many years later, now in 2016, with the Bills that we brought. But these are the fundamentals that have to be dealt with. And both study after study and expert after expert have been telling us about them over the years. These are the Tumin, the criminal justice review led by Madam Justice Wade-Miller, stimulated by the former Attorney General Mus-senden, were all efforts by this Government to deal with real substantive addressing of the social agenda programmes needed for our country. And it is in stark contrast to how the OBA decides to handle this problem.

So that when the Honourable Government Whip gives the example of the young man, as she promotes and proselytises the joys and benefits of the Government's Throne Speech in dealing with fathers . . . the Government Whip dealing with fathers who are not paying their child support, and she wonders why a father drives up in the car with the boom box going well and the wheels all shining and has not paid his child support. Lord Pitt spoke to this. Maybe this driver, this father, this putative father who started a family, and probably has started a family with a number of other mothers, has issues, fundamental issues of poor education, obviously. If he is not looking after his child, the chap has issues. If he has got a job of some kind and cannot get his act together to support his child, he has issues, maybe with self-esteem and self-worth.

And I do not say "maybe." I have been in the courts and the criminal justice system long enough to see them parading backwards and forth, out of courts and taking instructions from them. Often, the social inquiry report always reveals these issues.

So I do not know why the Honourable Government Whip does not get it. She just cannot say,

This is unacceptable. Examine the causes. This is what Pitt did. He found it at the level of black men, as he assessed the causes of the civil disorders, who often use drugs and alcohol to take the edge off of the sense that they feel disenfranchised. And again, I stand with the Honourable Member, Mr. De Silva, of [constituency] 29, and the Honourable Member for [constituency] 21, who congratulated and particularly took note of Mr. John Wight, the Chamber of Commerce Head and CEO of BF&M, his analysis. It was humane, it was thoughtful, it was thought-provoking, and I commend him. I am glad that his article was read into our Hansard records.

Because, again, these are some of the fundamentals that bedevil us, these cross-cutting intersecting issues and ills that we have been discussing and that we generally and often discuss in Throne Speeches.

Madam Deputy Speaker, many of this debate have highlighted the success of tourism . . . and before I move there, though, there has been great reference and repeated reference to the Opposition Leader's Throne Speech Reply, to page 2 where he sets out those disparities of the Tale of Two Bermudas. These are other ills that bedevil us, and they are well-set-out there. They are historical. They have been facing us for many years. And so, for the Environment and Sports Minister to say that 100 jobs are going to be created down at Loren, or for the Minister of Economic Development to laud the fact that 150 jobs were created in Dockyard, the constituency that I represent, as the result of building the groundwork to create Oracle's camp and SoftBank's camp . . . you know, these jobs were created, but those jobs just listed to throw those buildings up.

Now, this is what Bermudians do not feel when we hear about America's Cup. Of the \$79 million or so that America's Cup has now gobbled up in our bid to host these regattas, 150 Bermuda jobs have been created up in Dockyard. And they are not sustained jobs. They built the platforms there, and they have all gone. I went and watched them when they were doing it, and I was pleased. I saw lots of great work going on, and I was pleased to see people at work. But \$39 million to fill in that grey matter and create this new island left our country under the payroll of that large dredger, wherever it was from. I do not know whether it was from Halifax or wherever. But these are the differences. [There were] 150 jobs created, so says the Minister of Economic Development, \$39 million paid to a dredging company to fill in that area. People are saying, you know, *What's the matter with this picture?*

Or take the Maltese experience. Keep the money in Malta. What they have done, Madam Deputy Speaker, what they did was that they borrowed . . . and again, another reality that may not be entirely capable in Bermuda. But they borrowed for capital projects Maltese money, paid Maltese rates of interest,

which were higher than international rates, which were lower. But all of the interest payments Bermuda is paying—we hear it from the Minister of Finance talking about these wonderful competitive rates at 4.6. But the interest is leaving Bermuda. The interest payments are leaving Bermuda. The repayment down of the debt is money that is going out to a foreign provider of debt for us.

Interestingly, and it is an object lesson that Malta gives for us, they have borrowed locally. The interest stays in Malta. It helps with taxes and payroll taxes. And it is an interesting model to consider. But we see none of this kind of imaginative fiscal approach to the One Bermuda Alliance's chief gurus for the fiscal management of our affairs. And what we get is blame games whenever we suggest that we do what Malta has said works for them. And their recession lasted six months. Our recession, as admittedly indicated by two Ministers for Economic Development and Finance, has been persisting. And they have the unmitigated gall to say it is the PLP, the Opposition's, fault when they are managing the fiscal levers.

Tourism was and has been a good story. But pause as I make this analysis. The reason tourism airlift numbers have gone up, say former Ministers of Tourism for the OBA, is because of the BTA. Well, I wonder whether that is entirely accurate. President Obama's successive Treasury Secretaries managing their fiscal and jettisoning out of the worldwide financial crisis has now created employment in America. They have kept Michigan's car industry going. I mean, the economy has staged a very serious recovery.

So disposable income for travel by people, as the Minister for Sports indicated, has been available for persons to take advantage of cheap flights to Bermuda. What did it have to do with the BTA's marketing policy? Well, in part, perhaps some. But mostly, it was the capacity for American travelers to hop on a plane because they had money in their pockets, because the economy there had recovered, because the recession there had staged a good recovery and they started coming to Bermuda. And I have seen it, too. I have been on planes when the planes have been full.

What the PLP did, starting with Ministers of Tourism for the Progressive Labour Party, these undesirable minimum revenue guarantee propositions, kept the lights on in tourism airlift. Certainly, the building of the docks in Heritage Wharf, in Dockyard and King's Wharf, kept the lights on, because the cruise ships kept coming. And what we are seeing now . . . (Five minutes? Four minutes? Thank you—three minutes. Thank you.) Kept the lights on, and so to some extent, we share some of the responsibility for putting in place these fundamentals as well.

But I pause and ask the question whether the BTA's marketing policy deserves all the credit, or whether it is simply the American economy's recovery and the disposable income and confidence in the American purchaser to spend money on visits to safe

jurisdictions, close jurisdictions, ones that do not have issues of Parisian bombings and little bugs flying around that can leave you disabled.

Rushing on, justice reform, as I say, was and has been done well by this PLP Opposition, and certainly it was as Government. We have followed good roadmaps. We introduced the drug courts. We introduced . . . the fundamentals of the drug court has laid the foundation for starting the mental health court. We had the Justice Review Committee just examine and pay attention to not just the factors of crime, but the causes of crime. I mean, that was a guiding light for our justice reform.

And I said that we spent a good deal of time today looking at the cross-cutting ills that bedevil us. Good justice reform will have to continue to do that. Education will be critical to this. Disparity of prosecutions will be important to continue to focus on, and to eradicate these disparities, that will spell good justice reform. Access to justice—in cases where, as we have heard earlier this morning, not to reflect, where lawyers charge at the going rate to the Commission of Inquiry \$500, and that is just at a discounted rate. It can be as high as \$750. Access to justice is completely removed by persons who are, first of all, at a disadvantage based on some of the income disparities that I say exist in this country, historically.

And so whether it is debt court, debtor's court, matrimonial court, civil disputes, and bumping into the criminal justice system, black people in our community are disproportionately engaged in these issues. And access to justice needs to be corrected. Thank you.

The Deputy Speaker: Thank you very much, Member.

The Chair now recognises the Minister from constituency 8. He is the Minister of the Environment, Smith's [South], the Honourable N. H. C. Simons. You have the floor.

Hon. N. H. Cole Simons: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, as you know, I have been in this House for over 18 years. I have been in the Opposition for a large period of that time. I have been in Government for almost three or four years, and yesterday served my sixth month in Cabinet. Let me tell you, Madam Deputy Speaker, that is a journey. The last six months is a ride that you could not imagine. I compare it to a marathon. You know you have to train. And you know it is going to take a while to get to the end. But you have to keep focussed through the pain, through the excitement, through the adulation, through disappointment, through the tiredness.

I mean, you just go through all emotional beings to get to the end, but you keep focussed because you know that is where you want to be. And that is a true sign for the fundamentals of leadership. This is not a sprint. And I think being in Cabinet, being part of

Government, we have to keep focussed on the end, our journey. Our journey started three years ago, and we must keep focussed.

This year, for the 2016 Throne Speech I would like to commend the Premier and his team for presenting a clear, clean, and concise roadmap for what the Government hopes to achieve in 2016/17. You know it is not easy. The Throne Speech highlights some of our successes, and I want you to know that we are proud of our successes, and I will repeat some of them. As was said, the GDP recorded for the sixth month is up. The retail sector has grown 18 out of 19 months. Air arrivals are up 18 per cent for the last, the third quarter. The new airport is coming on board. The new Cultural Heritage Programme is coming on board. In 2017, we are going to see a 40 per cent increase in the ships at Hamilton and a 400 per cent increase in the ships at St. George's—nothing but success.

But on the other side of the token, we have to keep our shoulders to the wind and address the challenges. And these challenges you will find in most developed countries. We are not alone. But we have to be resolute in addressing these challenges. And these challenges, as you know, and if you have travelled, if you read any political books, if you read any economic books, they are always the same. There is the issue of crime, there is the issue of education, there is the issue of sovereign debt management, there is the issue of immigration. And then there is the issue of financial assistance.

I mean, we have heard about immigration issues in the US, Canada, Europe—it is a topical issue, because people feel that they are not getting a share of the pie. They feel emotive about this issue. They feel that people will be taking their jobs, and those feelings are real to those people.

And so being in Government, as I said, it is a difficult position that evokes so much emotion for the leaders of a country, because you have to make tough decisions. And I want to commend the Government on the journey that they have made to date.

Now, I have read the PLP's Throne Speech response. And my first impression was that this was an election Throne Speech response. It was very aspirational. And there were a number of recycled PLP ideas that I have seen since 1998. I mean, they have repeated themselves year after year after year. There are some ideas that were presented that were very novel, and I was hoping that I would get more meat on those bones, because they caught my attention. And I thought it was worth pursuing. And they include the comment that they made in regards to creating a fair government travel expenditure plan that gives back to students for education. I would like to have heard more on that; I thought that was very positive.

In addition, there was the issue of new types of dwelling units to stimulate construction. Again, something [new] there that they presented, very inter-

esting. I was hoping that they would also talk about, is there a need for it? Do we have an abundance of empty places in Bermuda that need to be filled? So again, let's go provide some analytics that will support that type of endeavour. So like I said, these are new, innovative ideas that I thought needed more meat on the bone.

Now, we have heard a lot about *The Tale of Two Cities*. And I have sat here and listened. And I said, *Listen. The reality is this*. And I do not want to sound callous, but I want to lay it on the table as it is. *We live in a capitalist society*. Ideally, we would like to have equity in a capitalist society. But the reality and practicality of it all is that it will not happen. It will not happen. There are people who have the capital that form the businesses that hire people. In today's world, the employees are resources that are at the disposal of business owners who are there to secure a return on their investment.

Is it right? Well, that is the system that we have, that we live in, that the West has built upon. Ideally, yes, I would like to see equity. But I am sorry; I am an honest broker. And aspirationally, that is great. But from my perspective, being real, it is not going to happen. So what do we do? We as a country have to recognise the system, learn the rules and see what we can get out of that system for ourselves. And that can be through education or through starting other small businesses ourselves. Because a lot of these large businesses that are highly capitalised started off as little chestnuts. And they have built up to be international organisations. And as they grew, they brought people and hired people.

But at the end of the day, the people with the capital want a way to win. The employees were paid a salary for their service. And when their service was no longer needed, they were released. Sorry, guys. That is capitalism. It is what it is. Is it right?

An Hon. Member: Where is the compassion?

Hon. N. H. Cole Simons: Oh, I know. *Where is the compassion?* I agree. But I am being realistic. I am being realistic. That is the system that we have today.

So the best way for us as a country, as a people, is to learn to find opportunity in that system. Because there is never going to be equity in this capitalist system—never, ever. And if you think there is, you are fooling yourselves.

[Inaudible interjection]

The Deputy Speaker: Member, you can have a chance to speak when you stand to the floor.

Please.

Hon. N. H. Cole Simons: A few other issues that did not sit well with me. And on page 2 of the Throne Speech response, the Opposition Leader says, "In the

one Bermuda, the quality of our children's education is determined by how much money their parents have." Madam Deputy Speaker, as far as I am concerned, education is about choice. It is about what is best for your child. What is best for your child? Is an arts education best for your child? Is an academic education best for your child? Is a technical education best for your child? Is a sports curriculum best for your child? Is homeschooling best for your child? Is private school best for your child? Is public school best for your child?

I do not subscribe to the fact that your parents' economic situation will determine whether you get a good education, because I know for a fact that there are children from economically challenged families who have done exceedingly well in our public school system. I have been to a number of Berkeley's graduations. I have seen some smart, smart kids. I have seen smart kids in the arts. And these kids come from circumstances that will make you cry. But they have the drive and determination to succeed, the fire in their belly. And I want to tell you that no one is going to stop them, and especially if their parents have no money. They say, *This is my vision. This is my dream. And I am going to achieve it, and no one is going to stop me.*

So I have real challenges when the Member makes the loose statement that the quality of a child's education is determined by how much money their parents have. I mean, you have poor children in some of the private schools. And if you speak to any headmistress of a private school, they say, *You know, we have people who can pay their school fees. We have single mothers who are here on scholarship. We have benefactors who are prepared to help some of these young people who come from a disadvantaged background.*

Again, we also have a number of scholarships for students for local schools and overseas. And these funds are available. And most years, the scholarship funds are not even fully exhausted. So the fact that he keeps rehashing the fact that education is only based on the parents' economic situation, to me is a non-starter.

On page 5 of the Throne Speech response, the Opposition Leader indicated that in 2012, the OBA pledged to create 2,000 jobs. Four years later, Bermuda lost 2,124 jobs. Again, I see those statistics. I would like to have seen the source of that information, the source of the information, because I know when we were in the Opposition, we were floating the idea and did not disclose the sources effectively, you used to say, in the Opposition, *Don't confuse us with the facts. We just want to get our point across so that we're dramatic.*

So I am asking the Opposition Leader to provide his sources and do not be irresponsible. Provide the sources of where he came to the conclusion that Bermuda lost 2,124 jobs. Be responsible.

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

Hon. N. H. Cole Simons: Now, on this matter, on page 6, the Bermuda Fund. I have heard this a number of times, Mr. Speaker. And we spoke about using pension fund as seed money for a Bermuda Fund. Again, let me enlighten you. There is a Bermuda Fund already in place that is already seeded with \$15 million. It was incorporated in 1993. It is open to the public with a minimum investment of \$1,000. Its mandate is to invest in capital growth companies and provide income from Bermuda companies and to provide capital for the development of Bermuda companies.

If the PLP would do their research, even look at the Hansard . . . I raised this once before, and I am raising it again. Do not reinvent the wheel. We talked about management, to make sure there were controls. This fund is controlled by the Investment Funds Act. And it is enforced by the BMA [Bermuda Monetary Authority]. So everything that they are looking for is there. And the pension providers, if they wish they can invest money in these funds. The return for the last year was around 10 per cent—not a bad investment in this environment. So again, if the PLP did their research, they would find that a Bermuda Fund already exists and it is doing well. It trades weekly. And as I said, it is capitalised at this point at \$15 million as at September 30th, 2016.

On page 9, we speak about Bermudians going overseas. Mr. Speaker, I was in the UK in September. And I got the shock of my life. I was talking to someone who basically has a connection to Bermudians in the UK, and was told and [encouraged] that I make this statement to the people of this country: *The grass is not always greener on the other side. The grass is not always greener on the other side.* I was told by a reliable source that Bermudians are getting a bad reputation in the UK because they are abusing the dole. They are abusing the unemployment situation. There are Bermudians living on the street, and they are too proud to return home. There are Bermudians abusing the residential criteria of the consul houses in the UK. They have two, three, and four families living there with four or five children. And the person who contracted to take the consul house is only allowed to have herself and two children.

Again, this is causing problems and putting a scar on Bermudians wanting to move to the UK. There are people involved in nefarious activity, and it is catching up with them. And we have to deal with them and their expatriation back to Bermuda. So again, I say to young people, old people who are thinking about making the move to the UK, it is not all roses. Really reassess what you are doing. If you are going to do it, educate yourself. Secure an economic base, because if you save just enough for two months or three months to go to the UK, that is not enough. That is not enough. Because we are finding that a lot of

Bermudians are taking six, seven, eight months to find a job. And as a consequence, they run out of money. And that is where we have our problems.

So to my Bermudian people who are thinking about moving to the US and the UK, be careful. Do your homework. Make sure you have saved enough money to sustain you for at least six months. If not, you may find yourself in a challenging position.

Now, let me just get to my environmental issues. As you know, I am the Minister of the Environment, Parks and Conservation Services. This year has been a very, very interesting year in the Ministry. And we are excited about what we are going to do in the upcoming year. As was said in the Throne Speech, my Ministry will be introducing a Green Paper to identify ways to reduce the use of plastics and of the toxic effects of plastic on our Island and surrounding waters. This problem of plastic toxicity is a worldwide problem, and Bermuda is not immune to it. A difficult conversation must be had so that we can reduce the use of this commodity and begin the process of eliminating the dangerous effects it presents to our fragile Island.

Plastic is found in virtually everything these days, from packaged goods, phones, cars, grocery bags, water bottles, which of course everyone is aware of. How big is the plastic problem? Of the 30 million tons of plastic waste generated each year in the US alone, only 7 per cent is recovered for recycling. Can you imagine? The US produces 30 million tons of plastic each year, and only 7 per cent is recycled. What happens to the rest? Well, the rest does not disintegrate and ends up in landfills, rivers, beaches, oceans. It contaminates the food chain and contributes to giant bits of plastic in our oceans.

As I said, this is an international problem. And as we are a small jurisdiction, it should be manageable.

Invasive species, Mr. Speaker, is an ongoing threat to our health, to the health of our natural environment, and ultimately the quality of life. If you can remember, in 1942 we had the blight, which eliminated approximately 90 per cent of Bermuda's cedars. And we do not want that to happen again. Right now, we have a number of pest plants that are causing problems to our gardens, to our walls, to our changing Bermuda landscape—the Indian laurel, the Brazilian pepper trees. In addition, we have a lionfish that is a major threat to our fisheries and marine ecosystem. Plus, we have varroa mites currently infecting the resident bee population. We must be constantly watchful to safeguard against new and emerging threats such as tropical race 4, which is a global worry for our bananas, and similarly the lethal yellowing of our coconut palm.

Solutions. The department is making good progress in addressing our invasive problems by developing and implementing a number of new invasive control plants, which include the control of our feral

chickens, pigeons, American crow, and lionfish. Pest bird management continues to be based on the best guidelines. As for the lionfish, right now we eat them to beat them. That is our campaign. In addition, we are studying and implementing cutting-edge technology to manage lionfish. This technology will be tested in Bermuda, and the Ministry anticipates the inroads will likely have a global significance.

Mr. Speaker, how much time do I have left?

The Speaker: Seven minutes.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, in addition, the Ministry will look at ways of partnering with the Ministry of Health to place their teams at strategic borders to manage the importation of any species that may have an invasive effect on our economy, on our environment, and on health. We will also monitor plants for diseases and propose legislation that will effectively manage the introduction of exotic animal species. This will include risk assessments to ascertain the threat and political impact of the target species.

This coming year, we will also amend the Endangered Animals and Plants Act 2006, in order for Bermuda to be fully compliant with the UN Convention on International Trade of Endangered Species of Wild Fauna and Flora [CITES]. The CITES treaty is endorsed by approximately 180 governments, including Bermuda, with the aim to ensure that international trade in specimens of wild animals and plants does not threaten the survival of these species.

Mr. Speaker, dogs, dogs, dogs and dogs. Mr. Speaker, the Ministry of the Environment continues to receive numerous complaints regarding the management of certain breeds of dogs, both for and against keeping these breeds. The Ministry must find a balance to the keeping of pets that is mindful of the need for public safety and the desire of the public to keep certain breeds of dogs.

The Ministry will amend legislation to improve the care and custody control of dogs and the tools available to enforcement officers so as to ensure a robust regulatory framework for management of dogs. The Ministry has sought advice and recommendations from key stakeholders, including the SPCA, Bermuda Veterinary Association. Additionally, a special Canine Advisory Committee was created to provide advice directly to the Minister. The committee comprises a diverse range of experienced persons in the canine world, including dog trainers, breeders, veterinarians, SPCA, representatives from the department, and members of the various kennel clubs.

The Canine Committee recommendations will be included in the [amendment to the] Dogs Act 2008, and that will be coming to this House in short order. And in essence, we are going to balance the well-being of the dogs and the safety of the public. The public can look forward to the establishment of the

welfare standards of care for dogs and banning of surgical procedures for cosmetic reasons, and mandatory reporting of dog attacks. New enforcement measures will include increased penalties for a range of offences in order for the legislation to be effective. Breed-specific issues will be dealt with under new regulations requiring mandatory input from the public and stakeholders.

Mr. Speaker, let me make it clear that this Government will not tolerate illegal dogs. Dogs must be registered and licensed. If they are not registered and licensed, the current protocols will remain in place.

Cats. Similarly, there has been a call by the public for the Government to develop an effective strategy to manage both domestic and the feral cat population. This will take a similar format as the dog control. We will be implementing a committee, a Feline Advisory Committee, similar to the Canine Advisory Committee, that will be appointed by the Minister that will look to bring together all the stakeholders to develop recommendations on how best to manage Bermuda's cats and address the feral cat population. So again, we will be inviting the public to participate in the Feline Advisory Committee and come up with recommendations of how this Government could best manage our feral cat population.

Mr. Speaker, as I said, we have a number of exciting things going on. The Marine Board and Commercial Fisheries Councils continue to work to aggressively develop strategies and actions to manage our 200-mile EEZ.

We have engaged with a private sector company to monitor, to catapult the UK satellite company that has agreed to provide three years of re-satellite data that would help us determine whether there has been any illegal activity in our 200-mile EEZ. And by "illegal activity" I mean contraband fishing and any other unauthorised activities.

We expect to have the full report in 2017 and, again, I want to commend and thank the Aurum Fund Management, Ltd. for their generous support in this project. They are a local fund company whose principals are interested in the environment and they said this is a contribution that they will make to Bermuda in ensuring that our environment is protected. So we commend them and thank them for their generous contribution.

Going forward, as I said, I will be bringing a motion to the House in regard to Bermuda's food security. In addition, we will be looking at the medium term agricultural strategy focused on the development of crops, dairy, and livestock. Mr. Speaker, the dairy strategy is in its final stages for approval and the livestock strategy, which is also in progress, will include poultry, sheep, goats, pigs, et cetera, and this will be complete, again, this coming year. We have also had the bees. We have bought five queen bees that are immune to the viral mite—

[Timer beeps]

Mr. N. H. Cole Simons: —challenge—

The Speaker: Honourable Member, that is your time.

Mr. N. H. Cole Simons: Thank you, Mr. Speaker.

The Speaker: Thank you.

The Chair will now recognise the Honourable Member from constituency 35, MP Dennis Lister.

You have the floor.

Hon. Dennis P. Lister: Good morning, Mr. Speaker.

Mr. Speaker—

The Speaker: Good morning.

Hon. Dennis P. Lister: At this hour, you know I am going to be short. Just make a few brief—

The Speaker: Just keep to your word, that is all.

Hon. Dennis P. Lister: I intend to, Mr. Speaker, I intend to.

Mr. Speaker, I am actually going to start by making commenting on some of the comments that were made by the previous speaker, the Minister for the Environment. And I will start particularly, Mr. Speaker, with his comment in reference to the grass is not always greener on the other side, when he made reference to the plight of Bermudians who are fleeing Bermuda to go to the UK shores.

Mr. Speaker, I basically agreed with everything he said in reference to the point of the fact that if you are going to go, go prepared to cover yourself a little longer to ensure that you can sustain yourself until you get proper employment and on and on and stuff he made in reference to that. But a point that he failed to make, Mr. Speaker, was the fact that he is not addressing the cause for why so many Bermudians are packing and fleeing their own homeland to think that the grass is greener on the other side. And that is the issue, Mr. Speaker, that the Government should always be concerned about. Why do their own citizens feel that they have to flee their homeland to find better prosperity elsewhere?

If we are not making our own citizens feel comfortable at home, comfortable at home, Mr. Speaker, then it is a real concern for any Government, any Government. And for a Government Minister to get up and miss that point, Mr. Speaker, really drives home the fact that the Government has missed the point—has missed it totally, Mr. Speaker.

We should not be standing here, and yes, I agree with everything he said. Yes, I agree with it. But, Mr. Speaker, he should have then tacked on to that the fact that his Government is concerned about

the fact that Bermudians are leaving home to go somewhere else. That is the point that the Minister failed to attach to his comment. That is the point, Mr. Speaker, which yet again highlights the fact that this Government is out of touch with the real concerns and impact that life is having on its own Bermudian citizens. Many of them feel that it is better for them to pack a few belongings and get on a flight and land somewhere where they have no connection, not sure where they are going to go when they get off that plane. But somehow it has got to be better than what they are getting here.

That is why these folks are getting on that plane and going over there, Mr. Speaker, and thinking that the grass is greener—because things are so bad here for them, because things are so challenging they have lost hope, Mr. Speaker, they have lost hope here in their own homeland.

Mr. Speaker, if the Government cannot appreciate that piece, then they have totally lost the picture and that, Mr. Speaker, should be of concern not only for those Bermudians who are getting on a plane and going over there but for all Bermudians, Mr. Speaker, because when is it going to knock on our door tomorrow. That is what we should be concerned about. When are we going to be the one whose door gets knocked on where we have lost hope, where we are uncomfortable in our own country, where we see no hope tomorrow for our children and our children's children, when we see no hope for being able to keep a roof over our head? When we see no hope for being able to keep food on the table we are going to get on a plane, take our bags and try to run somewhere else and find that. That is the concern, Mr. Speaker, that we all must be concerned about.

We all must be concerned because if we are not concerned for one of our brothers, it is going to our sisters, it is going to come to us next. We should always, particularly for those of us in this House, and more so for the Government, Mr. Speaker, we cannot take this lightly. We cannot take it lightly. I appreciate that the Minister gave a warning to those who are over there but he missed the point about why they are over there and why they feel comfortable going to an unknown land rather than staying home.

Now, Mr. Speaker, a couple of the other comments the Minister made . . . he made reference to some of my favourite topics in the sense in that I used to be a former Minister of the Environment. The dog issue. Mr. Speaker, the Minister knows how long that issue goes back for me because I was the Minister that actually put the ban in place back in. I cannot even remember what year it was now, Mr. Speaker. So I am always concerned to see that that comes to full fruition in that we put the right policy in place to address the broader scope of dog ownership—and not just the banning but the broader issue of how we look at the dog breeds, the dog owners and policies that address all of that, Mr. Speaker.

Finally, on that note, Mr. Speaker, I have made light on this floor before, Mr. Speaker, about we need to also be looking at the issue of the feral cat. In a similar vein of how do we address the issue of feral cats like with the feral chickens and all other feral animals. I know, Mr. Speaker, I have been chastised (may be the word) from some other Members in this House in that the approach I took before was a bit harsh in that I felt that we need to be taking a harsh approach just like we do to feral chickens.

I see the Minister now saying he is going to look at a policy that will look at this whole feral cat issue. I implore him to do it. But do it in manner that says we are going to make a real attempt, a real genuine attempt to harness the issue of the feral cats because they are a nuisance totally up and down this Island.

Now, Mr. Speaker, having addressed the Minister of Environment with those few comments, let me just go back to where my original thought was in rising to my feet, Mr. Speaker, and I basically want to look at the star point of the Throne Speech, Mr. Speaker.

In the Throne Speech the Government openly were making reference to the recent hurricane, Hurricane Nicole. They praised how the community came together and pulled together to quickly get us back up and running after the hurricane, Mr. Speaker. And you know, of course, everybody has to applaud that. It is something that we do time and time and time again after hurricanes, Mr. Speaker. I do not care how light or how severe that hurricane may be, it is always a coming together of our community, Mr. Speaker, a coming together of neighbours and neighbourhoods, a coming together of the workforce—mainly Works and Engineering staff, the Public Works staff, the Regiment staff, police, everybody else coming together to make sure we get back up on our feet very quickly, Mr. Speaker, after there is a hurricane. So we have to applaud the effort.

Mr. Speaker, my comments in this point actually go not hurricane or post-hurricane, but pre-hurricane, Mr. Speaker. Mr. Speaker, the hurricane in one way did a blessing for us in that it helped to clear away some of the overgrowth that was all up and down our highways and byways, Mr. Speaker. And it is a real concern for me, Mr. Speaker, as a former Minister of Works. It is a real concern just as a general citizen, Mr. Speaker.

As I drove up and down our country over the past few months, particularly during our summer months I saw the extent to which overgrowth takes place on a regular basis up and down our highways—the lack of trimming that used to take place, the lack of road clearings that used to take place. You see grass and cane grass growing all along our sidewalks and high along the highways and byways. The overgrowth of trees, Mr. Speaker, that is hanging over. This is something that is just totally out of hand. It is totally out of hand, Mr. Speaker, and I think that we

have to address it and put it back to where it falls and that is in the lap of the Ministry of Works and the Minister of Works.

Mr. Speaker, I speak particularly as an MP and a resident of the West End, because in a very few short months the West End is going to be hosting the America's Cup which we have heard so much about. The Government is praising it, Mr. Speaker, and putting its chest out about this big event, the grand event, how it is going to put Bermuda on the map. For any of those folks who have come here earlier and seen some of the earlier events and just have been attracted to Bermuda by the hype that is being driven for the event, I am sure it has been an unpleasant welcome for them to come and find the degree of overgrowth that is taking place around the community. I speak specifically for the West Enders who will be the hosts for it, Mr. Speaker.

Our roads . . . the overgrowth on the side, Mr. Speaker, is just out of hand. So, my point is that the hurricane may have done the Government a favour. But do not wait for those favours, Mr. Speaker, we need to get back to a policy from the Government, from the Ministry of Works, that properly addresses the overgrowth and the clearing and cleaning of our roadsides, the trimming, the cutting back.

Mr. Speaker, this now leads me to the actual roads themselves. Mr. Speaker, again, the West End will be the host for this grand America's Cup, the 35th America's Cup. Mr. Speaker, as you know, when you drive through the West End you have got concerns about our roads. Now when the PLP were in Government we looked at the roads in the West End. It was determined that at some point we were going to put the water system through the main areas of Somerset. And that delayed the resurfacing because it did not make sense to resurface the road and then chop them up again to put the water lines in. The water line project continued after we left Government, Mr. Speaker, and it continued under this new Government. But the time schedule, Mr. Speaker, that was in place to follow that and to resurface those roads seems to have gone off track.

I stand here to say that I have been informed today that the Ministry of Works has put out an advisory that they will be starting the resurfacing project very shortly—could be this week or next week. So I am pleased to hear that. But, Mr. Speaker, it was a timeline that should have been done all this time based on what was left in place by the Progressive Labour Party to follow the water pipelines that were put through. And my question still, Mr. Speaker, to the Minister would be, have we completed all the water lines that were initially designed to go out throughout the West End community? And, if not, do not surface those roads yet only to come back later and dig them up to put the pipelines in. Let us resurface where we can resurface our roads, where the water lines have been placed and then continue, if they have not con-

tinued to install all of the water lines, continue to install the remaining water lines and then resurface those areas, Mr. Speaker.

Mr. Speaker, a lot of this conversation surfaces around the drive for the America's Cup and all that they want to do to promote the America's Cup. And that takes me to another point, Mr. Speaker.

When I was reading through the Throne Speech, it made reference again around the America's Cup. The Throne Speech makes mention of the expectation of many vessels. I think they make reference to some 400 vessels they are expecting to sail into our waters during the America's Cup. Almost 100 of those will be mega ships, mega vessels, Mr. Speaker. And it takes me, Mr. Speaker, to the conversation that is taking place right now in a reference to the Cross Island Bay in the arm out in Dockyard where the landfill is taking place.

Mr. Speaker, my concern here is that too much of that conversation has centred around the America's Cup as if that idea was originally thought of to filling in and reclaiming the land simply for the America's Cup.

Mr. Speaker, you know that is not true because that conversation started under the Progressive Labour Party Government long before there was even a thought of an America's Cup. That conversation in its initial concept, Mr. Speaker, was actually thought of in identifying the fact that Bermuda as an Island—the only Island out here in this region, Mr. Speaker—is an Island among itself. But is a seafaring passageway (so to speak) of many of these mega ships and mega vessels and yachts that I just spoke about that the Government is now recognising or hoping will come to this Island for the America's Cup.

But the intent of developing that Cross Island back then, Mr. Speaker, under our Government when the conversation started, was to have a base where marine servicing could be done. Right now marine and ports as the industrial site in Dockyard is in the heart of what was, again (what is, I should say), a tourist area. When the conversation of looking at redeveloping Dockyard and all the promotion to get Dockyard more attractive for tourism with the conversation that took place of building the ports for the larger cruise ships—all of that was to look at Dockyard as creating Dockyard as an area where there would be a nice flow for tourism and the attractiveness that that can offer to our tourists.

The issue in that whole package is that right in the heart of it sits the industrial site for the marine and ports where the boats are serviced and the boats are tied there—the ferries, et cetera. The Cross Island Bay would have been the site where all of that would have been moved. All of the industrial pieces, all the boats serviced, all the marine and ports, would be moved to that piece of the landfill which would have left Dockyard proper where the boats currently are serviced, or where the industrial site currently is, as

now a pure tourism site so we can have a full tourist package there in view of all the cruise ship and cruise ship passengers and other visitors and locals who go out to the Dockyard area.

Mr. Speaker, I want to drive this point to him because it came from two perspectives. One, I was a Minister of Works when that conversation started. I later served as the chairman of the Marine and Ports Board and in both of those capacities we saw the value of this, Mr. Speaker, again, so that we had the ability to enhance the marine servicing that we do. Recognising, Mr. Speaker, that as an Island we are the only thing out here in this region, Mr. Speaker, and when mega vessels like this pass by, if they were in need of some type of servicing, we could not provide it, Mr. Speaker.

We cannot provide it as we are today. If we had developed into the Cross Island as it was originally thought, Mr. Speaker, we would now have a facility to service such vessels. Not only vessels coming, passing by in need of an emergency, but we could then be scheduled into their calendar, so to speak, for a place where they can come and stop and be serviced, Mr. Speaker.

Hence, creating jobs, Mr. Speaker, and that is the point I really wanted to drive home. In all the conversation that is taking place about the America's Cup and looking at short-term employment, short-term jobs, short term . . . this was an opportunity, Mr. Speaker, where you could create long-term jobs, long-term jobs, by creating that as a facility to service the marine vessels that pass by Bermuda, Mr. Speaker. We know that there are many of these mega sailing vessels that sail down to the Islands south of us to get serviced annually and those things of that nature. But we could now put ourselves in that cycle, Mr. Speaker, if we had the facility.

Mr. Speaker, if you read the Throne Speech from the Government we read that, yes, they are going to push hard to get 400 of these vessels to come in here during that period of time. Mr. Speaker, just imagine if something happened to one of those vessels while they are here and needed servicing. We do not have a facility for it. We do not have a facility. That would be a negative plight on us, Mr. Speaker. If we had the facility, it would be a positive plight on us.

Again, while enhancing and encouraging us to go back to the original thinking of what that landfill was to be used for, that Cross Island Bay, it would have been a provision, one, to provide additional jobs; two, it would have taken the industrial piece out of Dockyard and put it all in one section so the other part of Dockyard where it currently sits would have been all tourism and visitor-enhanced area; and, three, it now would allow mega ships and other larger sailing vessels that come across here to see Bermuda as a place where they can stop on a regular basis to get service. So it puts us in that. We are a seafaring nation, if you want to look at us as an Island, and this is

some of the things that would help to enhance that, Mr. Speaker.

When you look at the fact that we are the only landmass out here in that sense and yet we do not have a facility to service those mega vessels anymore. Really, we do not have any real slip to serve any vessels of big size which years ago we used to when we had the Dockyard and other large ports like that—when Dockyard was a marine base, in a sense, Mr. Speaker.

So, I think it would be important to use and go back to the original concept, and that concept came from much thought from those in the industry who had helped to put that thought on paper when we were looking at what could be done with that site, Mr. Speaker. So I do have concern that now the current Government seems to have walked away from that concept.

If you talk with persons, Mr. Speaker, who were a part of the Marine and Ports, who were a part of those persons who were around the table when this conversation took place, they still see the value of doing what was originally discussed. Their concern, Mr. Speaker, is that the concept has gone off the table. They see the value and they understand the importance of it, Mr. Speaker. I think we need to pay attention to those folks who are in the industry and helped to craft that concept for us, Mr. Speaker.

Mr. Speaker, the last point that I wanted to make reference to actually falls in the Reply to the Throne Speech. And in making reference to that, let me first commend the party Leader, Mr. David Burt, for his excellent presentation.

Mr. Speaker, if you look at the two documents I think the Government's Throne Speech was roughly some 26 pages. The Reply from the Leader of the Opposition was 24 pages, roughly. The difference is, though, the Opposition Leader's one was done in less than a week, Mr. Speaker. If the new Leader comes into the place, Mr. Speaker, he hit the ground running. Mr. Speaker, he did not miss a beat in the presentation that was presented today as a Reply to the Throne Speech and I think it speaks well for the vision that was presented, Mr. Speaker, and I think we need to—I personally, along with the House would like to commend him. I think other Members on your side have also spoken on the opposite side, Mr. Speaker, have also made comment on the vision that was in there and they praised it. So I want to be part of that in encouraging the Leader.

Mr. Speaker, the part that I want to make comment on is in reference to the green technology. Mr. Speaker, you know like many others that I got into some green technology for a long, long time. The point that I want to drive home that was mentioned in the Reply, Mr. Speaker, makes reference to the fact that we have to ensure that green technology (if it is going to be embraced fully in this country) is one that can be embraced by all people. Meaning even those

who may not be of the stronger economic strider can still be able to afford to participate in going green.

We have to have a mechanism in place, a means in place, Mr. Speaker, to even encourage those and assist those persons to be able to take advantage of the value that going green offers. That is an important point to drive home in that the green technology should not only just be for those of higher income who can afford but for all to afford. There has to be a mechanism in place, Mr. Speaker, to be able to encourage all persons to participate in a mechanism to help fund the green technology, Mr. Speaker, because I think the long-term benefit for green technology is for all of Bermuda. It is for all of us to participate in.

Mr. Speaker, you may have heard me say in the past that Bermuda, in my view, can stand up as a flagship for going green in that we are a small community. We have a lot of the right atmosphere and right sources to be able to go green easily, Mr. Speaker, if the concept and the mindset to go green is really put in place. We will, as the Leader put forward in the Reply, have a Green Paper that will further build on the Green Paper that was done under Progressive Labour Party back in, I think, 2010, around that time, 2011. We will build on that now with a further Green Paper to really set in place the steps that should be done and encourage us. And my view is that we should be setting targets, Mr. Speaker, targets and timelines of how we reach those targets to turn percentages on a regular basis in seeing percentages of our industry going green in many different areas, Mr. Speaker.

So I encourage the Leader. I am pleased to see the Leader put that in the Reply and I will be using all my efforts to encourage Bermuda and our people to go green.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Deputy Speaker from constituency 3—

Mrs. Suzann Roberts-Holshouser: Four.

The Speaker: Four—excuse me, four.

Mrs. Suzann Roberts-Holshouser: It is my constituency.

The Speaker: It is my constituency as well.

Mrs. Suzann Roberts-Holshouser: Yes, indeed it is.

Thank you very much, Mr. Speaker, and good morning.

I have to say one of those things that at this time of night I never know whether I am crossing my eyes because of the exhaustion of the day, but I cer-

tainly was looking forward to having the opportunity to speak on—

The Speaker: Is your microphone on? Is your microphone on?

Mrs. Suzann Roberts-Holshouser: I was looking forward to having the opportunity to speak to both the vision by the Opposition and, of course, our Throne Speech which I am going to hopefully go through as quickly as possible.

But one of the things I wanted to point out before I even really get started is what I think of the word “vision.” See, Mr. Speaker, vision is I think probably recognised in different forms. Let me explain why I say that. Mr. Speaker, back in June my little dog within moments, within seconds, lost his vision. Now he lost his vision 100 per cent. Within three months and on medication he was able to regain some of that vision—and when I say “some,” I do mean some. So it meant that he could see probably at a distance but not close up and that was with the aid of, as I said, medication.

His eyes remain dilated so, of course, it is going to be blurry. So one of the things I wanted drive home with vision is it is not what you see that always is the full picture, because my dog does not see the full picture. I could not help but when I saw the title of the Reply by the Opposition as “Vision,” you have to see the full picture. But that does not discredit some of the observations and some of the suggestions that have been put forward. Indeed as one Member earlier this evening from, I believe, constituency 36 mentioned, he had heard scoffing at recommendations. Well, I do not believe anyone is scoffing at recommendations. I, for one, certainly will not be scoffing at any recommendation because indeed, we as a collective need to push forward.

That being said, Mr. Speaker, I will begin with a brief overview of a few things that caught my attention in the vision up to 2025. One of the first things that caught my attention was a 21st century approach to tourism. On the third line it says, “. . . who will deal honestly with the issues currently confronting our tourism development . . .”

Now, Mr. Speaker, we also heard the Member from constituency 29 earlier make reference to the fact of how, yes, indeed, concerns had been raised and criticism had been offered as it resulted in the amount of money that had been offered by way of commissions to members of the—or bonuses, to be accurate—that was issued to Bermuda Tourism Authority. Indeed, the Member from that constituency pointed out the fact that that was a grave concern. We heard from another Member how he was not quite sure whether the work of the Bermuda Tourism Authority was indeed reflective in the success we are having or whether indeed it was the fact that more

people in the United States sought traveling more as their economy improved.

Mr. Speaker, I find the irony in the questioning or the ridicule that the then-Director or the Director of Bermuda Tourism Authority had to undertake got lost in the fact that there was a contract which was not bid on but won by Global Hue for \$28 million. What did Bermuda get for \$28 million? [Some] \$200,000 went to a TV programme, a global TV programme, for which it was never proved how much viewership—and one wants to question what Bermuda Tourism Authority has done for Bermuda when we can see an increase in tourism of 18 per cent? I do not think that marketing plans that take time to be planted will see fruit within months. Indeed, what the Bermuda Tourism Authority did was planted the seed and it is now that we are seeing the fruits of those trees and it is up to us—all of us in Bermuda—to continue to water that plant and continue to watch tourism grow.

The other part of the vision that I looked at was on page 13, Comprehensive Immigration Reform. Indeed, I am not going to say that we do not need reform because clearly we do. But one of the things that I wanted to mention was that under the One Bermuda Alliance, the crackdown of immigration violations has brought in over more than \$100,000 in fines.

We have caught more offenders in three years breaking immigration rules than were prosecuted in 14 years under the previous Government. So while we look at and recognise that immigration reform is necessary, at least the One Bermuda Alliance is taking steps to ensure that those parties that continue to break the rules will be monitored and will be caught and will be fined.

So I am going to move on to our Throne Speech. There was a lot offered in the Throne Speech. And I know within 30 minutes I am going to do my best to get through some of it, so I will only touch on some of it.

Development of a national cultural heritage policy. Well, a person coming from St. David's really, truly understands the importance of the development of a national cultural heritage policy. Mr. Speaker, it is a culture that was created as a result of being blocked and locked away from the rest of society as it developed and evolved. This is a culture that was created from individuals that were slaves from Ireland, from the islands. They were individuals that were confined into a small area that created their own language; had their own look with the red hair and green eyes. It is a culture of pride. It is a group of people who had to go through the trials and tribulations of being ridiculed as they were considered the underpin of society in Bermuda.

St. David's Islanders grew with pride because they had to stand together to deal with what the outside world, Bermuda, thought of them. So, Mr. Speaker, it is that pride that St. David's Islanders have that carried them through their diversification, that car-

ried them through to being successful individuals. And I recognise the need and am delighted to see that we, the One Bermuda Alliance, are looking at developing a national cultural heritage policy.

I would also like to point out that under the One Bermuda Alliance black history has been added to our curriculum in our schools. So the stories of the likes of Jemmy Darrell, who was one of the most famous boat pilots in the East End, can be recognised by our young students as they begin to understand who he is because that is a part of who our young children are.

Mr. Speaker, I would be remiss not to mention the Cash Back for Communities. The reason why I would like to mention this is because we have heard how individuals would like to see some of the funding come their way. But I could not help but think that after the hurricane—and we have heard about hurricanes today—it was the St. David's football club that came out to our streets. Not only did they clear up overgrowth that had been badly in dire need of being cut back, which was on private property, but they continued to cut the length of the roadway until they were clear. It is the likes of what they have done for the community that I would hope that the Government recognises the needs of the St. David's cricket club and perhaps one day soon they will also be recipients of some of the monies that are received from the Cash Back for Communities.

On that same page, Mr. Speaker, we walk down to the issue when it comes to rehabilitation and preparing inmates to live productive lives in society. The Department of Corrections will conduct an extensive review of all programmes to ensure inmates are best served while incarcerated. Mr. Speaker, if I mentioned the name John Malcolm "Chalky" White this would be the appropriate time. While you might not see the link, what I see is the link because while we look at extensive review of all programmes to ensure that inmates are best served, if we best serve our inmates by ensuring mandatory—and in this particular case—rehabilitation or attending those programmes, we will not feel ourselves in such a situation where we have the necessity . . . and I would like to congratulate the Leader of Bermuda, the Premier, for doing what I think is the only right thing to do and that was by printing the name of this known paedophile.

Mr. Speaker, it did surprise me a little reading an article, I think it was ³today's newspaper, by the Member from constituency 36 when he was speaking . . . just one line, Mr. Speaker, if I could. I want to quote accurately, speaking at the release of paedophile John Malcolm White. Mr. Scott, Member from constituency 36, "said there had been a process in place since 2009 for issuing information on sex offenders—as implemented by [the Member from constituency 34]."

³ [*Royal Gazette*](#), 14 November 2016

Well, Mr. Speaker, I have stood in this House time and time again to speak to the Criminal Code Act No. 329 and how disappointed I was at other opportunities that Government leaders, attorneys general, did not take up the opportunity to disclose the names or the faces of those individuals that posed a potential threat to the remainder of society. They did not take up the option.

Mr. Speaker, I was baffled—another ⁴article that was written back in 2011, again, just one line, “The law as it stands also allows the AG” (so clearly this was originally written, a quote from the, at that time, Attorney General Mr. Scott, Member from constituency 36) “The law as it stands also allows the AG to order the disclosure of details,” (as I have just mentioned) “including photographs,” (thank you, Mr. Premier for being bold enough to actually do that for the first time in Bermuda’s history) “of offenders to individuals or groups if the person is thought to pose a significant threat.

“Senator Wilson stated in September 2009 that no such order had been made since the law was passed”—not in 2009, Mr. Speaker, but was passed—“in October 2001.” So neither of those previous two Attorneys General, including the Attorney General we have today, did what I feel was the best thing. I am so very proud that we have finally done the right thing.

Mr. Speaker, the reason I raise this under the need for programmes or inmates so they can best be served once they are released is that we must understand, Mr. Speaker, that paedophiles, the behaviours which have been studied over and over again, it has been determined that there is very little they can do to cure this behaviour. Indeed, one individual, Dr. Fred Berlin (who is the director of the Johns Hopkins Sexual Disorder Clinic) pointed out to an offender, he said, “You don’t like the term sex offender, and yet your victim was willing to testify against you?”

The reason I wanted to point that out, Mr. Speaker, is because a paedophile does not see that they are doing something wrong which is why it is imperative that we not only have mandatory testing, mandatory evaluations and therapy within our prisons, but after they have been released.

Mr. Speaker, it is not just about protecting the next potential victim. It is also about protecting the paedophile. Because if he is being monitored by not only the community but by the professionals under their capacity then that individual will have less of an opportunity to reoffend. And is that not our responsibility as a community? We have to be able to protect one and all.

Now, Mr. Speaker, I am going to move right along. One of the things I cannot bypass of course is the cruise ship. I need to explain why. It is not just the fact that the One Bermuda Alliance has increased the number of cruise ship visits in Bermuda but the town

of St. George’s relies on the revenue. The taxi drivers, the minibuses—they rely on the income driven by the arrival of these cruise ships. I watch St. George’s come to life. I watch it also go back to sleep when the cruise ships leave. I look forward to seeing the opportunity where our roads once again are filled with capacity of tourists.

Mr. Speaker, this is a result of the Bermuda Government. I applaud all endeavours that they have to continue to work with our cruise ships because the town of St. George’s . . . the restaurants, the stores, they need this in order to keep their staff employed and to keep jobs rolling. Indeed, we keep hearing about the necessity for jobs.

I do have a concern . . . one of the things about the BTA strategy. I would like to encourage the Bermuda Tourism Authority to recognise that there are going to be organisations (and I am going to put it right out there) such as St. Peter’s Church, that while they cannot and should not be considered as entertainment or for the sake of anything else, they need to be recognised as one of Bermuda’s most outstanding tourism attractions. Consequently, as they struggle to keep their doors open as a result of members attending their church, they need and they require in order to keep their church doors open, the assistance of the Bermuda Tourism Authority or perhaps even the Department of Community and Cultural Affairs to keep their doors open so the history of St. Peter’s Church continues to resound in the town square of St. George’s.

Now, Mr. Speaker, I want to talk to domestic and feral cat populations. I know everyone expected me to do so, so I am certainly going to do so. I want to speak first of all to the domestic and feral cat population. Mr. Speaker, the cat population, or the feral cat population, is a direct result of human neglect. Nothing more and nothing less. Those cats would not become feral if their owners did not leave them or deposit them. There has been a gentleman—and I will choose not to mention his name—who has spent close to \$1.5 million over the last 25 years ensuring that these feral cats are neutered and returned.

Mr. Speaker, we have residents across the Island who have illegally collected, trapped, what they conceive to be feral cats. But at times they have been domestic cats as well. And they relocated these cats in other parts of the Island. Now that is unacceptable, Mr. Speaker. What this Government will plan to do as part of a strategy is to look at how do we change this.

Well, Mr. Speaker, I am hoping that the strategy will look something like this. It must be twofold. Twofold by the way of we must ensure that along the line in order for us to begin to address the feral cat situation, a cat sanctuary is mandatory. It would be recommended, my suggestion as the strategy or this team begins to formulate their thoughts, that a cat sanctuary be established on Government property. Therefore the feral cats can be removed from the ar-

⁴ [Royal Gazette](#), 25 July 2011

eas in which they are located and put into the cat sanctuary. At the same time and in correlation, it must be imperative that we begin to introduce the legislation of licencing cats.

I know a lot of people in society may frown against that, but the reality of it is other parts of the world have long since licenced cats. And what will that do? It will enable those individuals to (a) ensure that cats are well taken care of. We have already addressed the situation of feral cats going into a sanctuary. The revenue received from licensing of cats can go towards the taking care of the sanctuary. It can be actually a tourist attraction as there are many individuals across the world that love and adore our cats. They are not just thrown and discarded when they are finished with them.

But it is important to understand that they have to run in correlation with each other. There is no sense in licencing cats when we have feral cats that are looking at how do they survive. So once the sanctuary is established, Mr. Speaker, they can go into the sanctuary. They will gradually die through attrition in a peaceful, healthy environment in which they should have the right to as it is not their fault that they are feral in the first place. But, Mr. Speaker, that would be one of my recommendations. Again, Winnipeg passed laws already, and there are many other countries who have mandatory licensing of cats.

I will also now like to move to the dogs. Mr. Speaker, in order for me to address the situation under dogs, I was interested to find out what the banning for surgical procedures for cosmetic purposes were. So, Mr. Speaker, I took a look at the Care and Protection of Animals Act 1975. Mr. Speaker, it almost brought me to tears. I think if individuals go online they will see what we have been doing or allowing to happen to our animals is embarrassing. It is absolutely unacceptable that we continue to allow for the removal of dew claws on puppies up to the age of seven days. That is like cutting off a thumb, Mr. Speaker. And for what reason? For what purpose? Why would we put an animal through the pain and agony of having its tail docked?

Now, I understand that there was a time in our history where those things were acceptable. In fact, there were breeding clubs and dog shows that anticipated and expected dogs to have their ears docked. Well, I am here to tell you, Mr. Speaker, you can go online and you can find all these countries that ban it. They ban the docking. Belgium, Brazil, Canada, Columbia, Croatia, Cyprus, Australia . . . it goes on and on and on and on and on, Greece—they banned it for a reason. Because it is inhumane.

We as two-legged people, we have heard a lot about what we do for people . . . as two-legged individuals on this Earth we have an obligation to take a look at what we are doing, why we are doing it and change. So I am very pleased to know that while we have listed in our Throne Speech that we will look at

banning of surgical procedures, it does not just include the docking or the cutting of tails. You know, Mr. Speaker, at one point they used to . . . years ago. In fact, they used to put elastic bands around a dogs tail in order for it to rot and fall off. Do you know how much pain that animal must have been in?

And I know people do not necessarily care about animals. I know that. I am fully well aware of that and they probably think I am an idiot for standing up here. But, Mr. Speaker, if I do not and if the Minister and the One Bermuda Alliance—in this particular case the Minister who is new under this portfolio—did not care, we would be unacceptable in society as far as I am concerned.

Mr. Speaker, I salute the Minister for putting this in our Throne Speech. We can no longer continue talking about feral cats. We need to do something about it. So I am glad to see that the Minister is planning to actually take some action towards addressing the situation.

Mr. Speaker, while I have a lot, I think I have been able to address a few items at this late hour, it might not come out as smoothly as I would have liked to but at this late hour one does not always think as straight as they can.

Mr. Speaker, in conclusion I would like to extend my thanks for allowing us to be able to participate in the speech from the Throne on behalf of the One Bermuda Alliance. I am also pleased to have the opportunity to have had a look at the Opposition's vision and, Mr. Speaker, as I started out by saying this is not something that I would scoff at but I indeed do appreciate the opportunity and hopefully as the year progresses we will continue to work together to ensure that the people of Bermuda are put first and not politics.

Thank you, Mr. Speaker.

The Speaker: Thank you, Madam Deputy Speaker. The Chair will now recognise the Deputy Leader for the Opposition, MP Roban.

You have the floor.

Mr. Walter H. Roban: Thank you, Mr. Speaker. Good morning to you and—

The Speaker: Good morning.

Mr. Walter H. Roban: —those few who may be listening out there in the public who have not already retired for the night.

[Inaudible interjection and laughter]

Mr. Walter H. Roban: Mr. Speaker, let me first congratulate my honourable colleague and Leader, Mr. E. David Burt, for the presentation of the Reply to the Throne Speech today. I do believe that it quite ably exemplifies where this Progressive Labour Party sees

the country should go and its proposal of how it would endeavour to make those steps when elected Government.

It was of course in response to the Throne Speech which was delivered last week by Her Majesty's representatives. But I must say, Mr. Speaker, I think if I were to encapsulate in a few words what has been the overall record of the Government when it comes to their effort to communicate over their mission each fiscal year, calendar year of Parliament, since becoming Government in 2012 it would go like this: For two years we were delved out essentially fiscal and legislative pain and suffering. The Throne Speeches of 2013 and 2014 were essentially that. The pain that they desired to delve out because they felt our situation was so grave that those Throne Speeches exemplified this is the tough medicine that the country requires.

So for two years they did that. It included borrowing to cover deficits, it included cuts in spending on programmes, even certain language about things like the SAGE Commission and other efforts by the Government to do what they felt was necessary to get control of the situation that they perceived as it was and to address the malaise of the country that was in recession.

But after two years, we had the 2015 Throne Speech which was, *Okay, this is where we see things happening and progressing*. So the thrust of the Throne Speech essentially was, *We have given you pain but it was for a reason and it should get us to this point. It was in your best interest*.

Well, here we are in 2016, Mr. Speaker. We have had all that. But perhaps it quite has not gone the way the OBA devised. Because some of the dramatic initiatives that they took to create jobs, which we have seen not really any job creation for Bermudians but more so more job losses; economic growth, of which they seemingly rested on the development of hotels; additional investment from overseas; and creation of gaming possibly; hotel development and even green shoots that they believed they would plant that would bring about prosperity or greater prosperity going forward has not quite come out.

If anything, the frustration of the country with their policies and their initiatives will exemplify what happened in March of this year. The public clearly showed their dissatisfaction for the OBA and frankly most of this year has not seen much great movement.

We are pleased to hear about the quarter of positive tourism growth and there have been signs of the retail sector coming back to life again which is all good. But fundamentally no new jobs, no new significant job growth for Bermudians. Jobs continue to be lost—or certainly job growth for those who are not Bermudian and thus we find our Bermudian public still frustrated. We also find an airport deal which, despite the best efforts, the Government has failed to close the deal with the Bermuda public.

So we have seen a 2016 pretty much a political headache for the Government. So what we have now is a Throne Speech that basically says, *We are listening. We understand how you feel. We understand it has not been as wonderful for you as we thought it would be, so this Speech has more sensitivity, caring and concern for the public than our previous ones. We have been listening*. At least that is what this Speech endeavours to say to the public, Mr. Speaker.

So here we are with the caring, concerned and kind Throne Speech of the One Bermuda Alliance Government, perhaps a last-ditch effort to save their four-year administration of which the prospect of an election is on the horizon. As we look in their document we see much . . . and when I say that this is a caring, kind effort by the Government to finally tell the public that they understand or are listening, one of the first sentences that is in here on page 2 is . . . and if you will allow me to read, Mr. Speaker, page 2 at the top: "The 2016 Speech from the Throne aims to implant these community-serving values through an ambitious programme that:

- Cares for seniors and supports the needy,
- Safeguards neighbourhoods and calms the roads,
- Locks in transparency and accountability, and
- Generates an abundance of opportunities to help Bermudians make the most of their lives."

Well, I thought the OBA was doing that for the last three and a half years, Mr. Speaker. Is that not what they are supposed to be doing? But this seems to be the mantra of this Throne Speech. Well, I thought they were trying to tell us they were doing that all this time.

So this is the caring, kindness and sensitivity Throne Speech to prove finally after a shutdown of Parliament, a reality that job growth has not been the way it was supposed to be, economic growth has not been as robust as they would like, public frustration around the airport and other initiatives (immigration), the reduction in certain services to seniors, increase in health care costs, increase in the cost of living, that the Government still cares and these are the initiatives they are taking to show you and prove that.

And there are a number of them in this speech. Some I would suggest are recycled from past efforts. Perhaps they did not quite get to them. And that is okay. We understand that. You know, we have been the Government as well and we understand that sometimes your best efforts, you do not meet every target each year that you have actually set. So that is not a crime. But one has to ask, *Well, what has the OBA been doing for the past three and a half years?*

I did see quite a bit of recycling. But at the same time there are things that we have already said, and the Honourable Member who sits in constitu-

ency 18, in his Reply, did say, such as the chronic disease initiative. There are efforts around trying to deal with seemingly relaunching an effort to reform health care. Well, as I recall, Mr. Speaker, there was an initiative to do that. The OBA Government found a quite well heeled initiative in place when they started which was the National Health Plan which was there. It was actually heavily invested in by members of the public and the health care industry and not . . . of which they shelved.

There is talk in here about infrastructure. Well, there was an infrastructure strategy plan going on at the same time when they became the Government in 2012 of which they shelved.

Mr. Speaker, as I recall, there were a number of initiatives of which some the OBA continued with such as the continued reform of telecommunications and other very interesting efforts. A continuing effort to tackle education and move education in the right direction. Now we hear in the Throne Speech, Mr. Speaker, on page 6 about a new initiative.

And if I can read on page 6, Mr. Speaker, of the Throne Speech, "Staff, [and] parents, community members and the Board of Education will engage with one another to develop a community-owned strategic plan." Well, I remember the 1990s something was done like that, Mr. Speaker, it was called the education planning team. So it seems like the OBA is going back in order to go forward in some cases.

My concern with this in particular with education is that—and I am not necessarily criticising just the OBA here. But I think that whoever is in Government must be very wary of . . . instead of on a path of progress of which you have defined, you actually find yourself constantly in a path of reform. Now, does that bring the stability that people want and require? No.

Does it ensure that people see clearly a road forward? No. It actually continues with instability.

So, I do hope that it is made more clear to us and sometime in the near future what the Government means by what they have put on page 6 because irrespective of the changes that we have proposed in our own Throne Speech Reply, Mr. Speaker, I think that the country may be wary of being on a constant road of reform.

Ultimately, parents will want some sense of certainty of the direction of education. And irrespective of the OBA or the PLP, we all will have to hunker down and clearly outline what is going to be the direction of education, because, certainly, when the OBA Government came in there was the Hopkins initiatives that were being rolled out. We have the Cambridge which . . . and we have even seen. I would argue, and it might be argued, results that are very promising in recent years as a result of the changes that were made coming out of the Hopkins review and the steps made thereafter to put those initiatives in place. So the thought that we may be entering into another period where the education planning team initiative of

the 1990s is going to be reintroduced. It is a bit disturbing. But I will reserve any real heavy criticism, Mr. Speaker, until I hear more details from the Government over the next year as to what they intend to do in education.

But that is a very crucial area for this country because we must ultimately, Mr. Speaker, make sure that what we do is responsive to the needs of our students, the concerns of parents, the certainty that is required and the standards that we believe will ensure that students in the 21st century Bermuda are prepared for the future are clearly laid out and set out and established with the cooperation of the professionals in education, with the cooperation of the leadership of education and with the consent of the community. This is very crucial to I think whatever happens under the One Bermuda Alliance or the Progressive Labour Party.

Mr. Speaker, I myself (as essentially being the last speaker for the Opposition) believe that this is perhaps the last opportunity that we are going to hear some clarity on where this Government desires to take this country in the near future. I did find the tone of the speech to be rather not as affirmative and positive and even in support of the OBA's overall record of the last four years as I would have thought. I would have thought after this period of time in Government that this Throne Speech would represent them almost celebrating in a much more substantive way. Not just economic statistics of which we find in the Throne Speech are lauded as being a success, but some level of social progress or transformation of the country.

I think there is one thing that we can argue is true, that certainly this party has been (the party that is in Government) the party of business, and perhaps those successes of which they are trumpeting about—the GDP and all the other economic statistics—they are really where they have always been most confident, Mr. Speaker. They have shown, unfortunately, not the same confidence from the social standpoint in dealing with the issues that are around things like education, public education, around the social issues that have been confronting seniors, our youth.

Some of the other societal challenges that we had . . . we have had some interesting discussions in this Throne Speech about an additional step by this Government around the issue of cannabis of which one, frankly, we would have thought that they would have moved forward a little bit more aggressively having had a report done by an outside group which was to assist them in their own steps. But, frankly, it can be argued that this Government has not been brave enough or bold enough to really address this issue where it is because, ultimately, the reason that the issue of cannabis has risen in the community has not been so much for the issue of its medical use, of which the Government has made its most dramatic steps, but is the issue of the impact that the use of

cannabis has had on our community on particularly young people and essentially on our young black men and how this has impacted and contributed to incarceration and also with damaging the ability for some people in this country to move forward with their lives and like pursue positive lifestyle choices.

Having not taken the bull by the horns and moved much more aggressively around decriminalisation, I think it is an indictment on the Government which, at least initially, seemed to be quite bold in like addressing this issue, Mr. Speaker. But they have taken a rather meek and rather incremental approach which actually is about an issue that has been plainly out there for everybody to know, understand and desire some steps from. So we have seen in this Throne Speech an effort to say, *Oh, we are going to move now to taking the steps about decriminalisation*, but it seems kind of late.

One would argue that this Government has also been very short on being bold and dramatic on the issue of training in this Throne Speech. There were a lot of dramatic and very bold statements made about the National Training Plan and what they were doing in training to try and get Bermudians prepared for whatever economic changes will come. But, Mr. Speaker, we are still talking about a National Training Plan. We are not talking about training people with this Government. So bold promises, Mr. Speaker, great expectations by some, but low on results and performance.

That has been, sadly, the record of the One Bermuda Alliance. And frankly, this Throne Speech in many ways does not make the bold actual endeavours that one would have expected for a Government that trumpets its own horn about what it has been able to do for the country. I would argue, as I have said already, that it seems like around the economic questions that is where they have been most confident. But they have not shown the same boldness or same effort to tackle social issues, whether it be around gang violence . . . we are now seeing them talking about a reassessment of the programmes around the Operation StreetSafe, which will be venturing into the national security portfolio, Mr. Speaker. Well, that is something that we have been asking for for a little while ourselves on this side in statements to the public around some of the unfortunate incidences which have arisen.

In our own Throne Speech my Leader, the Honourable Member who sits in constituency 18, has spoken to where we think the attention should actually be. I will say frankly that in my own brief discussion with the current National Security Minister, I have said the same thing, that it is on the social side that this country has not been as successful in dealing with some of the issues of gang violence and antisocial behaviour. That is where we have to improve our performance.

From a law and order side we have passed strong legislation. We have empowered and resourced the police adequately so that they can perform in the way that they need. But it is on the social end on where the root causes of these manifestations of behaviour—negative behaviour in the community—have been constant. This is a Government that said they would stop the shootings. This is one of their campaign mantras. But that has not happened.

Now, I am not blaming them for the shootings. Let us make that clear. I do not want anybody to get up and say I blamed the OBA for shootings. I am not. But they did make a dramatic promise to the country about stopping shootings. That has not happened. So it is clear that the problems are more deep-rooted than any political platform statement can actually address. It is deeper. It is more serious. And this is an area where the Government has to improve. And it has to reassess the performance and the deliverables around Operation StreetSafe and some of the programmes that they have been resourcing to address these issues. The steps made going forward perhaps need to be adaptive to any changes that are foreseen and maybe new programmes or new initiatives need to be addressed with the structures that they have in place.

I am not suggesting it is not going to mean more money. It may mean just a reassessment of how you are approaching a problem that still grips the country and is still bringing about serious pain and suffering within the community.

Let us face it, Mr. Speaker, this pain and suffering is being directly felt by the black community, by families that have either seen their young black men killed or become subject to the criminal justice system. And in many ways those are two victim streams. Lives have been lost, Mr. Speaker. But also a young man has been incarcerated into the system and no longer is any positive element in society of which the taxpayer has to carry the burden for. So we may bury some, but we also have to sustain others within the criminal justice system. And on both ends those are losses to our society which this whole country needs to come to grips with. As the Opposition has clearly said in its own statement, Mr. Speaker, there are root causes that this country has to come to terms with around these issues of gang violence and antisocial behaviour.

Mr. Speaker, I am actually not going to speak much longer, but I would just like to highlight some of the very important initiatives and things that have been outlined in our own Throne Speech Reply. Our concern about the airport project continues to be there. We will continue to stand against this project. We note that the Government still remains challenged with selling this project to the general public and there are many issues around it which have yet to be answered.

There is a question, of course, of good governance and we ourselves have spoken quite clearly as to where we feel this Government has not performed well on around the efforts of good governance, issues around the Good Governance Act of which Government has yet to bring to this House which would fully deploy all of the measures that were put together for good governance. The Government has failed to do so. We have also outlined that if this economy is going to get into a position where it is providing the growth and sustainability that it requires, diversification is crucial.

That is a path that the Government needs to embrace fully. We do not feel (on this side) that that path has been fully embraced, rather than an effort merely to resuscitate the existing pillars that have been the majority of the effort of this Government and perhaps put its faith in other initiatives that it hopes will come to fruition in the near future.

But diversification is essential. It was very interesting to hear the comments of the Honourable Member who sits for [constituency] 8 talking about how there is a Bermuda Fund already and that our initiative of which we have consistently talked about is the engagement of a Bermuda Fund for the specific purpose is redundant, essentially he was saying. Well, I would be curious to know what that fund actually does and if it is actually in any way doing the things that we ourselves have outlined in our own proposal. Because our proposal is about creating a fund that is going to invest in Bermudian companies that will create Bermudian jobs and also invest in attracting business here that will essentially contribute to the growth of the economy and Bermudian jobs. Perhaps that fund that the Honourable Member is speaking about is very different from what we are proposing. But perhaps more details can be provided so that clarity can be made for everyone concerned.

Mr. Speaker, I am actually going to end there because it is late and we all wish for this night to conclude despite the importance of this debate. I do feel that the Opposition has clearly outlined within our budget statement, Mr. Speaker, with our description of how we see the society has taken over the last four years with an agenda for growth, with proposing quality education for all, with our 21st century approach to tourism, with how we would support our youth and seniors, and innovative solutions to make Bermuda better are all clear roadmaps and a clear vision for how a PLP Government would address this issue of governing Bermuda if, Mr. Speaker, tomorrow we were elected the Government of the day.

We believe that it was our duty to present a Throne Speech [Reply] that not only was a reply to the Government's own agenda but outlines a clear road and direction that we would enter onto if tomorrow we were on the other side of this hall.

So, Mr. Speaker, I will sit down now and allow whoever is left on the other side to provide an appropriate contribution to this discussion.

Thank you, Mr. Speaker, and good night.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Premier.

Premier—

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

Well, let me dispel that myth right away. That is not a vision; it is a wish list with no meat on the bone.

Mr. Speaker, clearly the Throne Speech, which the Acting Governor read so eloquently a few short days ago, was centred around working, building and rising together, Mr. Speaker. And what did we have to do to work together, to build together and to rise together?

Let us set the backdrop again. When we became the Government in 2012, the deficit was about \$1.6 billion, and there was an annual budget deficit of \$330 million, Mr. Speaker. So the Honourable Member who just took his seat started out his comments talking about the first two years where there was pain and tough medicine to take, and we were worried about borrowing and deficits and cutting spending. Well, quite rightly so. We had to worry about the deficit and the debt and borrowing because if we did not worry about that there perhaps would be no tomorrow for the Island that we love because the hole was getting deeper and deeper and deeper.

So we had to devote our first attention to that. And that was to make sure that we could stop digging that hole. And this Government, Mr. Speaker, is confident that we have the right policies, the right team, and the right approach to enhance the quality of life across the board and climb out of a hole that the former Government could not stop digging.

Mr. Speaker, every policy that is in this document here that I hold up is anchored in advancing the best interests of all Bermudians, Mr. Speaker. All Bermudians so we rise together.

Mr. Speaker, this recovery . . . yes, Mr. Speaker, the Opposition did say this recovery. They admitted it on page 3 of their Reply, although the Honourable Opposition says the extent of what the OBA policies can produce is this . . . there is no second act. Well, I certainly take strong disagreement in that, but I give them credit for admitting there is a recovery taking place.

The Opposition has tried to twist and distort and prevaricate as much as possible about the recovery. They have talked about a false economy. Mr. Speaker, tell that to the construction worker who now has work at Morgan's Point. Tell that to the planner or the architect who has work at the St. George's project, or any of the other projects that are taking place

throughout the Island. Tell that to our brothers and sisters who showed up for the jobs fair that Loren held to fill those 60 jobs, Mr. Speaker. Tell that to the countless Bermudians who not only work in construction around America's Cup 2017 but all the other related jobs.

Tell that to the taxi drivers who have had an extremely busy year this year. Tell that to the hotel worker who for the first year in a long time have seen some real progress, and that will continue next year. Tell that to the retailers who have seen an uptick in their sales and are hiring more people and there is hope now. Tell that to the landlord who has got a mortgage on his property and now he believes he can rent out that apartment again.

Mr. Speaker, the false economy which the former Government referred to was actually the economy that was crashing around them in 2012 and they have made excuses about it ever since. And even these small humble protestations in their Reply are ringing shallow on many people's ears.

Mr. Speaker, we accept, as the Honourable Members on the other side of the House have alluded to tonight, that there are still many people out in the community who are struggling. The Throne Speech which was read by the Acting Governor clearly stated that that was the reality of too many of our brothers and sisters . . . and I will quote, Mr. Speaker. It was our intention from the outset, the Government's "intention from the outset . . . to make [this] recovery work for the Island as a whole, but more particularly for the many [who have been] set back by the downturn."

I go on and keep quoting, Mr. Speaker, "Unfortunately, the impact on the street of actions taken to fix the [Island]" have at times been slow in coming.

Now, Mr. Speaker, it was important that we recognise that fact and put it in the Throne Speech for a number of reasons. First one more critically is the people need to know that we will continue working for everyone, especially those that still struggle. And secondly, that it does take time to turn around an economy that certainly was not firing on many cylinders whatsoever.

Now, Mr. Speaker, I hear the Honourable Member who just sat down saying that it still is not. Well, I will get to that. Mr. Speaker, I take strong exception to the comment in the Opposition Reply to the Throne Speech on page 3 when it says, referring to "a mock empathy," that this Government has . . . Mr. Speaker, *mock empathy*? That might be their frustrated opinion. But let me refer back to 2012 when we were in deep trouble—all of us in Bermuda.

A lack of direction by the former Government, lost confidence in this Island by businesses who were disappearing, tourism with excuses was stagnant, deficits were surging, our debt was out of control, crippling interest payments that the current Shadow Finance Minister did not even pay much attention to as a Junior Minister in another place where I served

with him, layoffs, unemployment and the advent of gang violence all too real in our community.

So, Mr. Speaker, there was a lot that we had to do. There was a lot that we had to focus in on. And the most important thing at that time was to stop the rot and turn around the economy because in turning around the economy we had the potential to help more people more quickly than anything else could happen, Mr. Speaker. And we make no excuses for that.

And I am proud at the way our team has stuck to that challenge working at many different angles to turn the economy around. Looking under the hood, cutting the red tape, identifying the needs of our people, meeting people up and down in the Island to understand what troubles them and how we can get back, coming in this place, changing regulations, passing legislation, breaking down that red tape.

So where are we today, Mr. Speaker? I would say we are a world away from 2012. A world away. And consider these facts that the Opposition are trying to spin away from this morning and through yesterday in the debate. Bermuda's gross domestic product has now recorded six consecutive quarters of positive growth.

The Opposition Member who just spoke says that we have not recovered. That signals recovery. I mention that fact because the Opposition referred to a lack of confidence in their Reply. Well how could that be, Mr. Speaker, when the HSBC business confidence survey has shown that confidence has risen since 2012? Clearly it is demonstrated, and the Opposition Leader now is in here chuckling under his breath, when he had a chance to speak earlier today, Mr. Speaker. All sectors, Mr. Speaker, all sectors of the economy are starting to show some significant growth.

But, Mr. Speaker, there is one area that is not. And that is public administration Public administration is shrinking because of reforms that have been inspired by this Government and some of them taken from the SAGE report. Finance spending controls that have been strictly enforced by the Honourable Finance Minister of the right and important need to do those types of things. We have now managed to right-size to a large extent the public administration.

And I find it quite interesting, Mr. Speaker, that throughout the Opposition's Reply to the Throne Speech they talk about the SAGE recommendations and some of the things that they would put in place and the Opposition Leader seems to have a stunning tenacity to switch positions. In 2011, he (and I quote, Mr. Speaker) . . . it is his belief that as a Government we should consider all available options and "there may be room for some Government services to be privatised." Yet, on the other hand he has flopped away from privatisation. I guess it depends what side of the aisle you sit on.

Page 9 of the Opposition Reply says that they will implement SAGE Commission recommendations that target waste and inefficiency. Yet, Mr. Speaker, in the three years since that report came out they have bashed the work and referred to it as cuts and pain. Now, they need another blanket to wear—

POINT OF CLARIFICATION

Hon. E. David Burt: Point of order, Mr. Speaker.

Hon. Michael H. Dunkley: Another sheep in the wolf's clothing so they will put it on.

Hon. E. David Burt: Point of order, Mr. Speaker.

The Speaker: Yes, Honourable Member.

Hon. E. David Burt: The Honourable Premier should not mislead the House—

The Speaker: What is the point of order, Honourable Member?

Hon. E. David Burt: The point of order is, Mr. Speaker, he is not telling the truth. That is the point of order, Mr. Speaker.

The Speaker: All right, thank you, Member.

Hon. E. David Burt: The fact is that since this point in time—

The Speaker: Thank you.

Hon. E. David Burt: If he is going to speak about what happened after, he should speak about the—

The Speaker: Thank you.

Honourable Member the thing is that you— just a second. Honourable Member, you have to . . . when you get up and speak to a point of order then it should be a matter that is contrary to Standing Orders. And in this case you may be . . . in this case, Honourable Leader of the Opposition, you may want to ask for a point of clarification.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, I will continue.

So now all of a sudden they want to put on a different cloth. And so I ask, Mr. Speaker, this document, this wish list—not a vision because if this is a vision I am going to the eye doctor to get some new glasses because I need to keep reading. It is not a vision. It is a wish list. And so I will ask a question. I ask which SAGE recommendations will the Honourable Opposition Members implement? It is not in their Reply. It is silence. They just move on.

Mr. Speaker, the economy is turning around with the retail sector—stagnant for many years—showing growth 18 of 19 months. And, Mr. Speaker, this means confidence is growing. This means there is opportunity and jobs in people in the area. People such as taxi drivers, people working in construction or hotels. But do not ask the doom and gloom Opposition. There is confidence again because we see small businesses starting to sprout up again such as recently opened up in the heart of our business districts throughout the Island, Mr. Speaker. And those are facts that the Opposition do not mention, Mr. Speaker.

Air arrivals are driven by the Tourism Authority's high impact marketing. It surged 18 per cent. And, Mr. Speaker, that was in the third quarter and I have further good news because in October of this year tourism numbers, air arrivals, are up 3 per cent, Mr. Speaker, 3 per cent and that is stunning, indeed, when you consider in 2015 the America's Cup was here and so we had the boost from that and in 2016 we had a Category 3 hurricane that closed us down for three days.

So the trend is going in the right direction and now the Opposition . . . they certainly tried to bamboozle many in the public and took great umbrage in criticising the setting up of the Tourism Authority. They took every opportunity they could get to criticise members of the Authority—especially the CEO with made up calculations of what the remuneration and the salary was. Fictitious numbers were spoken to mislead, deceive, and disrupt the progress, Mr. Speaker. And now, when we are starting to see the positive growth and startling growth they say, *Well, all of this success is being driven by an increased budget.* Absolute nonsense!

The success is about a plan, action, working that plan, making the vision that the Tourism Authority, supported by this Government, had to go forward. They criticised the former Minister for setting up the BTA. They criticised the CEO. Mr. Speaker, the CEO is due to leave the Island shortly. What memories will he take from Bermuda? He will take some comfort in tourism turning around and working with the good professionals within the BTA, the vast majority of those professional Bermudians who were brought on from within this industry. But he will take away the scar of having to deal with the public criticism that was unwarranted in the work that he was doing.

Mr. Speaker, hotel development large and small is underway or preparing to break ground. Bricks and mortar are reality to the rebuilding of the tourism product throughout Bermuda. The Honourable Member from constituency 6 (who is not in his seat at this time) talked about no ribbon cutting. Well, Mr. Speaker, he is wrong once again, because the Loren will open up early in the New Year, and there will be more progress as we move forward from the East End right through to the West End of the Island. Hotel development and progress is taking place and that is

because this Government, [with] the vision of this Cabinet, formed an economic development committee to spur that growth going forward.

And lo and behold, in the Vision 2025, which the Opposition referred to, they talk about an economic diversification unit. No other real understanding of what will take place in there. No meat on the bones. How will it operate? Are the people who are going to be put on there . . . are they going to be paid? What is the remuneration going to be?

Are we talking about deep sea bed mining, Mr. Speaker? It is an idea that is just thrown out there to sound nice and juicy as they move forward, Mr. Speaker, but the recovery is happening. And public finances, as the Honourable Finance Minister said (and it has been pooh-poohed by Honourable Members on that side) are on track to produce a second consecutive surplus before debt service and capital expenditure. That is a fact, Mr. Speaker. And remember the hole that we were in. So the Island is moving in the right direction, and 2017 and beyond are looking exciting.

Hotel development will continue to ramp up. Construction of a badly needed new airport terminal will take place after legislation is passed in this House. And cruise ships are returning to Hamilton and St. George's. Cruise ships, Mr. Speaker, the small ships that Members on that side, some Members on that side, were vocal about that we could not get them back into our harbours. Wow, Mr. Speaker! Say it ain't so, Mr. Speaker.

[Inaudible interjection]

Hon. Michael H. Dunkley: Now they are saying they did not say it. Well, if they—

The Speaker: Honourable Members . . . we have had a good day. We have had a good day and it is getting late. Let us finish on a good note.

Carry on, Mr. Premier.

Hon. Michael H. Dunkley: Well—

The Speaker: From both sides. Please!

Hon. Michael H. Dunkley: Mr. Speaker, well, I have seen the record where it was said, but anyway, they chased them away. Next year to support our brothers and sisters in the East End of the Island there will be 16 cruise ships and over the next couple of years they will continue and we will continue to try to get more, and in Hamilton there will be 24.

Now, Mr. Speaker, I want to spend just a minute on the America's Cup. The America's Cup has generated great activity in Bermuda today, and next year will certainly generate significant economic activity throughout the Island through that period. I find it irresponsible that Honourable Members on the other

side can in one breath—albeit reluctantly—support the America's Cup, and then in the next breath talk about it does not stretch throughout Bermuda. Absolute hogwash, Mr. Speaker.

Those people who come here to spend money do not decide whose hands it goes into. They spend the money in Bermuda. They are employing Bermudians all across the Island, all across the Island, and yes, we need to do more so people understand how the America's Cup will work for them. One of the things that I am most proud about in the America's Cup is the commitment that all of the teams have made to our Island.

And they have not done that just by coming here and being demanding about how they want things to run for themselves. Of course, they are professionals. They want it run right and they drive a tough bargain at times. But they have gotten involved in the community. I am completely amazed at how Oracle Team USA is at about every community event you see. They are there competing, supporting, doing what they can to get involved in our community rain, blow or shine, with smiling faces and the genuine good intent to help our people.

And the Endeavour Sailing Programme, Mr. Speaker . . . I had the pleasure of going up there a Friday not too long ago and I saw young school children from the West End of the Island. Every single middle school is going to go through a Friday up at the Oracle base with some of the best athletes in the world, learning in the gym, in the classroom, on the water. What a wonderful experience, Mr. Speaker. And we as politicians want to criticise that commitment to our economy? Irresponsible, Mr. Speaker.

The impetus in the America's Cup throughout our economy is exciting. These are game-changing developments but at the same time, Mr. Speaker, we know that we cannot stop because there are too many of our brothers and sisters who are still struggling.

Now let me turn for a few minutes, Mr. Speaker, in regard to what we are going to do to improve the way we do business. There has been a lot of talk recently about good governance. I think Honourable Members need to research more on both sides, on the Throne Speech and the Reply to the Throne Speech. The Honourable Member who just spoke before me talked about good governance and I can inform that the code of practice is on the website and he can take a look at it. This Government will continue to push to make sure that this Government and any successive Government is more transparent and accountable. We will push it to the highest levels and this will include, as is in the Throne Speech, Mr. Speaker, rules relating to misconduct in public office, mandatory declarations of outside interest, performance of appraisals of the most senior civil servants, which is almost done and signed off by the Governor, and the code of conduct which I just referred to for the procurement of all Government goods and services.

The Opposition talked in their Throne Speech about scandal and lack of transparency. Really? Come on, Mr. Speaker. Last night was Monday night and they always say that Monday night football. *C'MON MAN!* Well, the Opposition had the opportunity to do it. But they did not. They could not move good governance forward. They put a shell in place and walked away like the unfinished church. Had a lot of faith, but could not get it done.

They stalled on Public Access to Information (PATI) just like that unfinished church. They had faith but could not get it done. And I hear the Opposition Members saying that is rubbish. Mr. Speaker, that is the truth because we had to do PATI. We had to come in and tie up PATI and there was a damning Auditor General's report three years in a row that talked about the inefficient lack of fiscal prudence, financial controls, and a lack of care for the financial purse. That is the reality of the day and Members from that side, especially the Honourable Member from constituency 29 (who is not here). He referred to the need to get behind it and look at it, and the Commission of Inquiry as a witch-hunt. Witch-hunt, Mr. Speaker?

Witch-hunt? To clear the name of the Bermuda Government so the outside world could look at us with confidence and want to get involved here? Witch-hunt? When Bermudians demand answers and want us to improve the way we govern and the way we lead—witch-hunt? Mr. Speaker, witch-hunt. The Honourable Member talks about investigations of a former Premier, witch-hunt. Those investigations started under the former Government. Witch-hunt was when the Honourable Member talked about the CEO of the Bermuda Tourism Authority.

Mr. Speaker, I had to laugh, because if I did not I would have cried. This Government is about transparency and accountability. And it is tough as some of my colleagues have said, because it means that everything is outside in the sunshine of public scrutiny, and that is the way it will stay. And we will have some tough questions to answer. But we will answer those questions, Mr. Speaker. The Honourable Member says we are not answering those questions. I came here this morning and I answered questions. I come here every week and answer questions, and you go to PATI and get any question you want answered.

Mr. Speaker, the Honourable Members in there talk about progress in voting. Well, we are going to move forward with absentee ballots for our students studying abroad and those in need of medical care. And I find it quite interesting, Mr. Speaker, on page [22] of the wish list Vision 2025 where the Opposition says they will introduce, and I quote, "Integrity in Public Office legislation to modernise . . . laws surrounding . . . votes, voter fraud, [and] conflicts of interest . . ." Mr. Speaker, I hope they put that in the PLP constitution as well after some comments about what took place recently.

Mr. Speaker, we will continue to progress on to make democracy more open but also to make our people safer with roadside testing, speed cameras. And, Mr. Speaker, one thing that has not been mentioned here is police powers to temporarily suspend liquor licences,

Mr. Speaker. Honourable Members on that side talked about the prevalence way too often of drinking. We are going to give the police the tools to go in and deal with some difficult establishments who do not want to take the responsibility for themselves. And the Honourable Member who took his seat before I spoke referred to our initiatives to deal with the gang challenges. Yes, we have made progress. But there is still more work that needs to be done, and that is why we are going to re-engage to deal with the gang challenges we have and look at Operation Ceasefire.

And the Opposition took great pains all today. I give them credit. They followed their speaking points very well. Mr. Speaker, they talk about social programmes and that is an easy catchword because we can all make up what we want in a social programme. But, Mr. Speaker, I will draw reference to Cash Back for Communities, which we passed in this House about two years ago. And, again, that was taken with some degree of scepticism by the honourable colleagues on the other side and where the money would go. But today, over \$600,000 has gone back into our sporting clubs, our needing organisations our helping organisations, community organisations who are getting involved in helping turn around the antisocial behaviour, Mr. Speaker. And I know I am hitting a point because Members on that side are starting to get a little chirpy early in the morning.

Now, Mr. Speaker, it is with great interest when I listened to the Reply by the Honourable Opposition Leader in regard to their plan to deal with marijuana. I knew it would have to come up, Mr. Speaker. And my honourable colleague from constituency 25, I think, dealt with it very adequately when he punched holes in everything they had done. I had noticed a climb down from what they did last year, Mr. Speaker. But I guess with a new leader there will be a change of direction and we would have to expect that.

I was quite surprised at the Honourable Member from constituency 34, in talking about social liability laws. The Honourable Member said *Well, why consult, just go ahead and do it.* I mean, this has serious implications at some of the things that we have to do here, and we want to make sure that people understand what is going to take place and how we can get the best model to make it fit as we move forward.

Mr. Speaker, education has been another interesting sound bite that we have seen throughout the day, and I want to give credit to my colleague the Education Minister for sticking to it in spite of criticism about some of the progress that he has made. He stuck to it to help move us forward. But education really, Mr. Speaker, it is not about politicians saying

what they would do. It is about accountability and standards.

I think the Minister has got it right in pushing forward for accountability and standards. And I find it quite amazing that colleagues on the other side now—after 14 years of being the Government—talk about getting rid of middle schools. Forget the Cambridge curriculum and everything and all the progress we have [made]—just throw it out, put it in the trash can. And that is a good sound bite. That is a good sound bite because people on the street are concerned about education and they do not think the middle school system is working. But we have to show them how it will work and how we will do it in the appropriate way.

I applaud my honourable colleague for his commitment to get rid of social promotion. I think that will be one of the biggest moves that we have ever made, and I find it very interesting where it is written in the Opposition's Reply to the Throne Speech that the Opposition Leader looks forward to the day when he can send his son and daughter to a public school. Interesting sound bite, Mr. Speaker, but I wonder, based on some comments from one Honourable Member who used to sit in another place and who came out with some hard-hitting comments about deceit and subterfuge, if we can really believe a lot of the stuff that was written in the Vision 2025 going forward, Mr. Speaker.

Mr. Speaker, very clearly in the time that I have left to wrap up, I am very concerned about the comment on page 4 in the Reply by the Opposition. "Today's Bermuda must include our unwed mothers, our teenage fathers, the people of faith and those who have no faith, the people who are straight and those who are gay." That is a sound bite, Mr. Speaker. That is mock empathy and it is galling to see that in there when we had debates in this place on some of those subjects and they sat like church mice, Mr. Speaker, and now they think Bermudians will not see through that cover. Mr. Speaker, that is prevarication at best.

This Throne Speech is anchored around a set of values that all of us in Bermuda will accept and move forward to. Values that we hold dear, Mr. Speaker, accountability, fairness, inclusiveness, responsibility, compassion, opportunity, and transparency. And everything we will do will be anchored around these values, Mr. Speaker. The aim ultimately, Mr. Speaker, is to build a Bermuda that helps make everyone the best that they can be, enabling all of us to work, all of us to build, and all of us to rise as one people.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Premier.

Mr. Premier, you need to make the motion, sir. We all want to rush home for sure.

Hon. Michael H. Dunkley: Mr. Speaker, I move that the Throne Speech be moved as read.

The Speaker: All right. Thank you very much, Honourable Premier. Carry on.

ADJOURNMENT

Hon. Michael H. Dunkley: Mr. Speaker, I move that the House do now adjourn until next Monday, November 21st.

The Speaker: Yes—all other orders—

Hon. Michael H. Dunkley: Carried over.

The Speaker: —are carried over.

Hon. Michael H. Dunkley: Thank you.

The Speaker: Honourable Members, the House is adjourned.

I will just remind Honourable Members as well that on Friday . . . we are adjourning until Monday, but on Friday is the Parliamentary Prayer Breakfast, and I would like to see all of you out to the Parliamentary Prayer Breakfast. We look forward to seeing you on Friday.

The House is adjourned to Monday the 21st of November.

[Gavel]

[At 1:48 am [Tuesday, 15 November 2016], the House stood adjourned until 10:00 am, Monday, 21 November 2016.]

BERMUDA HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT 21 NOVEMBER 2016 10:00 AM

Sitting Number 3 of the 2016/17 Session

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

PRAYERS

[Prayers read by Hon. K. H. Randolph Horton, Speaker]

CONFIRMATION OF MINUTES 14 November 2016

The Speaker: Honourable Members, we have had the Minutes for the 14th of November distributed. And if there are no objections or need for corrections, those Minutes will be confirmed. Any objections; any corrections?

Since there are none, the Minutes of the 14th of November are confirmed.

[Minutes of 14 November 2016 confirmed]

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

APOLOGIES

The Speaker: Yes. First, I would like to inform Members that Members N. Outerbridge, the Government Whip, and Member D. V. S. Rabain will be, are in fact presently, attending the 65th Westminster Seminar in London. And additionally Ms. Wolfe, I believe, Jamahl Simmons . . .

The Clerk: I beg your pardon?
Yes.

The Speaker: And the Honourable Member, Jamahl Simmons, is attending the CPA [Commonwealth Parliamentary Association] meeting in Trinidad.

The Clerk: The World Trade Organization.

The Speaker: Trinidad and Tobago.

PUBLIC ACCOUNTS COMMITTEE

The Speaker: I would also like to announce some changes in committees. First, with reference to the Public Accounts Committee, I would like to inform the House that the Honourable Wayne Furbert from constituency 6 will assume the responsibility of Chairman of the Public Accounts Committee. And the Honourable Member from constituency 16, M. A. Weeks, will become a member of that committee.

REGISTER OF INTERESTS COMMITTEE

The Speaker: Finally, in the [Register of] Members' Interest Committee, Senator Renee Ming will replace the former Senator, Marc Daniels.

MESSAGES FROM THE SENATE

The Speaker: There are no messages from the Senate.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

The Speaker: The Chair will first recognise the Minister for Health. Minister Jeanne Atherden, you have the floor.

BERMUDA HEALTH COUNCIL (HEALTH SERVICE PROVIDERS) (LICENSING) REGULATIONS 2016

Hon. Jeanne J. Atherden: Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Bermuda Health Council (Health Service Providers) (Licensing) Regulations 2016, proposed to be made by the Minister responsible for Health in exercise of the power conferred by section 15 of the Bermuda Health Council Act 2004.

Thank you.

The Speaker: Thank you, Minister. Do you have a second?

BERMUDA HEALTH COUNCIL (HEALTH SERVICE PROVIDERS) (LICENSING) REGULATIONS 2016

Hon. Jeanne J. Atherden: Yes, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Bermuda Health Council (Health Ser-

vice Providers) (Licensing) Regulations 2016, proposed to be made by the Minister responsible for Health in exercise of the powers conferred by section 15 of the Bermuda Health Council Act 2004. *[Sic]*

The Speaker: All right. Thank you, Minister.

The Chair will now recognise the Honourable Minister for Education, Minister Wayne Scott.

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

The Speaker: Good morning.

BERMUDA COLLEGE 2015/16 ANNUAL REPORT

Hon. R. Wayne Scott: I have the honour to attach for this Honourable House the Annual Report for the Bermuda College 2015/16.

The Speaker: Thank you, Minister.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: The Chair will first recognise the Honourable Premier.

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

The Speaker: Good morning.

UK WITHDRAWAL FROM THE EUROPEAN UNION—UPDATE

Hon. Michael H. Dunkley: Mr. Speaker, I rise today to update this Honourable House on the Government's engagement regarding the [UK's withdrawal from the European Union \[EU\]](#). This follows my last update on the 15th of July in these Honourable Chambers.

Mr. Speaker, as Members of this Honourable House know, earlier this month I attended the Joint Ministerial Council in London, together with elected leaders and representatives of the Overseas Territories. The primary issue on the table for every territory was to understand the impact of Brexit on all of us.

During my bilateral with the Right Honourable Baroness Anelay, Minister of State for Overseas Territories, I was assured of the UK's commitment to work alongside this Government to ensure that our economic sustainability is upheld as they negotiate the UK's withdrawal from the EU. The Bermuda public

can be assured that this is also the Government's primary objective, along with upholding our global reputation and relationships with our European partners. Another key area of concern, Mr. Speaker, is the ability of British Overseas Territory citizen passport holders to continue to enjoy free movement throughout the Schengen area. This Government has expressed our concern in this regard to the UK Government, and we will continue to work closely with them to preserve the access that we currently enjoy.

Mr. Speaker, the Minister for the Department for Exiting the European Union attended the Ministerial Council meetings to discuss the challenges and opportunities for the Overseas Territories following the UK's decision to exit the EU. The UK Government is clear that the referendum result does not change the UK Government's relationship with its territories.

Together, we reaffirmed that while the UK remains a member of the EU, current EU funding arrangements under the Overseas Association Decision [OAD] continue unchanged, and clarified that, where territories are eligible for EU funds that have been covered by assurances from Her Majesty's Treasury, those guarantees will extend to the Territories.

Mr. Speaker, the UK Government is committed to involving Overseas Territories, in accordance with various constitutional relationships, as it prepares for negotiations to leave the EU. This will ensure that our priorities are taken into account.

To this end, UK Ministers and Leaders of the Overseas Territories committed to taking forward future engagement through the creation of a UK Overseas Territories Joint Ministerial Council on European Negotiations [JMC-EN]. The first meeting will take place early in the New Year. Mr. Speaker, the JMC-EN is under the responsibility of the Department for Exiting the European Union and will be chaired by Minister Robin Walker. Under JMC-EN, our objective will be to develop an approach to, and objectives for, the Overseas Territories to inform the UK's Article 50 negotiations. We will seek equality with the commitment made by the UK to Scotland, Northern Ireland, and Wales. The public can be assured, therefore, that this Government has been and will continue to be at the forefront of discussions with the UK Government on Brexit.

Mr. Speaker, the Government is aware of the UK's successful efforts at a recent meeting of the EU Economic and Finance Council to support the removal of low or no income tax as a criterion for EU blacklisting. The Government has an active, direct engagement [strategy] in Brussels, through the good work of the Deputy Premier and Minister of Finance, the Honourable E. T. (Bob) Richards, who has visited with the Secretary General and Senior European Commission officials to promote a better understanding of Bermuda's business model in the provision of international financial services. We have consistently emphasised

that our model adds value and stability to the global financial system.

Our team has continuously emphasised to OECD and European Commission officials that Bermuda's omission from the Panama Papers discussions is a reflection of the effectiveness of our central register on ultimate beneficial ownership, held with the Bermuda Monetary Authority, which we have maintained for over 70 years. Bermuda's sterling reputation serves us well as we continue our bilateral engagement with officials in Brussels.

Mr. Speaker, I understand some of our fellow leaders have made comments in the media suggesting that UK Overseas Territories fear that Britain's loss of influence in the EU as a result of the Brexit vote will leave them exposed to tougher offshore tax rules imposed by Brussels. This does not concern Bermuda, Mr. Speaker; we have consistently had direct engagement in Brussels and other EU nations on a bilateral basis. In some cases there has been assistance from the UK Government, but for the most part, Bermuda has defended itself well in the battles and developed a unique skill in highlighting our valued economic contribution to the global economy.

Mr. Speaker, on the date of the withdrawal from the European Union, Britain will be looking to the wider world to establish future trade and investment arrangements. The UK Government and the Overseas Territories have shared an ambition for a new UK-OT economic partnership, one that includes the Overseas Territories in future UK bilateral investment treaties.

We are confident that the relationship between Bermuda and the UK is stronger than ever. We have a dedicated Minister of State for Overseas Territories, along with a Prime Minister who is ready to ensure the greatest consultation with Overseas Territories within the EU negotiation process.

Mr. Speaker, in conclusion, although as British Nationals, Bermudians were not afforded the opportunity to be part of the EU Referendum, we respect the decision of the British people. I will not pre-empt the decisions that are to come out of the EU negotiations, but I can assure this Honourable House that Bermuda will engage with the UK Government at the highest political level to ensure the interests of this country are well represented.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Premier.

The Chair will now recognise the Honourable Minister of Education. Minister Wayne Scott, you have the floor.

BERMUDA COLLEGE ANNUAL REPORT 2015/16

Hon. R. Wayne Scott: Mr. Speaker, this morning I am pleased to have laid the [2015/16 Annual Report](#) as required by the Bermuda College Act 1974. While this is an important exercise in accountability, it is also an

opportunity to share with Honourable Members the continued progress that Bermuda College is making. Under the Bermuda College Act, its board of governors provides general management and administrative leadership to the college. The president and staff of the college are responsible for bringing the goals, direction, and policies of the board into action. These undertakings are reflected in the Annual Report and will be supported by the 2015/16 Audited Financial Statement once completed by the Office of the Auditor General, and which will be tabled at a later date. Currently, the Auditor General is completing the 2014/15 statement.

Mr. Speaker, the Bermuda College takes pride in its vision of being recognised both locally and internationally as a centre for excellence as it continues to respond to the diverse needs of the Bermuda community. One of the more significant events for Bermuda College during this reporting period was the news of the success of its reaccreditation application. Not only was the college reaccredited by the New England Association of Schools and Colleges, Commission on Institutions of Higher Education, but it was awarded the maximum time of 10 years. The next comprehensive report is not due until 2025. Well done!

Mr. Speaker, the college continues to make strides in planting new seeds of pathways that lead to fruitful outcomes. It was pleased to congratulate the first graduate of the Masters of Education in Special Education from Miami University. In addition, four students completed the University of West Indies post-graduate diploma in Education and Science. The first cohort of 18 participants from the StreetWise MBA programme, in partnership with Boston University, graduated. And the college was very pleased to graduate its first cohort of eight nursing students from the Associate of Science in Nursing Programme. Let me pause to take this opportunity to congratulate the first two graduates from the nursing programme, Ms. Josephine Bean and Ms. Deshunte Furbert, for successfully passing the NCLEX nursing [licensure] examinations. They are now registered nurses.

The new certificate programme, Certificate in Applied Technology, designed as a dual-enrolment option for high school students, was developed for a fall 2016 start date. This unique programme provides high school students with the technical fundamentals to further pursue a technical career or degree, and allows students to enhance their math, science, communication and computer skills while exploring the various technical disciplines. Students will select elective courses in the second year from a technical discipline of their choice.

Mr. Speaker, the Department of Technical Education at Bermuda College hosted two local home schools, the Learning Express Academy and Chatmore Preparatory School, for 90-minute weekly class sessions for two semesters. The two classes of 18

students were engaged in interactive learning exercises, a blended STEM topic. The final project was to build an aquatic robot to compete in the Bermuda Underwater Remotely Operated Vehicle competition, sponsored by the Bermuda Institute of Oceanic Sciences. One of the teams earned second place out of a very competitive pool of 25 teams.

Improving the college's technology system garnered considerable attention from the IT Department and affected staff, with the implementation of a new student information system, Campus Nexus, and the finance and human resource system, Great Plains. These address critical areas of data validation, portal access, integration with third-party software, and student cost billing. All employees will also be required to undergo self-phased modules on cybersecurity to guard the college against deliberate or unintentional cyberattacks.

Mr. Speaker, Bermuda College continues the steady implementation of its strategic plan. During this reporting period, the following strategies have been accomplished or are well in progress. These include, but are not limited to:

- participating with the African Diaspora's Consortium Globalisation Student Exchange Programme for BC [Bermuda College] students to become involved in the inaugural programme beginning in September 2017;
- completion of the recommendations coming out of the internal audit;
- engagement in community activities such as the Appleby Marathon [Half] Derby, Relay for Life, Heroes Weekend and other activities;
- completion of an articulation agreement with the Savannah College of Art and Design;
- continue to implement action items in the five-year academic plan and the Success and Retention Plan;
- addition of SMART boards in more classrooms;
- insulation of energy audit metering and monitoring equipment;
- establishment of a college testing centre; and
- the completion of the 2012, 2013 and 2014 Audited Financial Statements.

In closing, Mr. Speaker, I want to emphasise how proud we all should be of the good work that is being carried out at the Bermuda College by staff and faculty. I have only highlighted some of the achievements of the college during the 2015/16 school year, but encourage the general public to read through the Annual Report, pick up the course directory and experience what the college is offering us as a community. Thank you, Bermuda College, for setting our students on their path to success.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

REPORTS OF COMMITTEES

The Speaker: There are no reports of committees.

QUESTION PERIOD

The Speaker: We now move to the question period.

[Pause]

The Speaker: The Chair will recognise the Honourable Member from constituency 17. MP Walton Brown, you have the floor.

QUESTION 1: UK WITHDRAWAL FROM THE EUROPEAN UNION—UPDATE

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

Mr. Speaker, the Honourable Premier in his Statement, a very helpful statement, spoke about the primary objective of the discussions with the UK involving Brexit, that it has to do with the economic sustainability of Bermuda. My question for the Honourable Premier is, Given that there are many Bermudians living in the UK, as well as the European Union, who have a much broader set of concerns about Brexit—i.e., the longevity of their employment and other opportunities in the EU—would the Premier consider these matters to be of great significance as well?

The Speaker: Mr. Premier.

Hon. Michael H. Dunkley: Most certainly, Mr. Speaker. [Concerning] any items like that, we are happy to listen to any individuals. And if the Honourable Member has some concerns he would like to share, I would like to talk to him about those as well. I think we are in a similar position, but dissimilar to some extent as well. With the UK, Mr. Speaker, they are currently trying to understand the full reality of the decision and what needs to take place as they move forward. And that is why we tried to get in front of them to make sure we have open doors.

What we would like to understand in Bermuda as well is the challenges that Bermudians might face as they move forward, and the Honourable Member brought up those living in the UK and those living in Europe as well. So we have to talk directly and work together to find the best solutions to these challenges and opportunities that face us.

The Speaker: All right. Thank you, Premier.
MP Brown.

Mr. Walton Brown: Yes, follow-up question?

The Speaker: Yes, a supplementary.

SUPPLEMENTARY

Mr. Walton Brown: The British do not have a very good track record of listening to the Overseas Territories and taking their concerns to heart. And I refer in particular to the decision to withdraw our ability to issue passports. I refer to their refusal to acknowledge that Overseas Territories citizens are also UK citizens, and therefore should not have to go through the hoops to show UK citizenship from an academic standpoint. How can the Premier assure this House and the Bermudian public that he and the other Overseas Territories Ministers will get the ear of the UK Government?

The Speaker: Premier.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. I appreciate the Honourable Member's question and concerns.

This JMC was the most consultative we have had, with Ministers in attendance throughout, listening and involved in the discussion. And I think with the level of commitment that we have seen and the open commitment that the Baroness and her colleagues have expressed about moving forward, I think we are on a good wicket at this point in time. We continue to maintain that wicket, and I will keep colleagues in this Honourable Chamber and the public apprised of any changes to that. But so far, I am comfortable with the level of commitment and consultation and will hold them to it. And if that changes, you can be assured that I will update Honourable Members in that regard.

The Speaker: Thank you, Premier.

Yes. The Chair will recognise the Honourable Member from constituency 36, the Learned Member. MP Michael Scott, you have the floor with a supplementary.

SUPPLEMENTARY

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

Mr. Speaker, to the Premier: How can the Premier be comfortable with the levels of assurances that we can entertain from either the UK Government or the Prime Minister of that country, when it has been popularly indicated that the UK still have not made a clear plan, as you have just revealed to this House? First question.

The second question is, You say in your Statement that it is clear that the referendum . . .

The Speaker: Wait a minute, Honourable Member. You have one question at a time.

Hon. Michael J. Scott: Very well.

The Speaker: What was your question again?

Hon. Michael J. Scott: How can the Premier have comfort about the capacity of the UK to have a listening ear about critical matters impacting us when it is clear that they do not have a plan as yet about the impact of Brexit?

The Speaker: All right.
Premier.

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

Actions always speak louder than words, although the words are important. In the Statement, I did refer to a meeting that will take place early in the next year with OT leaders and with the UK Government to continue to dialogue and move this matter forward. So that commitment will be delivered at that point in time.

Now, I have also made it public on a number of occasions that while the plan for the UK moving forward is not laid out publicly, over the next few days and coming months it will be laid out. Obviously, the decision made by the people of the UK was one that caught many in the corridors of governance unaware of what was going to take place, and they had to get up to speed to see exactly what all the different people involved in this process were feeling about it. So to give them credit, they have gone out to listen to people and to formulate a plan.

So at this point in time, actions will always speak louder than words, but we are comfortable in the position we stand. And it is going to be an ongoing test for us to stay there and hold their feet to the fire. So we have the dialogue and they have the understanding of what we believe is the best way forward.

The Speaker: Thank you.

The Chair will recognise the Honourable Member from constituency 17, yes.

Mr. Walton Brown: Second question, Mr. Speaker?

The Speaker: Yes.

QUESTION 2: UK WITHDRAWAL FROM THE EUROPEAN UNION—UPDATE

Mr. Walton Brown: Mr. Speaker, I am somewhat concerned by the Premier's Statement where he refers to the ability of Bermudians, Overseas Territories citizens, to continue to enjoy free movement throughout the Schengen area. And in linking the visa-free access to the Schengen area in this Statement, the Premier is communicating a message that our access is a result of the UK connection with the European Union.

However, the Premier would know that under the change in EU policy, which granted the Overseas Territories citizens visa-free access to Schengen, it

had nothing to do with our relationship with the United Kingdom. So I am just wondering why this would be linked to our connection with the UK, when the doctrine which grants us access rightly and clearly states it has to do with our own internal conditions.

The Speaker: Premier.

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

I think the Honourable Member needs to go back and look at that part of the Statement again. And I will, for Members of the Honourable Chamber and people listening, the public, just quote that paragraph if you will allow me, Mr. Speaker.

The Speaker: Yes.

Hon. Michael H. Dunkley: I said, "Another key area of concern is the ability of British Overseas Territory Citizen passport holders to continue to enjoy free movement throughout the Schengen area. This Government has expressed our concern in this regard to the UK Government, and we will continue to work closely with them to preserve the access . . ."

That is something that I am sure is going to be coming up for discussion, because I am sure that the EU is quite disturbed with the withdrawal vote of the UK. And they are going to put everything on the table. It is up to us to protect the interests of Bermudians in every area. And this is one of the areas that has been brought to our attention very quickly. And so we will make sure that we can do all we can to ensure that that free access is maintained in the most appropriate way.

The Speaker: Yes. MP Brown. Supplementary?

Mr. Walton Brown: A supplementary.

The Speaker: Yes.

SUPPLEMENTARY

Mr. Walton Brown: So, just for clarity, would the Premier accept that it is the Bermuda Government's responsibility to lobby for the retention of that privilege as to the UK? Because the UK did not allow us to get that in the first place.

The Speaker: Premier.

Hon. Michael H. Dunkley: Mr. Speaker, and that is what we are doing.

The Speaker: Thank you, Premier.

Mr. Walton Brown: Third question.

The Speaker: Yes, MP Brown.

QUESTION 3: UK WITHDRAWAL FROM THE EUROPEAN UNION—UPDATE

Mr. Walton Brown: The third question relates to the Premier's comment that notwithstanding our relationship with the UK, the Bermuda Government continues to have bilateral talks with the European Union, and in the post-Brexit era, Bermuda will continue to have such robust bilateral discussions.

But given that the authority for us to engage in bilateral discussions is solely at the discretion of the UK, because we are a colony and we do not have access to make decisions internationally, as the Honourable Finance Minister would know, when it comes to certain contractual obligations, would the Premier accept that there could be some challenge to our ability to continue to engage in such bilateral discussions, because we require UK authority to engage in formal conclusions of discussions with outside international entities?

The Speaker: Thank you, MP Brown.
Yes, Premier.

Hon. Michael H. Dunkley: No, Mr. Speaker. And if there is anything that comes up, we will work through it.

The Speaker: All right. Thank you, Minister.
Is that it, MP Brown? Thank you.

We now move to the second Statement, which was the Statement by the Minister of Education, Minister Wayne Scott. And the Chair will recognise the Shadow Minister of Education, MP Foggo.

QUESTION 1: BERMUDA COLLEGE ANNUAL REPORT 2015/16

Ms. Lovitta F. Foggo: Yes, thank you, Mr. Speaker.

First of all, let me once again congratulate the Bermuda College on receiving its 10-year accreditation. But going through the Statement, what comes forward are attendant issues related to the Statement. Mr. Speaker, the first question for the Honourable Minister would be this: Given, basically when you look overseas and the impact of technology and globalisation, what is the college doing in terms of developing online programmes which would make it remain competitive with like institutions, because we want to make certain that our college remains a viable option and that we can have programmes that (I suppose, if you will) keep the money in-house?

The Speaker: Thank you. Thank you.
Minister.

Hon. R. Wayne Scott: Yes, thank you, Mr. Speaker. It is a very good question. That is one of the reasons

why the decision was made to maintain Bermuda College as a two-year college with articulation agreements with other institutions; the same sort of thing happens with online programmes. There is some work currently being done to work in conjunction within some of those articulation agreements, to offer online scheduling and programming. And there are some that are available now. But this is work that is actively being worked on.

And I agree with that Member that it is very important that we keep up our technology because we want Bermuda College to be a viable option to allow students to stay here in Bermuda and get qualified, accredited higher education.

The Speaker: Thank you.

Yes, MP Foggo.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker. And my second question is this.

The Speaker: Yes.

QUESTION 2: BERMUDA COLLEGE ANNUAL REPORT 2015/16

Ms. Lovitta F. Foggo: Has the college itself, in conjunction with the Ministry, developed a register which reflects the demand of the job markets so that it can better provide direction for the students to ensure their future marketability within our workforce?

The Speaker: Minister.

Hon. R. Wayne Scott: Yes, and that is being worked on as well. And that actually goes a little bit further. Because it is not just having the conversations with employers to ensure that we are on the right track, but if you remember years ago, the Department of Education even used to track where students were abroad, what they were studying abroad, and then connecting students with employers. And this is something that kind of went away over the last decade or two. And it is very important that we get that back on as well. So we are looking at ways of how to facilitate that, because you raised some very good points. This is important. And it is in the best interests of our students that we effectively do this.

The Speaker: All right. Thank you, Minister.

Yes, is that it?

All right. The Chair will now recognise the Honourable Member from constituency 29, MP Zane De Silva.

QUESTION 1: BERMUDA COLLEGE ANNUAL REPORT 2015/16

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

Minister, on your second page, the penultimate paragraph, you stated a “new certificate programme, Certificate in Applied Technology, designed as a dual-enrolment option for high school students, . . . developed for a fall 2016 start date.” Was this actually started this year? And the Minister is saying yes, it was started.

Okay. And the question is, because you do say at the bottom that “Students will select elective courses in the second year from a technical discipline of their choice,” is this provided free of charge?

The Speaker: Minister?

Hon. R. Wayne Scott: Yes. The dual-enrolment programme does not have a cost for students. And it has been very beneficial. For the first instances of dual-enrolment, of course, we know we had high school students graduate last year with associate degrees before they had actually even graduated from Cedar-Bridge and Berkeley. We keep talking about technical education, and actually Government is committed to move more towards that direction. And this is a good start of many different programmes of technical education that you can expect to see.

The Speaker: Thank you. Thank you, Minister. Yes, MP De Silva again.

Hon. Zane J. S. De Silva: Second question, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: BERMUDA COLLEGE ANNUAL REPORT 2015/16

Hon. Zane J. S. De Silva: Minister, on the third page when you talk about the “steady implementation of its strategic plan,” in point 1, you say that these will include partnering with the Africa Diaspora Consortium’s Globalisation Student Exchange Programme for BC students to become involved in the inaugural programme beginning summer of 2017.

You will know, Minister, that you or your Cabinet cut the funding for the African Diaspora Heritage Trail. Has there been any consideration to reinstating the funding for this particular programme? And I am talking about the African Diaspora Heritage Trail.

The Speaker: Minister.

Hon. R. Wayne Scott: Well, I think that is going a little bit off topic there. But suffice it to say, and I have said many times in this House, that the information garnered from the African Diaspora Consortium is very beneficial and is good information that is part of Bermuda’s history and needs to see continued development. There were some challenges, questions, and

concerns with regard to the charity before, and what its remit was. And I would hope that it is something that they actually look to re-evaluate.

But the bigger point is that the information that is developed with regard to Bermuda and the Diaspora is very valuable. It is very historical and needs to be explored, and it needs to continue to be part of our history.

The Speaker: All right. Thank you.
Yes.

Hon. Zane J. S. De Silva: Supplementary.

The Speaker: Yes.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: Based on that, Minister, what you are saying is that . . . well, you said several things that are very important. And you said it needs to be continued. It is our history. And they need to evaluate. Can we tell the people of Bermuda that, in your upcoming budget, these monies will be put back into this very important historical programme for our people?

The Speaker: Minister.

Hon. R. Wayne Scott: Yes, Mr. Speaker, it would be irresponsible of me to outline what is going to be available for a charity that I have no control or purview over. As you know, the charity regulations have been overhauled, and there are requirements that everybody has to meet. But let us not confuse one for the other. I think those are two separate issues. And with regard to Bermuda College, what Bermuda College is doing with regard to that African Diaspora and that set of information is beneficial for our students.

The Speaker: Thank you.
Yes, MP.

Hon. Zane J. S. De Silva: Next question, Mr. Speaker.

The Speaker: Yes, your third question.

QUESTION 3: BERMUDA COLLEGE ANNUAL REPORT 2015/16

Hon. Zane J. S. De Silva: Yes. Minister, in your last paragraph, you finish by saying, "Thank you, Bermuda College, for setting our students on their path to success." I certainly agree with you there. My question is, again, the funding to give free tuition at the college was taken away from the people of this country by the OBA Government. And based on your last statement, "Thank you, Bermuda College, for setting our students

on their path to success," you know that it is successful. My question is, Will you as the Minister be looking to re-implement free tuition for our students who are in desperate need for the furthering of their education in Bermuda?

The Speaker: Yes, Minister.

Hon. R. Wayne Scott: Yes, thank you, Mr. Speaker. What that Member may not be aware of is that, although free tuition was phased out, there are a lot more scholarships that are being offered by Bermuda College. As a matter of fact, stay tuned. In the near future, we plan on looking at our old scholarship scheme as a whole to ensure that not just academic but also financial needs are taken into consideration.

The Speaker: Thank you, Honourable Member.

Thank you, Members. That concludes the Question Period, and we move now to . . .

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Thank you. The Chair will first recognise the Honourable Premier.

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

Mr. Speaker, I rise this morning on a sad note to offer, I am sure on behalf of all Honourable Members of this Chamber and Legislature, condolences to our colleague, Minister Wayne Scott, the Minister of Education, on the passing of his father, Reginald Scott, last week. Minister Scott is joined in this period of mourning by his mother and his sister, Gina.

So, Minister Scott, on behalf of all of your colleagues here, know that we all will put our political differences aside and support you during this very difficult period. May God bless and guide you and give you comfort. Thank you, my brother.

The Speaker: All right. Thank you, Premier.

The Chair will recognise the Honourable Member from constituency 5, MP D. V. Burgess.

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

First, Mr. Speaker, I would like this House to send congratulations to the mother church of African Methodist in Bermuda—that is, St. John AME Church—on celebration of their 150th anniversary.

Also, I would like to have this House send congratulations to Troika. They put on [the musical] *The Color Purple* this year. And it was an all-Bermudian cast, Mr. Speaker, and anyone who saw it—they were second to none. I have seen plays on Broadway and in London and in the United States. And I can assuredly tell you that there were none bet-

ter than this here. They were first class. I was so impressed.

Also, Mr. Speaker, on a sadder note, I would like for this House to send out condolences to the family of Ms. Viola Bailey who passed this weekend, the wife of Mr. Edmund Bailey down at Hamilton Parish. Ms. Bailey, I would say she was the light of that family. She was just a pleasant woman whom all her family loved. I am sure she will be sorely missed by all of her family—sons, daughters and grandchildren. She was really a wonderful person.

Also, Mr. Speaker, if we could send condolences out to the family of Mr. David Knight, who passed and was funeralised last weekend. Mr. Knight was a stalwart in the Salvation Army, a long-serving life member of the Salvation Army. And also, Mrs. Carolyn Young. Mrs. Carolyn Young was a long-serving member of the Bermuda Industrial Union and wife of the late Kenyetta Young, Mr. Speaker. And I would also like to be associated with the remarks concerning the father of the Honourable Member, Wayne Scott. Thank you.

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

The Chair will now recognise the Honourable Member from constituency 14, MP Glen Smith.

Mr. Glen Smith: Thank you, and good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Glen Smith: I would like to send condolences to the family of Mrs. Maureen Peckett. She succumbed to her death after a horrific traffic . . . I would like to associate Honourable Member from constituency 22, Minister Gibbons; and Minister of Education, Wayne Scott; and Minister Jeanne Atherden. Mrs. Peckett was the blood wife of Dr. Brian Peckett who, as you might well know, was the anaesthesiologist at KEMH, and the mother of Deb, Lorna, Sarah, Tim and Dr. William Peckett. Mrs. Peckett, at the age of 84, was running three miles a day. For those of you who live around either Point Finger Road or Barry Hill Road or Tee Street; that was her course, and it was just shy of three miles that she would run. And to top it off, to run up Camden North Hill is quite a feat within itself. She was also a volunteer for numerous charities, and in particular the Woman's Auxiliary at the King Edward Memorial Hospital. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Deputy Leader of the Opposition. MP Roban, You have the floor.

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

I wish to provide a condolence and also a congrats—condolence to the family of Mrs. Carolyn Marion Young, who passed away a couple of weeks ago and was interred about two Saturdays ago at—

The Speaker: Associate with MP Burgess.

Mr. Walter H. Roban: Of course, absolutely, MP Burgess and certainly all Members on this side, because she was a stalwart of the Progressive Labour Party, a long-time employee of the Bermuda Industrial Union and a great champion of workers' rights in the hotel industry and in Bermuda in general. Her funeral was well attended by many people from across the community. She was one of the people whom I relied on greatly in my district. She was one of the grand ladies of Roberts Avenue, Devonshire, essentially the mother of Roberts Avenue for all intents and purposes. And she took care of many, gave of her heart and her pocket to those in need, and was a champion warrior for the cause of working people. She will be missed by all of us on this side and those in the Devonshire community. And I wish for condolences be sent to her family. She just happens to be the mother-in-law of our own Assistant Clerk, Mr. Randy Scott, as well.

I wish to have a congratulatory message, Mr. Speaker, sent to the Grace Methodist Church, which had a pre-event breakfast this past Saturday, which was [well] attended, and we had a great talk by Ms. Claudette Fleming from Age Concern. The church has a number of senior members, so it was a very appropriate talk. But there were slightly younger members like myself there as well. So I even found it educational for preparation as to what will ultimately come for myself and others. One point from the talk, Mr. Speaker, that was made quite clear was understanding that we all need to prepare for that time when we will be a senior and we will need to rely on others, and the preparations that we put in place to care for our benefit and welfare. That is the message that came across, and that is the message to any age, not just those who are closer to that age than we are.

So, thank you, Mr. Speaker, for the opportunity to give these two messages. Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from constituency 28, MP Jeff Sousa.

Mr. Jeff Sousa: Good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Jeff Sousa: And good morning to the colleagues and to those in the listening audience.

It is once again my honour to stand in the House, and I am sure on behalf of all here, to congratulate Flora Duffy on winning another world championship. Bermuda's golden girl has now won three

world championships this year, which is unprecedented. On Saturday, Mr. Speaker, she won the Snowy Mountain ITU Cross Triathlon World Championship in Australia. And Flora led from start to finish. And this certainly has capped off her best year to date, winning these three world championships. And as we know, she came eighth in the past Olympics.

Mr. Speaker, Flora is 29 years old. So there is no doubt in my mind that she will continue to dominate on the world stage. And we certainly wish her well next year. There is no doubt in my mind that in the future she will join you in the Bermuda Sports Hall of Fame. And at the moment, she is on a well-deserved break. Again, Mr. Speaker, on behalf of all of the residents of Bermuda, we would like to thank this young Island girl for putting us on the world map.

Mr. Speaker, I certainly would like to be associated with the condolences sent to my colleague, Minister Wayne Scott, and his family, on the passing of his father. Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise now the Honourable Member, W. L. A. Scott, from constituency 24.

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

I just wanted to be associated with the condolences to Minister Wayne Scott; his father was my great-uncle. I knew him as Uncle Reg, and he was always good for a laugh when he used to come around, the two brothers, Uncle Reg and my grandfather. So I remember coming into town with my grandparents to come visit him at his job at London Shop. For those younger Members in the House who do not know where London Shop used to be, it is right there next to where Crow Lane is now. But those were some fond memories that I had of my Uncle Reg there, and he will be sadly missed. I would like to associate my comments with those of my cousin across the aisle, which shows that the Scott family has the power to unite Bermuda single-handedly. But that is a different story, Mr. Speaker.

I would also like to send condolences to the family of Ms. Tanya Boyles, who was a constituent of mine from the Coral Hill and Quarry Hill area of Cobbs Hill. And I see the whole House, I will just associate the whole House with that because she was not just a matriarch to her family, but to the area as a whole. And I have to admit, and I am not ashamed to admit, that I am not too much of a cricket fan. But Ms. Boyles was and, well, the whole family. And although we use a lot of cricket terms here in the House, I would pretend to understand what they meant when I was here, and I would go back to her and ask her, *What did they mean when they said that?*—or whether I was *on a good wicket* or *a shaky wicket*, and all of that stuff.

[Laughter]

Mr. W. Lawrence Scott: So I thank her basically for helping mentor me through my first term as an MP. But she will be sadly missed, and my condolences go out to her family.

The Speaker: Thank you.

The Chair will now recognise the Honourable Minister for the Environment. Minister Cole Simons, you have the floor.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to send congratulatory remarks to the Government and people of Barbados on their 50th independence anniversary. We in Bermuda, I do know, have a strong connection to Barbados. Bajans have made a substantial contribution to our culture and economy. So again, I salute them on their 50th anniversary and wish them the very best.

I would like to also send congratulations to Nick Christopher. He recently got the role as US President in the Broadway play, *Hamilton*. As you know, *Hamilton* has won 11 Tony Awards. This speaks to the professionalism that our young people have overseas, and it also reaffirms the world-class talent that our young Bermudians have. I mean, many, many people in the theatre industry would die to get that role. But the fact that a Bermudian has won it speaks to the wonders of the talents that emanate from our country.

I would like to also commend the participants of the Premier's Concert: Zoe Lopes, who was a visual artist; Isabela McKenzie was a vocalist; Aaron Spencer was a saxophone player; UDP, United Dance Productions; and Bermuda School of Music Steel Pan Orchestra; Conor Hay, a guitarist; and the Russian School of Ballet. I have been to many, many Premier's Concerts, but I think this is probably going to be one of the most notable that I have attended.

I would like to also associate myself with the comments made in regard to Minister Scott's father, Mr. Reginald Scott; Mrs. Carolyn Young, who was a friend of mine; Flora Duffy; and Tanya Boyles. We all grew up together on Social Road. Our families were very, very close. I was away when she passed. I was so sad to learn that she was stricken at such a young age. So again, to Ranay, Tim and the rest of her family, you have my condolences. Thank you.

The Speaker: Thank you.

The Chair will recognise the Honourable Whip, from the Opposition. MP Lovitta Foggo, you have the floor.

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

First, Mr. Speaker, I stand here to give condolences to the De Silva family. St. George's has lost many. Many from the community of St. David's and St. George's have been lost this year. But Louis "Red"

De Silva, who enjoyed . . . I would like to associate the entire PLP side—

[Inaudible interjection]

Ms. Lovitta F. Foggo: —and the House, okay, thank you. Thank you.

Red was an outstanding St. Georgian and outstanding citizen of Bermuda. He was a former councilman and was Deputy Mayor to the St. George's Corporation. He was a former President of St. George's Cricket Club. So everybody knows him in the sporting community. And he just was, I guess, a well-known lively man. He was a former Black Beret Cadre. And as I said, I guess you could call him a devout PLP member. And I would just like condolences to go out to his family, Mr. Speaker.

We also lost Philip Guishard, another outstanding figure in the sporting community. I would like to associate the whole House once again, Mr. Speaker, with the condolences being given this morning to his family. You know, there are so many accolades that can be said about Philip Guishard. I definitely will leave the Minister and my Shadow Ministers to give more detail about the history of Philip Guishard, and there is much, Mr. Speaker, as you well know. But condolences to his family. I associate the whole House.

Another outstanding figure from St. George's was Mrs. Dorothy Esdaille, a devout Salvation Army member. I would like to associate Ms. Scott, the Honourable Leah Scott, with these remarks. The Honourable Kenneth Bascome, I would like to associate him as well. A matriarch in St. George's and a Sunday school teacher to most of St. George's, she was honoured a few times by the Corporation as, I guess, an outstanding citizen within the St. George's area. And words cannot explain the warmth that radiated from her. Mrs. Esdaille had nothing but kind words to say to everybody, and she always greeted you with a hug and a kiss. And she will be missed greatly by the St. George's family.

The other folks from St. George's I would like to give condolences for are the Smith family, Mr. Rupert Smith. His wife was a long-time teacher, Mrs. Gaynell Smith, at St. David's Primary.

[Timer beeps]

Ms. Lovitta F. Foggo: That is not for me, is it, Mr. Speaker?

The Millet family, the Paynter family and the O'Connor family have lost loved ones in St. George's. Thank you, Mr. Speaker.

[Laughter]

The Speaker: Thank you, Honourable Member. Three minutes is not a long time.

The Chair will now recognise the Honourable Member from constituency 21, MP Commissiong.

Mr. Rolfe Commissiong: Thank you, Mr. Speaker.

Mr. Speaker, I would just like to associate myself with the remarks that were conveyed by my colleague from constituency 15, the Honourable Walter Roban, with respect to the passing of Mrs. Carolyn Young. Mrs. Carolyn Young, it bears noting, was always a person who epitomised those whom I call the *silent warriors* of our mothers' generation. Behind every Dr. Ball was a Carolyn Young. Behind every Sister Molly Burgess was a Carolyn Young. Behind a Lois Browne-Evans was a Carolyn Young fighting on behalf of all of those women back in that era—the chambermaids, the housekeepers, the waitresses, the clerks, the bank tellers—who were striving and struggling to create a Bermuda which we all have benefited from, what I call the modern Bermuda. So, Carolyn Young, who was married to another Labour stalwart, Kenyetta Young, needs to be noted and celebrated. Because, like I said, she helped create modern Bermuda just as much as some of the more frontline leaders whom we know and speak highly of, and deservedly so.

Secondly, I just want to commend the Southampton Rangers. They had a Seniors Tea. As a young boy, I had some association with the club itself, playing cricket and junior cricket up there. It is a club that was always dear to my heart. And of course, you all know that over the last few years, maybe three-four years or more, every now and then a bad light is shown upon the club. But the club is resilient, and they are seeking to turn things around. And I was very happy to see that they had the Seniors Tea, which was very well attended over the weekend. And that was followed, frankly, by a Seniors Tea that was held by my colleague here, the Honourable Zane De Silva, which drew 250 persons. I suspect that we had a number of seniors who double-dipped that weekend, and again, deservedly so.

So these are the type of things that we as a community need to foster, as a counterbalance to all the bad things that are happening in the community. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise . . . I am sorry my peripheral vision did not go that far around last time.

Mrs. Suzann Roberts-Holshouser: That is fine, Mr. Speaker.

The Speaker: The Chair will recognise the Honourable Deputy Speaker, MP Suzann Roberts-Holshouser.

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

I stand to my feet to recognise, even though through condolences, three exceptionally strong women who have passed away since the House last sat. One of them is the wife of the former Mayor, the Worshipful Norman Roberts. Margaret Roberts passed away in October of this year, Mr. Speaker. Strong by the way that she supported her husband in his endeavours. And let it always be said, behind every man, especially those in leadership, you will find, Mr. Speaker, a strong woman. And indeed, Margaret was one of those individuals who, while silent, for the majority of individuals she rang strong, and she certainly was heard in the words and through the words of her husband, Mr. Speaker, and will sadly be missed by her family and many in the community.

Mr. Speaker, Irene Dale, she used to be a Mello from Smith's Island, also passed away in September of 2016. Mr. Speaker, Mrs. Dale was one of those exceptional women, and so her family has also stood to be strong women. Mrs. Dale, being a Mello, being of Portuguese descent, when she was young back in the latter part of the 1930s, she went to school in Bermuda. She was born in Bermuda. She was schooled here. Her family left Bermuda to go visit, a quick visit to their family in the Azores. And due to World War II, Mr. Speaker, they found themselves staying a little longer. In actual fact, they stayed for two years. Upon her return to Bermuda, she went back to school. She graduated. She fell in love with the medical profession and decided that she would leave the Island for further education in Canada, where she would train to become a nurse.

She returned back to Bermuda. But sadly, Mr. Speaker, she did not know before she left, but women of Portuguese or black persuasion, even if you just looked Portuguese (in her particular case) were not allowed to actually practice their profession and their love in a Bermuda hospital. What she did find, of course, opening their arms to welcome women of the Portuguese and black persuasions, was the Bermuda TB Cancer [Association]. So, Mr. Speaker, that was not enough to fill her void and her desire. So off she went back to Canada, where she continued to work in the Canadian environment, in Canadian hospitals, where she was welcomed.

So, Bermuda lost a very strong woman. But again, I am pleased to say her children continue to follow, and her grandchildren, in her footsteps by being strong women.

Mr. Speaker, I would also like to mention Malinda O'Connor Binns. Mr. Speaker, over the years, this is one of the strong women of St. David's who persevered through many trials, but she had many, many dreams. I remember years gone by where Malinda had written children's books. And she struggled to find individuals who would sponsor her dream of having these books printed.

[Timer beeps]

Mrs. Suzann Roberts-Holshouser: Mr. Speaker, again I will take my seat. But I would like to recognise all three strong women. Thank you.

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

The Chair will recognise the Honourable Member from constituency 6, MP, the Honourable Member, Wayne Furbert.

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

Mr. Speaker, I would like to be first associated with the remarks coming from the Honourable Member from constituency 8 in regard to Nick Christopher, who performs in the play *Hamilton*. I had opportunity to see that play in the summertime, and I am going to tell you right now it was extraordinary to see the talent and the performance of that particular event, although here recently some of the things that have come up about Hamilton and the Trump team . . . but that is another story.

And also [I want to be] associated with the remarks regarding Troika from my honourable colleague from constituency [5]. We recognise in Bermuda Troika, or at least we should recognise, the talent that we have in this country, which tells me that the Troika event could go on much longer than the four weeks. I mean, people were pouring into that event, and they held it over and over again, and people were attending. And I will speak more about that on the final motion to adjourn.

The Speaker: Yes, right, because this is not for speeches.

Hon. Wayne L. Furbert: I saw you getting ready to speak.

The Speaker: Absolutely. You are paying attention.

Hon. Wayne L. Furbert: Yes, I am.

[Laughter]

Hon. Wayne L. Furbert: I would also like to be associated with the remarks regarding the AME Church that celebrated its 150 years this year, St. John Church there in Bailey's Bay.

I would also like to send condolences to the family of Janet Fleming, who passed away about four days ago, to send condolences particularly to her children from Hamilton Parish.

Mr. Speaker, I believe that is it. Thank you.

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

The Chair will now recognise the Honourable Minister for Home Affairs. The Minister Patricia Gordon-Pamplin, you have the floor.

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

Mr. Speaker, obviously when we lose people over the course of the period that the House is in recess, we have lots to catch up on in terms of expressing our condolences. And I think that it is important that we all recognise that this is very, very heartfelt. The Olympic Association, during the course of the summer, lost both Phil Guishard and the mother to Brenda Dale, Ms. Irene Dale, both of whom have been acknowledged today and with whom I would like to associate my comments. But I think it is very important to see how the family, the Olympic family, were able to rally together through the adversity. Brenda Dale was, in fact, invited to speak at Philip Guishard's funeral at a time when her mum had just passed away that same day, or the day before. So it was very difficult for her to have dealt with that. And she did it most admirably, Mr. Speaker. My heart goes out to Brenda and her family and to Philip's family as they wrestle with that loss.

And also, obviously, to my colleague. I would like to be associated with the condolence remarks given on the passing of his father. It is very difficult to lose a parent.

Mr. Speaker, I would like to offer congratulations to the City Hall Arts Festival Committee. Yesterday—it was meant to be on Saturday, but the weather, the inclement weather precluded the event from going forward. They rescheduled to yesterday in Queen Elizabeth Park, their Arts Festival. And as part of that festival, Mr. Speaker, they brought to Bermuda some of our homegrown talent who have made it big on the international stage. They brought home Devaune Ratteray, who actually is working in our London office at the moment, but who had the opportunity to tour Europe by his being able to join a dance troupe and to join the Bollywood scene in so doing. Devaune has made some CDs, and he was able to share his music last night.

As did Mishka, who is a Bermudian who is actually living and performing in Hawaii. So when we think in terms of the talents that our young people possess, Mr. Speaker, and the impact and the breadth to which their talents can reach, it is a time of immense pride. The Arts Festival Committee did a tremendous job in putting together that Arts Festival yesterday, and I would ask that congratulations be sent to them on that wonderful occasion. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

The Chair will recognise the Honourable Member from constituency 31, the Learned Member.

MP Crockwell, you have the floor.

Mr. Shawn G. Crockwell: Yes, thank you. Good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Shawn G. Crockwell: Mr. Speaker, I would first like to be associated with the remarks of condolence to the Honourable Minister, Wayne Scott, and his family, on the loss of his father. I called the Honourable Minister, my friend, when I first learned of it. And so he knows he is in my thoughts and prayers.

And also, the Honourable Member is an alumnus of the same school. And unfortunately, that alumni lost some wonderful people over the summer, Mr. Speaker. First, I would like to acknowledge the passing of Fredricka Jabbar, Mr. Speaker, known as "Freddie." And when I saw it on the front page of the newspaper, I did not know she passed. And I saw her picture on the front page, and I just assumed that it was something that she had done, she was being acknowledged for something, because she was known to be such a lovely person. She was a little older than I am, Mr. Speaker. She was 52 when she passed.

But when we were in high school together, she was so beautiful, always had a smile, had the most wonderful personality you can imagine, Mr. Speaker. And it seems like, unfortunately, Mr. Speaker, she had a battle with pancreatic cancer. And it is the good ones, Mr. Speaker, for whatever reason, we lose so early. She is survived by her husband, Marv Jabbar, daughters Capri, Aristia, and Stephanie, and a son Shamar. And it was a wonderful going-away service that I read about at the Bermuda College, also a former employee of Ironshore. And I would associate the Honourable Minister, Wayne Scott.

And also, even a greater shock because this person was much closer to me, the passing of Denniska Mapp Williams, Mr. Speaker. Also another alumna of Bermuda Institute, she was 44 years old, another young woman who was just full of life, full of personality. We used to sing together, Mr. Speaker, in the choir. And when I heard about that, it just really makes you reflect on life in general. She left behind a beautiful daughter, Jahlae' Albuoy and De'Shalae Lowe, Mr. Speaker. So, Bermuda Institute lost two wonderful alumni.

Also, I would like to recognise the passing of a constituent of mine and a former neighbour, Mrs. Joan Mello, Mr. Speaker. She was a wonderful lady, always in the community looking out for the children, and always had a fantastic manner about herself, she would bring you into the house for some lemonade, that type of neighbour. And so, I would like to extend my condolences to her family. Thank you, Mr. Speaker.

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

The Chair will recognise the Honourable Member, MP Jackson, from constituency 20.

Ms. Susan E. Jackson: Good morning, Mr. Speaker.

The Speaker: Good morning.

Ms. Susan E. Jackson: I would like to send condolences to the family of William Zuill. Rebecca and Catherine and Bill Zuill are all people whom I grew up with. And so, I knew more the children, and certainly my heart and my thoughts go out to them. But Mr. Zuill, I know him for three big things—as Editor of the *Royal Gazette* for many years. Certainly, he had a monumental commitment to the National Trust. And also most probably memorable for me was the writing and publishing of the *Bermuda Story*, which was a text of *Bermuda Story*, of Bermuda's history. And I certainly referred to that quite a bit and enjoyed reading that as a young person and still have a copy or two on my shelf at home.

But I certainly spent quite a bit of time with the Zuill family, growing up in Smith's Parish. And I actually attended Whitney Institute when it was still a primary school. And Catherine and Becky and I spent quite a bit of time together in the Zuill home, with both Joyce and William, both of their parents there. And I must say that it was a very touching time for me because they were such a deep-seated Bermudian family. They certainly, to me, really just emulate what Bermuda historically and . . . Just Zuill Park and the nature and cedar, these are all the kinds of feelings that come back to me when I think of Mr. Zuill and the family. So I just send all my heartfelt prayers. And I associate the Honourable Cole Simons and the Honourable Jeanne Atherden, as well.

I would also like to acknowledge and send my condolences to my colleague, the Honourable Wayne Scott, on the passing of his father. Wayne and I are actually cousins, but on the maternal side. But I certainly hold him and his family in my thoughts during this very sad time.

And I would also like to send condolences to a constituent's family, Marian Holland, a very kind-hearted, soft-spoken woman who definitely had her concerns, and she would very nicely share her concerns about the constituency to me. And one of the memorables was sort of trying to find some way to negotiate the very tricky crossroads between Serpentine and Pitts Bay at the entrance of Fairyland Road. But I also grew up with the children, and I send my thoughts to them. Thank you.

The Speaker: Thank you, Honourable Member.

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

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

Mr. Speaker, over the break, we lost many friends and family. Before I begin with the specific ones, may I be associated with the condolences offered to the Minister of Education on the loss of his dad and father, and to his whole family. I wish to be associated.

Also to be associated with the loss and condolences offered by the Honourable Member for constituency 5, for Mrs. Carolyn Young, whose family I have a strong connection with through my brother.

But [for other losses] over the holidays, Mr. Speaker, I ask that the House send condolences to the family of Mrs. Marion Lemond, the mother of Mrs. Olga Scott and her sister Lorna; the grandmother of the Honourable Member Lawrence Scott. I wish to associate the Minister of Education, Wayne Scott; the whole of the Progressive Labour Party, particularly in honour of Alex Scott, our former Premier and Member of this House, for the loss of Mrs. Lemond, who lived to 103 years.

Mr. Speaker, I would like to have the House send condolences to the family of Mrs. Myrtle Foley, her daughter and (all of her children) Charlene and Albert and Cheryl, of Long Bay Lane. To the family of Mr. Tony Lopes, to his wife, Eileen Lopes and the whole family, who recently passed. Mr. Speaker, you will know that the Lopes garden was a marking point for whenever—

The Speaker: We threw balls over his—

Hon. Michael J. Scott: You placed balls, I hope, Mr. Speaker.

And finally, Mr. Speaker, may I ask this House to send condolences to the family of Mr. Curt Rudolph Engelhorn, husband of Heidemarie Engelhorn. Curt Engelhorn passed last month on the 13th. His association with Bermuda was with Corange Limited, a multinational pharma company, a Fellow of Bermuda College, Five Star Island residents. The Honourable Minister of Economic Development, Dr. Grant Gibbons, has asked to be associated, and I gladly do so; the Minister of Health; and Member Leah Scott.

Sending condolences to the families of all of those mentioned persons, lastly to Mr. Engelhorn's family. Thank you, sir.

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

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

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

Mr. Speaker, I rise on, I think, a happy note to say that, as many Honourable Members will be aware, we had a very successful Global Entrepreneurship Week last week. And I would like to congratulate all of

the members involved at the Bermuda Economic Development Corporation, the BEDC; the Youth Entrepreneurship Initiative; and certainly the Department of eCommerce as well. This has grown from very humble beginnings in 2008 when it first started. At that point, there were six events and 100 participants. Last year, there were 40 events and 5,000 participants. And this year, there were 45 events and we think probably even more participants as well.

There have been a number of very exciting points in the week—the Technology Innovation and Rocket Pitch Awards, and on Friday evening, the American Consul General hosted Women’s Entrepreneurship Week at her residence, along with some speakers from overseas as well. It is interesting to note that in the US, about 50 per cent of the small businesses are owned or managed by women, whereas in Bermuda, when the BEDC looked at this a couple of years ago, they found out that in terms of the BEDC membership, it was closer to two-thirds of small businesses were owned or managed by women, as well.

So a very successful week, and I think they are doing a very good job in terms of stimulating entrepreneurship and supporting entrepreneurship in Bermuda, which clearly is important for business growth and job growth as well.

Mr. Speaker, while I am on my feet, I would like to ask that condolences be sent to a number of people. Certainly in addition to the family of William Zuill, the *Royal Gazette* and Bermuda Press over the summer lost another stalwart in the form of Roger Davidson, who had been involved with Bermuda Press (Holdings) for some 43 years, a very strong advocate of a free press and a strong and independent daily newspaper. In the words of David White, *He was not a backroom editor*. He was also, as many will know, very involved in the local retail community. He graduated from costing clerk and menswear buyer to president over many years. And he certainly had been involved in a number of charities, including the Bermuda Festival, amongst others.

I would also like to be associated with the condolences to my colleague, Wayne Scott, the Honourable Member, on the passing of his father; to Flora Duffy; to Mrs. Norman Roberts; and I think I will stop there, Mr. Speaker. Thank you.

The Speaker: All right. Thank you, Minister.

The Chair will now recognise the Honourable Member from constituency 35. MP Dennis Lister, you have the floor.

Hon. Dennis P. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I rise to my feet just to be associated with some of the earlier remarks that have been said, mainly, firstly I should say, to the Honourable Minister Wayne Scott on the passing of his father. His father was actually a member of my church, Mr.

Speaker. We attended church together. And although he had been sick for a while and we have not seen him in church, he was definitely missed in church, Mr. Speaker. He was one of those gentlemen I refer to as a real gentleman, a real quiet gentleman, but always stately, always straightforward, and someone who encouraged respect, Mr. Speaker, because he gave respect. So he was definitely missed. I had not seen him in church, and although I have already expressed condolences to his wife, to your mother, Wayne, I am expressing condolences today and wanted to join in with what has been said here.

Also, condolences that have been expressed to the family of Mr. Guishard—as a former Sports Minister, Mr. Speaker, and yourself as former Sports Minister, will understand the outstanding contribution that Mr. Guishard gave to the Ministry, but not only to the Ministry but to the country, as his involvement in the Olympics movement and sports in general. And he was always one of those resources whom you could turn to when I was Minister, and you knew he was going to provide to you a full in-depth response to the information you were seeking.

Likewise, Brenda Dale, Mr. Speaker, I would like to be associated with the remarks on the passing of her mother. As the Minister said when she was on her feet, at Mr. Guishard’s funeral, Brenda’s mother actually passed that day, and Brenda came in and still participated. And you felt what she was feeling at that time in the loss of her mother. I spoke to her at that time and gave my condolences, but join in again to what has been said here.

And again, Mr. Speaker, the condolence that has been expressed to the family of the late Red De Silva. I guess if he was here today, he would really give me a hard rubbing if he saw me standing here in blue and blue, Mr. Speaker. But it is one of those things I did not think of today. But I would like to be joined in with those condolences that have been expressed to his family. Thank you.

The Speaker: Thank you, Honourable Member.

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

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

Mr. Speaker, I would like the House to send congratulations to the Bermuda Cancer and Health. On Thursday, they had their fifth annual men’s screening. And at that point in time, Mr. Speaker, I was amazed at the number of individual agencies and men who came up to not only have their prostate tested, to have their glucose tests, to be able to do all those things that the women of this Island are always trying to get our men to do. And, Mr. Speaker, if nothing else, because this year the Ministry has been promoting men’s health, this was right in line with what we wanted to do. And I must say, Mr. Speaker,

that I know a lot of men out there—I just see them along my aisle putting their hands up just to remind me that they support this. I am sure that is why they put their hands up, Mr. Speaker.

[Laughter]

Hon. Jeanne J. Atherden: But I just also want to say congratulations to the Mid Atlantic Wellness Institute, because on Friday they had their MindFrame PhotoVoice Exhibition. And I had the privilege to go and open it up. And, Mr. Speaker, I am encouraging anyone who has not been down there to go because it is open until the first week in December. And I was amazed at the expression of art that you saw there. But what really took me was the fact that not only had the individuals expressed themselves; they actually had expressed, by the painting or the photography, what they were thinking of at the time. And many times, you see something and you wonder what was in that individual's mind. But they actually said it. And when you read what they were thinking, you could actually see it was a real, true expression of what was in their minds and their thoughts. So, Mr. Speaker, I would like to have congratulations sent to those two agencies.

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

The Chair will now recognise the Honourable Leader of the Opposition. MP David Burt, you have the floor.

Hon. E. David Burt: Thank you and good morning, Mr. Speaker.

The Speaker: Good morning.

Hon. E. David Burt: Mr. Speaker, I would like to rise and associate myself with the condolences to the Honourable Minister for Education on the passing of his father, and also to associate myself with the condolences that are offered from this side on behalf of the whole House to the family of the late Carolyn Young. I would also like to associate myself with the condolences for the family of the late Red De Silva. I had the occasion to attend that home-going service. As you well know, Mr. Speaker, he was a long-time member and supporter of the Progressive Labour Party.

I would also like to ask that the House—and I would associate the whole House in this—send a letter of condolence to the family of the late Chairman of the Progressive Labour Party, Mr. Junior Maynard Dill, who passed away suddenly in September. Of course, as we know, Mr. Speaker, he was a long-time serving member of the PLP. He was also a strong trade unionist. And his loss was certainly a miss for the party and the country.

I would also like that condolences be sent to the family of another constituent of mine. That would be Mr. Jermaine “Speedy” Smith, who succumbed to his illness at a very young age. And I would like to ask that condolences be sent to his family, Mr. Speaker.

Moving on, Mr. Speaker, regarding the congratulations, I would ask, of course, to associate this side of the House, and I think the whole House, for the congratulations that were offered by the Member from constituency 28 to Ms. Flora Duffy on her continued accomplishments in yet another world championship last weekend, and all the exploits which she has managed to achieve since the last time the House did sit. And it is certainly with great pleasure and pride to watch a Bermudian do so well on the world stage. And it is certainly a cause of pride for the entire country. So I wish to associate myself with those remarks.

I would also like to offer congratulations on an annual thing that is done. But on Saturday, it was the Delta reading festival. And the ladies at Delta Sigma Theta Sorority, Incorporated, held their [Children's] Reading Festival. Although the weather did not cooperate in the best manner, my family and I were able to attend, and also lots of families were able to make it to that wonderful event. And I do want to also associate the Honourable Member for constituency 24 for those congratulations and the continued work of Delta Sigma Theta in giving out free books, encouraging literacy, and making sure that our young kids are familiarised with the fact that you do not just have to read an iPad, but you can also pick up a book. So that is not a bad thing.

Finally, Mr. Speaker, it would be remiss of me if I did not congratulate the Devonshire Recreation Club on winning the Dudley Eve Trophy yet again. I was pleased to be in attendance at that event. It is a young team, and I wish them all the best in their future endeavours. Thank you, Mr. Speaker.

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

The Chair will recognise the Honourable Member from constituency 1. MP Kenneth Bascome, you have the floor.

Hon. Kenneth (Kenny) Bascome: Good morning, Mr. Speaker. Good morning, honourable colleagues.

I would like to be associated with the condolences sent for Mrs. Roberts, Mrs. [Dorothy] Esdaille, Mr. De Silva and to my Honourable Member, the Minister of Education. Mr. Speaker, you would be aware that I had a personal relationship with Mrs. Esdaille. When I was a little tyrant in my community, she would always say to me, *You need to behave yourself*. So I built a great relationship with her.

[Inaudible interjections and laughter]

Hon. Kenneth (Kenny) Bascome: I do not know what that Honourable Member is attempting to do.

And to Mrs. Roberts, I had a personal relationship with Mrs. Roberts also. You will be aware that she and her husband ran a gift shop in the town, and her son is keeping that particular gift shop going. I would also like to say to Mr. Smith and his family, I had a personal relationship with him also, Mr. Speaker. And in closing, I would like to offer congratulations to Mr. Wayne Smith, who was recently appointed to chair the Caribbean Postal [Union]. Thank you, Mr. Speaker.

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

Would any other Honourable Members care to speak?

There are no other Members to speak. So that will conclude the congratulatory and obituary 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: The Chair will recognise the Minister of Finance.

FIRST READINGS

U.S.A.—BERMUDA TAX CONVENTION AMENDMENT ACT 2016

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker. Mr. Speaker, I have two Bills. 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 U.S.A.—Bermuda Tax Convention Amendment Act 2016.

The Speaker: Thank you, Minister.

INTERNATIONAL COOPERATION (TAX INFORMATION EXCHANGE AGREEMENTS) AMENDMENT (NO. 2) ACT 2016

Hon. E. T. (Bob) Richards: Also, Mr. Speaker, I am introducing the next Bill, the following Bill, for the first reading so that it may be placed on the Order Paper for the next day of meeting: International Cooperation (Tax Information Exchange Agreements) Amendment (No. 2) Act 2016.

The Speaker: All right. Thank you, Minister.

The Chair will now recognise the Honourable Minister of Health, Minister Atherden.

BERMUDA HEALTH COUNCIL AMENDMENT ACT 2016

Hon. Jeanne J. Atherden: 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: Bermuda Health Council Amendment Act 2016.

The Speaker: Thank you, Minister.
Next.

QUARANTINE ACT 2016

Hon. Jeanne J. Atherden: 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: Quarantine Act 2016.

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

The Chair will recognise for the first order of the day the Learned Attorney General and Minister of Legal Affairs. The Learned Member, T. G. Moniz, you have the floor.

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

I move that the Bill entitled the Bribery Act 2016 be now read the second time.

The Speaker: Thank you, Minister.

Are there any objections to that?

Please carry on, Attorney General.

BILL

SECOND READING

BRIBERY ACT 2016

Hon. Trevor G. Moniz: Mr. Speaker, I am pleased to commend to this Honourable House for its consideration the Bribery Act 2016. The proposed legislation will modernise Bermuda's anti-corruption laws by introducing a new, simplified, and comprehensive statute prohibiting bribery. It will also be a significant step towards extending to Bermuda the United Nations Convention Against Corruption (known as UNCAC) and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (which we will call the Bribery Convention).

By way of overview, new general offences of bribery, based on the UK's Bribery Act 2010, will replace the existing bribery offences. There will be a new duty on public officials to report an offer of a bribe, and corresponding offences of failing to comply with that duty to report or interfering with that duty to report. These provisions derive from the Isle of Man's Bribery Act 2013.

The Bill also establishes the National Anti-Corruption and Bribery Committee to advise the Minister regarding the effectiveness of legislation and policy in accordance with the requirements of Article 6 of the UNCAC, which provides for the establishment of a body to oversee, coordinate, and review the implementation of anti-corruption procedures and policies.

Mr. Speaker, Bermuda's corruption offences date back to the 19th century. The UK and other jurisdictions have since moved on from similar provisions, and it is important that Bermuda do so as well. The UK Bribery Act 2010 was a response to very real problems with their former laws on corruption. Other small jurisdictions, such as Isle of Man and Gibraltar, have similarly moved to modernise their law, and we cannot be left behind.

That the UK has moved from these former laws leads to a separate problem which is peculiar to Bermuda. As prosecutions based on the old corruption laws fade into memory, we will not stand to benefit from the developing case law through court decisions and appeals. In keeping our present offences, the Bermuda courts will have to be guided by stale precedents and a legal status quo frozen in time since

2010. As the years advance, this problem would become particularly acute if we were not to move on.

Mr. Speaker, the Bill before Honourable Members today will provide a modern and comprehensive scheme of bribery offences in order to allow investigators, prosecutors, and the courts to tackle bribery effectively whether committed at home or overseas. The Act will also help to enhance Bermuda's international reputation for the highest ethical standards. In summary, the Bill would create the following offences:

- one general offence of bribery covering the offering, promising, or giving of a financial or other advantage;
- another general offence covering the requesting, agreeing to receive, or accepting of a financial or other advantage;
- a specific offence of bribing a foreign public official;
- a specific strict liability offence of failure by a commercial organisation to prevent bribery, subject to an adequate procedures defence;
- an offence of failure by public officials to report instances involving bribery and corruption; and
- an offence of interfering with this duty by public officials to report.

Mr. Speaker, the general offences would focus on either the conduct of the person bribing another or the person being bribed, and identify six cases, each involving the improper performance of a function, where one or the other of these general offences would be committed. These general offences apply to functions of a public nature as well as in a business or employment [context].

The general offences and the six cases noted in the Act are drafted in an expansive manner to cover a broader range of acts and omissions than is currently provided for in our present corruption offences, which are quite technical in the way they are drafted. Those offences rely on demonstrating acts being performed "corruptly," which imports an unduly high dishonesty threshold, and which has been the subject of confused and conflicting case law arising out of England and Wales. The new unified "improper" test will assist the police and prosecutors in pursuing acts and omissions which are deleterious to the public trust.

Mr. Speaker, the Act will also insert new offences of bribery of a foreign public official and failure to prevent bribery, which are specifically aimed at the use of bribery in commercial transactions and should help create a level playing field for business. The bribery of a foreign public official offence focuses on the use of bribery to influence the recipient in his or her official capacity and is closely modelled on provisions from the Bribery Convention.

The Bill would also allow for extraterritorial jurisdiction, which will enable the prosecution in Bermu-

da of bribery committed wholly or partly abroad by persons ordinarily resident in Bermuda as well as Bermudians, PRCs and Bermuda-registered corporate bodies.

Mr. Speaker, establishing the right culture within commercial organisations is clearly of paramount importance in order to prevent bribery occurring in the first place. That is part of the operational good practice of businesses in any event, although the way in which that is disseminated will clearly depend upon the size and nature of the particular business.

It is for this reason that the new strict liability offence of failure to prevent bribery has been inserted, which will be subject to a penalty of an unlimited fine. However, it will be a defence if the company can prove that it had *adequate procedures* in place. It may simply be a *rogue employee* who is committing bribery.

To assist businesses in Bermuda, I will be issuing public guidance on what constitutes adequate procedures for a commercial entity, and the Bill will require the courts to have regard to such guidance. Implementation of the legislation will not be immediate, as I will be seeking to further consult with stakeholders in respect of that guidance.

Mr. Speaker, under the Bill, public officials would be subject to a duty to report instances of bribery which come to their attention. This duty will also extend to offences under section 33B of the Public Treasury (Administration and Payments) Act 1969 (that is, offences of collusion relating to government contracts).

In order to encourage an institutional culture which stands vigilant against bribery, it is important that public officials be placed under such a duty. Failure to report bribery when under an obligation to do so, or interfering with such a duty, are to be taken very seriously and will attract stiff penalties. No longer will it be acceptable behaviour to turn a blind eye when corruption is seen or suspected in the public service.

It is important to emphasise, Mr. Speaker, that this new duty extends to all public officials. This will include the Premier and Ministers, Parliamentarians, public servants, persons appointed or elected to any municipality, parish council or any other public authority, any other person carrying out a function of a public nature. These categories would include quangos, consultants, and private contractors performing services on behalf of the Bermuda Government.

Mr. Speaker, I wish to provide Honourable Members with the background to this very important legislation. The Government has been considering the need for reform in this area for some years. Significant gaps existed in our legislation and administrative practices relating to bribery and corruption. Bermuda's National Anti-Money Laundering and Anti-Terrorist Financing Strategy and Action Plan proposes that cor-

ruption and bribery laws be reformed in order to achieve compliance with international benchmarks.

In January 2015, representatives from the UK Foreign and Commonwealth Office and Ministry of Justice were in Bermuda at the invitation of the then-Governor, Mr George Fergusson, to meet with Government of Bermuda stakeholders to discuss the effect of the UK Bribery Act 2010 and to strategize possible implementation of Bermudian legislation based on that Act.

Mr. Speaker, there followed internal consultation, and Government made a determination in principle that incorporating the UK Bribery Act into Bermuda's domestic legislation should be the way forward. To that end, I addressed Honourable Members on Friday, the 20th of May 2016, on Government's plan to modernise and update our laws on bribery and corruption.

Honourable Members will also recall my Statement on Friday, the 27th of May 2016, on Government's intentions to seek the extension to Bermuda of the United Nations Convention Against Corruption and the OECD Bribery Convention.

Mr. Speaker, the Office of the National Anti-Money Laundering Committee published a Bribery and Corruption Information Paper in May 2016 in order to consult with stakeholders, and extensive public comments were received thereon. A consultative draft copy of the Bill was then drafted and presented to the House of Assembly on Friday, the 15th of July 2016, as the basis for broader public consultation. Extensive submissions at this stage were then received from industry and members of the public.

The Ministry considers this to have been a very successful consultation exercise, Mr. Speaker. The feedback received by the Ministry during this period suggested extensive general support for what Government was seeking to achieve with its proposed legislation, but noted a few suggestions for improvement. Most changes proposed have been accepted and incorporated into the final Bill before Honourable Members today. Other suggestions relating to the broader question of proper conduct in public office will be kept in consideration as Government seeks to effect broader good governance reforms later on in this legislative session.

Thank you, Mr. Speaker, and I look forward to the debate on this very important subject.

The Speaker: Thank you, Attorney General.

The Chair will now recognise the Shadow Attorney General, the Shadow Minister for Legislative Affairs, the Learned Member from constituency 36, MP Scott.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: And just before you start, MP Scott, I would like to recognise in the Gallery a former Senator, Neville Tyrrell, who happens to be here.

[Desk thumping]

[Continuation of debate on Bribery Act 2016]

The Speaker: Please carry on, Honourable Member.

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

Mr. Speaker, the Bribery Act 2016 is an introduction of an Act which the Progressive Labour Party welcomes. In our Throne Speech Reply, we indicated those very remarks and sentiments, that we welcome the Act. And we felt that it had not gone far enough in the area of improving governance. I am therefore welcoming the Learned Attorney General's indication that he appears to accept and acknowledge that levels of governance implementation are something that the Government intend to pursue and that he appears to recognise that there is more to be done to refine our corruption and bribery platforms so that it does improve and result in an aim and objective that we on this side of the House ascribe to.

Another reason to welcome the Bribery Act 2016 is to acknowledge the fact that this Bill now codifies and modernises the approach to this important governance area of a number of pieces—of at least 10 other pieces—of Bermuda legislation that spoke to bribery or corruption in our legislation. I would just bring Members' attention to the fact that in our laws . . . and the Learned Attorney did refer to this modernising accomplishment by the 2016 Act, but the Criminal Code is superseded now by the Bribery Act 2016. That code contained references to official corruption and extortion of public officers. The Parliament Act 1957 also carded offences at sections 15 and 16, acceptance of a bribe by a member and bribery of a member.

And recently, the platform of our bribery legislation under the Justice Protection Act made it an offence for offering or accepting bribes for information that would prejudice the safety of a participant in a justice protection programme. So, now we have all of these references, some old and some modern, integrated into a modern platform.

I would also like to note that our Bribery Act, in replacing and superseding all of this Bermuda legislation, is drawn very closely, if not a direct replica . . . with its "tropicalisation," it is a direct replica of the Bribery Act 2010 of the UK. And I would have liked to have seen us, with our first venture into the modern bribery legislation, ensure that we did more than just replicate the UK legislation. It is a standard piece of legislation. It is adequate in its provisions. But I do believe that the features of bribery in territory-to-territory manifest themselves in specific ways in one country to another. And so, a clearer linking of our

legislation to the arrangements on the ground, or the features on the ground, is something that I think we should continue to strive for.

But it is an important first step, and we do support this introduction of this legislation to deal with bribery. In particular, the bribery of corrupt foreign officials is important for any modern democracy to have.

In the brief that the Learned Attorney supplied me with, I had only one matter that I wanted to be clear about. It is not mentioned in the brief, and it is the extension of the time limit for bringing offences, the extension of the time limit under the Criminal Procedure Act. Under that modern Act, summary offences may be brought within, at the top end, 18 months, 12 months in one provision and 6 months, all with the leave of the Director of Public Prosecutions. And now we have extended that time to three years. I just wanted it to be clarified that it is three years from the passage of today's legislation? I would be grateful.

Hon. Trevor G. Moniz: Perhaps I can help by way of clarification.

The Speaker: Do you want to do that now? You can just do it when you wrap up, Honourable Attorney General. Yes, you can just . . .

Hon. Trevor G. Moniz: I will address it more in Committee, as well.

The Speaker: Yes.

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

The Speaker: Okay.
Go ahead.

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

I think that would be the only point, because if it carried other implications allowing for a different outcome, it might strike at the question of ex post legislation. I just wanted to get that clarified from the Learned Attorney.

But in all other terms, as we indicated in our reply, this is welcome legislation, by the Progressive Labour Party. Its implications for the national anti-money laundering regimes and terrorist financing regimes are important. But, of course, the overarching reason for support is its contribution to good governance in our country. And this is a Bill which we find ourselves able and happy to support.

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

Would any other Honourable Member care to speak?

The Chair will recognise the Honourable Member, MP Leah Scott, from constituency 30.

Ms. Leah K. Scott: Thank you, Mr. Speaker, and good morning.

The Speaker: Good morning, Honourable and Learned Member.

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

I am going to be brief. I am the President of the Bermuda Association of Licensed Trustees, and we are a lobbying group for the trust industry to Government. And I would like to say that we support this legislation. It comes as a result of the far-reaching UK Bribery Act, which came into effect in 2011. And I think it has to be the toughest anti-corruption legislation that there is. I think it is tougher than even the US Foreign Corrupt Practices Act.

The Act is designed to keep businesses honest, and it is also designed to protect Bermuda and other jurisdictions against bribery and corruption.

And if any of you have any bank accounts, I am sure you realise that now we are dealing in a very, very strongly regulated world. You cannot open an account these days without a driver's licence, without a utility bill and, in some cases, without your firstborn.

An Hon. Member: Hear, hear!

[Laughter and inaudible interjections]

Ms. Leah K. Scott:

So what we believe this legislation is going to do is it is going to create a level playing field. It is going to ensure that businesses have robust anti-corrupt policies and procedures in place. And it is going to ensure that we as a jurisdiction are practicing good corporate governance and best practice. So we support it, and I thank the Minister for bringing it forward. Thank you, Mr. Speaker.

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

The Chair will now recognise the Member from constituency 17, MP Walton Brown.

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

Mr. Speaker, I am happy to stand along with my colleagues and support this legislation. It is very important that we have strong anti-bribery legislation in our country. For the sake of providing a historical context, Mr. Speaker, it is important to note that Bermuda had what was effectively a fundamentally corrupt system up until we had our new Constitution introduced in 1968, because you effectively had collusion among the powerful elite. We became less corrupt after 1968, but corruption still existed in a number of ways, Mr. Speaker.

This is a welcome step. We need to ensure that our reputation is strong and robust and protected. We need to ensure that what we do is recognised ex-

ternally, but equally internally. And so when we talk about bribery, Mr. Speaker, we all need to know that when people go out canvassing and issue \$100 grocery vouchers, that is bribery. And it is unlawful.

[Inaudible interjection and laughter]

Mr. Walton Brown: And so, when we consider that, we need to consider that in all of its manifestations. I will leave it at that.

[Inaudible interjections]

[Gavel]

The Speaker: Hold on, Honourable Members.

Mr. Walton Brown: I am glad to hear such enthusiastic support for these comments, Mr. Speaker.

We do have a challenge in our small jurisdiction, because the intimacy of our relationships means that there are sometimes just understandings that people have when they interact. And so, we have to ensure that the legislation can properly address those kinds of concerns as well, because some people may not even consider certain interactions to be inappropriate.

I was concerned by one comment that the Honourable Attorney General made when he said that we are going to pass this today, but it is not going to be implemented right away because we are going to further consult. But I thought you would have consulted beforehand. So why, after having consulted all the key stakeholders, would you need to further consult once this is passed? I would just like clarification on that.

I also would like clarification on the notion of extraterritoriality. I was surprised at that. I also just need for the Attorney General to explain why this is considered to be so important. So, effectively, what it says is, *I as a Bermudian can go overseas and engage in a particular act, and I can be charged in Bermuda for that offence.* And I know the Americans, as the world's hegemonic power, they do it with regularity and nobody can stop them, because might is right. But please help me to understand why this is considered to be important here, that what people do outside of Bermuda they can be charged for, as a criminal offence within Bermuda. So there may be a sound legal reason for that. But I just do not understand how that could be a relevant and necessary part in our legislation to date.

Those are my brief comments, Mr. Speaker, and thank you very much.

The Speaker: Thank you, Honourable Member.

Would any other Members care to speak?

It looks like all have spoken. So we turn now to the Learned Attorney General. You have the floor.

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

With respect to the comments made by the Shadow Attorney General, the Honourable and Learned Michael Scott, he asked about the summary offences and the time limit on summary offences being three years. That has been extended from the shorter period that is normal, but that is in line with the provisions in, I believe it is the Good Governance Act 2012, which was instituted by the previous administration, the PLP Administration. So I think in some of those offences with good governance and related to corruption, even on summary jurisdiction, the limitation period to bring prosecutions was extended. Because by the nature of these offences, you know, they are difficult to discover. They take longer to investigate. And so it is good to give wider latitude.

And that is good in two ways. It gives you a longer period to prosecute an offence. But it also means that if you discover it after, you know, it gives you a longer period to bring it as a summary offence if it is a minor offence rather than bringing it in the Supreme Court. So you still have the option of which court is the appropriate court to bring it in. Otherwise, after a short period of time, you are not able to bring it in the Magistrate's Court; you would have to take it to the Supreme Court, which may not be in the interest of the prosecution or in the interest of the defendant, or justice generally. It just gives a prosecutor greater flexibility.

I think the Honourable and Learned Member also asked about how much the provisions of this Act were homegrown. And as I said in my original brief, it is taken largely from the UK Bribery Act. We have added some bits and pieces from the Isle of Man. We have also strengthened those bits and pieces. Our duty to report bribery is more robust than that of the Isle of Man. And also, the National Anti-Corruption and Bribery Committee is something that we have added in here. As we have a National Anti-Money Laundering Committee, we are going to have a National Committee on Corruption and Bribery that will be able to advise the appropriate Minister in those regards.

With respect to (I am being passed lots of notes) . . . let me continue here. The Honourable and Learned Member, Leah Scott, spoke of the strength of the provision that we have here in Bermuda. And it is in some regards stronger than the US Foreign Corrupt Practices Act. Under the US Foreign Corrupt Practices Act, there is a provision for what are known as facilitation payments. So there is sort of an out clause. And both in the US, and I believe it was adopted by our neighbours to the south, the Cayman Islands, there is this out clause, what are called facilitation payments, which is a sort of nice way of saying a bribe that you pay to local officials, which are very well

known in some countries. In order to get anything done, you have to pay bribes.

And that will not be allowed. We have adopted the highest standard recommended by the OECD [Organization for Economic Cooperation and Development] in their Bribery Convention. So what we have tried to do is, wherever we have had the choice, we have adopted the tougher standard. That does not necessarily make life easier. It is a fundamental change. But I think it will be the best for Bermuda's international reputation in this regard.

The other matter that was raised by the Honourable Member, Walton Brown, with respect to consultation, that is just on the guidance notes that are going to be issued. And it is not going to take a long period of time. We already have them in draft. So as soon as this Act is passed, we will issue consultation immediately. So there will not be a drawn-out period. We already have all of that. All of that already exists in draft.

With respect to the overseas portion of what that Honourable Member was saying, we are adopting a very high standard here. And the idea of making it unlawful for Bermudian entities—and by and large, it is going to be corporations—to be potentially prosecuted in Bermuda for bribery committed in a foreign country, this again is the highest standard recommended by the OECD. And I take what the Honourable Member said about the United States, normally, you know, applying its own rules to people. But in this case, it is the OECD Bribery Convention which recommends this. And again, we have recommended the highest standard.

Now, we did not get any substantial objection to that from the alphabet companies, ABIC or ABIR or any of the other companies. We think it is not such a problem here. We think it is probably more a problem for people who are dealing in commodities, so if you are physically going to a country to buy physical things, industrial goods or commodities like oil or wheat or something like that, where every step of the way you are trying to get export permits, et cetera, you are having to pay people. Most of the international business in Bermuda is involved in some form of financial transaction and insurance. So we think the prevalence of this is probably very low here, but we will certainly keep an eye on it going into the future.

And of course, as I said before, I think the Honourable and Learned Shadow Minister alluded to this. So this Act, when it is passed, will only apply from offences which are going forward. So the old offences still exist for anything that occurs before this Act is put into place. Once this Act is put into place, it will govern for any acts committed after that date. Obviously, you cannot have retroactivity or retrospective nature for criminal offences; it is not permitted under our Constitution or law generally.

Mr. Speaker, having said that, I now move that the Bill be committed.

The Speaker: Thank you. Thank you, Honourable Attorney General.

The Attorney General has moved that the Bill be committed. Are there any objections to that? Then I ask that the Deputy Speaker please take the Chair [of Committee].

House in Committee at 12:07 pm

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, Chairman]

COMMITTEE ON BILL

BRIBERY ACT 2016

The Chairman: Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Bribery Act 2016](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

Hon. Trevor G. Moniz: Thank you, Madam Chairman. I move clauses 1 through 7.

The Chairman: Are there any objections to that? No. Please proceed.

Hon. Trevor G. Moniz: Madam Chairman, clause 1 is the citation. It is self-explanatory. Clause 2 is the definitions section.

Clause 3 creates the new general offence of bribing another person. This is a very important offence. It sets out two cases in which the offence can be committed where the briber offers, promises or gives a financial or other advantage to another person. In case 1, the briber must intend the advantage to induce a person to, or reward a person for, improperly performing a relevant function or activity. And this is the improper test I spoke of.

In case 2, the briber must know or believe that accepting an advantage itself constitutes the improper performance of a relevant function or activity. The meaning of “financial or other advantage” is left to be determined as a matter of common sense by the court or jury. “Relevant function or activity” is defined in clause 5, which we will get to. The nature of “improper performance” is defined in clause 6, again which we will get to.

Clause 4 creates the new general offence of accepting a bribe. It sets out four additional cases in which the offence can be committed. In cases 3, 4, and 5, there is a requirement that a person being bribed *requests, agrees to receive or accepts* an advantage, whether or not he or she actually receives it. This requirement must arise from the *improper performance* of a relevant function or activity.

In case 3, the person being bribed intends improper performance to arise from the request, agreement or acceptance. In case 4, the request, agreement or acceptance is itself the improper performance of a relevant function or activity. In case 5, the advantage is a reward for performing the function or activity improperly. In case 6, what is required is improper performance by the person being bribed (or another person); he or she requests it, assents to or acquiesces in it. This performance must be in anticipation or in consequence of a request, agreement to receive or acceptance of an advantage.

“Relevant function or activity” again is defined in clause 5. The nature of “improper performance” is defined in clause 6.

Clause 5 sets out the relevant functions or activities to which the bribe relates. This clause is to ensure that the law of bribery applies equally to public and to selected private functions without discriminating between the two. Accordingly, the functions or activities in question include all functions of a public nature and all activities connected with a business, trade or profession. There must be an expectation that the functions be carried out in good faith (condition A), or impartially (condition B), or the person performing it must be in a position of trust (condition C). The functions or activities in question may be carried out either in Bermuda or abroad, and need have no connection with Bermuda.

Clause 6 relates to improper performance of a relevant function. It defines “improper performance” as performance which is not carried out in good faith or which is not carried out impartially. Alternatively, *improper performance* may arise where a person in a position of trust breaches any expectation as to the manner in which, or the reasons for which, his or her function or activity will be performed that arises from the position of trust. An omission can in some circumstances amount to improper *performance*. Clause 6(3) addresses the case where a person being bribed is no longer engaged in a given function or activity, but still carries out acts related to his or her former function or activity. These acts are treated as done in performance of the function or activity in question.

Finally, clause 7 defines the expectation test for the purposes of clauses 5 and 6. The test for deciding what is expected of a person performing a function or activity is what a reasonable person in Bermuda would expect of a person performing the relevant function or activity. Clause 7(2) makes it clear that in deciding what a reasonable person in Bermuda would expect in relation to functions or activities the performance of which is not subject to Bermuda laws, local practice and custom must not be taken into account unless such practice or custom is permitted or required by written law. Clause 7(3) defines what is meant by *written law* for the purposes of this section.

The Chairman: Thank you, Member.

Are there any Members who would like to speak to clauses 1 through 7?

Yes, the Chair recognises the Shadow Attorney General, from constituency 36. The Honourable M. J. Scott, you have the floor.

Hon. Michael J. Scott: Thank you, Madam Chairman.

Dealing firstly with the first new offence in clause 3, offences of bribing another, we note, Madam Chairman and Members and too Mr. Attorney [General], that at clause 3(2)(b), I am speaking now to the intent and the *mens rea* of this offence. The provision is that where P intends the advantage to induce a person to perform improperly a relevant function or activity . . . I want to know whether the Attorney General recognises or accepts that this is a specific intent requirement? Or do we need to, as legislators, clarify this as requiring further language to make it a specific intent? That is the first question.

I envisage that in court in front of Mr. Archibald Warner, where some of this will be heard, or any of the members of the summary jurisdiction courts, nor is it going to raise the question on behalf of their clients as to whether there was an intent, or what was the level of the intent, the nature of it, and whether it is specific or not? I do not think it can be stated by us as legislators that we are making bribery, number one, a case of general intent. I think it must be specific.

And then, I want to ask the question of the Attorney General: If the defence is raised that my client had no specific intent to induce the person to perform improperly a relevant function or activity, whether the act has gone far enough in making that provision clear so that at the litigation stage or the charge stage, and in practice, this is not causing us uncertainty?

The only defences that I am able to apprehend in the Act are referred to for the purposes of companies or corporations. So that does not apply to the individual who is charged. And the defence, specific defences are raised in relation to the nature of this activity taking place, in the interest of national security, which again will not apply to an ordinary Mr. and Mrs. Bermuda. So that is my first responsibility, to ensure that we as legislators create as much clarity in the application of this important legislation. And it is pretty simple. Do we need to say *knowingly* induces the person? And do we need to craft a provision that says it is a defence for an individual to show that he or she did not intend to induce? That is on clause 1 [*sic*].

And clearly, the case—

The Chairman: That is clause 3.

Hon. Michael J. Scott: That is clause 3. Clause 3, case 2, this appears to be a case where there is no . . . I think we properly would characterise it as a strict offence, a case where I heard the Learned Attorney indicate that the offence is carried out on the commission of, on the offer or promise or the giving of, a fi-

nancial or other advantage to another person. So if the offence occurs just on the actions taking place, without any reference to the intent being there, this becomes a case of the prosecution having no requirement to prove intent, and is that the intention, that this be a strict liability offence in this segment of clause 3?

I was grateful to hear the clarification from the Learned Attorney that this is not retroactive or ex post facto legislation. So I am grateful for that clarification that subscribes to our Constitution at section 6. So we are grateful for that clarification.

And beyond those mechanics of how the intention is meant to apply, whether we need to do more, I am content to hear those answers and see. But otherwise, I do not think I have any further queries. Thank you.

The Chairman: Thank you.

Are there any other Members who would like to speak to clauses 1 through 7?

The Chair recognises the Independent Member. Mr. S. G. Crockwell, you have the floor.

Mr. Shawn G. Crockwell: Thank you, Madam Chairman.

Madam Chairman, I concur with the Honourable and Learned Member who just took his seat. I am certainly interested in the answers as to whether or not this is a strict liability offence, because that stood out to me as well.

However, I know the Honourable Attorney General stated that he had highlighted the improper test. It just seems a little confusing to me, because for example, looking at clause 4, Madam Chairman, and talking about the R, which is the Receiver, the person who is receiving the financial or other gain or other advantage, when there is this qualification that the activity is performed improperly, this is where I do not quite understand it, because I would have assumed that if I am receiving a financial gain, and then I commit a public act as a result, then that in itself is the improper act. But it seems as if it goes even further, as if there is a possibility to receive a gain and not commit an improper act as a result.

So I am just not quite clear on that. And it could just be how I am reading it. But it seems like there is an additional test after one is in receipt of some form of financial or other advantage. And then, I am looking at clause 4(5), where it says, "Case 6 is where, in anticipation of or in consequence of R requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly." And I would just assume that if the activity was performed as a result of the inducement, then that by itself makes it improper and makes it an offence. But it seems as if I can perform an activity after being induced to do it, and there is a possibility that it is not deemed to be improper.

So if the Attorney General can just explain that. Because if you go to clause 4(7), and now it says, "In cases 4 to 6 it does not matter whether R knows or believes that the performance of the function or activity is improper." So again, just looking at the mechanics of one, how I saw the Bribery Act is that if someone is offering something in exchange for something, then that is improper. And if someone is receiving or asking for something in exchange for doing something of a public nature, then that in itself is improper.

But it appears on the face of it that there is another test called *the improper test*, which suggests to me that someone can receive something or someone . . . well, in the case of clause 4, it is receiving. A public official can receive something, receive an advantage and still proceed to act in a proper fashion. If the Attorney General can just clarify that for me, I would be grateful. Thank you.

The Chairman: Thank you, Members.

Are there any other Members who would like to speak to clauses 1 through 7?

Yes, the Chair recognises the Member from constituency 36.

Hon. Michael J. Scott: Thank you, Madam Chairman.

Yes, I am grateful for the speech from the Honourable and Learned Member, Mr. Crockwell, because it drew my attention to the actual case of the strict liability offence, to which I was referring the House. I did not make it as clear. It is case 4, as pointed out in the Attorney General's brief. The requestor agreement or acceptance is itself the improper performance of a relevant function or activity. And I take the point raised by the Honourable Member from constituency 31 about whether a function can at any time be performed properly and one get out of it.

There is a curious . . . well, there is not the curious. There is the interesting provision of the expectation test, which casts on a trier of fact, the magistrate or a jury, to look to the people of this country for guidance on what is regarded as an improper activity. The expected test, if I might just refer to it, for the purposes of this clause, the test of what is expected is a clause of what a reasonable person in Bermuda would expect in relation to the performance of the type of function or activity.

So it falls on the lady or man on the Somerset Omnibus view as to what we take of a public official's behaviour in testing it. I hope that this does not prove to be unmanageable or difficult to manage. I understand its drive. I do see it producing argument, of course, as to one man's meat is another man's poison. But I am sure we will get through these tests. I hope that we have introduced a test, though, that is workable in the end. Thank you.

The Chairman: Thank you.

Are there any other Members who would like to speak to clauses 1 through 7?

If not, I recognise the Attorney General.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

I thank Honourable and Learned Members for their comments there.

What we see in this Bill is an entirely new style of drafting. And, you know, in some respects you might call it "plain English," but it sets things out in cases. So here you have, you know, P the Promiser and R the Receiver. You have cases set out case-by-case. It is an entirely different way of drafting a Bill. And, of course, we had adopted this from the UK Bribery Act. It has been generally adopted. Of course, there were many raised eyebrows in our Drafting Section, saying, *Well, we don't like these new-fangled ways of doing things*. And I am pretty old-school myself. So it is pretty new to me as well. So I think some of the issue arises that it is a totally new way of looking at things.

I mean, these are not strict liability offences. They do require intention. So there is this specific element of intention there in clause 3(2)(b), for example. P intends the advantage to induce a person to perform improperly a relevant function or activity. So the mental intention still is required. It is just that it is more broadly drawn than it was in the old law. So the word "improper" is used, which is a broader word than what was used before. The old offences under the Criminal Code, the Victorian offences, were terribly technical and step by step. So people tended to try to break them down, dislocate them and say, *Well, you can't prove this because you can't add these bits up*. And this is trying to make it much more simple, particularly for laypeople, for members of the jury.

So while lawyers look at it and say, *This is a strange way of doing things*, the idea is to make it more easily understood for a jury. Because a lot of offences of this nature, being technical, traditionally juries have had a difficult time understanding them. And therefore, it has made it more difficult to convict people as a result, because the juries would just get confused.

You know, the guidance is going to be important because one of the elements that arises here is the idea of inducing people to do something improper. There are certain situations, for example, where you have corporate hospitality. And corporate hospitality is, you know, generally given to everyone. So you could say, *Well, is that hospitality meant to induce a specific person to do a specific thing to that person's advantage? Or are they just generally giving hospitality for everyone, to improve their public image?* And that is going to be important when it comes out in the guidance notice, exactly how we set that out.

And I think it is going to take a little while. In addition, we obviously are awaiting guidance from

English case law precedents. This was passed in 2010, but obviously precedents have been slow to come forward, because they must be acts which were committed after 2010. And so we are starting to get case precedents, which will illuminate how courts interpret these new types of provisions that you see in this Bill.

With respect to, I think it was clause 4 and case 4 that the Honourable and Learned Member, Mr. Crockwell, was raising . . . in case 4 we are talking about an activity which in itself is improper. But case 6 is where a function and activity is improperly performed. So, you know, you have got to be careful distinguishing between these different cases. And sometimes, it is a bit difficult to get your head around that. I have had some challenges myself because it is a new way of approaching things. So these are different routes to the offence being performed.

Improper applies in different circumstances to different activities along the chain, and represented in different cases. Having said that, Madam Chairman, those were all the questions. So I wonder if I could then move that we rise for lunch? I do not know if I can . . .

The Chairman: Perhaps it might be something that they have further questions on? And if not, then we can proceed after lunch. But I am just going to take it back to the floor for a second.

Are there any other Members who would like to speak to clauses 1 through 7?

Okay. If so, would you prefer to continue after lunch? Or would you like to get your questions in now?

Mr. Shawn G. Crockwell: That is fine. We can continue after lunch.

The Speaker: Yes. That would be fine.

Are there any objections to that motion?

No objections. We will reconvene at two o'clock. Thank you very much.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

[Gavel]

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:00 pm

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, Chairman]

COMMITTEE ON BILL

BRIBERY ACT 2016

[Continuation of Committee thereon]

The Chairman: Thank you, Members. We resume in Committee with the Bribery Act 2016. We were doing clauses 1 through 7. I call on the—

Hon. Trevor G. Moniz: Correct, Madam Chairman, and I think the Honourable and Learned Member, Mr. Crockwell, had a question.

The Chairman: From constituency 31, yes.

The Chair recognises the Member from constituency 31, Mr. S. G. Crockwell.

You have the floor.

Mr. Shawn G. Crockwell: Yes, thank you, Madam Chairman.

Madam Chairman, just seeking clarity on a few matters, and I have two. And part of it I articulated earlier, but the Honourable Attorney General mentioned earlier that if you look at the various cases under clause 4, you have case 3, case 4, case 5, and case 6. I have no issue really with case 3 or case 4, though I am still looking for sort of an elaboration on what is an “improper function.”

But if you look at case 6, case 6 says “where, in anticipation of or in consequence of R requesting, agreeing to receive or accepting a financial or other advantage”—and this is [clause] 4(5) of—“a relevant function or activity is performed improperly—(a) by R; or (b) by another person at R’s request . . .”

So, again, if you look at it, there is “in anticipation of or in consequence of R”—the requestor—“requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly.” Okay? And so I still do not quite get the improper performance because . . . let us make this sort of empirical here. If I as a Minister am requesting something from someone and I am saying *In exchange for this I am going to do that*, that, to me, no matter what it is, is improper because I am being induced to do it or I am asking for a reward in order to do it.

But there is a further qualification that says “a relevant function or activity is performed improperly.” But then, if you go on to [clause] 4(7) it says here, “In cases 4 to 6”—so we are still dealing with 6—“it does not matter whether R knows or believes that the performance of the function or activity is improper.” So this is a strict liability component here, so whether or not . . . if the Minister thinks that it is a proper function, but it turns out to be an improper function, what he believes or what she believes is irrelevant. All right? It does not matter.

So this aspect is certainly strict. And so it sort of begs the question, because under clause 3 we heard earlier, and it is clearly set out, that intention is a component. So if you look at [clause] 3(2)(b) “P intends the advantage” to do something. So you can have a situation where someone comes to a public

official but does not have the intention to induce or to have that person do something improper, but the receiver now is getting that advantage. And then under case 6, whether or not he believes that the activity is improper, it is strict liability there.

I understand that this is sort of novel, it just seems a bit convoluted. And I just do not understand particularly how the improper function works, the improper performance works. You see this all throughout clause 3 and clause 4 “to reward a person for the improper performance.” So it means that there . . . it suggests to me that there could be an exchange of a reward, but if the activity is deemed to be proper then there is no offence. That exchange for the reward, whether it is from the promiser or whether it is from the receiver, you know, there has to seem to be some element of improper conduct.

To me, if we are going to be passing legislation that is going to create significant penalties it needs to be clear. And I am just not quite clear on what constitutes something being improper.

I would think that if I go to a Minister in Government and I say, *I am going to give you, you know, free nights in my establishment whenever you want and all I want in return is a concession order*, that concession order could very well be deemed proper, it could very well lead to a development that is beneficial to the community. But is that exchange unlawful? And I would say yes. I would say that is the whole point of doing this. And we do not want people to be offering advantages and financial goods in exchange for something else.

We want our parliamentarians and our public officials to have complete and total impartiality, but it is not clear here because it sounds like there is a possibility of doing something which is deemed proper irrespective of any gain, and something that is deemed to be improper in relation to some form of exchange.

The Chairman: Thank you very much, Member.

Are there any other Members that would like to speak to clauses 1 through 7?

The Chair recognises the Minister.

Hon. Trevor G. Moniz: Thank you, Madam Chairman, and I thank the Honourable and Learned Member for his comments there.

I am going to go into a little bit of background on this one because I think it is something that occurs throughout this piece of legislation. As I mentioned in the general debate, the UK Bribery Act itself which was passed in 2010 was passed after years of deliberation. There were years of reports. And going back to 1998 there was a report on corruption; in 2003 there was a draft anti-corruption Bill which was not passed; in 2007 there was another consultation paper; in 2008 a final report and draft Bill; and it was 2010

when the Law Commission draft Bill was largely incorporated into final legislation.

So a lot of this came out of the Law Commission in the UK studying, and they were studying for years and years where the old law fell down. And the old law fell down because there were too many bits and pieces. It was too technical, so defence attorneys could always go in and say, *Aha! You haven't quite got this*, or *Aha! You didn't get that little bit there*. And it was too technical and it was difficult for juries to understand. Therefore, it was easy for defence attorneys to get juries to throw their hands up and say, *Well, we don't know so we're going to let this guy off*.

So the idea of this new way of proceeding is to make it simple and to make it understandable by juries. So earlier we discussed in clause 3 where the person P does something to induce someone to do something to give some advantage, he intends an advantage.

Now with respect to clause 4, and, in particular, what causes my honourable and learned friend some concern is the idea of “improperly.” And in clause 4, if you look at subclause (7) it says “In cases 4 to 6 it does not matter whether R knows or believes that the performance of the function or activity is improper.”

Now, the reason for that is if you left it to people themselves you get very narcissistic, very dishonest people who honestly do not perceive that what they are doing is wrong. So they may perceive that they are giving some advantage, they have been asked to do something. They are doing it, but they may insist, *Well, I didn't see anything wrong with that*. And that . . . you know, they might be able to convince the jury that it was their view.

But under this law it is a deeming provision that if you give some . . . someone comes to you for an advantage, they give you some inducement, and then you give them that advantage, it is deemed that that is improper. So it does not depend upon people being blind to their moral or ethical obligations. It was always too easy for people to go to court and their defence was, *I didn't know any better. I didn't know that I shouldn't be taking bribes. I didn't know that I shouldn't be giving people advantages for getting gifts*. Or, you know, the rest of it. So this is to make the ambit of it broader.

Now to all of us here, it is new to all of us, so you know, as it is new to my honourable and learned friend it is new to myself. It is new to all of us. And in British law it is relatively new, six years old. And as I said earlier, we are starting to get cases through interpreting these portions of the Act, so I think the proof of the pudding will be in the eating. But as I said earlier, the recommendations we followed have very much come out of the UK Law Reform Commission and out of the OECD Convention on Bribery. So we are trying to lift ourselves to the highest standard in what we are doing here. And I hope that assists.

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 1 through 7?

The Chair recognises the Member from constituency 36.

Hon. Michael J. Scott: Thank you.

I am going to just conclude. And I am aware that the Director of Public Prosecutions must give his fiat to a prosecution and I know . . . my question that I did ask the Learned Attorney [General], whether we need to introduce an expressed defence for the individual. I suppose we are going to pass onto the DPP the responsibility, when viewing a file, to look at the defendant's defence and perhaps the matter can be resolved there.

But as the Learned Attorney [General] has indicated . . . I mean offering and promises are a native, common part of our parlance in contract law. Giving . . . it is nearly December the 25th. The whole concept of giving has been part of . . . on anthropological studies, giving has formed societies and informed societies down through the ages. Some regard the idea of giving as the beginning of capitalism. So these are the issues, the knotty issues, that are going to be faced in the courts. And giving with the expectation of reciprocity, getting a gift back . . . gift clubs. You give money to your gift club, you know, and you expect a return. Tribal . . . there are tribes that would give a gift to the king and they would expect the king to administer justice for them. I mean there are these kinds of issues that I know will begin to bedevil some of these concepts that we are trying to render now as unlawful bribery actions.

So perhaps we are at the beginning of this where we are going to have to wait for the case law here, as well as internationally. But as my honourable and learned colleague, Mr. Crockwell, has been pressing for, he is trying to work it through his legal mind as all lawyers are going to. And I suppose . . . may I just end by saying that the consultation to Mr. Attorney [General] with the Criminal Defence Bar, and I accept what has taken place, and perhaps there needs to be more consultation on the guidance notes with them so that when we are in front of the summary court judges a breakfast is not made of these provisions on the first outing of this Act being charged against by the corporations or in the citizens of the country.

Thanks.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 1 through 7?

There are no other Members.

Attorney General, if you would move that clauses 1 through 7 be approved.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

I so move that clauses 1 through 7 be approved.

The Chairman: Is there any objection to moving clauses 1 through 7 to be moved as printed?

No objections.

[Gavel]

[Motion carried: Clauses 1 through 7 passed.]

The Chairman: Attorney General, please continue.

Hon. Trevor G. Moniz: Madam Chairman, maybe I could move clauses 8 through 17.

The Chairman: It has been proposed that clauses 8 to 17 be moved.

Any objections to that motion?

No objections. Please proceed.

Hon. Trevor G. Moniz: I am obliged, Madam Chairman.

Clause 8 creates an offence of bribing a foreign public official. This offence arises from requirements under the OECD Convention on Bribery. Bribing a foreign public official covers the offering, promising or giving of bribes, and not the acceptance of them. The person giving the bribe must intend to influence the recipient in the performance of his or her functions as a public official and must intend to obtain or retain business or business advantage. No offence is committed where the written law applicable to the foreign official permits or requires him or her to be influenced by the offer, promise or gift.

[Clause 8](7) expands upon written law. "Foreign public official" is defined expansively in [clause 8](5) to include individuals holding any legislative, administrative or judicial position for existing public functions for and on behalf of a country or territory outside Bermuda. It also includes officials or agents of a public international organisation.

Clause 9 creates an offence for a relevant commercial organisation to fail to prevent bribery as set out in that clause, subject to a defence that the organisation had in place adequate procedures to prevent associated persons undertaking such conduct. The offence is committed where a person who is associated with the commercial organisation bribes another person with the intention of obtaining or retaining business or an advantage in the conduct of business for that organisation. Clause 10 sets out who is associated for the purposes of this offence.

[Clause 9] (3) provides that "bribery" in the conduct of this offence relates only to the offering, promising or giving of a bribe contrary to [clauses] 3 and 8. There is no corresponding offence of failure to

prevent the taking of bribes. Applying ordinary principles of criminal law the reference to offences under [clauses] 3 and 8 include being liable for such offence by way of aiding or abetting, counselling or procuring the secondary liability. The prosecution will show that the person would be guilty of the offence were that person prosecuted under this Act, through actual prosecution and conviction is not needed. Relevant commercial organisation includes corporate bodies formed in Bermuda, corporate bodies doing business in Bermuda, and various forms of partnerships. There is no need for the person bribing to have a close connection to Bermuda, as defined in clause 18, rather so long as the organisation falls within the definition of “relevant commercial organisation” that should be enough to provide courts in Bermuda with jurisdiction.

Madam Chairman, clause 10 defines “associated person” for the purposes of clause 9. Such person is associated with a relevant commercial organisation if he or she performs services for or on behalf of that organisation, whether as an employee, agent or subsidiary. The question of association relates to the actual activities being undertaken by such a person rather than the person’s capacity within the organisation. Where the person being prosecuted is an employee, he or she is to be presumed by performing services for or on behalf of the relevant commercial organisation unless the contrary is shown.

Clause 11 requires the Minister to publish guidance about procedures that relevant commercial organisations can put in place to prevent persons from bribing as mentioned in clause 9(1). [Clause 9](3) requires a court to consider whether an organisation followed any such relevant guidance in determining whether it has committed an offence under [clause] 9 (as is similarly required by section 49M of the Proceeds of Crime Act 1997 in relation to guidance about money laundering, et cetera). The Ministry intends to publish and draft such guidance prior to commencement as part of its continued commitment to stakeholder consultation.

Clause 12 requires a public official (broadly defined to include public officers, Members of the Legislature, persons appointed or elected to any municipality, parish council or any other public authority, and other persons carrying out any function of a public nature) who is offered or receives a bribe to disclose that fact as soon as reasonably practicable. Such persons are also required to disclose a reasonable suspicion that a person has committed, is committing or is about to commit an offence under the Act or under section 33B of the Public Treasury (Administration and Payments) Act 1969 (these are offences of collusion relating to government contracts). Disclosures are to be made to a police officer and, if the official’s employer has established a procedure for making such disclosures, in accordance also with that procedure.

Clause 13 creates an offence of failing to report bribery as required by clause 12. [Clause 13](2) allows a defence where an accused person can prove that he reasonably believed disclosure may cause serious physical harm to himself or another person.

Clause 14 creates an offence of taking action harmful to a person, including interference with a person’s employment or occupation, on the ground that the person has made or may make a disclosure under clause 12.

Clause 15(1) requires the consent of the Director of Public Prosecutions for a prosecution of an offence under the Bill. [Clause 15](2) provides a three-year time limit for the bringing of summary proceedings for an offence under the Bill.

Clause 16 sets out the penalties for the new offences. As the offences are all indictable they will fall within the definition of “relevant offence” and so constitute “criminal conduct” for the purposes of the Proceeds of Crime Act 1997. And you see in the section there is a fine not exceeding \$500,000 or to imprisonment for a term of 10 years or both, and on conviction on indictment to an unlimited fine or an imprisonment of 15 years or to both. So the first was summary conviction, the second is conviction on indictment.

Clause 17 provides for forfeiture of property relating to a bribery offence (based on section 48A of the Proceeds of Crime Act 1997).

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members that would like to speak to clauses 9 *[sic]* through 17?

There are no Members that would like to speak to clauses 9 *[sic]* through—

An Hon. Member: [That is] 8 through 17.

The Chairman: Sorry, clause 8, thank you. I am corrected, clauses 8 through 17.

The Chair recognises the Attorney General.

Hon. Trevor G. Moniz: Thank you.

Madam Chairman, I would move clauses 8 through 17.

The Chairman: It has been moved that clauses 8 through 17 be passed as written.

Any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 8 through 17 passed.]

The Chairman: Attorney General, please proceed.

Hon. Trevor G. Moniz: Madam Chairman, I would then move clauses 18 through 25.

The Chairman: It has been moved that clauses 18 through 25 be moved.

Any objections to that motion?

No objections.

Please proceed.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

Clause 18 provides for the application of the Bill to offences committed wholly or partly outside Bermuda by Bermudians, permanent residents of Bermuda, individuals ordinarily resident in Bermuda, and bodies corporate or partnerships incorporated, formed or registered under the law of Bermuda.

Clause 19 provides a legitimate purpose defence relating to national security for certain bribery offences.

Clause 20 is a standard provision relating to offences committed by a body corporate with the consent or connivance of a senior officer. It ensures and deals with that sort of offence.

Clause 21 deals with the prosecution of offences under section 9 committed by partnerships. Such proceedings must be brought in the name of the partnership and not the partners themselves. Certain rules of court and statutory provisions, which apply to bodies corporate, are deemed to apply to partnerships. And any fine imposed on the partnership on conviction must be paid out of the partnership assets.

Clause 22 establishes the National Anti-Corruption and Bribery Committee (NACAB Committee) and sets out its functions of advising the Minister regarding the effectiveness of bribery legislation and policy. The NACAB Committee is required to review the effectiveness of the legislation and report within five years of commencement. The Minister, in turn, is required to make a report to both houses of the Legislature. The review function is mandated by the United Nations Convention Against Corruption and is meant to ensure that new legislative tools to prevent bribery and corruption are actually being properly used to carry out their stated purposes.

Clause 23(1) confirms that the Bill applies in relation to offences committed wholly on or after the commencement date. [Clause 23](2) provides that no person shall be charged with any of the existing bribery offences (listed in Schedule 1 as the "superseded offences") committed wholly on or after the commencement date.

Clause 24(1) introduces Schedule 2 which makes consequential amendments, including providing expressly in each of the superseded offences that no person shall be charged with the offence if committed wholly on or after the commencement date. Clause 24(2) and (3) empower the Minister to make, by order subject to the affirmative resolution procedure, such further supplementary, incidental or con-

sequential provision as he considers necessary for the purposes of the Bill or in consequence of the Bill.

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 18 through 25?

The Chair recognises the Member from constituency 36.

Hon. Michael J. Scott: Thank you, Madam Chairman.

So, Mr. Attorney [General], I am trying to understand the application of the territorial application. Do I understand it correctly that in cases where a bribery proposition occurs by a Bermudian outside of this Island, is there a requirement that the Bermudian returns to this country? Is that a requirement before a legitimate prosecution can be made? I know it is not there, but I have tried to read [clauses] 18(2) and (3) correctly, but that is a question that presents itself to my mind about outside of Bermuda offences. So that is the question on [clause] 18.

I am sure . . . and I think that is my only query. Yes, thank you.

The Chairman: Thank you.

Are there any other Members?

The Chair recognises the Member from constituency 31.

Mr. Shawn G. Crockwell: Yes, thank you, Madam Chairman.

Madam Chairman, in relation to [clause] 23 as it refers to Schedule 1, and Schedule 1 is the Superseded Offences, you will see . . . and superseded just means it is replacing all of these other offences which are analogous to corruption. And you will see under the Criminal Code Act 1907, section 111 is official corruption, and it goes on, judicial corruption, et cetera.

My question to the Attorney General is, Will this legislation be the legislation for all types of public or government corruption? And, if so, would you deem . . . because I do not want to pre-empt a future debate, but I am just trying to ascertain whether or not this is the Act that covers and deals with any form of corruption, and any other attempted clause or section of any other Act that deals with corruption will be, basically, superfluous.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 18 through 25?

The Chair recognises the Member from constituency 17.

You have the floor.

Mr. Walton Brown: Thank you, Madam Chairman.

Madam Chairman, I am still struggling to understand clause 18. Our Constitution and this Legislature pass laws that are applicable in Bermuda. This is

the jurisdiction for which our legislation applies. I cannot understand how an act performed by a Bermudian in another country can become a legitimate actionable matter for the DPP in Bermuda or the courts. It is outside of our jurisdiction. I would think that those actions are covered by the laws of another country. I just cannot understand how this Parliament even has jurisdiction to pass a law here that applies to the action of a Bermudian who might be living in Singapore. I do not understand that. And I am not a lawyer, I am happy to take guidance, but I need elucidation on this point.

Thank you.

The Chairman: Thank you, Member.

The Chair recognises the Member from constituency 25.

Mr. Mark J. Pettingill: Thank you, Madam Chairman.

I just need to . . . in looking at it, joining with my honourable and learned friend, Mr. Crockwell, in relation to his question there, because I am well familiar with the Bribery Act in other jurisdictions and what has been done. And, certainly, it was something that was started under my tenure as Attorney General, but I do, however, have a concern, and I have raised this before, that we are doing things all over the place and we have a long legislation now.

This today, in my view, is really a very onerous . . . I am not saying that is a bad thing. But Members need to be aware of that. Anybody that is going to run for politics needs to be aware of that and anybody who is in political office needs to be aware of that, that this is onerous. And as it was put to me when I met with members of the FCO [Foreign and Commonwealth Office] and Lord Brown a couple of years ago in relation to the UK Bribery Act, he said, *Don't have a sandwich from anybody. For heavens' sake, don't have dinner.* So just understand how onerous it is like moving forward.

But the question becomes this, if this is it, this should be it. I am not going to foreshadow what is coming later, but there is an issue there, and I think there needs to be some clarity. I know that the Learned Attorney General has spent a lot of time and effort—that is why he is dealing with this today—in putting this together and bringing it forward to the jurisdiction in the form that it is in.

And the Attorney General and the Attorney General's Chambers have done that. And I think that we need to understand and appreciate—is this it? Because in my respectful view it should be it, and you should not have dribs and drabs of areas of potential bribery or corruption all over the place. So I do kind of . . . I foreshadow that, I am not crossing a line, but it is a concern I certainly I have. I was not going to raise it today, my honourable and learned friend, Mr. Crockwell, has raised it and I am following suit with it because I certainly raise it and it may come out later as a concern.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 18 through 25?

There are none.

I call on the Attorney General.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

Again, I thank the Honourable and Learned Members and also the Honourable Member, Mr. Walton Brown, for their comments.

To some extent this is breaking some new ground, Madam Chairman, with respect to bodies that are connected with Bermuda being able to be prosecuted for acts which are committed in a foreign country. It is breaking new ground for us, but it already exists in the UK Bribery Act. So in the UK Bribery Act if someone were to do something here they could be charged under the UK Bribery Act. And this is where the international conventions are going now, both under the United Nations Commission against Corruption and the OECD Bribery Convention. They are going to extra jurisdiction responsibility in terms of prosecutions. So we are still following what other countries are doing, particularly the UK, but it is new territory. I am not going to try to pretend that it is not.

I think the Honourable Member, Mr. Crockwell, raised a question. He started off with respect to, I think it was clause 23 of the Bill, referring to the Schedule. And you know the idea is that this Act will be the umbrella act for all bribery offences on or after this date. That is the idea of it. So that all the old offences under the Criminal Code are superseded offences, so we are moving into a new territory with this Act.

I think I spoke to the Honourable Member, Mr. Walton Brown's, concerns saying, you know, so this is new territory for Bermuda but the UK has extra jurisdiction effect and the Foreign Corrupt Practices Act of the US does as well. So what a US citizen does in Nigeria can be a crime in the US. So this is becoming the rule of the day. So the OECD are really following what the Americans have done and the UK under that are doing that.

I think that only leaves with respect to the Honourable and Learned Members, Mr. Crockwell and Mr. Pettingill. They both raised the issue, and although I do not want to anticipate debate on another Bill which we may be debating later on today, but you know while this is the umbrella act there have been wishes expressed by certain statutory organisations that their organisation have certain belt and braces approach in terms of protection. And so you may see provisions of other Bills which may appear at first sight to overlap with the provisions of this Bill. And I do not want to say any more than that at this point, Madam Chairman.

The Chairman: Mm-hmm.

Hon. Trevor G. Moniz: I do not know if there are any further questions.

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 18 through 25?

The Chair recognises the Member from constituency 31.

Mr. Shawn G. Crockwell: Yes, thank you, Madam Chairman.

Mr. Chairman, I appreciate the Honourable Attorney General's response. I have gotten to know him fairly well over the years and he is nimble on his feet. And I appreciate that, you know, you are going to want to have sort of a belt and braces approach in certain situations.

But if this piece of legislation is superseding, and you will see this in Schedule 1, it is superseding numerous sections of numerous Acts—the Criminal Code Act, the Quarantine Act, the Parliament Act, Marine Board Act, Legislature [Act], Rehabilitation of Offenders [Act], Parliamentary Election Act, the Companies Act, Internal Audit Act, Justice Protection Act, the Referendum Act. So those sections are no longer operative in those Acts. They have been superseded; they have been replaced now by the Bribery Act. So why in the world would the Attorney General's Chambers put a bribery provision in a subsequent Act going forward? It just does not make any sense. You know this is the Act.

So, you know, to do it in a subsequent Act must, in my view, have another motive, Madam Chairman, because if we are going to supersede multiple pieces of legislation, multiple sections which allude to or deal with corruption, bribery, corrupt practices, then to insert it into a future act does not quite make any sense. Because then, you know, in essence it would be superseded by this Act at the end of the day. So I just raise that. I accept the Attorney General's position, but it just does not seem to make much sense.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 18 through 25?

There are none.

I call on the Attorney General.

Hon. Trevor G. Moniz: Again, I thank the Members for their questions. I do not think I can assist any further with any further comments, so I would move that those sections 18 through 25 be approved.

The Chairman: It has been moved that clauses 18 through 25 be approved as printed.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 18 through 25 passed.]

Hon. Trevor G. Moniz: I would move Schedules 1 and 2.

The Chairman: It has been moved that Schedules 1 and 2 be approved as printed.

Any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Schedules 1 and 2 passed.]

Hon. Trevor G. Moniz: I move the Preamble.

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

Any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Preamble passed.]

Hon. Trevor G. Moniz: I move that the Bill be reported to the House as printed.

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

Any objections to that motion?

No objections.

Agreed to.

[Gavel]

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

[Motion carried: The Bribery Act 2016 was considered by a Committee of the whole House and passed without amendment.]

House resumed 2:37 pm

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

REPORT OF COMMITTEE

BRIBERY ACT 2016

The Speaker: Honourable Members, the second reading of the Bribery Act 2016 has been approved.

Any objections to that?

There are none.

So we now move on to the second reading of the St. George's Resort Amendment Act 2016 and that is in the name of the Junior Minister of Tourism, Kenneth Bascome.

You have the floor.

BILL

SECOND READING

ST. GEORGE'S RESORT AMENDMENT ACT 2016

Hon. Kenneth (Kenny) Bascome: Good afternoon, Mr. Speaker, and Honourable Members.

The Speaker: Good afternoon.

Hon. Kenneth (Kenny) Bascome: I move that the Bill entitled the St. George's Resort Amendment Act 2016 be now read the second time.

The Speaker: All right. Thank you.
Are there any objections to that?
Please carry on.

Hon. Kenneth (Kenny) Bascome: Mr. Speaker, and Honourable Members of this House, I am pleased to introduce the Bill entitled the St. George's Resort Amendment Act 2016, which seeks to amend the St. George's Resort Act 2015.

Although I will [delve] into the specifics of the changes to this Act in more detail during the Committee stage, I thought it would be prudent to highlight a few of these changes during my presentation.

Mr. Speaker, you may recall the recent approval plans of the Desarrollos Hotelco Group for 1,214 or 743 acre property located at the site of the former Club Med Hotel in St. George's. These plans will include a 122 room St. Regis Hotel, a spa, a fitness centre, swimming pool, a beach club, tennis court, pool, bar and grill, a renovated St. George's golf course, golf villas, meeting room, a specific restaurant, residential condominiums, buildings and a casino.

This is an exciting time for the Town of St. George's and, as such, the Ministry has continued to work with the developers to ensure this development comes to fruition to make this a win-win for all involved. To that end, as mentioned previously, certain amendments to the original Act are required to ensure the development becomes a reality.

Against that brief backdrop, Mr. Speaker, it is proposed that section 2 of the Act be amended to increase the freehold land area from 0.43 acres to 1,258 [sic] acres. For some unknown reason the lots to be conveyed to the developer as freehold land were not specified in the property plans as lot number 15 instead of "condo lot." For fractional purposes, as was

agreed during the negotiations of the MDA, this agreement is required to take into account the new area of freehold land that is designated as Lot 5 in accordance with the Act. These amendments are reflected in Schedule 5 of the amendment Bill.

Mr. Speaker, the Bill also seeks to amend section 3 of the Act to include a provision to enable the Minister to vary any of the terms, excluding the terms of years, of any of the lease land granted at the request of the developer as approved by the Minister to facilitate the development. This amendment is proposed to avoid having to make substantive amendments to the Act when there are mutual agreement variations upon parliament being in session. An example could be a change of plans to permit a tennis court from one area to another. In the event that the lease between the developers and the government is terminated, the government will have the ability to enter into a direct landlord/tenant relationship for the balance of the term with any sub-tenant that is party to a lease within the developer or its successor in title. Purchases of long lease from the developer in succession to title will require that the comfort in order to make a significant investment in terms of the premium payment that will be payable on execution of a long-term lease.

Mr. Speaker, section 3(2) is amended by inserting that any subsequent variation of the area demised by such leases shall not effect a deemed surrender and regrant of such lease after the word "property." This is important, Mr. Speaker, as with any variation of the area of land demised by the lease has been interpreted in common law as the lease being surrendered thereby triggering in practice natural progression a regrant on a new lease with the new description of the property. This would prove problematic for a lender as this could impact the lender's security. Therefore, an amendment is proposed to negate the effect of the common law.

Mr. Speaker, as relating to the Department of Planning [DOP] it is proposed to amend section 4(1)(e)(iii) and (iv) to include wording that makes the requirements from a Traffic Impact Assessment and an Environmental Impact Assessment something that is at the discretion of the Development Applications Board [DAB].

The Department of Planning has proposed to give the developers and Board the flexibility to consider phases of this project and to approve them without an assessment, Traffic, et cetera, if one is not needed. The problem is if the developer comes forward with an application to, for example, develop some of the residential lots independently of the hotel. The Board may need a full EIA or TIA in order to make a decision on such an application. A blanket requirement for these assessments forces the developer to undertake work that is not necessary that neither the developer nor the Board need or want.

Mr. Speaker, section 5 of the Act relates to Planning permission to subdivide land. It is also proposed to amend this provision to permit the developer to submit draft plans of subdivisions pursuant to the provision of section 35B(2) of the Development and Planning Act 1974, providing that any such amendment shall be subject to the prior approval of the Department of Planning.

Mr. Speaker, a further bit of housekeeping will now seek for section 7(4) of the principal Act amended by deleting reference to “Fort William” (better known as Gunpowder Tavern). This fort never formed part of the MDA of the property plan.

Mr. Speaker, it is anticipated with these amendments to the Act that the Desarrollos Hotelco Group, who finalised the ground lease earlier this year that paved the way for the ground breaking of the \$151 million St. Regis Luxury Hotel, will be able to stay on course to break ground in early 2017 on the second new hotel to the Island in over 30 years. The development is expected to generate construction jobs in the near future as well as expanding opportunities that will avail themselves upon completion of the construction work in 2019.

Thank you, Mr. Speaker.

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

Any other Members care to speak?

The Chair will first recognise the Honourable Member who is the Deputy Leader of the Opposition, MP Walter Roban.

You have the floor.

Mr. Walter H. Roban: Thank you, Mr. Speaker. I am just making sure the [microphone] is on.

Thank you for the opportunity to contribute on behalf of the Opposition. Obviously, I am holding for the Shadow Minister of Tourism Mr.—

The Speaker: Simmons.

Mr. Walter H. Roban: —Mr. Simmons on this matter, Mr. Speaker.

I found the presentation of the Junior Minister for Tourism very interesting, Mr. Speaker, in that it appears as if this is being brought to bring some refinement to the original Bill and make some changes which it is felt is necessary for the purposes of the developer, namely, the increase of the hectares. The Honourable Member did say 1,250 acres and that was puzzling, but I note that that—

The Speaker: He meant one point two.

Mr. Walter H. Roban: It is 1.250. So it was a little puzzling at first, but I note that it actually . . . when you read the Bill it is 1.25. And it seems to give the Minister some latitude with varying the terms of the Bill,

which essentially empowers the lease agreement to make changes on behalf of the developer that are to ensure that the development comes about.

We have some questions, Mr. Speaker, as it relates to this, and also amendments that relate to, I guess, some of the changes that have been made to the Companies Act and the Limited Liabilities Companies Act that have been made since this actual Bill was actually first tabled. So we understand those are technical changes that are to align this Bill with certain subsequent changes. But there are some questions, I think, and I am sure my other colleagues who are here will also have questions.

I note, Mr. Speaker, there seems to be quite an effort by the current Government to do what is necessary to make sure that this particular development comes about. And we respect that. We understand that a lot has been put in place by this government to make sure that this St. George’s hotel development comes about. But I do think that there are other questions that have to be answered as to (and I am not sure if the Junior Minister answered this) this increase in acreage. Is that going to be attached to certain changes that have been made to the plan that have already been filed at the DAB? Or is this to accommodate some future changes or future development that the developer wishes to bring about?

Also, we note that there are also some issues here in relation to the need for certain assessments. They are changing in this Bill, Mr. Speaker, the need for an Environmental Impact Assessment, which, ironically, up until recently, there was a prevailing view coming from the Ombudsman and even some outside groups, that these sorts of assessments to a particular project of this magnitude should be mandatory. But we find here, Mr. Speaker, that they are going to be putting it at the discretion of . . . that they are discretionary, whether it be by the Minister or by the DOP or by the DAB. I think we have to ask the question, Is that advisable with the magnitude of this sort of project and the vast amount of acreage that is involved, that making an Environmental Impact Assessment or other assessments sort of discretionary is in the best interests?

We have heard recently, Mr. Speaker, that some digging is being done up there for archaeological purposes, which is because of the historical nature of the land up there where that has been designated to be a part of this project. Well, we are concerned as well [about] these particular evaluations that are being done, what if later on as they are doing actual construction, things are found? Will the same requirement . . . even though they seem to be going ahead and doing some ahead of time, what if some digging or some excavations done later on discover something. Will these changes being made remove the requirement for the appropriate assessments to be done at that time? Because it argued by having mandatory environmental and other assessments to be included

ensures that a level of protection of what is the interests of the wider community when it comes to the environment.

This is a vast development, Mr. Speaker, and so making certain things suddenly more discretionary does bring some concern as we go along. As the development goes along, if we find that there are things that have not been discovered initially, will the same due diligence be required of the developer going forward? So, that is one question that I would like to see the Junior Minister answer, perhaps to bring a level of comfort to the people of St. George's who are very much interested in this project and certainly should be reassured that irrespective of what happens . . . because we have yet to see the development finally take off.

You know, all of this is happening now. We have not seen any shovels in the ground, as was promised by the Government, which is fine. Things do not always go the way you want. And I think, perhaps, they are finally beginning to learn that, Mr. Speaker. But it should be appreciated that the concern that many have for the ultimate impact this development has to St. George's, whether it be from an environmental standpoint, cultural, historical standpoint is still very much on the minds of the persons who are down there. So when these changes like this come, they are of interest. And it is important that outside of what appears to be general housekeeping from this Bill, i.e., attached with other legislation, adding additional hectares to . . . as it was to doing this development, it is important that that reassurance is given.

I am going to at this point (because I believe there are other members of my team that have something to say on this) sit down and deal with any other specifics when we get into Committee. But we do on this side appreciate because we do not want it to be in any way portrayed that we are somehow against this project, that we are against the need for refinements that come, because fine, when the Bill was initially done there were things that were not anticipated and this Bill appears to be trying to attend to some of those modifications, Mr. Speaker.

But as there has been minimal, I would say, contact between the developers and the St. George's community and the country as a whole as to knowing exactly what we are going to see happening down at St. George's, I think it is important that when the Government comes here that they make it clear, that they bring reassurance, and ensure that the public as well as this House is certain that what is being done is in the interests of St. George's, it is in the interests of this particular project coming to fruition that was going to complement everything that is desired as we begin to evolve in this journey that we have with tourism in particular.

So I will allow others to contribute to the debate, noting that we are generally supportive of the

intentions, but we think that there are questions that must be answered, Mr. Speaker.

Thank you.

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

Any other Honourable Members care to speak?

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: The Chair will now recognise the Honourable Member—just before you start to speak, Honourable Member, I just want to recognise the Minister of Tourism, Senator Fahy, is here.

[St. George's Resort Amendment Act 2016, Second Reading debate continuing]

The Speaker: And I will now recognise the Honourable Member from constituency 5, MP D. V. Burgess.

You have the floor.

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

Mr. Speaker, this Bill is, as the Deputy Leader has said, almost like housekeeping. But there are some major things in here that should have been in the first Bill. For example, increasing the acreage by two acres. Even though when we were doing the agreement with Bazarian we had it in, they are putting it in now. You know, we have no objections to it because that piece of property was always there.

But Mr. Speaker, I am concerned about this Bill where if the developer gets in trouble and defaults then the Minister can make the decision to pass it on to another developer without even coming back to this House. That should not be. That should never be, because if this developer fails, then it has got to go through the procedures. That is what should happen.

This is land that we are letting go for 262 years. Now, that even concerns me because in the first Bill it was for 131 years and they had the option to renew if they are here for another 131. But this Bill takes it right to 262 years. What is it for? To me that does not make any sense. They are not going to be around, you know. It makes no sense.

And Mr. Speaker, this Environmental Impact Assessment not being mandatory even for Traffic, not being mandatory . . . Mr. Speaker, as this Bill states if, for example, their construction is started—they are carrying on, and they find some historical effects they do not have to stop. Mr. Speaker, it would seem to me that that would put us in a jeopardy of losing our certification as being a UNESCO—

An Hon. Member: World Heritage Site.

Hon. Derrick V. Burgess, Sr.: (Thank you, cousin)—World Heritage Site.

That is what that would do. And I think they are down now to say, *Well, we tried it and we've done this before, now we will start this so we can keep going.*

But Mr. Speaker, I am very much concerned about it. I am concerned about even the traffic because as we all know, all those roads in St. George's are very old, very old. Even the Junior Minister will tell you that. And from what I can recall, what was said up here, they are thinking about using Duke of Kent Street, but that is a very narrow street. From the entrance of that Duke of Kent Street coming from the supermarket is very congested daily. So then you can imagine large trucks and whatever has got to go up that hill. There are old houses on that street and it is a very narrow road.

That, to me, would not be the ideal spot for that. The ideal place would be to go over the Barry Road, the Barry Hill Road. And where our intent was to make it one way, particularly when you are travelling . . . when the heavy equipment is being used and being on the northern side of that road because Duke of Kent, as I said, is a very, very narrow road, Mr. Speaker, and we should not . . . I do not think that is the place we should be using, Mr. Speaker.

Again, Mr. Speaker, I really am concerned about the Environmental Impact Statement and the Environmental Traffic Statement. Those things need to stay mandatory. You know, we are just giving away everything. We are putting those . . . I do not think any consideration is given to some of those houses. I know at least one of those houses on that street is over 100 years old. And a lot of those old houses do not have belts on them. That is one of the things that strengthens the house, and you can imagine the vibration, what would happen to places like that. Hopefully it will not happen, but we do not need to take that chance either, Mr. Speaker.

So with that, Mr. Speaker, I take my seat. Thank you.

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

Any other Honourable Member care to speak?

Yes, the Chair would recognise the Whip from St. George's [*sic*], I believe—

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

The Speaker: —St. David's, constituency 3.

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

I have to rise and speak on this because being an East Ender anyone would know the importance of getting the product right down there in St. George's for St. George's as a whole is very near and dear to

anyone who comes from that particular part of the Island. And as my honourable colleague who just took his seat mentioned, when we were the Government we did extensive studies on what the impact would be on the infrastructure in that general area. And one of the reasons why we did that, Mr. Speaker, was because, let us face it, St. George's is a UNESCO World Heritage Site. And we want to make certain whatever changes that we are making down there in that area do not in any way, I guess, impact negatively on that designation.

As my honourable colleague who took his seat did mention, many of the houses in St. George's—the older houses—are a few hundred years old. They, in and of themselves, are historical buildings. And certainly when considering the impact of trucks and what have you coming into the St. George's area to carry the resources necessary to get this hotel done, we looked at what it would do, or the type of problems that may be caused, as an unintentional consequence. And so it was imperative that we looked at the route for these trucks and what have you to ensure that we minimised any negative impact to the residents who live in that area and, indeed, to some of the buildings themselves that we consider as historical buildings.

If you travel up through Duke of Kent Street, you can look at any number of the houses on that street and other areas. If you go up the Barrack Hill you can look at the condition of the hill and you can see some of the problems just . . . almost visually looking at it, that might present themselves if we do not take the due diligence necessary to ensure that we are carving out a path that will cause the least amount of disturbance.

On top of that, Mr. Speaker, I have to speak to things like Fort Williams and the other fort that, as I understand, will be converted to a restaurant. Again, these are old relics; old historical sites, which lend themselves to that status of being a World Heritage Site. And we would hope that any change whatsoever does preserve those sites with the World Heritage organisation and not change them considerably where they fall out of the type of look.

If anyone lives in St. George's, certain areas of St. George's, they would know that the houses in that area fall into what is called the "preservation area" and the buildings in those areas fall, in general, into what is called the preservation area. And they must maintain certain architectural features. When we are talking about forts that are from way back when, one would hope that these structures are not going to be . . . even if they are being used, the inside is being used for something different and for certain amenities, one would hope that overall the whole look and the structure is not significantly changed that it, again, takes from that whole, I guess, World Heritage feature that those buildings and other aspects of St. George's

have led to us being designated a World Heritage Site.

On top of that, Mr. Speaker, even though you know there are certain assurances that the beach will remain public, I have to stand up and say that when we look at the redirection of some of the roads, it is imperative that things like Fort St. Catherine remain available to public access and use. There is not a St. Georgian who will stand for any loss of the use of that beach or not being able to readily access Fort St. Catherine.

And I suppose, speaking as a St. Georgian, we do want to see a structure there and accommodation there that we believe will lend itself to returning St. George's to that once vibrant town that it used to be. So, I do not think any St. Georgians wish for this particular venture to fail. But we want to help in terms of our critique, criticism, whatever you want to call it. We want to help ensure that the product that is going to be erected is in keeping with what we want there in St. George's, helps to maintain our tourist product, and is not something that leads to the exclusion of those who live there in the community.

And so with those brief remarks, I am hoping that as we continue this debate the Shadow Minister who speaks for Tourism in this House can elucidate on those types of things to make it clear to us that in no way are St. Georgians and Bermuda as a whole going to find us on the short end of the stick with this particular venture.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Learned Member from constituency 31, MP Shawn Crockwell.

You have the floor.

Mr. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I would like to say to the Junior Minister who presented this amendment Act and to the Minister who is in the Gallery that I am pleased to see that we are still proceeding. This is a project of national importance to this country, most particularly, to St. George's. It is a project that this Parliament needs to ensure that we support as best as possible and as much as possible to get it going and get it to a realisation, Mr. Speaker.

Certainly we would have liked for construction to have started. But what we have learned is that, in particular with projects of this size, not just the size of the actual physical structure, but the amount of money that is being invested, there are going to be changes. There are multiple parties involved in these types of transactions. It is not just the Government and the developer. You have lenders, you have other individuals who will have an impact and play a contribution in terms of how the development . . . you have the oper-

ator, who also works with the developer. So, you will have the need to have a variation to have things changed, Mr. Speaker, as you go along.

One of our challenges in Bermuda, in our jurisdiction, is that we are so bureaucratic that quite often developers get impatient and they go because in other jurisdictions things get done in a far more expeditious way. And so I think that we have to learn from this experience going forward. I know that there is an Incentive Act that is going to be coming, but we have to create a system where developers when they get here . . . I can recall when I was the Minister, Mr. Speaker, not just on this project, but on other projects, things would grind to a halt because of bureaucracy.

We need to have a system where we are providing really a top-notch service to . . . we hear of the concierge service. We have to provide that to individuals who are coming to our jurisdiction with the intent of investing substantial foreign currency. And we have had a mindset of regulation here, a mindset of . . . for whatever reason, for many years we believed that we were such a desired destination—and we are. I love this country. I think we are one of the best destinations in the world. But the competition is so vast out there, Mr. Speaker, that if people cannot build here they say, *Okay, see you later*, and they go somewhere else . . . very quickly. Central America, in the Caribbean. They can go and build for much less and get more traffic, Mr. Speaker. So we have to be prepared to recognise that we have to go over and beyond sometimes, to not just attract the developers, but to keep them when they get here because they have no obligation to stay and no obligation to invest.

Now, Mr. Speaker, I heard Honourable Members speak to some of the concerns. And I think that it is the right of all Members to look at these things and make sure that we are passing legislation that is good for the country and that, certainly, that we are not doing anything that could, down the road, create a problem. I think that we should feel comfortable with the Development Applications Board that if they deem it not necessary for certain assessments to take place . . . that is why they are there. They are the expertise body to evaluate a situation and not cause unnecessary process to take place if it is not required. So I have no problem with the DAB having the discretion to forego an unnecessary assessment process.

Now the Honourable Member from constituency 5 raised an issue in terms the 262 years. And he was referring to changing it from 262 in this amendment in relation to the original St. George's Act. And I am not quite sure if he was clear on what was happening in the amendment here. But let me be clear that in the original St. George's Resort Act the lease is for up to 262 years. And that was in section 3(1)(b) of the original legislation. And let us also be clear that in the Park Hyatt Act it was 262 years as well. So it was 131 with an option to renew up to 131, so it was 262 in the Park Hyatt Act. So the term of years—

[Inaudible interjection]

Mr. Shawn G. Crockwell: I am going to get to why it is a change here. The change here is not in relation to the lease. The change here is in relation to . . . if you will look at it . . . and this is something probably more appropriate, Mr. Speaker, for Committee, but the change is in relation to the Companies Act and the Limited Liability Act. And in those Acts, as it relates to tourist accommodation and the like, there is a limit of 131 years. So it only makes sense to normalise the term in the St. George's Resort Act because you do not want the developer to be able to hold a residence or a tourist accommodation for less time than they are holding the actual lease. So it just seems to make sense to make the terms synonymous, Mr. Speaker, as it relates to tourist accommodations and the like.

My only other comment, I would like to, again, you know, congratulate the Junior Minister. I know that we need to get this thing going next year, Mr. Speaker, and it would be a great victory for the country. And I do not want to anticipate a future debate, but I am surprised that the provisional licence, Mr. Speaker, is not contained in this amendment. I do not understand it. And when we get to the Bill down the road where it is contained, somebody needs to explain why it is there and not here. It would just seem to make sense. It seems to be neater. It seems to just tie in to what we are trying to do in terms of getting this resort up and going, why that was segregated from this amendment Act.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister for Economic Development, Dr. Gibbons. You have the floor.

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

Mr. Speaker, there were a lot of questions I think coming from the other side of the House and rather than putting that entire burden on the Junior Minister let me see if I can in the meantime tackle some of these questions—

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: —that have come up and I think reinforce the comments that the previous speaker, the Honourable Member from constituency 31 made in terms of the importance in making sure this development goes forward and, frankly, in a timely way as well because I think the people of St. George's for at least 15 years (and probably another five years before that) have not had the benefit of a substantial resort down there. And I think everybody is very pleased with this concept of a St. Regis. It is a

very high-end property, 122 rooms and with all the facilities. And I think not only in the construction phase, but also certainly in the operational phase, it is going to do a lot to help revive St. George's, the town and the surrounding area as well, with jobs and everything else.

Some of the questions that have been raised on the other side relate understandably to the issue of the World Heritage Site and the importance of that. And suffice it to say that, I think, had Honourable Members gone back and refreshed themselves with respect to the substantive Act—the 2015 Act—they would see that there is a great deal of sensitivity already baked into the current Act with respect to protection of the World Heritage Site. And I refer specifically to section 7 of that, which is specifically labelled "Protection of World Heritage Site (Historic Town of St. George and Related Fortifications)."

It talks about such things as the special historical character of the forts being retained and preserved; only minimal changes to the forts' distinctive materials, features, spaces and relationships; any development must be compatible with historic materials, features, size, scale, proportion; and any development scheme shall ensure that the forts are maintained and secured. And I think I can help, hopefully, to assure Honourable Members that the developer is very conscious of this. They understand the importance for the success of their resort and the success of that whole area, that this whole World Heritage Site issue be taken very, very seriously. And I will comment upon that in another minute or two.

An Honourable Member, and I think it was the Honourable Member from constituency 2, raised the issue of traffic—I am sorry, constituency 3—raised the issue of traffic. And I refer her specifically to section 8 of the existing St. George's Act which says, "It shall be the duty of a person driving a commercial vehicle on a route referred to in subsection (1), to travel at such reduced speed as will not cause damage to the road or surrounding structures." And not only is it in the legislation, but I am advised by Chambers, that that also would give somebody who, shall we say, is involved with surrounding structures in the event there was damage to have legal recourse as well. So I think there is a lot which is already baked in here.

So let me tackle a couple of the other questions that were raised in terms of historical features. Honourable Members may be aware that as a consequence of the World Heritage Site and the sensitivity and delicacy around those issues, that there has already been a historical or archaeological assessment done. It was done by Dr. Harris, as many will know, up at the National Museum. In fact, in some of the potential construction areas they effectively did some drilling and looked at, I guess you call them, assessment bores to try and get a sense of whether there was anything of an historical nature there. And that has been done as a report and my understanding is and I am

sure that if anything comes out there will be some future report. And my understanding is that analysis did not show anything that was critical.

Now, I think the Honourable Member from constituency 5 raised the issue of if there is no Environmental Impact Assessment and someone comes across something that they will just keep building and whatever and there may be, let us say, historical remains found or something of that sort. My understanding is that if there are historical remains that are discovered in the course of excavation, they would be subject to what I have been told are the normal rules and people—experts—would be brought in to assess that.

With respect to this issue of the Environmental Impact Assessment being watered down, which I think Honourable Members have suggested on that side, let me just say that nothing is further from the truth, that in fact an entire Environmental Impact Statement was done for the whole site already. What this refers to is if there are minor changes of some sort, then it is going to be up to the discretion of the Development Applications Board as to whether additional Environmental Assessment work needs to be done or not and not have to redo the entire Environmental Impact Assessment should there be changes, as we will see in the amending legislation itself.

So the issue is we are not essentially doing away with it, it is still very much there. And I think the issue actually is covered rather nicely in the Explanatory Memorandum where it essentially says that the clause that we are talking about, would not . . . “a Traffic Impact Assessment or an Environmental Impact Assessment would not be mandatory in respect of a part, or parts, of the Property where the Development Applications Boards does not consider it necessary.” So I think that is what we are talking about in that particular case.

I think the Honourable Member also mentioned that we are increasing the land . . . this particular lot that we are talking about here, which is going from 0.431 of an acre to 1.258 of an acre. He said it is being increased by two acres. Obviously, that is not the case. It is being increased by less than an acre. And the issue here was it was clearly—let us be honest—a mistake. For some unknown reason the lot that was put in as the developable lot there to be conveyed to the developers freehold was specified as Lot 15. In fact, that was the wrong one; it should have been Lot 5.

It was essentially a mistake in the former legislation. So this is not a conspiracy to increase the property. It was just simply the wrong lot was specked in the original piece of legislation.

I think the Honourable Member from constituency 5 also raised this issue of the developer being able to sort of pass it on to somebody else in the event of a default. That is not accurate, Mr. Speaker. What we are talking about here is that in the event of

a default by the developer, at that point there may also already be a number of sublessees. They could be condos or fractional units that have purchased a unit for some 262 years or leased a unit for 262 years. In the event that the overall developer fails, we do not want to put them in a situation where they lose everything as well.

So the only passing on, as it were, is quite clear in the amendment, and it says a sublease . . . sorry, it says if the developer defaults that the sublease will still be maintained as long as the sublessee was there prior to that termination and on that part of the property. So it is not as though you can simply pass this thing on.

Clearly, if there was a different developer, all sorts of issues would kick in and I think we would be, in some respects, at least back to making sure, first of all, that they were appropriate and all the rest of it, but that is a different story entirely.

The Honourable Member, Mr. Roban, was quite correct in terms of his introduction that this is a refinement of the lease to try to facilitate development down there. In terms of—

The Speaker: He is constituency 15, I think, yes?

Mr. Walter H. Roban: Yes.

The Hon. Dr. E. Grant Gibbons: [Constituency] 15, okay.

The Honourable Member from constituency 15, in terms of that. The issue that he raised with respect to the developer or the Minister of Public Works, in this particular case, varying any terms of some of the underlying lots and that sort of thing are for minor issues. If you had to move a tennis court or something of that sort, you would not have to go all the way back to ground zero. The Minister of Public Works, first of all, has to consult with Cabinet before any changes can be done as well, but those are considered for minor purposes. And, again, he was quite correct to try and facilitate development and to move this project along so that St. George's can benefit.

Mr. Speaker, I think those are the main points that I wanted to raise. Let us see, I have another note here. Yes, the Honourable Member, Mr. Crockwell, from constituency 31—

The Speaker: Yes. You spoke the names, Honourable Member.

The Hon. Dr. E. Grant Gibbons: Sorry?

The Speaker: Let us try and leave out the names.

The Hon. Dr. E. Grant Gibbons: I am sorry, yes.

The Speaker: You are doing well.

The Hon. Dr. E. Grant Gibbons: In my head the name twigs the constituency in many cases, Mr. Speaker.

[Laughter]

The Hon. Dr. E. Grant Gibbons: So that is a compliment, I think, to the Honourable Member.

The Speaker: All right.

The Hon. Dr. E. Grant Gibbons: He had asked the question of why the provisional licence is not in the St. George's legislation, and we will get to that, I guess, in a subsequent piece of legislation. And I think the answer to that, as I understand it, is to ensure that all provisional licences are dealt with in the same place. And obviously, as we will find out, the casino licence is the final licence in any case.

Mr. Speaker, those are the comments I would like to make. Thank you, sir.

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

Is there any other Honourable Member that cares to speak?

Since there are . . . the Chair will recognise the Member from constituency 29, MP De Silva.

You have the floor.

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

Mr. Speaker, I am glad to weigh in on this piece of legislation today. As you know, we had quite a discussion earlier this year with regard to this site. And I see that it seems like the rooms have finally been decided—the amount of rooms—and it seems like it is 122 rooms, Mr. Speaker, after seemingly to be moving about like a pinball at times. But maybe the Junior Minister or the Minister . . . I am not sure who is going to be carrying most of this Bill, Mr. Speaker. It might be the Honourable Member from [constituentcy] 22, is it?

The Speaker: Twenty-two.

Hon. Zane J. S. De Silva: Twenty-two. Maybe he might be carrying it, Mr. Speaker. But one of the things that I think that we were trying to determine, and I do not know if it has been determined yet, and I stand to be corrected, but will the developer be made to build the hotel first?

An Hon. Member: Yes, sir.

Hon. Zane J. S. De Silva: And I hear a big Yes, *sir* coming from the Junior Minister—

The Speaker: Honourable Member, you will have your chance to speak.

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

So I hear some confirmation from the Junior Minister that it will be built first, so I hope . . . yes, and the point is, Mr. Speaker, I do not see that anywhere. And when the Junior Minister just made the statement, maybe he is bringing an amendment to his own legislation, Mr. Speaker, to add that in as we go forward and get in Committee. So maybe we will have that. But it certainly will be interesting to hear what he says later on in Committee, Mr. Speaker.

The other thing, Mr. Speaker, you will know that there have been promises made by this group . . . and let me state from the outset that I support (and I have said it before, Mr. Speaker, and I will certainly say again that I support) . . . and declare my interest, Mr. Speaker. My company may even get a bit of work down there, who knows, Mr. Speaker. But let me say that I certainly support this hotel development or any hotel development in Bermuda because we know what it is going to do for our economy. We know that the Minister of Finance is going to like it for the foreign exchange. And we know, Mr. Speaker, that it should produce jobs for Bermudians. So, you know, we certainly support it and I think it . . . I do not think there is a Member in this House that would not support it for those particular reasons, Mr. Speaker.

But I do have some concern, as I had concern earlier this year, Mr. Speaker, and last year and the year before that because we have been talking about it for a couple of years. And it just gives me a bit of concern in that this hotel developer also promised, Mr. Speaker, on October 30th, 2012, to build three hotels in the Turks and Caicos. The Ministers, the Premier of the country at the time, everyone was there for the photo-op. And they were going to spend half a billion dollars on three hotels, Mr. Speaker, and they have not started yet . . . to my knowledge. They have not started.

So I hope that this development in Bermuda is going to be a little different than the development that they promised—the three developments that they promised—in the Turks and Caicos, four years ago—four, Mr. Speaker.

Now, Mr. Speaker, the other thing that I am hoping will come out today, whether it be in this debate or whether it be in Committee, is the time frame. Because you will remember that former Minister Crockwell stated in this House that construction would start December 12, 2014, and would be finished the following year. So my question is, are we going to get a time frame from the Junior Minister or his colleague from constituency 22, or, in fact, any Member from the OBA, Mr. Speaker? Are we going to get a time frame? Are we going to get a start date? Are we going to get a completion date? Are we going to get a schedule? Is it going to be presented to this House?

Well, the Junior Minister said he is going to start with the hotel. What is the start date? What is the completion date? Will they start the condos in conjunction with the hotel? What sort of arrangements have been made? It would be interesting to get that information.

And I know that the OBA wants to be transparent, as they say that they are. And I know that they are going to give us all this information because they are not doing anything in secret anymore, Mr. Speaker.

Mr. Speaker, the other thing that concerns me a bit is the Minister and the Cabinet being able to select another hotel operator/developer if this one fails. You might recall, Mr. Speaker, that one of the concerns that I had when we debated this legislation earlier was the fact that I did not see an “out clause.” Do we get a hotel that is half built, [if] all of a sudden the developer runs out of money and we have another structure that may sit there for 20 or so years?

Now I know that they have attempted, certainly, to put an out clause in this piece of legislation, Mr. Speaker. But what does concern me a bit is that it is not going to come back to this House. They are proposing that the Minister, after consultation with Cabinet, can make that decision. That decision, I think, Mr. Speaker, especially involving a large tract of the taxpayers’ land should come back to this place, Mr. Speaker. It should not, in my humble opinion, be something that is decided by a Minister and/or a Cabinet. That should come back to this House for sign-off, Mr. Speaker.

Now, Mr. Speaker, the other thing that I would like to just touch on (and, again, maybe these answers will be forthcoming before the day is done), is that it is my understanding that one of the local banks is supporting this project to the tune of \$50 million. And the question I have for the OBA, if this is true—and I hope they have done their due diligence, if this is true and a local bank is supporting this project to the tune of \$50 million—what does the bank have as collateral? That is a very important question. And I hope answers will be forthcoming during today’s debate, Mr. Speaker. What is being used as collateral if the local banks are . . . I am not even talking about any foreign financing, Mr. Speaker, because, certainly, that must come into play as well. But certainly I would like to know what the collateral is that is being put up for our taxpayers’ security.

And Mr. Speaker, the last thing I would like to touch on, because many of these things we can go through in detail in Committee—

The Speaker: In the Committee, yes.

Hon. Zane J. S. De Silva: Yes. But the last thing I would like to touch on, and you will know, Mr. Speaker, that when we debated this legislation previously there was a lot of talk about the training of Bermudi-

ans and actually putting that in the legislation. And you will know that it was put in the original draft legislation. But it was taken out when it came here. And then I believe, if my memory serves me correctly, it was put in the MDA. And the former Shadow Minister is saying yes.

Well, Mr. Speaker, I just want to make sure because, you know, some things have changed over the last several months, and I would like to have some reassurance that the training of Bermudians for this particular hotel and this particular project has not also been dropped or deleted from any previous agreements.

So, Mr. Speaker, that is my contribution and I thank you very much.

The Speaker: Thank you very much, Honourable Member.

Any other Honourable Members care to speak on this?

The Chair will recognise the Honourable Member from constituency 24, MP Lawrence Scott, the Shadow Transport Minister.

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

I had not planned on speaking until I heard the Junior Minister from constituency 1 mention that, and actually guarantee to this House and to the Bermuda public that the hotel was going to be built first. And that just raised a concern of mine because based off of my understanding of this Bill and the agreement going forward, the hotel is basically premised off of casino gaming licences being granted to the operator of the hotel. But yet it has been reported in the local media that the banks are not going to be granting or allowing accounts to be opened for casino or gaming establishments of that nature.

So, if casinos cannot get bank accounts here on the Island, that means that casinos . . . theoretically, the hotel cannot have a casino because they will not be able to move their money, save their money—

The Hon. Dr. Grant Gibbons: Mr. Speaker—

The Speaker: Yes.

POINT OF ORDER

[Anticipating debate]

The Hon. Dr. Grant Gibbons: Point of order. I think we are very much anticipating a—

The Speaker: Yes, I think, I think—

The Hon. Dr. Grant Gibbons: —future debate.

The Speaker: I think yes, yes.

The Hon. Dr. Grant Gibbons: The Honourable Member is misleading the House.

The Speaker: I think the anticipating debate is even more direct, more . . . it is clearer.

Carry on and just stay off that line.

Mr. W. Lawrence Scott: Okay. Well it is only . . . and I will take your guidance, because this Bill is about the hotel development in St. George's. And the hotel development in St. George's is premised off of casinos. So, therefore, if we do not have casinos, [will] the hotel will still go up?

The Speaker: From what I have been reading. But I do not know, I am just the Speaker.

Mr. W. Lawrence Scott: What I will do is ask for clarification on that one, on that point.

The Speaker: Right.

Mr. W. Lawrence Scott: Because that will then premise the rest of what I am talking about because that is basically my main concern.

The Speaker: So you might want to leave it and then when you get into Committee, obviously there may be things that may take you to ask that question.

Mr. W. Lawrence Scott: So, in the interest of not anticipating a debate, I guess I will save my speech for when we talk about casinos.

The Speaker: Yes, yes, that is it.

Mr. W. Lawrence Scott: All right.

The Speaker: Very good, very good, very good, very good. Thank you.

Any other Honourable Members care to speak?

The Chair will recognise the Minister for Home Affairs, Minister Patricia Gordon-Pamplin.

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

Mr. Speaker, my comments are going to be brief, but I think it is important that we highlight that this development is one that is, as the Honourable Member from [constituency] 31 indicated, of national importance.

Mr. Speaker, this Government is particularly mindful of the fact that it has been an awful long time since a hotel property has been operating in St. George's of this magnitude. We will know that. I believe this property started out being the Holiday Inn. It then became the Loews. It then became Club Med. And I think it was under the name of Club Med, once

that property was abandoned and there was no more use for the Club Med property, the company had pulled out and we had some promising representations that were made by one Mr. Bazarian. And we expected and anticipated at that point in time that there was going to be a Park Hyatt that would have been constructed on that very same site. Unfortunately, that was not to be.

Fast forward, Mr. Speaker. This Government comes into administration in service to the people of Bermuda and we have looked for how best to be able to ensure that St. George's, in particular, and Bermuda in general were going to be able to benefit from additional hotel rooms, new hotels, new product that would come on line. And there was an exhaustive process that was undertaken with various presentations to the Cabinet by different entities that were interested in that particular property. And it was determined that the Desarrollos Group, who were the ultimate successful bidders, would be given the opportunity to develop that site.

We have heard questions as to whether, in fact, the hotel will be built first, because as we can see from the Act and as we can see from the proposed plans there will condo units and there will be a hotel. I can understand the sensitivity of Members opposite because I think Bermuda was bitten very hard in a very uncomfortable part of the anatomy when it came to the Palmetto Bay Hotel development in which we got the condos and we did not get a hotel. And the hotel has not yet been built. So we understand that anxiety.

The Members of the House can be absolutely assured that this is a concern that we would have had in going into any commitment respecting this project. As we would do with any development, to say if there was meant to be a hotel component and a residence component, the hotel must be built first. This commitment has been made by the Desarrollos developers and we are looking forward to that.

We heard the Honourable Member from constituency 3 question the uses of the historic site and the fact that St. George's is a UNESCO site. And we recognise that. And as the Honourable Member from constituency 22 indicated there was some excavation that was done to ensure that we were not trying to upset the balance of what may have had significant historic value on that particular site . . . to make sure, I think it was said that there was a possibility that this was where Sir George Somers may have landed and we wanted to make sure that we were not defacing what would have supported the UNESCO site. And I think that excavation was able to show that this was not a concern and, as a result, those bore holes were closed in with the [approval of] the historical society with the UNESCO group. That this was fine. We did not have a problem in that regard. So we were not violating that which would have been sacred, if we can call it that, for that particular area.

The Honourable Member from [constituency] 3 also expressed concern with respect to the traversing of traffic up and down and whether it was likely to undermine the very sensitive historic buildings that exist. Obviously, we have those levels of sensitivity. And I think the Honourable Member from [constituency] 22 indicated that as far as the 2015 Act is concerned, there are specific traffic regulations that dictate that vehicles may not traverse those roads in any way that is likely to undermine.

These are sensitivities that, obviously, had to be brought to bear. But I think it is important to point out that when the Park Hyatt was going to be constructed, there was no plan to fly helicopters and land them on the site and then fly helicopters to the other side of the road. They were always going to traverse up that road. So the same way that the former Government would have been concerned to ensure that those properties that are along the highways and byways leading up to this site, both during construction and subsequent to, would have been taken into consideration, they must know that we also share those concerns.

Mr. Speaker, we are very, very mindful of the history of St. George's. We are also very mindful of the necessity to put our people to work. And I am very pleased to hear the Honourable Member from constituency 29, . . . Mr. De Silva, I am not certain of the constituency.

Hon. Zane J. S. De Silva: Yes, correct.

Hon. Patricia J. Gordon-Pamplin: I am very pleased to hear him once again offer his support to the Government with respect to this project.

Mr. Speaker, what really makes me excited as the Minister responsible for Labour is the idea that not only will our people be able to be put to work on the site as it is being cleared and prepared for construction, and during the construction phase, but also when it comes to ensuring that people will be able to work in the property at a level of excellence that will be the hallmark of the brand that the Desarrollos Group has chosen. We want to see, Mr. Speaker, a vibrancy in the town. I think it is important to understand that when the Club Med was dismantled it was not done by way of a wrecking ball or a sledge hammer to very sensitively dismantle the property. It was blown up with dynamite!

And Mr. Speaker, the very act of blowing that Club Med site up, in fact, obviously, served to undermine some of the structures, the very structures—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: —the very structures that the Honourable Member has—

The Speaker: Honourable Members, please. Honourable Members . . . Honourable Members, please. Honourable Members!

All right.

Mr. Walter H. Roban: Point of order.

The Speaker: Yes.

Mr. Walter H. Roban: The Honourable Member may be unintentionally misleading the House. Unless the Honourable Member can bring evidence of such—

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

Thank you.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I said that dynamite was used on that site. It was implosion. Yes, it was implosion. But if you can tell me that you can implode a structure of that size and there be absolutely no ground rumbling . . . I think if Members think—

An Hon. Member: There was not.

Hon. Patricia J. Gordon-Pamplin: If Members think that I know nothing . . . I think that you could have heard it and you could have felt it.

Hon. Zane J. S. De Silva: Point . . . point of clarification and/or point of order.

The Speaker: Yes. Is there a point of clarification? Would you like a point of clarification?

Carry on.

POINT OF CLARIFICATION

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

Just so that the Honourable Member can be educated here today with regard to implosion, there are companies in the world, Mr. Speaker, that currently implode buildings in cities . . . in cities. In New York City, in particular, Mr. Speaker, it is not unusual for implosion to take place. Now this is next to other buildings that are 50, 60 stories high.

The Speaker: I think that makes . . . that brings clarity, thank you.

Hon. Zane J. S. De Silva: Thank you.

The Speaker: Thank you.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I am fully cognisant of implosion. I have actually been very close to sites—

[Inaudible interjections]

The Speaker: Honourable Member, let us just . . . move on from that. Yes, move on from that.

Hon. Patricia J. Gordon-Pamplin: So while Honourable Members feel that they have a necessity to educate me, they can be assured that I do my homework before I stand to my feet.

[Inaudible interjections]

An Hon. Member: Provide evidence.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, as I said—

The Speaker: All right, Members.

[Gavel]

Hon. Patricia J. Gordon-Pamplin: As I said, Mr. Speaker, there was not a wrecking ball-type of environment. And I say that, not as a negative, as Members would automatically want to assume. I say that to let you know that while they had concerns for the infrastructure and ensuring that it was not undermined, certainly this Government will also take all of the necessary steps to make sure that the sensitivity of this World Heritage Site and its environs are not negatively impacted by the construction or the preparation or the development generally of the site.

I also heard the Member from [constituency] 3 being tremendously concerned, as were we, with respect to access to the beach. And that has been committed to writing to ensure that there would be access to the beach.

Mr. Speaker, we want to ensure that the project that ends up being constructed in St. George's is not just appropriate for the surroundings, for the history of Bermuda, but that we also want to have something of which we can be tremendously proud of when it is all said and done. Mr. Speaker, when that is the ultimate aim, you put in place terms and conditions to ensure that that ultimate aim is met. And I believe that this has been done in this instance.

I think Members of this Cabinet will be, perhaps, among the first to express frustration that we would have liked for ground to have been broken when the Honourable Member (the former Tourism Minister) indicated that we would have ground broken. We would have loved for it to have happened at that point in time. But I think there is an expression that we have heard many times in this House that *sometimes you may have to measure twice and cut once*. And I think that the things that have gone into place to ensure that this hotel is able to be built, that it is able to conform with the terms and conditions knowing that it

is within a World Heritage Site, the UNESCO site, that we are not likely to undermine the ability of Bermuda to hold on to that very precious commodity of being named a World Heritage Site.

And I think that we have put in place all of the checks and balances that would ensure that we have a project of which we can be proud, but, more importantly, one that will see our people go back to work, Mr. Speaker. One of which we will see, not just in the short term, but also in the long term. And that ultimately is the aim of this Government to ensure that we assist in every possible way, to see that our people are put to work in a meaningful way and not just necessarily on a short-term basis. Short term, yes, because that is necessary for the duration of the actual construction, but ultimately on a long-term basis and that they can reach the standard that will be expected of a site of excellence.

Thank you, Mr. Speaker.

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

Are there any other Members who would care to speak?

There are no other Members, so the Chair will revert back . . . the Chair will recognise, reluctantly—

[Laughter]

The Speaker: —the Minister for the Environment has the floor.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

I could not sit here and not make a contribution as a lot of this involves the Planning Department and my Ministry. The reality is this project will be moving ahead—I know much to the disappointment of the Opposition. They would love to see this fail.

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker. I think the Honourable Member should withdraw that.

The Speaker: Yes.

Hon. Zane J. S. De Silva: I think he should withdraw that.

The Speaker: Carry on. Carry on, Honourable Member.

[Inaudible interjections]

Hon. N. H. Cole Simons: Thank you, Mr. Speaker. We have the Loren Hotel coming on board next month and early next year we will have the St. George's hotel—two successes—

Hon. Zane J. S. De Silva: Can I quote you on that?

Hon. N. H. Cole Simons: Two opportunities for employment. Yes, you can quote me.

Hon. Zane J. S. De Silva: You will finish next year?

Hon. N. H. Cole Simons: I said *started*.

The Speaker: Just a minute. Honourable Member, take your seat. Take your seat, please.

Honourable Members, the debate has been very good up to this point, and we expect it to be a high level of debate. We expect respect as well. So Honourable Member, when you stand up you speak to the Speaker.

Hon. N. H. Cole Simons: Yes, sir.

The Speaker: And not to anyone else. And other Members please speak when it is your turn to speak and not shouting across the floor.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

The Speaker: Carry on.

Hon. N. H. Cole Simons: For the edification of the community, the plans for the development were submitted, I believe, in August for the development of the hotel. The developers were very cognisant of the fact that they were dealing with a World Heritage Site so they worked with our Historic Advisory Board to make sure that they were comfortable with our plans. They also worked with the local branch of the World UNESCO Heritage Site Committee. The Committee, in fact, had concerns and because of the local Committee's concerns we embarked upon the archaeological study and the historic impact study.

As my colleague (the Honourable Minister of Immigration) indicated, the archaeological study was complete and they found nothing that was of historical value. And so that study basically proved beneficial in that we can be comforted in knowing that we can move ahead with the development of that site knowing that our history will not be compromised. We are waiting for the second study, which is the historical impact study, and that is being done by Dr. Ed Harris in conjunction with the architect of the developer, and we expect to have those results in before the end of November.

Mr. Speaker, as for the beach access, the developers have heard the people of Bermuda and they have made the accommodation and included beach access into their plans. In fact, the preliminary access had been broadened, and this became evident when they presented their final plan. So, yes, they have heard us. They have heard St. George's concerns, and the St. George's people can rest assured that they will continue to have access to all of St. Catherine's Beach.

Mr. Speaker, just recently I spoke with one of the developers—in fact, it was Thursday evening at a function. He had not met me and I had not met him. And the Chairman of the [BTA] pulled me over and said, *You have to speak to the developer*. And we were talking about the development of the St. George's hotel and he indicated to me, he said, *Minister, you need to know that we are committed to developing this hotel. It will take a while, yes, because most of the work of a development of this nature . . . the bulk of the work is done in the planning stage*. Securing Planning approval, anywhere in the world, takes a while. Once you get the Planning approval done the rest is easy. The building can go up quickly.

Bermuda is no different from anywhere else, there is a process that has to be followed, Planning regulations have to be complied with, inspections have to be done, and so that is where we are at and the developers know that this is part of the normal protocol.

So, Mr. Speaker, based on what I have seen, based on the plans that have been submitted, based on my conversation with the principals, I am more than confident that the developers are cognisant of our concerns, of Bermuda's concerns, they are cognisant of UNESCO's concerns as far as its being a World Heritage Site, and they are working to ensure that all stakeholder concerns are addressed. And they assured me that the hotel will begin to be developed within the next four or five months. That is the assurance that they gave to me.

Thank you, Mr. Speaker.

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

Any other Honourable Member care to speak?

The Chair will recognise the Honourable Premier.

You have the floor, Premier.

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

I thank colleagues on both sides of the House for this debate and I thank the Junior Minister for his presentation and my colleagues for answering some of the questions.

Just a few things that I want to amplify a little bit and clear up as well. Before I go there, I do want to give appreciation and thanks to former Minister Crockwell and Minister Fahy (who sits in another place) and Minister Gibbons for their work. I am pleased to see, Mr. Speaker, that both sides of the House are in agreement with this Bill, and I am pleased to hear that the Opposition fully understand just how comprehensive it is, and the amount of work that needs to go into making everything happen before you put a shovel in the ground and bring those bulldozers down to start to clear the way. We have made significant process in this and the St. George's Resort Amendment Act 2016 should be a good step to allow us to move forward.

I think it is also prudent to note during this debate, Mr. Speaker, that the developers have been very open and have shared information. Honourable colleagues, certainly at the East End of the Island, will be well aware, the Junior Minister from constituency 1 was at the town hall presentations that they had where they laid out the plan design for the property where there was a good turnout of people that had the opportunity to get in and look at all the specifics of what was being proposed. And so they have shown their commitment to be open through the whole process.

And they have been very clear in listening to the concerns of the people of Bermuda, specifically as it relates to the UNESCO World Heritage Site, and to the ability of Bermudians who want to enjoy our surroundings, specifically beaches in that end of the Island, and they have taken that on board and they have been adamant that they will respect those wishes and allow us to do what we have to do.

You know in regard to the EIAs, I think Minister Gibbons answered them very clearly. But just let me touch base on that again because it is very important to understand. To get to the Planning application to be put in they had to do a very comprehensive EIA. This amendment right here deals with any further changes that might have to take place to allow the DAB to say yes, this is where you need to focus on any further EIA, to make sure that we can break some of that bureaucracy and red tape that the Honourable Member from constituency 31 talked about in his speech.

One of the challenges we have with development, certainly with larger developments, it that it is always a rolling landscape just because of the complex nature of what people want to do. And if we are to stay abreast of what happens in the world, specifically in this case in regard to tourism, we need to pay attention and allow developers to devote their resources to what is appropriate to devote them to rather than just say, you know, look at the whole project again when we are only talking about a bit over in the corner.

And in regard to the UNESCO dig that was done, that was something that we took very seriously because we are proud that East End and St. George's, specifically, has that UNESCO Heritage. But I was told by one of the individuals who did that survey that Sir George Somers must have drunk Heineken because that is the only thing they found in the holes when they dug them up—lots of Heineken bottles, Mr. Speaker. So I did not know Heineken was manufactured in 1609, but I guess it stood the test of time.

[Laughter]

Hon. Michael H. Dunkley: Mr. Speaker, I would like to deal with the provisional licence question that I be-

lieve was asked by the Honourable Member from constituency 31. And I did take the opportunity to speak to the Honourable Member as well.

[Inaudible interjection]

Hon. Michael H. Dunkley: The Honourable Member asked the question and I am going to answer the question, Mr. Speaker, and those on the other side who want to listen, they can listen too.

The Speaker: Yes, carry on, carry on.

[Inaudible interjection]

The Speaker: Carry on, carry on, Premier.

Hon. Michael H. Dunkley: Yes.

Mr. Speaker, in regard to the provisional licence and whether it should be in this piece of legislation or the next one, the Gaming Commission decided it would be more appropriate to be in the next piece of legislation that we will discuss, the Casino Gaming Amendment Act. And specifically because at the present time there is no provision for provisional licences, so you could not put it in this Act, you would have to put it in an amended Act to allow for the provisions to take place. So I think that clarifies the question from the Honourable Member.

So after the debate today I am pleased to see that we can continue to move forward. As my colleagues have said, specifically the Minister from constituency 9 *[sic]* it is very clear that the developers want to move forward . . . [constituency] 8—no, you are moving next election—from [constituency] 8. The developers are keen to continue to move forward, but they are also keen to make sure that the people of Bermuda fully understand and support this project. And they are keen to continue to build and strengthen their relationship with the East End of the Island in this very exciting project. And we are glad to be here today to have this debate.

Thank you, Mr. Speaker.

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

The Chair will now revert back to the Junior Minister, Junior Minister Bascome, to close the debate.

Hon. Kenneth (Kenny) Bascome: Thank you, Mr. Speaker.

First of all I will deal with some of the questions that were posed. To the Honourable Member from constituency (let me get it right, I do not want to get in any trouble) 3. Yes, [constituency] 3—

The Speaker: Yes.

Hon. Kenneth (Kenny) Bascome: —in regard to Gates Bay, Mr. Speaker. Fort St. Catherine is the building, the beach is Gates Bay. I continue to explain it to all of you folks. The Parish is St. George's, the town is St. George. I am going to tell you again.

Mr. Speaker, you will be aware that when it comes to the Parish of St. George's, I am the guy. I had the opportunity to serve on the Corporation from 1994 up until 2013, so I am well familiar with the entire area, Mr. Speaker. I can assure the other St. Georgian in this Chamber that Gates Bay will remain accessible to the general public. I can assure you of that. I have had numerous discussions with the developers and they have assured me that that particular beach will remain accessible to the public.

Going on, Mr. Speaker, you will be aware that the Honourable Member, my Minister of Immigration, made the point that there was damage done to a few of the houses in the area. Well, Mr. Speaker, I can stand here today and verify that because I take care of one of the properties in the immediate area. It is the last property before you get to Gates Bay. Part of my job, on the 15th of every month, is to keep the property and the surrounding area looking halfway decent if potential buyers come by. And Mr. Speaker, I can tell you that the roof was severely damaged from the implosion of that hotel.

I am surprised that the Honourable Member from constituency 5, I believe it is, would make the point about rumbling going through the town, because that Honourable Member, Mr. David Durham and myself were responsible for removing the debris after the implosion. And we were using the small trucks initially, but all the small trucks complained that the rebar was damaging their vehicles. So the Honourable Member, Mr. Durham and myself sat down and we decided to use dumpsters.

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: It did not, huh?

[Gavel]

Hon. Kenneth (Kenny) Bascome: And Mr. Speaker, my greatest asset is saving news clippings and things of that nature.

But moving on, Mr. Speaker, the hotel actually opened in 1973. It was open for eight years. They then sold out to the Loews Corporation who was here for four years, Mr. Speaker. Loews then sold out to Club Med who was here for four and a half years. The United Bermuda Party had that property dormant from 1988 until 1998 when the Bermuda Progressive Labour Party came into Government. There had been four proposals for that property until the Honourable Dr. Ewart Brown and the former Mayor E. Michael Jones sat up in church and said to me, *What do you have to say now? We have a developer.* I can re-

member that just like it was yesterday, Mr. Speaker. And I said to the Honourable Dr. Ewart Brown, *I am pleased that you have found a developer.*

And I have to give you some history, Mr. Speaker, because I had supported Maria Caisey being the mayor and the press called me and asked me, *Will you still be throwing your weight behind Maria Caisey now that the mayor and the Premier have found a developer?* And I said to the press, *I am more adamant now than ever that he not be the mayor,* because he went public, Mr. Speaker, before sharing that information with his council. And I took a personal affront to that because I was the senior member on the St. George's Corporation at the time, Mr. Speaker.

So I just want to say thank you to those Honourable Members, and I want to say thank to the Honourable Member (let me get his constituency . . . number 31—I marked it) for all the due diligence that he, with the proposed developers, went through to getting us to this particular point. To that Honourable Member, once again, I take my hat off to him. People keep saying that. I will always support him. I say, *Well, when it comes to tourism I have a passion.* And I have said to the Honourable Premier, *I am the Minister of Visitor Development; I am no Junior Minister of Tourism.*

So, Mr. Speaker, with that I move that the Bill go to Committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

It has been moved that the St. George's Resort Amendment Act 2016 be now moved to Committee.

Are there any objections to that?

There are none. So I would like for the Deputy Speaker, please, to take the Chair [of Committee].

House in Committee 4:16 pm

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, Chairman]

COMMITTEE ON BILL

ST. GEORGE'S RESORT AMENDMENT ACT 2016

The Chairman: Members, we are now in Committee of the whole House for further consideration of the Bill entitled [St. George's Resort Amendment Act 2016](#). I call on the Junior Minister in charge to proceed.

Junior Minister, you have the floor.

Hon. Kenneth (Kenny) Bascome: Madam Chairman, I ask that all the clauses be moved.

The Chairman: It has been proposed that all the clauses, that would be clauses 1 through 9, be moved.

Are there any objections to that motion?
No objections to that motion.
Junior Minister, please proceed.

Hon. Kenneth (Kenny) Bascome: Madam Chairman, I am having trouble with this light.

The Chairman: Maybe someone can loan one of their table lights.

An Hon. Member: Is it too much light or too little?

[Pause]

Hon. Kenneth (Kenny) Bascome: Madam Chairman, I move that the clauses all be moved at this particular time.

The Chairman: Member, yes, we have—

Hon. Kenneth (Kenny) Bascome: The Explanatory Memorandum . . . clause 2(a) amends the definitions of “freehold land” in section 2 of the principal Act to increase the freehold land portion of the Property from 0.175 hectares (0.431 acres) to 0.509 hectares to 100,258 acres—

The Chairman: Member, that would be 1.258 acres.

Hon. Kenneth (Kenny) Bascome: Yes, ma’am.

The freehold land is shown outlined in red in the revised Subdivision Plan (Drawing No. 5510/046/448 rev. 1) in the new Schedule 5 (see clause 9).

Clause 2(b) amends the definition of the “Property” in section 2 of the principal Act to add 0.944 hectares (2.331 acres), being the “Remote Area” shown in the revised Property Plan (Drawing 5743/003/01 rev.1) in the new Schedule 3 (see clause 7). This increases the size of the Property from 49.538 hectares to 122.411 acres to 50.582 *[sic]* [hectares] to 1124.43 [acres].

Hon. Zane J. S. De Silva: Point of order or clarification.

The Chairman: Sorry, yes, I am sorry. The Chair recognises the Member from constituency number—

Hon. Zane J. S. De Silva: Twenty-nine.

The Chairman: —[constituency] 29. You have the floor and you have a point of?

Hon. Zane J. S. De Silva: I have a point of clarification.

The Chairman: Minister?

I guess the Junior Minister concedes. Please.

POINT OF CLARIFICATION

Hon. Zane J. S. De Silva: I do not know if all other Members were listening, but all the numbers were wrong and for the record I think it should be re-read so that we can get the record straight, please.

The Chairman: Junior Minister?

[Crosstalk]

Hon. Kenneth (Kenny) Bascome: Madam Chairman, this Bill will amend the St. George’s Resort Act 2015 (“the principal Act”).

Clause 1 is self-explanatory.

Clause 2(a) amends the definitions of “freehold land” in section 2 of the principal Act to increase the freehold land portion of the Property from 0.175 hectares to 0.431 [acres] to 0.509 hectares to 1.25 *[sic]* acres. The freehold land is shown outlined in the red—

[Inaudible interjection]

Hon. Kenneth (Kenny) Bascome: —1.25 *[sic]* acres.

[Inaudible interjection]

The Chairman: Thank you, thank you.

Member, they are just trying to—

An Hon. Member: Assist.

The Chairman: —correct the numbers—

Hon. Derrick V. Burgess, Sr.: Not only that, it is—

The Chairman: —that you are reading.

Hon. Derrick V. Burgess, Sr.: —not clear because what the Junior Minister is saying, one point . . . 0.175 hectares to 0.431 acres, you know, it is “or” and substituting, that is what we should be saying, substituting.

The Chairman: Thank you, Member.

[Crosstalk]

Hon. Kenneth (Kenny) Bascome: Property from 0.175 hectares—

An Hon. Member: No, it is not.

Hon. Kenneth (Kenny) Bascome: It is 0.175 to 0.431 acres.

Hon. Zane J. S. De Silva: It is the same measurement. It is the same measurement.

Hon. Kenneth (Kenny) Bascome: Point . . . 0.59 [*sic*] or 1.25 [*sic*] acres. The freehold land is shown outlined in red in the revised Subdivision Plan (Drawing No. 5510/046/448 rev. 1) in the new Schedule 5 (see clause 9)

Hon. Zane J. S. De Silva: Okay.

Hon. Kenneth (Kenny) Bascome: Clause 2(b) amends the definition of the “Property” in section 2 of the principal Act to add 0.944 hectares or 2.331 acres, being the “Remote Area” shown in the revised Property Plan (Drawing 5743/003/01 rev. 1) in the new Schedule 3 (see clause 7). This increases the size of the Property from 49.58 [*sic*] hectares—

Hon. Zane J. S. De Silva: No.

Hon. Kenneth (Kenny) Bascome: —or . . . or 122.411 acres to 50.482 or 1-2—

Hon. Derrick V. Burgess, Sr.: Madam Chairman, this is becoming very painful.

The Chairman: Member, you are standing for?

Hon. Derrick V. Burgess, Sr.: Yes because—

The Chairman: Your point, please?

Hon. Derrick V. Burgess, Sr.: The point is (b) says—

The Chairman: No, your point . . . you are standing for a reason.

Hon. Derrick V. Burgess, Sr.: The point is he is giving wrong information.

The Chairman: Your point of order?

POINT OF ORDER
[*Misleading*]

Hon. Derrick V. Burgess, Sr.: He is giving wrong information. He is misleading the House.

The Chairman: Thank you, Member.

Hon. Derrick V. Burgess, Sr.: Let him—

The Chairman: He is working on getting the correct information that we all have in front of us.

Hon. Derrick V. Burgess, Sr.: Yes, but it is not—

The Chairman: Thank you very much.

Hon. Derrick V. Burgess, Sr.: —he is not reading it correctly.

The Chairman: Thank you very much.
Junior Minister.

Hon. Kenneth (Kenny) Bascome: To 50.482 hectares or 124.743 acres.

Clause 3(a) inserts paragraphs (d) and (e) in section 3(1) of the principal Act. Paragraph (d) provides that, in order to facilitate the Development, the Minister responsible for public lands, with the prior approval of the Cabinet, may vary any term (other than the term of years) of any lease granted to the Developer. Paragraph (e) provides that, were there to be an early termination of a lease (as a result of default by the Developer or its successor in title), the Minister responsible for public lands may enter into a lease, for the unexpired term of years, and otherwise on similar terms, with the person who immediately before the termination is the tenant.

Clause 3(b) inserts subsection (2A) in section 3 of the principal Act. Under the common law, the variation of the area demised by a lease could be taken to be [a surrender] and regrant of the lease. Subdivision [*sic*] (2A)—

An Hon. Member: Subsection.

Hon. Kenneth (Kenny) Bascome: —subsection (2A) disapplies the common law, except for the purposes of the new section 4(2) [*sic*] of the principal Act—

An Hon. Member: [Section] 5(2).

Hon. Kenneth (Kenny) Bascome: —[new section] 5(2) of the principal Act (see clause 5), in respect of a variation to a lease under the newly inserted subsection (1)(d) (see clause 3(a)).

Clause 3(c) amends subdivision (6) of section 3 of the principal Act. Subsection (6) currently provides that, once the Developer has been granted consent to carry on a “restricted business activity” relating to corporate land holding under section 4A of the Companies Act 1981, that consent cannot subsequently be revoked. The amendment provides that the consent could also not subsequently be modified. It further provides that the consent, once given to any successor in title of the Developer, could also not be modified or revoked.

Clause 3(d) inserts subsections (7) and (8) in section 3 of the principal Act. Subsection (7) defines the newly inserted reference to “successor in title” to make it clear that subsection (6) applies to a successor in title which is a company carrying on a “restricted business activity” referred to in paragraph (c) of the Ninth Schedule to the Companies Act 1981 (i.e. “acquiring land or holding land other than in the case of

land acquired or held under sections 120 and 129” of that Act), but that the company is required to get ministerial consent under section 4A of that Act in the first place. Subsection (8) modifies the following three provisions of law: section 120(5) of the Companies Act 1981; section 129(1)(aa) of the Companies Act 1981; and section 20(5) of the Limited Liability Company Act 2016. These provisions of law provide that a local company, an exempted company, or a local Limited Liability Company, respectively, having a physical presence in Bermuda may, with the necessary ministerial sanction or consent, acquire or hold any land that is a “hotel residence” or “tourist accommodation” (as defined in section 72(1) of the Bermuda Immigration and Protection Act 1956) for a period of 131 years. Subsection (8) provides that, in relation to the acquisition or holding of any “hotel residence” or “tourist accommodation” that is a part of the Property, each of the these three provisions of law is to apply with the modification that “131 years” is to be read as “262 years”.

Clause 4 amends subsections (1)(e)(iii) and (1)(e)(iv) so that a Traffic Impact Assessment or an Environmental Impact Assessment would not be mandatory in respect of a part of, or parts—

Hon. Wayne L. Furbert: Point of order, Madam Chairman.

The Chairman: Your point of order is?

Hon. Wayne L. Furbert: Yes.

The Chairman: No, your point of order is?

Hon. Wayne L. Furbert: Point of order, sorry. The . . . and maybe it was—

The Chairman: I would like to have an understanding of what the point of order is.

Hon. Wayne L. Furbert: If you will allow me to say a few things I will get to it.

The Chairman: Is it?

Hon. Wayne L. Furbert: Well, point of clarification then.

The Chairman: Well the Minister, the Junior Minister, will have the opportunity to accept the point of clarification or not.

Hon. Wayne L. Furbert: I just want to ask—

The Chairman: Junior Minister, do you accept a point of clarification or not? Junior Minister . . . Junior Minister? Do you accept the point of clarification or not?

Junior Minister, do you accept the point of clarification?

Hon. Kenneth (Kenny) Bascome: No.

The Chairman: Thank you.

Hon. Kenneth (Kenny) Bascome: He said never mind.

The Chairman: Please proceed.

Hon. Kenneth (Kenny) Bascome: Protection Act 1956 for a period of 131 years. Subsection (8) provides that, in relation to the acquisition or holding of any “hotel [residence]” or “tourist accommodation” that is a part of the Property, each of the these three provisions of law is to apply with the modification that “131 years” is to be read as “262 years.”

Clause 4 amends subsections (1)(e)(iii) and (1)(e)(iv) so that a Traffic Impact Assessment or an Environmental Impact Assessment would not be mandatory in respect of a part of, or parts, of the Property where the Development Applications Boards does not consider it necessary.

Clause 5(a) amends section 5(1) of the principal Act by providing that the final plan of subdivision (Drawing No. 5743/003/03, consisting of Sheets 1 to 8), prepared by the Senior Land Surveyor in the Department of Land Surveys and Registration, is to be submitted by the Minister responsible for public lands, in accordance with section 35B(2) of the Development and Planning Act 1974, to the Minister responsible for planning.

Clause 5(b) repeals and replaces subsection (2) of section 5 of the principal Act. The new [subsections] (2) and (3) provide that, if the area demised by a lease is varied under section 3(1)(d), at the request of the Developer, a revised final plan of subdivision is to be submitted by the Minister responsible for public lands, in accordance with section 35B(2) of the Development and Planning Act 1974, to the Minister responsible for planning. The revised final plan of subdivision must, however, first be approved by the Development Applications Board.

Clause 6 amends section 7(4) of the principal Act by deleting the reference to “Fort William (Gunpowder Tavern)” because Fort William (Gunpowder Tavern) is not a part of the Property.

Clause 7 replaces Schedule 3 to the principal Act with a revised Property Plan (Drawing No. 5743/003/01 rev. 1). The revised Property Plan includes the 0.944 hectares or 231 [sic] acres “Remote Area.”

Clause 8 amends Schedule 4 to the principal Act by inserting “Drawing No. 5642/021/11 Redcoat Lane” (the definitive boundary plan of the “Remote Area”) in the list of definitive boundary plans of the Property.

Clause 9 replaces Schedule 5 to the principal Act with a revised Subdivision Plan (Drawing No. 5510/046/448a rev. 1).

I thank you, Madam Chairman.

The Chairman: Thank you very much.

Are there any Members that would like to speak to clauses 1 through [9]?

The Chair recognises the Member from constituency 15.

You have the floor.

Mr. Walter H. Roban: Thank you very much, Madam Chairman.

Looking at clause 3, in particular, we see that this clause here essentially allows the Minister, if given notice by the developer, to . . . I am sorry, where it says [in the Explanatory Memorandum] that it provides, "in order to facilitate the Development the Minister responsible for public lands, with the prior approval of the Cabinet, may vary any term (other than the term of years) of any lease granted to the Developer." And this could also mean termination and perhaps a new developer be appointed. I think part of the concern here which has been raised in the general debate, but specific to this clause, is that there is no requirement to come back to Parliament in any way.

Now, I think we appreciate the need to . . . if this particular development is in float and it has actually been started, there is work that has already been done, that if by some chance that developer has to fall away and the interest of the country is to keep the development going, is that there is no need to go back to the very beginning and start the process over again with a new developer. We get that. But I think part of the concern is that this clause does not explicitly outline a process. Okay, somebody is available; we want to get them on board with the project fully, that it does not require any notice to Parliament or any notice publicly of this actual change or this varying. At least this clause does not explicitly sort of suggest that there is some reporting back to Parliament so that we are and the public are properly informed of a change, of a varying of a significant nature because this could be that, it could be something else.

And that it could be done just by the Minister and the developer consulting with the Cabinet, and the Cabinet can approve, that is a bit of a concern, I think, for us. And it does speak to a question of transparency and making it clear that what is happening is of . . . because, certainly, if there is a need to go back to Cabinet it has got to be a significant change to the arrangement that has been in place for the development by Parliament.

So this clause essentially eases that up in that even if there is an interest in making sure that this development keeps on going, does not stop, a new person can come on board without any significant alteration in momentum, that there is no requirement to

come back and tell us what is going on. This clause does not ensure that. So that is some of the concern . . . at least how it is worded. Now maybe I am mistaken and back in the original Bill it actually says that is a requirement, but this clause, speaking to this varying of this actual process, does not explicitly say that. So there is a concern and I would like to have the Junior Minister speak to that.

Going on further, Madam Chairman, the next clause I think is interesting. And I would be interested, perhaps, to have a legal mind explain this to me about . . . under clause 3(b) under the common law, the variation of the area demised by the lease could be taken to be . . . it is easing up, I guess, what terms would essentially cause the agreement to fall away or to be eliminated to some degree in that it seems to be, like I say, it disapples the common law in this instance.

I would like to, perhaps, have them explain to me why that is worded the way it is, because it seems to be allowing less stricter observance by the developer of things that would essentially cause this agreement to fall away. It seems to be, if I can use a more common term, providing a bit of slackness, you know, to the relationship between the developer and the Government and those persons who are responsible for making sure that the terms of the Master Development Agreement are actually followed.

[Timer beeps]

Mr. Walter H. Roban: So I would like to have some clarification on that change through clause 3(b).

[Clause] 3(c)—

[Inaudible interjection]

Mr. Walter H. Roban: Okay. On the advice of my esteemed colleagues, I am going to sit down and give the opportunity for the Junior Minister to give some answers because I do not want to overload him with too many.

The Chairman: Member, there may be other Members—

Mr. Walter H. Roban: And other Members may also have—

The Chairman: Correct.

Mr. Walter H. Roban: —their own treatment of these particular clauses. So I will sit down because I can likely get up again.

The Chairman: Absolutely, absolutely.

Are there any other Members that would like to speak to—

An Hon. Member: Yes.

The Chairman: The Chair recognises the Minister from constituency 22, the Honourable Dr. E. G. Gibbons.

You have the floor.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

As my honourable colleague was around the corner (and I will just leave it at that) while some of the questions were being asked, maybe I can assist here.

The Honourable Member from constituency 15, Mr. Roban, asked clause 3(a), but it is [clause 3 (a)](iii)(d), (e) and (b), which is (2A) down here. So let me try and tackle those in order.

Essentially (iii)(d) is saying—and the wording, obviously, as it always is in this stuff, is important—it says, “in order to facilitate the Development” it goes on to say “by agreement with the Developer and with the prior approval of Cabinet”—and this refers to the Minister of Public Works because that is the landlord in this particular case, okay?—they may “vary any term (other than the term of years).”

In other words you cannot change the number of years, which is 262, that stays the same. But as we know with large pieces of property and with a lease, okay, we are not changing the lease. The lease is still there. But there may be minor modifications within the existing lease which need to be changed, something that was not foreseen when the lease was drafted up. So the check and balance here is that the developer has to come to the Minister of Public Works in order to facilitate the development—and it has to be to facilitate the development, it cannot just for any other reason. They can “vary any term . . . of any lease granted pursuant to paragraph (b).”

And paragraph (b) obviously is important too. It says, “lease the rest of the property to the developer for a term not exceeding 262 years.” So what this is really saying is that going forward there may be a requirement, not to change the least, but to sort of modify the existing lease in certain areas. And rather than having to come back and review a lease—

Hon. Zane J. S. De Silva: Point of order, Madam Chairman.

The Chairman: Honourable Member—

The Hon. Dr. E. Grant Gibbons: If the Honourable Member will let me finish, then I can—

Hon. Zane J. S. De Silva: I think the Honourable Member is misleading the House—

The Chairman: Member—

Hon. Zane J. S. De Silva: —and it is a very important point.

The Chairman: Hold on a moment, please. I would like to hear what you said. Sorry, Minister, please have a seat.

Sorry?

POINT OF ORDER

[Misleading]

Hon. Zane J. S. De Silva: The Honourable Minister just said that he is not changing the lease, but they may have to modify it. In this particular—

The Chairman: And your point of order is?

Hon. Zane J. S. De Silva: My point of order is he is misleading the House, whether it be intentionally or not. But you cannot—

The Chairman: Thank you.

Hon. Zane J. S. De Silva: —say that you are not going to make any changes—

The Chairman: Thank you.

Hon. Zane J. S. De Silva: —you will modify. Modify means to change.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you. Maybe I was not clear. What I was saying was it is not a new lease, okay? So we are not going out and changing a lease. It is still the existing lease, but there may be modification of certain terms—

Hon. Zane J. S. De Silva: Then you are changing it. So you are changing it.

The Hon. Dr. E. Grant Gibbons: Yes, exactly. That is the whole point of this paragraph—that the lease may be varied, but only under certain conditions. And the conditions are that it has to be with the prior approval of Cabinet and it cannot change the actual length, the term, of the lease, okay?

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: And so this is to facilitate development. So if the developer comes back and says, *I want to do this*, to the Minister of Public Works, and it is not to facilitate development, like changing a tennis court from here to there or something of that sort, then Cabinet is not going to agree to it. It is as simple as that.

But the issue is, and these Honourable Members would be aware, you have got a very large piece

of property there. There may be movement of certain things within the piece of property, and rather than having to come back and re-table a lease in the House with minor amendments, this is essentially to be able to facilitate that.

So that is the point.

[Inaudible interjection]

Hon. Zane J. S. De Silva: You do it now, you do it later too.

The Hon. Dr. E. Grant Gibbons: That is the point.

The Chairman: Member, I cannot . . . I only choose to hear one person speaking.

The Hon. Dr. E. Grant Gibbons: Okay. Let me continue, okay? That is (d) okay?

When we get to [clause] 3(a)(iii)(e) it says, “in the event of early termination (as a result of default by the Developer or its successor in title) of a lease granted pursuant to paragraph (b)” —okay that is the 262 year lease—the Property . . . any sublessees . . . so what we are talking about here is if the developer or successor in title essentially defaults, underneath that you are going to have tenants. And those tenants could be fractional owners, condo owners, things of that sort. And we do not want them, essentially, to be in a position where the whole thing collapses.

So, in essence, what this (e) is doing here is it is allowing them to have certainty here for the 260 years or for the term of years equivalent to the unexpired term by the former sublease on similar terms to the former sublease. So it gives a condo owner or a fractional owner some security in terms of if the principal developer defaults. It is that simple. Otherwise it would be very difficult to sell these condos or fractionals or things of that sort.

So it is essentially an ability to be able to . . . if there is a default by the main developer, to if anybody who is there beforehand . . . this is not new people. This is people who had a sublease beforehand. They are able to continue it on the same terms and conditions that they had before, but now it is going to be, essentially, with Government, okay?

The Chairman: Thank you.

The Hon. Dr. E. Grant Gibbons: So that is that.

Now, let me go down to the (2A) which is down below. It says, “A variation under subsection (1)(d) of the area demised by a lease shall not, except for the purposes of subsection (2), by operation of law effect a deemed surrender and regrant of such lease.”

What we are saying here is that (1)(d) was the ability to be able to vary the lease, okay? And what we do not want to happen there, if there are minor modifications to the lease, common law would suggest that

that lease essentially is a surrender. We do not want it to be surrendered and have to regrant a new lease. We simply want it to continue with the minor modifications.

I am looking at the technical officers . . . so I think I have got that straight.

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: Oh, yeah, okay. Yes, it refers to the area of the lease. Yes, so if you change the area then it is not considered to be . . . essentially a surrender of the lease and it does not have to be regranted, basically. Okay?

The Chairman: Thank you.

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

The Chairman: Are there any other Members that would like to speak to clauses 1 through 9?

The Chair recognises the Member from constituency 5.

You have the floor.

Hon. Derrick V. Burgess, Sr.: Yes, thank you, Madam Chairman.

Madam Chairman, no Cabinet can vary or modify a lease in law. Law is made here. For any modifications, any changes, it has to be brought back here to this Parliament.

Now, I want this thing to be successful, I do not want to hold it up either, all right?

And the other point is that if the developer defaults—and I pray to God that does not happen—and you have got three other people interested, you have got to come back here. How are you going to deal with it? That developer certainly does not . . . probably does not want the same contract, the same lease that they had. So there have got to be modifications most times, and it must come back to this Parliament.

Again, no Cabinet can change law. That is . . . they cannot do it. Ask those lawyers over there. They will tell you that any modifications are a change of law. That is what we are here debating now. For example, the 131 years . . . they are trying to change that now because all the other leases that have been given for that basis have been 131 years plus the option to have another 131 years. They are changing . . . they are giving them 262 right off the rail. I am trying to find out what the reason is behind that. What is the reason for changing that? Because it does not make any sense to me.

Thank you.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak?

Thank you.

The Chair recognises the Minister from constituency 22.

The Hon. Dr. E. Grant Gibbons: Yes, I think the Honourable Member from constituency 5 is confused. We are not talking about a new developer here in the event of default for section (d) here, okay? What we are talking about is the existing developer. If there are changes, small changes, they can be varied with the approval of Cabinet. So we are not talking about a situation where all of a sudden there is a default. That is a different section here, all right.

I think it is important . . . and there is no requirement in the principal Act to submit any lease to the House for approval. The Honourable Member will know that in a lease, if the tenant and landholder (or the lessor) agree, you can change a lease. It is that simple. Nothing prevents that. So those two issues, I think, the Honourable Member has misunderstood what we are getting at here.

The Chairman: Thank you. Are there any other Members that would like to speak?

Hon. Derrick V. Burgess, Sr.: Yes, I just want to—

The Chairman: The Chair recognises the Member from constituency 6.

Hon. Wayne L. Furbert: Well, that speaks to my point, Madam Chairman.

Because if you allow the Honourable Member to speak after my honourable colleague here from [constituency] 6, then you can let the Honourable Member speak after the Honourable Member—

The Chairman: Member, would you like to take your seat or would you like to ask a question?

Hon. Wayne L. Furbert: I do want to ask a question, but I just want to know what the rules are—

The Chairman: Please proceed.

Hon. Wayne L. Furbert: —what the rules are.

The Chairman: Please proceed, Member.

An Hon. Member: The Chair recognises people.

Hon. Wayne L. Furbert: Well, I understand that but we know—

The Chairman: Member, please proceed.

Hon. Wayne L. Furbert: Okay. In the early part, Madam Chairman, I asked why we did all 1 through 9 because this is why I am saying because if we had

done sections we could deal with those sections and dealt with them, but that is how you guys dealt with it.

Now, in order to facilitate the development, the Minister responsible for Public Works . . . public lands and the prior approval of the Cabinet may vary any terms. We do not have any concerns about that, that to facilitate the development, the Minister and the Cabinet can do basically what they want. Now they say “minor.” What is minor to them may be major to us in this House.

An Hon. Member: Or the taxpayer.

Hon. Wayne L. Furbert: Or the taxpayer of St. George’s. But we are just rushing things through, trying to get this development through before the 2012 election . . . sorry, the 2017 election. And it is wrong. We cannot be just allowing the Cabinet, the executives, to overrule some things that this Parliament has put through. But now, if we put this through, they will have the right to do it. And what does it mean “to facilitate the development”? To facilitate development could be very broad.

[Inaudible interjection]

Hon. Wayne L. Furbert: It could be significant and we are allowing the Cabinet to make that decision above this Parliament? It cannot be right.

Where is transparency and all those good words that the Government talked about? And then it goes on to . . . what my honourable colleague talked about, where we understand about the lease part. But that has to be a concern for this Parliament to facilitate the development. That could be as wide as . . . you know . . . that you can think of . . . it could be anything. The developer comes to mind and says, *To facilitate my development I want to build . . . triple the size of the land.* I do not know, get more land. And larger buildings, I do not know what it is. But there is something that has to be fundamentally wrong that the executives will allow that to happen. Something is wrong there.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to the clauses?

The Chair recognises the Premier from constituency number . . . sorry, your constituency?

Hon. Michael H. Dunkley: Ten.

The Chairman: Ten.

Thank you.

Hon. Michael H. Dunkley: Madam Chairman, I just heard some information coming from an Honourable Member who just simply amazed me.

Let us be real about what this clause is doing. He talked about build higher and all that type of stuff. How can you do that with approved plans? You cannot change them.

And the Honourable Member who I listened very carefully to and did not interject is now doing that. He should listen and he will be educated on stuff, Madam Chairman.

Hogwash!

People should come to the House and study legislation before they come up here and talk drivel.

Hon. Wayne L. Furbert: Point of order, Madam Chairman.

Hon. Michael H. Dunkley: Absolute drivel.

Hon. Wayne L. Furbert: Point of order, Madam Chairman.

The Chairman: Your point of order?

POINT OF ORDER

Hon. Wayne L. Furbert: The Honourable Member is inferring that . . . I think he is talking about me, that I did not study this legislation. I studied this legislation.

The Chairman: Perfect.

Hon. Wayne L. Furbert: Okay.

The Chairman: Thank you.
Member—

Hon. Michael H. Dunkley: I am not finished. I took that—

The Chairman: I am recognising you, Premier.

Hon. Michael H. Dunkley: I took more drivel in that point of order.

Now, if the Member follows the development application process he will see that that cannot be done.

Now, let us stop crying *Fire!* in a crowded movie theatre when it is not necessary. We all say we want this to move forward. Let us be real and ask some positive questions about this.

Now let me deal with what the Honourable Members raised in a more appropriate way about this. First and foremost, this Act allows discretion by the Cabinet for small changes that are appropriate, as the Minister said, moving a tennis court or something like that.

[Inaudible interjections]

Hon. Michael H. Dunkley: Now, Honourable Members, if you will listen . . . you can speak all night long if you want in Committee, but do not interrupt.

[Inaudible interjections]

Hon. Michael H. Dunkley: And you might find that your dinner is taken at your house, not in the back.

The Chairman: Speak to the Chair, speak to the Chair.

Hon. Michael H. Dunkley: Oh, I am speaking to you, Madam Chairman, because he might find that he actually moved on.

And the reason why that is done, as the Member from constituency 31 said, who has been the Minister of Tourism, and he understands the challenges—

[Inaudible interjection]

Hon. Michael H. Dunkley: And I hear the honourable chirping bird from [constituency] 21 who wants to say why is he not anymore . . . well, he will have an opportunity to speak.

[Inaudible interjections]

Hon. Michael H. Dunkley: Honourable Members need—

[Inaudible interjection]

Hon. Michael H. Dunkley: And we are getting back to the point where people do not want to listen to the House because we have a constructive debate and it goes downhill. Members can stand up any time they want to speak. Let us show some respect, tolerance, and understanding and we will all be in a better position.

Now, can I get back to the point, Madam Chairman?

The Chairman: Yes.

Hon. Michael H. Dunkley: It is hard to develop anywhere in the world because when you are developing big projects there are a lot of moving parts in it. If we want to keep up with our competitors, we have to have a degree of flexibility in the right fashion to make it happen. And you know the difference between . . . and I heard the Honourable Member from constituency 36 in the general debate talk about . . . sorry, it was in another debate, so I am not reflecting back, but in those times you know you would take something to the King or the Queen and you would get permission to do this. The world has changed. The world has moved on. We live in 2016 where any Member of Par-

liament or any member of the public can access any information they want at any time. So if—

[Inaudible interjection]

Hon. Michael H. Dunkley: So if honourable colleagues have a concern about any of this stuff they can see all the documents. Nothing can be hidden. But if we want to stay at the cutting edge and if we want to continue to grow tourism, if we are really genuine, Madam Chairman, genuine about building tourism, or if we really want to get caught up in the political muck back and forth, we have to make the decision. Because I am sure the Honourable Members, if they have the opportunity after the next election to sit on this side, are going to see it from this light, all right?

An Hon. Member: We will be there.

Hon. Michael H. Dunkley: They are going to see it from this light, that we need to understand that we have to have a degree of flexibility because you cannot . . . we are not going to hide anything in this world. We are not going to hide anything in this world, and I would like the commitment from Honourable Members on that side that they will not hide it as well.

An Hon. Member: You are hiding your Junior Minister.

Hon. Michael H. Dunkley: Because . . . and I hear the Honourable Member say, *You're hiding your Junior Minister*. The Honourable Members on that side [have] got two Bills from a Shadow Minister that is not even in the House. So do not tell me I am hiding anything. Do not play political smoke with me. You can stand up and speak.

This is serious business. This is about regenerating Bermuda and St. George's and we want to play political games back and forth, cry *Fire!* in a movie theatre when there is no need to. Come on! Let us move forward.

Hon. Derrick V. Burgess, Sr.: Speak to the Bill, Michael.

Hon. Michael H. Dunkley: I am speaking to the Bill. And also I am speaking to claptrap that I hear come up because it needs to be dealt with, not get for six . . . send it on, bring a new bowler. It is important in this world, because if you mess around with developers and do not have right reason for it, they do not need to be here. They do not need to be here.

One of the biggest concerns we hear, and I am sure Honourable Members heard it on that side, is *too much red tape and bureaucracy*. Yes, we understand proper legislation, regulation, oversight, transparency. But there has got to be a fine balance to

making sure it works properly. And I think we found this balance because at the end of the day, Madam Chairman, people can get any information they want.

So if Honourable Members on that side are genuine and sincere about moving it forward, they will understand that this clause will actually work.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak?

Thank you.

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you.

The Chairman: You have the floor.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

You know, Madam Chairman, it is interesting to hear the Premier mention such words like, *if we are serious*, and, you know, *we do not have anything to hide over here*. But yet we have been trying to find out information about the airport for about two years now.

The Chairman: Member—

Hon. Zane J. S. De Silva: The same—

The Chairman: —the Bill in front of us is entitled St. George's Resort Amendment Act.

Hon. Zane J. S. De Silva: Yes, Madam Chairman.

And the Premier was talking about transparency and not hiding anything. He was the one that brought it up. And he said it was serious business, and it is serious business. And the airport is serious business. That is just one of the things that they hide from our people, Madam Chairman, that is serious and it continues. We will see how serious it is at next week's . . . or maybe this week's sitting, Madam Chairman.

Madam Chairman, the Premier also just talked about there are lots of small changes that are going to take place, that is why we need to have this change in legislation. I have not heard an example yet. What is a small change? What is a small change? And he also went on to say that on a project of this size we need a lot of flexibility. Wow! This is the same Government that accused us, when we were Government—

The Chairman: Member, we are talking on clause 3.

Hon. Zane J. S. De Silva: Yes, I am just—

The Chairman: I thought I would help you out.

Hon. Zane J. S. De Silva: Yeah, I am talking about clause 3, just like the Premier was, Madam Chairman. He talked about flexibility and that is why this clause is . . . he tried to explain this clause in his words. I am just trying to explain it in our words.

The Chairman: And I thought I would just identify the clause that you were addressing—

Hon. Zane J. S. De Silva: Clause 3(a).

The Chairman: —which you failed to do, so I thought I would do that for you.

Hon. Zane J. S. De Silva: Oh, thank you. Thank you, Madam Chairman. Clause 3(a) is what I am talking about. Thank you very much.

So, Madam Chairman, it is the flexibility that the Premier said that we need to have. And he said he needs to have a lot of flexibility. Well, maybe it would be helpful for those on this side to understand what he is talking about. Is he talking about changing a few windows? Is he talking about changing a door knob? Or is he talking about . . . like we have heard many times, Madam Chairman (and if you give me a second I will give you a couple of examples).

On May 23, 2014, the former Minister of Tourism in a ministerial statement to this House said that there will be 238 rooms, 16 hotel residences, and 24 golf villas. Then in December 2014 the same Minister said that they will do it in phases. There will be 122 rooms, 8 residences, and in Phase 2 there will be 4 large villas, and 22 golf villas. And then, once again, on July 17, 2015, the former Minister said there will be a 122 room hotel, 90 condos, and 6 estate residences.

Now, are these some of the changes we can expect from this Government? I do not know. They have not given us one example. But I have given you three examples—ministerial statements made by Members on the other side. And yet we have had these three major changes. So what is the Premier . . . and maybe the Junior Minister is going to talk sometime tonight and it will not be the Member from [constituency] 22 holding fort. And while we are at that, the Junior Minister makes an extra \$12,000, \$13,000 a year—

The Chairman: Member, Member, can we continue . . . I am going to . . . if you would like to take a look at [Standing Order] 32 of the Proceedings of Committee it is going to help to identify where we will go. But I am not going to let you go too broad, okay?

Hon. Zane J. S. De Silva: Okay. Thank you. Thank you, Madam Chairman.

Well all it is, Madam Chairman, is we have some legislation that is brought to this House by a

Junior Minister and yet you have the Premier and you have the Honourable Member from constituency 32 doing all the debating. I am looking for the Junior Minister who is responsible for bringing this legislation to answer some of these questions.

The Chairman: Thank you, Member.

[Inaudible interjection]

The Chairman: You continue . . . you have the floor to ask any further questions.

Hon. Zane J. S. De Silva: But the honourable chirping bird Premier wants to pipe up now.

The Chairman: Member—

Hon. Zane J. S. De Silva: The man who called me a chirping bird—

The Chairman: Member—

Hon. Zane J. S. De Silva: It is amazing. It is contagious . . . chirping bird Premier, oh, yes.

The Chairman: Would you like to continue with asking specific questions—

Hon. Zane J. S. De Silva: Yes.

The Chairman: —on specific . . . if you would help us out and tell us where you are at. That would be great.

Hon. Zane J. S. De Silva: Thank you. Thank you, Madam Chairman.

But it just, you know, when we talk about this being serious business, Madam Chairman, and you talk about the Premier . . . *Look, let's stop holding up legislation and let's move on it for the sake of expediency* . . . You will recall, Madam Chairman (maybe you will not recall, but . . .), when the Honourable Member from [constituency] 22 sat on this side of the House and we talked about things like in clause 3(a) and you talk about things like in clause . . . because we are doing all nine [clauses], are we not?

The Chairman: Yes, indeed.

Hon. Zane J. S. De Silva: Yes, in clause 3(d) as well, [new] section (7), Madam Chairman, when we talk about changing 131 to 262, Dr. Grant Gibbons said years ago when we were discussing one of our leases that 260 years is way too long. I have him quoted.

[Inaudible interjection]

The Chairman: Members, I only want to hear one voice.

Hon. Zane J. S. De Silva: So, Madam Chairman, we have an issue on this side, as I said in the general debate, with the Minister and the Cabinet being able to vary a lease, being able to change a lease that should be changed in this House. And until Members on that side can give us a few examples . . . like I said, if you want to change a window, okay. They are going to do that anyway. Why bring legislation to say that a Minister and the Cabinet can modify this lease? Are they really trying to be as transparent as they are showing they are not? I will hold that for now, Madam Chairman.

The Chairman: Thank you.

Are there any other Members?

The Chair recognises the Minister from constituency 22.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman. Let me see if I can help the Honourable Member out here.

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: I think there is a little bit of a misunderstanding because this obviously refers back as well to the St. George's Resort Act. And it is very clear in the St. George's Resort Act that the lease does not have to be brought to the House, okay? It was not brought and approved as a lease. It was approved as an Act.

So essentially section 3 of the St. George's Resort Act, and I will read it says, "Notwithstanding section 8 of the Public Lands Act 1984, section 120 of the Companies Act 1981 or any other Act, the Minister may, for such consideration as the Government may determine—(a) convey any of the freehold land to the Developer (in fee simple); or (b) lease the rest of the Property . . . for a term not exceeding 262 years."

So what we are talking about here is this is a situation, and they did it with a Park Hyatt Act, where the lease does not come to the House for approval. It came as a courtesy. But the bulk of the leasing of the property, if I can put it that way, is in the Bill itself, okay?

So the Honourable Member gave lots of examples about changing the number of rooms and all that. That has nothing to do with the lease. Those are Planning changes, okay? And we know that the Planning application has already been made, okay? If they want to change the Planning application to change the number of rooms or whatever, then they have got to bring it back to the House. We are talking about changes to the lease here, which does not have to be approved by the House.

So in essence what we are talking about is minor changes to a lease which may come as a consequence of technical issues which come up in the

next few years, but the lease itself does not have to come to the House, nor does a change to the lease have to come to the House. A new lease entirely, if it gets changed in certain ways.

But what this is doing is facilitating development, and there are certain parameters around it in that sense and there are checks and balances. Obviously, Government is not going to want to do anything which is going to impact Bermuda or St. George's or things of that sort. We are going to want to get as good a deal as we can. So these allow technical changes to the lease which does not have to come to the House in the first place. I hope that helps.

The Chairman: Thank you.

Are there any other Members?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Well, I thank the Honourable Member for trying when he talks about facilitation. But what are the changes . . . well, I am going to ask Minister Gibbons, because we are still not . . . you know I should be asking the Junior Minister, but I will ask him and I will ask the Member from constituency 22, when he talks about facilitation and changes and things like that . . . not to change the lease. Would you be referring, if I could ask the Honourable Member . . . Madam Chairman, could he be referring to maybe the collateral that the Government are allowing the developer to put up for financing? Could that be one of them?

The Chairman: Thank you, Member.

Are there any other Members—

Hon. Zane J. S. De Silva: Well, I would certainly like an answer to that question.

The Chairman: Thank you.

The Chair recognises the Member from constituency 22.

The Hon. Dr. E. Grant Gibbons: Again, no.

The Chairman: Thank you.

The Chair now recognises the Member from constituency 36.

Hon. Michael J. Scott: Yes, thanks, Madam Chairman.

The Chairman: And I believe we are on clause 3.

Hon. Michael J. Scott: I am on clause 3(a)(iii)(e).

The Chairman: Thank you very much.

Hon. Michael J. Scott: So I heard the Minister of Economic Development say that we do not need legislative approval for making changes in the lease. But under our Public Lands Act the Legislature must approve sales of land and/or dispositions of interest in land—leases—it must.

So in that context when we read that in [clause] 3(a)(iii)(e) “in the event of early termination (as a result of default by the Developer or its successor in title) of a lease granted pursuant to paragraph (b), grant a lease of a part of the Property to any person”—this is the point that I am asking: How does this comply with the Public Lands Act requiring that dispositions of land must be approved by the House? I would be grateful for that rationale, please.

The Chairman: Thank you very much.

The Chair recognises the Member from constituency 22.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman. I am happy to help.

It is covered under section 3 of the St. George’s Resort Act where the Minister may convey and lease property to the developer. So it is, in essence, those provisions of a lease being brought to the House are covered in the principal Act itself, okay. So we do not have to bring the lease to the House because the lease is effectively the St. George’s Resort Act 2015, in that sense. There is a separate lease—

[Inaudible interjection]

The Chairman: Thank you.

Are there any Members that would like to speak?

The Chair recognises the Member from constituency 15.

Mr. Walter H. Roban: Thank you, Madam Chairman.

I am not sure if . . . now there has been quite a full debate on this particular clause, and I think that should be appreciated because this is a very important development and the process of getting to where it can actually practically be done is . . . has been very important to everyone. Certainly, that is why it has clearly inspired such emotive and serious discussion. And despite what may be believed by persons on the other side or in the listening audience, we on this side are serious about this.

My fundamental question about clause 3 and the points I raised had to do with having a minimum requirement, because I appreciate that there could be different levels of, like degree of variation, that we are talking about. I totally get it. So that is understood, we understand that.

Some of my Members have sort of described much more extensive changes which may be accom-

modated in other aspects of law, such as the DAB and other things. But I raised a point in that there seems to be no explicit—and this is my fundamental question. One of the points I raised . . . there is no fundamental explicit requirement to report those variations back to this House. Not with a view to interrupting or somehow interfering with either the ability of the developer to oversee the property as they . . . you know, under the powers that they are given. But just that the House be informed.

This process is a creature of Parliament. The land upon which they have been awarded the 262 years is public land. So any change to the interrelationship with the land by the developer or how they are going to handle it . . . I think my fundamental question was having a minimum requirement, however minimal these variations might be, that they report it back here because this is land of public concern. It is not a private development. And that should be the minimal requirement with the changes that have been made to the lease and any variations to the lease in my view.

Although other points have been raised about the relationship with the Public Lands Act of which the Minister has explained, fine. Those may be points that we are not going to agree with based on our interpretation as the primacy of the Public Lands Act over everything else. Because there is an assumption that the Public Lands Act has primacy over all areas that are under the Government’s ownership of land, and that there should be some reference to it irrespective of changes that are made.

Now, I do not have the principal Act in front of me, Madam Chairman, but just because it states what the Honourable Minister said in the Public Lands Act it does not give the . . . in the principle Act, I am sorry—

The Chairman: That is fine.

Mr. Walter H. Roban: That does not speak to the primacy of the Public Lands Act, which is supposed to govern all land irrespective, nothing can be done other than what is explicitly outlined in the Public Lands Act.

So those are the concerns we raise based on . . . seemingly missing because this was not explained in the Junior Minister’s brief. Clearly, other Members of the Cabinet are explaining, trying to give explanation. But clearly we are raising these questions because they are not explicitly outlined in what we have heard thus far from the Government.

So I go back to my point that I raised under clause 3 [which] was about those two specific areas and I understand the explanation given by the Minister, but that these variances can be made with no real requirement to report them back. I think we appreciate that changes may be made, nothing is engraved in stone. Once this development begins to take life, as we all hope it does, things may change. Right now,

you know, I do not know, are the plans even approved yet? I do not know.

[Inaudible interjection]

Mr. Walter H. Roban: But I can tell you this, the previous life of this development under the Park Hyatt, we were further on than that when, unfortunately, that development fell away. We were a lot further than where they are now and it still fell away.

An Hon. Member: Yeah, yeah, yeah, yeah.

Mr. Walter H. Roban: So I am not being critical of the Government, I am just describing a statement of fact. And if the Honourable Members do not like that, that is too bad, this is fact. I was a Minister at the time, I know. The plans for the Park Hyatt development were approved October/November 2011. So we were way further ahead, even with that development, with all the same structures that we have here now and it still fell away.

I am not in any way hoping, Madam Chairman, that this happens with that. I am not. Because I think there is this intention sometimes of the other side to imply that somehow we want this to fail. No. And it is unfair and it is preposterous for them to suggest it at this point. But the critique that Members on this side are giving to these two clauses is speaking to concerns that are real.

So I state again: My questions that I fundamentally had were that having a minimal requirement of reporting minimal changes or maximum changes to the lease arrangements back to this House . . . why can that not be a part of it? Even though, as the Minister said, there is no real requirement for the lease to have even been tabled here from it, that is okay. But any changes, as they are explicitly outlining this variation, in the law here why can we not have those changes ultimately . . . whether minimal or maximum in their nature to the implication of the lease, be just reported to the House so that we can note any changes that have happened?

This is public land. I think that is what is being missed. We must not miss the fact that this is public land, two hundred . . . you know, public land that is being released to a private developer for multiple lifetimes. It is a substantial percentage of what little land we have. It is being done in the public interest. It is being done to assist in the economic health of this country. We get it. But raising the questions we have speaks to that issue—this is public land. This is not private land. This is not Tucker's Point . . . Mid Ocean . . . Tucker's Town, this is not that. This is public land, and we raise these questions on these specific points to make sure that there will be constant public accountability and transparency—everybody likes that word these days—on whatever happens with these issues.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 1 through 9?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Madam Chairman, I would like to almost continue on from my colleague MP Roban with regard to clause 3. And I am going to move onto clause 3(8), and in particular when we talk about increasing our lease.

One of the things I think we have to be aware of is I know that two years ago, when we debated this for the first time, we were told by the Tourism Minister that he was satisfied and Cabinet was satisfied that financing was in place. And what I think my colleague, Walter Roban, was trying to say is that we were told financing was in place, too, by Mr. Carl Bazarian. But lo and behold, sometimes people run into difficulties along the way. Obviously, that is what happened. And that is what gives us some concern here.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes, that is what gives us some concern. And I have to ask the question, Madam Chairman, is that . . . ask the OBA, where are we? And I say OBA because it seems like the Junior Minister has lost his tongue. So I ask the OBA where are we in terms of financing? Because we already know that the OBA gave away Par-la-Ville, so we do not want them to give away this property as well.

The Chairman: Member, I am trying to find where that is in the Bill.

Hon. Zane J. S. De Silva: No, I was just . . .

[Inaudible interjection]

Hon. Zane J. S. De Silva: Madam Chairman, what I am talking about is to clause 3(8) when we talk about a hundred . . . and let me explain that statement about Par-la-Ville. Because we know that the OBA made a big mistake in losing that deal. Not . . . not . . . notwithstanding—

The Chairman: You are drifting slightly away from the St. George's Resort—

Hon. Zane J. S. De Silva: Well, I am trying to—

The Chairman: In fact, it is the other end of the Island.

Hon. Zane J. S. De Silva: Yeah, what I am trying to get at is the principle, Madam Chairman, the principle. The principle of moving this lease from 131—

The Chairman: But Member, we are not in the . . . Right now, we are not in the principle of the Bill. That was discussed prior to Committee.

Hon. Zane J. S. De Silva: No I was not talking about the principle of the Bill, I was talking about the principle—

The Chairman: Now—

Hon. Zane J. S. De Silva: —in terms of real estate and making deals—

The Chairman: —now we discuss in detail.

Hon. Zane J. S. De Silva: —and signing leases, that principle.

The Chairman: That would be general . . .

Hon. Zane J. S. De Silva: Okay I will skip the word *principle*.

The Chairman: Thank you.

Hon. Zane J. S. De Silva: I am trying to get to the point.

The Chairman: We are not in general discussion anymore, that is why . . . that was just an observation.

Hon. Zane J. S. De Silva: I am talking about [clause] 3(8), Madam Chairman.

[Inaudible interjection]

The Chairman: Thank you, Member.

Hon. Zane J. S. De Silva: You know the chirping bird Premier was able to—

The Chairman: Member, we are going to be respectful. I . . . I—

Hon. Zane J. S. De Silva: Yes, we should be. And if you allow the Premier to call me chirping bird, I should be able to call him chirping bird—

The Chairman: I will accept that.

Hon. Zane J. S. De Silva: —for the next hour.

The Chairman: Member, I will accept that. But let us say that we are bigger.

Hon. Zane J. S. De Silva: Okay. Well, I try to be bigger. I want to be on par with the honourable chirping bird from constituency—

The Chairman: Member. Let us just be respectful.

Hon. Zane J. S. De Silva: Okay. I believe in treating those how I am treated. I will respect those that respect me. You want to get in the street and fight I can get in the street and fight, Madam Chairman, you know that.

The Chairman: I prefer not, I am a lady.

Hon. Zane J. S. De Silva: And certainly the Premier knows that too.

But, Madam Chairman, let me just not lose track here. Getting back to [clause] 3(8) where we talk about 131 . . . 131 years as opposed to 262 years. And the reason that I was drawing an analogy is that this Government lost a very valuable piece of property despite telling us in this House that very specific criteria will be adhered to and thorough due diligence will be done to the satisfaction of the Bermuda Government before execution of what is essentially a collateralised mortgage. That was from . . . that was from Premier Michael Dunkley himself made this statement—

An Hon. Member: No.

Hon. Zane J. S. De Silva: —about this \$18 million and the Corporation of Hamilton. That was he who made that statement, Madam Chairman. So what I . . . and the reason I draw that analogy is this: We must be careful if we are going to extend 131 . . . and I know the Honourable Grant Gibbons supports me because he said in this Honourable House when we did the Park Hyatt Act that 260 years was too long. But now, 262 years is okay. So he has had a change of heart. That is okay. But I just draw the point.

[Inaudible interjection]

Hon. Zane J. S. De Silva: He certainly did. I have him quoted right here.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Madam Chairman, I would really like to have the Junior Minister to confirm to us that the financing is in place for this project because it would be a shame for us to put ourselves further on the hook, as it were, if financing is not in place. And . . . and I will take my seat.

The Chairman: Member, I think I am going to remind you that we are sticking to the Bill. We have had some healthy discussion, which I have appreciated, but we

are going to stick to the details of the Bill entitled St. George's Resort.

Thank you very much.

Are there any other Members that would like to speak to clauses 1 through 9?

Thank you.

The Chair recognises the Member from constituency 15.

Mr. Walter H. Roban: Thank you, Madam Chairman.

I am not sure we have had all of our questions answered around some of the issues around clause 3. But in order to facilitate this discussion, because I am sure there will be plenty of discussion on things that are to come as well, my question here is based on clause 4, I think, which pertains to the relaxing of the requirements for the Traffic Assessment, [clause] 4(a) and (b) and also the Environmental Assessment.

I think we understand why this is being done. It appears as if the Government is doing everything it can to relax things in order for the developer to . . . to . . . at least from their perception that will help the developer get on with things. Now, we understand that. But again, I mean we raised concerns that making . . . and I remember the explanation given by the Minister as to not . . . if something . . . based on that there has been some . . . you know, with their belief, although we have not seen the Environmental Assessments that have been done. They have not been tabled in this House and made available for anybody to examine, at least not in this House. Maybe others have, that they have been done by Dr. Harris and others. That this is in order that if something arises there is no—

The Hon. Dr. E. Grant Gibbons: Madam Chairman, yes.

The Chairman: Thank you. Member, your point of order?

The Hon. Dr. E. Grant Gibbons: Just a point of clarification, if I may.

The Chairman: Would you yield? Yes.
Thank you.

POINT OF CLARIFICATION

The Hon. Dr. E. Grant Gibbons: The Environmental Impact Assessment and that sort of thing are all in the Planning files so they are publicly available already . . . the Environmental Impact Assessment. The archaeological or historical report that we talked about with Dr. Harris I think is coming at the end of this month, but that probably will be put in the Planning file as well.

The Chairman: Thank you.

The Chair recognises the Member from constituency 15.

Mr. Walter H. Roban: Thank you for that, but my point stands. They have not been presented in this House. And I am not suggesting that that is a problem. I am just suggesting that that is the only reference point that we have. And fine, anybody can go look at the Planning file and inspect those so, okay, we totally understand that.

But I think there is a concern because of the magnitude of this . . . the relevance that this sort of relaxation is not necessarily a wise move. Fine. Something a little bit more smaller in scope, but as I said before, fundamentally, Madam Chairman, on this side of the House, because as I stated earlier, this is public land. It is a substantial amount of public land, that there is a higher standard that has to be observed with this development. With the substantial nature of it, with the time and control that this developer is going to have on the land, that there is a higher standard of due diligence in the public interest required because it is not private land.

So when there is a relaxation of some of these provisions which are standard in our law . . . you know there was great discussion some years ago, some of it I guess put forward by the Ombudsman, that Environmental Impact Assessments should be mandatory in all circumstances, you know. And this sort of cultivated great discussion. And certainly other advocates for the environment have pushed for Environmental Impact Assessments being always in place and that the rigidity of them being a part of our system is important. And we were content because this is a significant amount of public land that this relaxation may be unwise. And removing these assessments may be unwise.

We have heard the Government's explanation for it and understand it does not . . . because substantial has been done, if at a . . . and it does not just say generally, but also parts of. As we know, they have not done any digging yet there. If on a part of a development digging is done and something is found which was not considered or discovered with the original assessment, it can be, or might be, said that that one needs to be done again on even that little part. So that is a concern here that we are relaxing certain provisions to get things on, but it presents a risk.

So we understand the explanation of the Minister. But we still raise a concern that these sorts of relaxations are unwise. And that, certainly, if an Impact Assessment is required for something that is unanticipated, it should be something that is mandatory rather than at the discretion, because who knows? At some point in the future where this development is going on, there may be extreme amount of pressure on the developer to get things going.

Sometimes these discretions . . . and I am not suggesting that this is where Government will go [or]

might be under undue influence because, *Listen, if we do this we are slowing up the developer*. The developer is arguing that it is going to cost them money without actually proving that it is going to cost them money and we might say, *Okay, let's give them a break this time*. But that presents an environmental risk. So that is why we are concerned about these provisions and these levels of relaxation that this particular Bill presents.

And as we moved all the clauses, let me just make it clear, you know, there are only a couple of clauses that are raising this concern from us out of the whole [nine]. It is not all of them. Obviously, [clause] 3, this one, and perhaps . . . that might be it, just [clauses] 3 and 4 of all of the [nine], because the rest seem to be pretty much housekeeping.

So I hope the Government appreciates that we are raising these concerns. We are not trashing the whole Bill. It is just these provisions here that we are raising up questions on. So I raise that question on [clause] 4(a) and (b) just so it is noted for the record. We have heard the explanation of the Minister, fine, but we still have our concerns.

The Chairman: Thank you, Member.

Are there any other Members that would like to speak to clauses 1 through [9]?

The Chair recognises the Member from constituency 22.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

I did try and answer this a little bit earlier on and I understand the Honourable Member's concern with respect to clause 4. Just for absolute clarity here, in principle, Planning stuff has already gone in. They have done their Environmental Impact Statement, so what we are talking about here is . . . and this is not a ministerial discretion, this is of the Planning Board, okay?

Let us suppose they get a little farther down the road and they want to move a road by 10 feet one way or another, okay? It may not be material, it may not be all that important, but we are leaving it up to the Planning Board as to whether they have to redo an Environmental Impact Assessment simply by shifting a road 10 feet one way or another. It may be very important and the Development Applications Board may say, *You've got to redo it because it's coming up against a sensitive fort area*. On the other hand it may be inconsequential. So it is really up to the Development Applications Board as to whether they consider it to be material, important, whatever.

So that is the issue right here as opposed to making it mandatory and making the developer go through an entire reiteration of a traffic planning thing or an Environmental Impact Statement. So that is really all we are talking about here. Not ministerial responsibility, this is a Planning Board thing, they will

have a pretty good sense based on technical advisors and the rest of it as to whether something needs to be redone or whether it is, as I said, insubstantial. So I will leave it there.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 1 through [9]?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: All right. Thank you, Madam Chairman.

Madam Chairman, before I ask any more questions . . . and there have been many comments, but there have also been several questions, I was wondering if the Junior Minister wanted to try to reply to some of those before we fire off our next set of questions.

The Chairman: Do you have any . . . so your question was would the Junior Minister like to respond to any of the questions?

[Inaudible interjection]

The Chairman: And I am sure the Junior Minister will take to the floor—

[Inaudible interjection]

The Chairman: I am sure the Junior Minister will take to the floor.

Are there any other Members that would like to speak to clauses 1 through [9]?

There are no other Members that would like to speak to clauses 1 through [9].

The Chair recognises the Junior Minister.

Hon. Kenneth (Kenny) Bascome: Yes, thank you, Madam Chairman.

First of all, the financing for the project is in place. Secondly, training for Bermudians will be assured to take place. So that is to the Honourable Member from constituency 29.

And the hotel will be built first. That is to that Honourable Member from constituency 29.

Hon. Zane J. S. De Silva: When are they starting?

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 1 through [9]?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman, and thank you, thank you, Junior Tourism Minister.

And I thank him for that, for the confirmation that the hotel will be built first. Two more questions on that. One, did you have a start date, Junior Minister? That would be great if you could give us that because that would certainly let us know when the lease would start, so that would be great if you could give us a start date. And the Honourable Minister Cole Simons, I think, from constituency 8 (or 9) told us earlier, certainly indicated, that the project would be finished sometime in the next year. So I would like confirmation of that, as well, from the Junior Minister since his senior Minister, Cole Simons, has made the statement in the House.

The Chairman: Thank you.

Statements may have been made in the House, but I will remind everyone that we are specifically talking in Committee to a Bill entitled St. George's Resort Amendment Act. A start and end date is not listed in this Bill, but I am going to turn to the Junior Minister.

Hon. Kenneth (Kenny) Bascome: Yes, Madam Chairman, it is hoped that the planning process will be complete by the end of December, and, hopefully soon after, the project will be started.

I have spoken with the developers on three or four occasions, and I must make this point. I have said to them and their architect that we need to recognise the significance of Gates Bay seeing that it was where the settlers first came ashore. And the beauty of this particular debate right now [is that] most of these Members probably will not even remember when the Holiday Inn was granted permission to develop on top of the hill. Many of these Members will not even remember that. I do. And there was a saying back and forth, back and forth. And I have a battle scar from that project, Madam Chairman. My right leg has a false kneecap as a direct result of the building of the Holiday Inn hotel.

The Chairman: Thank you.

Are there any other Members who would like to speak to the Bill? The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman, and I think this might be my last question, unless someone else gives me reason to ask any more.

I thank you again, Junior Minister, for confirming that you hope that we start next year, because I certainly hope that you are correct, for the sake of Bermuda and for many of those who are out of work.

Having said that, Junior Minister, has the developer given you any indication that if they were to start, and let us just pick a date, say, March or April

next year, did they give you an indication of when they might open the doors thereafter?

The Chairman: The Chair recognises the Junior Minister. Again, that has nothing to do with the Bill ahead of us, but if the Junior Minister would like to answer that question, perhaps he can do so.

Hon. Kenneth (Kenny) Bascome: Yes, I will, because that Honourable Member, as a person who is involved in construction, should know that projects do not always go according to plan.

Hon. Zane J. S. De Silva: That is true.

Hon. Kenneth (Kenny) Bascome: And I thank you, yes, sir.

The Chairman: Thank you.

Are there any other Members who would like to speak to clauses 1 through 7 [sic]?

If not, Junior Minister, would you like to move the clauses?

Hon. Kenneth (Kenny) Bascome: I move the preamble.

The Chairman: We are going to move the clauses first.

Hon. Kenneth (Kenny) Bascome: [Clauses] 1 through 7[sic]?

The Chairman: Yes.

Hon. Kenneth (Kenny) Bascome: I move that the clauses 1 through 7[sic] be approved.

[Inaudible interjection]

The Chairman: There were nine? Sorry, [clauses] 1 through 9.

Mr. Walter H. Roban: Yes, there are nine—

The Chairman: It has been moved that clauses 1 through 9 be approved as printed. Is there any objection to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 9 passed.]

The Chairman: The Schedules?

Hon. Kenneth (Kenny) Bascome: I move the Schedules.

The Chairman: It is moved that the Schedules be approved.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: Schedules passed.]

Hon. Kenneth (Kenny) Bascome: I move that the Bill be reported to the House as printed with all amendments.

The Chairman: We are going to move the preamble.
Any objections to the preamble?
No objections.
Agreed to.

[Motion carried: Preamble passed.]

The Chairman: Now, Honourable Junior Minister, we are going to move the Bill.

Hon. Kenneth (Kenny) Bascome: I move that the Bill be reported to the House as printed or amended.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: The St. George's Resort Amendment Bill 2016 was considered by a Committee of the whole House and passed.]

Hon. Kenneth (Kenny) Bascome: Thank you.

House resumed 5:35 pm

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

REPORT OF COMMITTEE

ST. GEORGE'S RESORT AMENDMENT BILL 2016

The Speaker: Honourable Members, the Second Reading of the St. George's Resort Amendment [Bill 2016] has been approved as printed. Are there any objections to that?

We now move on to the next matter on the Order Paper, which is consideration of the Casino Gaming (Designated Site) Order 2016, in the name of the Honourable Minister of Economic Development, Dr. Grant Gibbons.

You have the floor.

ORDER

CASINO GAMING (DESIGNATED SITE) ORDER 2016

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

I move that consideration be given to the draft Order entitled the Casino Gaming (Designated Site) Order 2016, proposed to be made by the Minister responsible for Gaming conferred by section 4(1) of the Casino Gaming Act 2014, acting under the advice of the Bermuda Gaming Commission.

The Speaker: Thank you.
Are there any objections?
Then please carry on, Minister.

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

Mr. Speaker and Members of the House, I am pleased to introduce the Order entitled the Casino Gaming (Designated Site) Order 2016. This Order relates to the St. Regis Hotel and Resort to be situated at the old Club Med site in the town of St. George's.

Honourable Members will recall that the purpose of the Casino Gaming Act 2014 is to provide for a licensing and regulatory regime for gaming in Bermuda, which includes gaming in hotel resorts that are granted a licence to operate a casino within their premises in accordance with section 38 of the Act.

Mr. Speaker, under the Act, the first step in a casino licensing process is the application for site designation. In accordance with the Act, a designated site is defined as "any parcel or parcels of land or any building or part thereof and the land on which it stands designated by the Minister under section 4 as a site on which a casino may be located."

In order for a resort hotel to operate a casino the owner of land or an existing tourist resort who wishes to have their property designated under section 4 must make an application to the Minister for that purpose. Section 4A of the Act requires that a site designation application must be made in such form as the Gaming Commission may, from time to time, approve. The application must be accompanied by the prescribed fee and such information as plans, specifications, drawings, reports, and other documents, as may be prescribed.

Mr. Speaker, in June of this year the Fairmont Hamilton Princess and the St. George's Hotel Resort projects applied and were named as designated sites, thereby making them eligible to apply for casino licences. Following application, both projects were recommended for designation by the Bermuda Casino Gaming Commission and subsequently approved by the Minister responsible for Gaming.

Mr. Speaker, upon approval of the application to become a designated site, subject to section 4(1) of the Act, the Minister, acting on the advice of the Commission made by order published in the *Gazette* designated a parcel of land or an existing tourist resort as a site for an integrated resort. If any condition imposed in relation to a Designated Site Order has not been complied with, or begun within a specified period in relation to the order, this may result in the order being revoked and a new application being required to be made.

Mr. Speaker, an order made by the Minister within the authority of the Act is subject to the affirmative resolution procedure, hence, the Designated Site Order before this Honourable House today.

Thank you, Mr. Speaker.

Mr. Speaker, let me just touch briefly on some of the paragraphs since we are going to be doing this in the House—

The Speaker: Yes—

The Hon. Dr. E. Grant Gibbons: —and not going into Committee.

The first paragraph is simply the citation, which is the Casino Gaming (Designated Site) Order 2016,

Designated site, paragraph 2, essentially sets out “All those parcels of land in the parish of St. George’s, Bermuda, described in Schedule 1, as shown delineated and outlined in red on the Department of Land Surveys and Registration Property Plans that are set out in Schedule 2, are hereby declared to be a designated site for an integrated resort for the purposes of section 4 of the Casino Gaming Act 2014 for a period of five years from the date of publication of this Order.”

And it then goes on in Schedule 1 to give a fairly long and lengthy description of the parcel of lands in St. George’s which constitute the designated site. So I am not going to go through those, Mr. Speaker, I think that is mostly survey language.

I think, Mr. Speaker, those are the only points that I wanted to make. Thank you, sir.

The Speaker: Okay. Thank you very much.

Any other Honourable Member care to speak?

The Chair will recognise the Honourable Deputy Leader of the Opposition, MP Roban.

You have the floor.

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

We do not have any real issues with the orders that are done in the constituency in which the Act describes. So perhaps others have something to contribute or will ask some questions. But we on this side do not have any general issue with these orders.

The Speaker: All right. Thank you.

Any other Honourable Member care to speak?
The Chair will recognise the Honourable Member from constituency 5, MP, D. V. Burgess.
You have the floor.

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

Just looking at this property plan for the road, presently you can enter the beach—

The Speaker: Are you looking . . . which Schedule are you looking at?

Hon. Derrick V. Burgess, Sr.: Schedule 2.

The Speaker: Schedule 2? Okay.

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

Presently you could enter the beach from both sides of the . . . coming from Tobacco Bay, that way, and coming from the Barry [Road] way. Will that continue? Because the way I understand this here, and correct me, and I could be wrong, the road from Barry Road is to be cut off to the back just beyond the cemetery, but there will be a gate up there and you can only come . . . the public can only come the other way. I do not know if I have it right or wrong.

The Speaker: Does anyone else care to speak before the Minister responds?

You can respond to that, Minister.

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

First of all, let me thank Honourable Members for their support. I will be honest, I will have to find the answer to that. It really has nothing to do with the site designation, that is more of a Planning issue, I believe.

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: I understand it is attached, but the question you are asking is a Planning application, in terms of how the roads are run. All this does is specify the area that will be designated as approved as a designated site.

[Inaudible interjection]

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

So, I was not prepared for a Planning question in that sense. But we will see if we can get you the answer to that particular issue of how Barry Road goes.

With that, Mr. Speaker, . . . let’s see—

The Speaker: Are there any other Members who care to speak first?

No?
All right, carry on Dr. Gibbons.

The Hon. Dr. E. Grant Gibbons: Thank you.

I move that the draft Order be approved and that a message be sent from this Honourable House to Her Excellency the Acting Governor.

The Speaker: Thank you. It has been moved that [a message] be sent to the [Acting] Governor, about the Casino Gaming (Designated Site) Order 2016.

Are there any objections?

There are none. So that [message] will be sent.

Thank you, you may carry on with the next.

[Motion carried: The Casino Gaming (Designated Site) Order 2016, was considered by the House and approved.]

ORDER

CASINO GAMING (DESIGNATED SITE) (NO. 2) ORDER 2016

The Hon. Dr. E. Grant Gibbons: I move that consideration be given to the draft Order entitled Casino Gaming (Designated Site) (No. 2) Order, 2016, proposed to be made by the Minister responsible for Gaming, conferred by section 4(1) of the Casino Gaming Act 2014, acting under the advice of the Bermuda Gaming Commission.

The Speaker: Thank you.

Any objections to that?

There are none. So please carry on.

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker. I will be brief, but I am going to repeat some of the same things because we are going through a different site.

Honourable Members will recall that the purpose of the Casino Gaming Act [2014] is to provide for a licensing and regulatory regime for gaming in Bermuda, which includes gaming in hotel resorts that are granted a licence to operate a casino within their premises in accordance with section 38 of the Act. And this is what we are talking about, an existing resort in this case.

In order for a resort hotel to operate a casino the owner of land or an existing tourist resort who wishes to have their property designated under section 4 must make an application to the Minister for that purpose. An application must be made in the said form as the Gaming Commissioner may, from time to time, approve. And it must be accompanied by the prescribed fee and contain such information as plans, specifications, drawings, reports, and other documents, as may be prescribed.

In accordance with the Act, a designated site is defined as “any parcel or parcels of land or any building or part thereof and the land on which it stands designated by the Minister under section 4 as a site on which a casino may be located.”

Following their application earlier in June of this year, the Fairmont Hamilton Princess was named as a designated site, thereby making them eligible to apply for casino licence. They are recommended for designation by the Bermuda Casino Gaming Commission and subsequently approved by the Minister responsible for Gaming.

The Speaker: A question, are they having fun outside or something?

An Hon. Member: I have no idea. I’m in here, Mr. Speaker.

The Speaker: Are they gambling out there?

An Hon. Member: I don’t have a clue as to what is going on out there.

The Speaker: Sergeant-at-Arms, let them know that there are people in here doing business.

Carry on please, Honourable Minister.

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

Maybe unbeknownst to us the House was designated as a—

The Speaker: As a casino!

[Laughter]

An Hon. Member: Yes. Maybe a casino has been added in here.

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

The Speaker: Carry on please.

The Hon. Dr. E. Grant Gibbons: So, upon approval of an application it became a designated site, subject to section 4(1) of the Act. The Minister, acting on the advice of the Commission made by order published in the *Gazette* designated a parcel of land or an existing tourist resort as a site for an integrated resort. If any condition imposed in relation to a Designated Site Order has not been complied with, or begun within a specified period in relation to the order, this may result in the order being revoked and a new application being required to be made.

Mr. Speaker, an order made by the Minister within the authority of the Act is subject to the affirma-

tive resolution procedure, hence, the Designated Site Order before this Honourable House today.

And Mr. Speaker, I do not think I need to go through and describe the paragraphs again. I think people —

The Speaker: I don't think so.

Are Members happy with that?

All right. Thank you, Dr. Gibbons.

Any other Member care to speak?

None?

All right, then Dr. Gibbons, do you want to wrap it up?

The Hon. Dr. E. Grant Gibbons: I would be delighted, Mr. Speaker.

Mr. Speaker, I move that the draft Order be approved and that a message be sent from this Honourable House to Her Excellency the Acting Governor.

The Speaker: Are there any objections to that?

There are none. So the draft Order has been approved and a message will be sent to the [Acting] Governor.

[Motion carried: The Casino Gaming (Designated Site) (No. 2) Order 2016, was considered by the House and approved.]

The Speaker: Thank you.

We now move on to Order No. 5, which is the Casino Gaming Amendment Act 2016. And that goes under the name of the Minister for Economic Development, Dr. Grant Gibbons.

You have the floor.

BILL

SECOND READING

CASINO GAMING AMENDMENT ACT 2016

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker. Just bear with me a second, I am shifting papers around here.

The Speaker: Take your time.

The Hon. Dr. E. Grant Gibbons: I move that the Bill entitled the Casino Gaming Amendment Act 2016 be now read the second time.

The Speaker: Are there any objections?

There are none.

Carry on, Minister.

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

I am pleased to introduce the Bill entitled the Bermuda Casino Gaming Amendment Act 2016, on behalf of the substantive Minister of Tourism, Transport and Municipalities, Senator, the Honourable Michael Fahy.

Mr. Speaker, the purpose of this Bill is to amend the Casino Gaming Act 2014 to streamline the process relating to the introduction of casinos to Bermuda.

As Honourable Members will be aware, Bermuda has utilised Singapore as the primary model for our gaming industry, and the 2014 Act has been adapted from the Singapore model.

Mr. Speaker, in comparison to Singapore, the important facts to consider are as follows:

Singapore is a fundamentally different market with a different culture.

- The Singapore regulatory entity employs almost 200 people, spends US\$24 million annually, and receives substantial assistance from the Singapore police force.
- Development of their regulatory process involved hundreds of regulators, dozens of consultants, and expenditure of over \$200 million during the development process, which took almost seven years.
- In Singapore the regulatory agency was spending approximately \$10 million per year and in the two years immediately prior to the opening of the first casino costs increased to \$30 million per year.

Mr. Speaker, the Bermuda Casino Gaming Commission was established in 2014 and is responsible for the regulation of casino gaming activities in Bermuda and advises the Minister generally in respect of policy relating to casino gaming. One of the initial tasks of the Commission was to thoroughly review the 2014 Act to advise the Minister on the amendments which should be made to ensure the legislative framework met Bermuda's needs and international best practice.

Mr. Speaker, as part of the consultation process, the Commission held various stakeholder meetings with the Commissioner of Police, the US Consul General, His Excellency the Governor, the Minister of Finance, the Bermuda Tourism Authority, the National Anti-Money Laundering Committee (or NAMLC), the big four local accounting firms, the banking sector, including foreign correspondent banks, gaming industry experts, addiction service treatment providers, and the Financial Intelligence Agency (or FIA).

The Commission continues to engage in stakeholder outreach and communication with the general public, to keep them abreast of the Commission's progress towards the full implementation in Bermuda. The Commission also met with representatives from the Cabinet Office and the Information Commissioner's Office regarding the Public Access to

Information Act 2010 (otherwise known as PATI). PATI provides access to information held by public authorities to members of the public which, by definition, includes the Gaming Commission.

Mr. Speaker, as part of its strong supervisory and regulatory regime the Commission will receive sensitive information from many sources including foreign regulatory bodies and local and international law enforcement agencies. Therefore, it is essential that this information remain confidential. In essence, if it is not protected the information will not be provided. To that end, the Act will be amended to ensure that when the Commission receives confidential and sensitive information from foreign regulatory bodies in accordance with the Memorandum of Understanding during the vetting and investigation process, that information, including general administrative documents, is protected from PATI disclosure. Penalties for the unlawful release of such information will be increased and brought into line with those of the Bermuda Monetary Authority and Financial Intelligence Agency.

Mr. Speaker, to achieve the public policy goals of the Act, this Bill and the amendments before the House are designed to have the Commission operate as follows:

- 1) Offer an approach that is appropriate to the social, cultural, and economic realities of Bermuda, including a human resource policy of being staffed by a limited number of high performance individuals comprising the regulatory leadership team.
- 2) To work in a collaborative fashion with other global regulatory entities to achieve efficiencies and avoid unnecessary duplication of efforts, and to utilise third party forensic accounting, criminal and civil suitability investigations, compliance auditing assistance, and for technological standards and testing.
- 3) To implement a mandated operator-compliance committee approach whereby the operator shares the regulatory burden in Bermuda with the Commission's staff performing audits to ensure compliance. The operator compliance committee is required to report all compliance failures to the Commission's staff. These compliance committees will perform an important role in interfacing with the Commission, and will ultimately be responsible for ensuring compliance with the robust regulatory regime envisioned by the Commission. This will be subject to the direction of the Commission and will take on such tasks as may be specified under the Act, accompanying regulations and any other enactment. These compliance committees will help the Commission adopt an appropriate balance between its role as the responsible regulator and a risk-based approach to regulation allowing the Commis-

sion to concentrate its resources on some of the more complex matters relating to casino gaming.

- 4) To utilise an evidence-based best practice approach in developing a program to provide protections for the vulnerable, which includes underage persons, problem and pathological gamblers, the Commission will work in concert with existing local treatment providers. The Government and the Commission remain committed to addressing problem gaming and protecting the vulnerable and their family.

Vulnerable individuals, and those with an addiction to gaming, are already present in Bermuda. They are able to feed their habit by way of illegal gambling and the loosely regulated gambling already on Island. At present there are no protections and no assistance whatsoever available to those individuals. It is a primary objective of the Commission to ensure that prior to the opening of any casino, the Problem Gaming Council has been established, casino operators and their employees are fully trained in responsible gaming, and treatment providers are available for those in need.

The Bill will also provide for the creation of the post of Director of Problem Gaming in order to provide the Commission with the appropriate resources and technical expertise to combat problem Gaming.

Mr. Speaker, it is important to note that the existing provisions of the Act relating to Exclusion Orders do not properly distinguish between self-exclusion and compulsory exclusion orders, in relation to the sanctions which result from a breach.

A compulsorily excluded person is most likely going to be a known criminal or a cheat, whereas the self-excluded person suffers from an illness such as the problem of pathological gambling. This omission in the 2014 Act will be rectified in the Bill to ensure that those with gambling problems are appropriately managed.

Mr. Speaker, the intent of the Casino Gaming Act 2014 was to enhance investment and employment in Bermuda through the introduction of up to three integrated resort casinos. In order to ensure the orderly introduction and operation of these facilities, the Commission must satisfy the following five goals in the execution of its duties:

- 1) The owners, vendors, managers, employees, and sources of finance should be free from any inappropriate past or present associations and behaviours, and uphold high ethical standards.
- 2) The casinos should possess sound operational and financial controls.
- 3) The games offered should be fair, honest, and operate with a high level of security and integrity.

- 4) All fees, taxes, and related payments, should be appropriately accounted for and paid; and
- 5) Controls should be in place to protect the vulnerable and their families.

Mr. Speaker, to secure a casino licence, there is a three-stage application process which is being introduced by the Bill, consisting of, first of all, the designated site stage; secondly, the provisional licence stage; and thirdly, the final stage of the awarding of a casino licence once the suitability of the operator has been established.

The Bill provides that once a site has been designated, the Commission then considers the proposal for viability at the provisional stage through the RFP process. The conditions which may be imposed or attached to any provisional licence would be requirements relating to the hiring of Bermudians, the size of the investment in the casino facilities, requirements with respect to Anti-Money Laundering controls, and for the mitigation of security and traffic issues, among others. A potential requirement could be for the operator to establish a viable casino gambling programme.

The final stage and a casino licence are only approved once the vetting and suitability of the operator have been established. Where issues arise during the suitability stage, the applicant can take the necessary steps to resolve those issues.

Mr. Speaker, it is important to note that a provisional licence will not permit gaming as it is not a licence to operate a casino. Let me repeat that: It is important to note that a provisional licence will not permit gaming as it is not a licence to operate a casino.

As a part of the three-stage application process the provisional licence will confirm that, subject to suitability, the applicant is eligible for a full casino licence. A provisional licence is intended to provide a qualified level of comfort to an applicant to begin construction of an integrated resort and casino while simultaneously undergoing the rigorous suitability tests together with the other formalities of the application process, including possible conditions.

Mr. Speaker, the Commission may grant a maximum of three provisional licences. Those licences are in addition to the provisional licence which is being granted, in the public interest, in the Bill itself to the developer, as defined in section 2 of the St. George's Resort Act 2015. Such a provisional licence is to be granted by the legislation in the public interest, and this is indicative of Government's commitment to resort development and ensuring job creation in the East End in particular.

The development of this resort hotel in St. George's is essential for the economic revitalisation of the Town of St. George and Bermuda's Tourism Industry, so a decision was made by Government that a

provisional licence should be granted to the St. George's Resort Developers. This provisional licence simply means that they can begin constructing the resort, which includes a purpose-built casino. It means shovels in the ground and employment in our construction industry. For the avoidance of doubt the St. George's Resort provisional licence will be subject to the standard conditions as other licences are, such as the percentage of Bermudians to be hired, training, and Anti-Money Laundering requirements, among others.

It does not mean or, indeed, guarantee that a full casino licence will automatically follow, and the Bill stipulates that this public interest provisional licence is subject to all of the Commission's regulatory processes, including the "suitability" test and other investigations prior to the granting or refusal of a casino licence.

Mr. Speaker, the casino licensing process cannot begin until this amendment Bill is passed, a number of subsequent application and licensing regulations are enacted, and the Request for Proposal (or RFP) process is opened and closed by the Commission. Consequently, a decision had to be made sooner rather than later with respect to the St. George's Development.

Mr. Speaker, while there are a number of amendments in this Bill, they are necessary for the Commission to achieve their stated aims and objectives. However, I wish to make special mention of three key amendments which are new and intended to provide a significant competitive edge for Bermuda's casinos:

Firstly, eGaming: [E]Gaming is the ability to game on a mobile device such as a tablet which is accessed via a local area network or through the Intranet provided by the hotel operator. Its availability can be limited to patrons of the integrated resort. It can also be limited geographically and when the device leaves an eGaming area it will automatically shut off.

To be clear, eGaming is not Internet gaming. It is in fact, in-tra-net gaming, and with the technology now available it can be ring-fenced or geo-fenced by area. For example, Intranet gaming would allow a guest to participate in gaming whilst at an adult pool area where no minors will have access or by floor levels where the hotel can have adult only floors. [E]Gaming is in practice identical to gaming on a physical machine in the casino. The only difference being that the machine is small and light enough to be mobile.

At present Internet gaming is not unlawful in Bermuda provided that the company is a foreign-based company. Therefore, a patron of the casino can access gaming websites whilst sitting at a pool or at the bar on the casino premises. Under the current scenario (which is, Internet gaming is not unlawful) all funds leave Bermuda and are received by a foreign

entity and not a casino operator. No tax is paid in Bermuda nor are there anti-money laundering or any other types of protections in place.

Bermuda's resort model of gaming has a very limited revenue window where guests who have a great deal to do during the day such as golf, beaching, and shopping will go to dinner at night and after dinner between the hours of, say, 10:00 pm to 1:00 am spend time in the brick-and-mortar casino. Therefore, eGaming is ideal for casino operators operating in the integrated resort model, as it permits gaming to continue while other amenities are being utilised, provided that such the amenities are within an area that has been designated.

[E]Gaming does not require the use of external telecommunications and it is actually better regulated than the games within the physical casino because there is a digital record of every transaction. It is a significant attraction for operators and patrons alike.

The second new item is betting: As previously stated, foreign-based betting websites are accessible in Bermuda. It is therefore possible for a patron of a casino to place bets without leaving the casino premises. However, the casino operator is currently not permitted to offer betting without complying with the provisions of the betting legislation and obtaining a betting licence.

Betting on actual and fantasy events, as Honourable Members may be aware, is rapidly expanding in terms of popularity and revenue, and during major sporting and other events is likely to be a big draw for tourists, particularly those from the US East Coast where sports betting is unavailable. The inclusion of betting is therefore necessary and is likely to result in a significant increase in revenue.

Third, anti-Corruption and Bribery: Due to the potential high sums and high cash turnover, the gaming industry is a prime target for corruption. It is therefore imperative that the relationship between individuals charged with functions relating to gaming and the casino industry be as transparent as possible.

The Bill provides a "cooling off" period where Commissioners, Commission staff, and some government employees and government officials working in the area of gaming, including sitting MPs, will be prohibited from taking employment or other positions that provide the opportunity for, or give the appearance of, corruption and bribery. These "relevant officials" will be subject to certain restrictions, such as holding an interest in a casino or providing goods and services to a casino, during the time they hold office and for a certain period after they cease to hold office.

Such a provision, sometimes referred to as a "post separation employment provision," is in the public interest and is considered best practice in other jurisdictions such as the United Kingdom, Australia, Canada, Pennsylvania, New Jersey, Nevada, and California relating to ministerial conduct.

Mr. Speaker, as a consequence of the many benefits outlined, the Government is supportive of the Bermuda Casino Gaming Commission and the amendments to the Casino Gaming Act 2014. We look forward to working with the Commission as they implement a well-regulated casino gaming ecosystem.

Thank you Mr. Speaker, I now invite my honourable colleagues to participate.

The Speaker: All right, thank you Minister.

The Chair will now recognise the Deputy Leader of the Opposition from constituency 15, MP Roban.

You have the floor.

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

I wish to thank the Minister for that presentation, and to also thank him for the brief that he has provided for me to follow.

Let me say first that the Opposition welcomes this discussion on this particular matter. As it can be remembered, Mr. Speaker, the question of gaming has had a very interesting journey in this country over the last three years, filled with much drama, much controversy, and perhaps it may now finally be finding a bit of sanity as it relates to us finally having a body in place beyond the sort of political atmosphere that initially percolated around gaming that will play a role with this regulation and the sustainability, hopefully as a positive component of the Bermuda environment. I think that is why it is crucial to their process that we all know the history of gaming going back, at least modern gaming, and I am talking about 20th century gaming not here. Let us just have a bit of a reality statement. There has been gambling going on in Bermuda for almost as long as our history. Let's make that clear.

So, I am not going to stand up here and suggest that, you know, Crown and Anchor . . . but other things have been going on around here other than Crown and Anchor in this country. I am not saying that I do it; I am just saying that is just what I know.

[Inaudible interjection]

Mr. Walter H. Roban: I am not suggesting that. I am just saying that is what I know.

[Laughter]

Mr. Walter H. Roban: It is what I know, what I have been told and what I have seen, but not necessarily what I have done. I am not a gambling person, so . . .

But, certainly, the modern history of gambling has been filled with elements that we have often found unpleasant, and which contributed to perhaps its journey to an industry now that has perhaps taken its own efforts to better manage its affairs, allowing a level of Government oversight which allows it to operate in a

way that perhaps makes people feel comfortable by gambling and not engaging in a questionable activity because some of the by-products of gaming that were historical have either been pushed away or are enforced strictly in order that they do not damage the industry.

I am speaking from a general global concept. You know, we have professional people who have global experience who move from jurisdiction to jurisdiction attempting to make sure that gaming in whatever jurisdiction it is in . . . this modern era is something that is a legitimate industry like other industries in a particular country that handles money, that promotes itself as a product, that seeks to attract customers, and there is a level of customer satisfaction by the experience. That is what they try to do with gaming, rather than being seen as a bit of a parasite on perhaps people who have compulsive negative behaviours, and taking advantage of the innocent and not-so-innocent. Perhaps gaming is looking overall to be like that.

Let me just say that I believe that perhaps the initial intention was (and certainly has been) that this is how Bermuda will take on gaming—as a properly regulated, organised industry that can be a suitable amenity to the Bermuda experience, in particular, for our visitors. That has been the goal.

So we accept that the creation of the Bill in 2014, and where we are now, is an effort to do that. We now have a Commission that has commissioners attempting to create the structure and the pathway that Bermuda will take when it comes to gaming and how we will manage our wider gaming environment going forward in ways that it has not been. And despite that many Bermudians have enjoyed certain legitimate gaming, [they are] now going to find [themselves] in a much more different environment than in the past. I believe that that is popularly accepted and people understand that.

So, we had the Act in 2014 pass (I believe it was 2014) for the initial establishment for the purpose of bringing a properly regulated gaming environment to Bermuda. And I will tell you, Mr. Speaker, I am purposely trying . . . I cannot assure you that some of my other colleagues will not venture into some other issues that we have seen. But I am doing my best to lead the debate on the Bill that has been passed. But I can tell you that some of my colleagues have other things they want to talk about around gaming, and the Government should be prepared for that. And do not be surprised that they come up, because there are Members on this side that have very strong feelings about gaming, and will bring those to the fore. And I think that they should be allowed to do so.

But going back to this Bill as we are seeing it now, here we are on our journey from the 2014 Act. We now have the Casino Gaming Amendment Bill 2016, Mr. Speaker, with 60-plus amendments. We are told by the Government that these amendments are a

direct result of the original Bill, perhaps beyond the political environment and, like, beyond the objectives that the OBA Government sought to originally put in place. Once the professionals and the Gaming Commission and the persons who were tasked with taking a more objective approach to the overall management of gaming, certain things were discovered.

Now, this Commission has been put together to ensure that it creates an environment in which casinos can be profitable while maintaining a proper regulatory protection in our jurisdiction. And the mandate as devised, Mr. Speaker (if you will just allow me to read a few notes), is to “offer an approach that is appropriate to the social, cultural, and economic realities to Bermuda,” to offer human resources “policy that will be staffed by a limited number of high performance individuals comprising regulatory leadership team. To work in a collaborative fashion with other global regulatory entities to achieve efficiencies and avoid” duplicate action.

I think that is actually some of the positives this amendment Bill is seeking to bring about. It acknowledges that we are not just going to be on this little Island in the mid-Atlantic with our own little unique gaming scenario. We are part of a wider environment, an international environment which, as I said before, gaming now is a regulated and business like industry globally that has standards that seek to ensure that by keeping certain levels of proper operation they can develop and grow just like any other business. So, some of it is self-regulation, and some of it is Government. And they have taken this on and made it a part of how they structure themselves. So Bermuda is not going to be just out here in the middle of the Atlantic with some cowboy operation (if I can just use that language). No. We are going to be part of a wider regulatory environment that recognises and respects what is happening in other parts of the world.

Things that are happening in whatever part of the world and that are good, we are going to look at and Bermudianise. But things that may not work for Bermuda we are going to ignore, and we will just look and take things that can help Bermuda’s environment and management of gaming to be done right. So that is a good thing.

Certain compliance levels are going to be set, Mr. Speaker. Some of the compliance is going to be self-compliance; others will be managed by the regulator. Perhaps this is being done so that we do not over-regulate ourselves and create this huge monster of a regulator over this industry with a fear that if we do not it will get out of control, but there will be a relationship. Now, it might be argued that in the past some people have thought that such a relationship does not work as well to the benefit of the wider public because if we look at perhaps the financial services industry, some people argue that it was the too-cozy relationship between the financial services industry and the regulators that helped to contribute to the re-

cession that we had. So, there may be some people who are suspicious of that. But it appears that what is being done here with this amending Bill is proper global practice, to have a balance between self-regulation and government regulation is what they are looking to find, to accomplish.

Technology standards are going to be high. Perhaps we are not going to see the old machines where you pull down the lever, which were a part of the gaming scene back in the day. No, it is going to be proper technological equipment that is the modern state of the art, that is part of the modern gaming industry that can be appropriately watched and regulated and inspected over time to make sure that . . . I do not know if “fairness” is a word that the gaming industry likes to bandy, but there is a level of fairness . . . and perhaps I am even using that word inappropriately, because maybe fairness is what the operator does not want. You know, the house is supposed to win. Some people think it is not too fair. But as someone who is not an experienced gamer, I will let the more experienced gamers talk about that more. But perhaps this is . . . technology will be of the highest standards.

There is supposed to be an operator compliance committee whereby the operator performs many tasks that are performed by the regulator. This is what I spoke of before, this self-regulation. One of the things I noted, Mr. Speaker, was that there was talk about the number of committees under the operator compliance committee, such as the Problem Gaming process, which I think is very important to have. Let us face it; we know as with any other activity there can develop compulsive behaviours which are counter-productive to society, to our social order. I think that these are the issues that many people in Bermuda are concerned about, that gaming will bring certain types of compulsive reactions and behaviour that are not going to be socially positive.

As we have heard sort of from across the world, Mr. Speaker, the component of the gaming industry that tries to be proactive in dealing with the social ills that sometimes come out of people who participate in the gaming industry, so that is going to be a part of the compliance side. In fact, I can recall, Mr. Speaker, that during the original debate I purposely asked that the body that oversees gaming have a social worker or psychologist on it who can bring the issues that are presented in gaming right to the table of those in Government, rather than being on a sub-committee. That would be the best bet, that there be a psychologist on the gaming body commission that could bring those issues right to the front and centre of how the whole industry is regulated.

I do believe that the point was taken. And perhaps what we are seeing on this compliance committee is a manifestation of that idea. I am not saying that I had the idea, but it is something that is standard practice, I believe, around the world. We had a report,

as Government, done by the Nova Scotia Commission. They have a very well advanced Problem Gaming component to their industry which is quite advanced and plays a proactive approach in dealing with gaming and the issues that come up from the social side and using risk-based methodologies to look at those issues.

Reliance on stated goals and standards enhancing dependence on user-defined internal controls and utilising an evidence-based best practice approach to develop a programme to provide protections for the vulnerable. That seems to be what the social gaming component is going to bring. And that is important. I do not . . . you know, we in Bermuda should not minimise how crucial that is going to be to how we develop a responsible gaming environment for ourselves. There has to be an open recognition, just like with the use of certain substances that people will abuse, and then lose control. And that loss of control can have an impact on families, communities, and everyone. And then it creates other problems which we often have to pay for on the other side.

So, it does appear that there is an effort in the majority of this Bill, Mr. Speaker, to try and make some changes. But it is difficult for me not to recognise that perhaps this process for the Government started wrong in the first place to some degree. As we recall there were two members of the Cabinet who went off to a far-flung jurisdiction to, as we were told, investigate gaming. And they went off to look at a model that was perceived to be a good model. And after a far-flung trip, Mr. Speaker, they came back with, what they told us, what it was going to look like. And that was the original Bill.

Well, what we have found out since then, since others outside of the political realm have found the opportunity to opine on what was done prior, that perhaps this was a misadventure to some degree. Perhaps there was some value in going off and checking out what was going on in that other jurisdiction. I believe it was Singapore. But it appears that what they brought back from that trip was not so much the best that was to offer for Bermuda. It may have worked in that jurisdiction, but it has been discovered that that model was not appropriate.

As I recall, Mr. Speaker, that was quite a costly journey. So, to some degree, these refinements that we are being presented with today are a product of tens of thousands of dollars of misadventure. And it has become costly, nearly \$50,000—but certainly somewhere between \$30,000 and \$50,000—may have been spent on that particular trip. And what we find now is that we are back at this House, Mr. Speaker, making multiple amendments to literally rewrite the original Bill, based on what might be argued now as being a misadventure, because the model that was brought back on that particular trip did not bring back something that could work for Bermuda.

And I, perhaps, can contend, but perhaps there will be arguments against what I am saying, Mr. Speaker, that that has perhaps slowed the process for us. Because what was brought back did not quite work for Bermuda. It may have delayed and slowed our own process of incorporating a proper gaming environment in Bermuda that could be appropriately developed. And that is unfortunate. That is very unfortunate, because it has been costly. Tens of thousands of dollars in cost that maybe could have been avoided.

An Hon. Member: Maybe hundreds.

Mr. Walter H. Roban: Someone is suggesting it might be hundreds. I only know the figures that have been presented to me, Mr. Speaker. Perhaps there is evidence of that, but I will stay away from that. But certainly, tens of thousands of dollars were spent on a ministerial misadventure.

Perhaps they were well-intended. I am not going to doubt that those Ministers that went off on that trip intended to do something which they thought was going to help Bermuda.

[Inaudible interjection]

Mr. Walter H. Roban: Yes. And I am told by an honourable colleague of mine, Mr. Speaker, that Singapore is a nice place. I have not had the opportunity to go there. Perhaps I will one day. And some people are going to the casinos there and they say that they are quite nice. That may be true. But, what stays in Singapore, perhaps needed to stay in Singapore, because what we brought back here is not working for Bermuda. And we are here after tens of thousands of dollars, after hours of drafting, after perhaps months of delay, years of delay, because the first one was drafted in 2014, and 70 amendments, back to the drawing board. And at the drawing board it might have been a year less delay.

And as I say, perhaps there will be arguments against that, Mr. Speaker. But it cannot be argued that this has delayed the process. This has held up the opportunity. This has frustrated the goal of some to bring gaming to Bermuda in a way that can help and aid our economy and our development. That, I think, cannot be refuted. Perhaps somebody will, but that is like politics, isn't it? Everybody disagrees with everybody sometimes.

But this is what we contend. And, Mr. Speaker, there are some provisions that we think, despite all the effort, and I do not . . . perhaps I cannot say that these amendments are not needed. Certainly not. But there may be a few things in here that are, perhaps, troublesome. Certainly Members on my side who are much more familiar with gaming and have wrapped their heads around this in a way that has been an effort over the past couple of years to, you know, cham-

panion what they feel is the best approach to this, are going to have something to say about this.

Mr. Speaker, if I can speak about a few of the things that I think perhaps might be problematic, there is a clause in this Bill that talks about awarding a provisional licence and the capacity to award the provisional licence. And the way that clause is worded, Mr. Speaker, it does, frankly, raise some eyebrows. Probably more than eyebrows, Mr. Speaker, because it appears that this clause . . . and I am not trying . . . because there will be plenty of time in Committee to get around this, Mr. Speaker. So I am not looking to delve too far into it. I am staying on the general substance.

The Speaker: Yes, stay general. Stay general.

Mr. Walter H. Roban: But I think I can make some description of some of the issues that this side has, Mr. Speaker.

The Speaker: Yes, go ahead.

Mr. Walter H. Roban: And I will take my time to do that.

The Speaker: All right.

Mr. Walter H. Roban: But, that provides some trouble for us on this side, the nature of how the provisional licence . . . certainly, the original Bill does provide a staged approach of designated site, provisional licence, and then operating licence, or a process of going through that. But it does appear that this particular clause in this Bill that we are bringing here today, which by and large is a clean-up Bill for the first thing. Let us accept that. It is a clean-up Bill for the first thing. But there are some provisions like this one that seem to find a way to give a provisional licence to a particular site, of which we have dealt with already in this House, in a manner which, hmm, might raise some concerns because it essentially appears to be going around the Commission, circumventing the Commission.

And if I can, Mr. Speaker, I can bring up . . . you know, the word out there is that this is to help move a certain project on; that perhaps a developer is not as comfortable with moving forward without getting this provision.

Here are some of the things we have heard, Mr. Speaker. And we on this side could not rightfully ignore what we have been told. So, the nature and the manner in which this provision has been put into this Bill, raises some serious concerns and eyebrows for us. And we do hope the Government can give the answers that might satisfy this side and the general public because, as I said, this journey into gaming has not been pristine. And I am not myself going to revisit some of that history. If others do, hey, that is what

they are going to do. But I am not going to revisit that. But it is on the minds of many, and certainly influences how they think around these issues.

The other thing, Mr. Speaker, is that we note that we had a provision for two places to be designated sites, which we dealt with earlier. But interestingly, there is one missing. I can tell you that we were not invited, but certainly we have been approached by certain persons who have an interest in what I would describe as the Morgan's Point site. Their concern is, *Well, why not me? How come I didn't get that provision? How come no one came to us to give us a provision? If this is to help somebody along, then don't we deserve the help too? We have been over here for years struggling trying to get this development. This is a Bermuda group trying to make something happen in tourism. How come we didn't get that help? And that group is a bunch of people from somewhere else!*

Those are the sorts of questions that are being put to us. But, you know, we are the Opposition. We cannot do anything about it. But I think it is fair that we raise that. And perhaps there is some equity there because both of these developments are two of the one (because one is actually the Hamilton Princess, which we dealt with) is a Pembroke site. The other one was a site where nothing has happened yet. And they are getting this provision while the other site, Morgan's Point, nothing has really happened yet, but they did not get the same opportunity. Those are the questions that are being asked. So I think the Government needs to let us know why they did not write that into this Bill for them too.

You know, transparency, openness, fairness, a level playing field. Is that not what we are supposed to be pursuing, Mr. Speaker? So there are some questions around this Bill that the Government is going to have to answer, Mr. Speaker. And it would help, for the sake of ensuring that as we go forward, that the path around gaming is less rocky than it has been in the past to get to be a smoother path, that we all can feel confident about.

And, Mr. Speaker, some of the questions I think I would like to just outline so that the Minister will have an opportunity to deal with them, and if you will just allow me to read my notes just briefly scan my notes on this, Mr. Speaker:

- Was the Gaming Commission consulted around some of these provisions, particularly the ones around which there are some issues with?
- Did the St. George's Resort go through the same process to get their provisional licence as other entities that applied for that status?
- Did the Gaming Commission evaluate the St. George's Resort suitably for receiving this provisional licence, and, if not, who did?
- Did the St. George's Resort have to pay the same fees for the provisional licence as was required by other entities?

- Did the Gaming Commission support the grandfathering of the St. George's Resort?
- How does the OBA and the Gaming Commission, Mr. Speaker, having said before what they said about provisional licences, how does that gel with what is being done now with what they said back in February of 2015?

I will not read the quote; I will just say these are the questions that the Minister can answer.

And I will not present any further questions because I believe that my colleagues will have further inquiries on this, Mr. Speaker. But we on this side are not really that interested in going over old roads. We are here now. There is a Commission in place. We were told back when it was set up that its path was to be sort of independent over the regulators of gaming in Bermuda as we developed it, particularly casino gaming. And it may be that their role will evolve into other parts. We see now that there are some changes being made around the Betting Act which seems to be . . . excuse me, efforts to deal with any potential activities which might bring about money laundering and illegal activities.

So, there are changes being made which actually span out into other areas of gaming. So it may be that we are seeing the Commission's role evolve. And that would be a good thing, because it would be good, I think, to move some of the oversight of what we do in Bermuda around the gaming industry, not just casino gaming, under a body that has the expertise and the resources to carry out those roles.

So, we are seeing some of the Betting Act being dealt with in that. But that is all a good thing. We are not . . . no one is objecting to that. And certainly, we have not been presented, as far as I know, Mr. Speaker, any objections from members of those other areas, like the betting shops and that, that they somehow have an issue with what is being done. So until such time as we hear anything, we assume that people are comfortable with those activities and what the Gaming Commission is seeking to do.

There is another provision, Mr. Speaker, which has some challenges I believe for some. And that is the provision which seemingly seeks to prohibit persons who are in the public service, or who serve in certain areas of responsibility, from being involved with, I guess in their own professional capacity with anything related to gaming. But I am being general because I do not want to offend the rule of going to the Bill. I am sure other Members will talk about this. But there is some concern, Mr. Speaker, about that as well.

Now, there is one argument that has been presented to us in this House that this is a part of the overall international regulatory best practice of certain prohibitions on persons coming out of government or out of certain public bodies and becoming private advisors, or being privately involved with gaming. If that

is, well then, let us . . . I do think the Government needs to explain more clearly what they are doing by that provision. Perhaps they have been advised by the Gaming Commission that this is important for us to move forward as a jurisdiction so that we can be appropriately recognised internationally as a properly regulated jurisdiction.

We have heard some rumours that our banks have been shy of getting involved with gaming. Well, perhaps this is just an effort to get it so that our banks feel more “comfortable,” and I put comfortable in quotes because I think that there are those of us who perhaps smile at the banks for trying to be so holier-than-thou, when in other areas they have not been so holier-than-thou. I am sure others know what I am talking about, right?

But the banks seem to be taking a holier-than-thou approach to gaming. But their activities have not been so holy overall to many in this country. But I think we give the Government . . . and I see the Finance Minister squinting his eyes at me like he thinks I am talking some foreign language. I hope he does not think I am talking a foreign language!

Hon. E. T. (Bob) Richards: No.

Mr. Walter H. Roban: Well, I am trying to be parliamentary, Mr. Speaker, as best I can! I am sure others will, perhaps, flesh it out a bit.

The Speaker: Just speak to the Speaker and you will be safe.

Mr. Walter H. Roban: I just ended my last sentence with “Mr. Speaker.” I did not talk about anybody else, Mr. Speaker. You are the only person I can see right now. Right?

And that has been, as an honourable colleague of mine who sits in constituency 3 has said, in the *Royal Gazette*. So, can I rely on that as a credible source for what has been suggested about the banks? Well, perhaps I can. Maybe that was another bunch of their misinformation. But I am sure we will hear an explanation of that. But I think that it is important, Mr. Speaker, that the Government gives appropriate thorough explanation for some of the things that we are concerned about, particularly that provision and the other provision that I spoke about. And I am doing my best not to refer to the legislation in this general debate, but I think I have described the issues appropriately. There may be other things that Members on this side . . . because I will say that there are Members on this side who have a lot more knowledge and experience around gaming than I do, who may have issues they wish to raise in the debate.

But, Mr. Speaker, I think I have outlined our position fairly vigorously here and I will now sit down and wait for further insight from the debate which succeeds. Thank you very much.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 6, MP Furbert.

You have the floor.

Hon. Wayne L. Furbert: Thank you, Mr. Speaker. I really do not plan to be long, because the whole issue is about the cost itself.

Let me just say that I recognise the CEO, Mr. Schuetz, in the Chamber, and also the Mr. Alan Dunch, the Chairman. Two fine gentlemen that I had the opportunity to talk to. When Mr. Schuetz first came to Bermuda, he met with a few of us on this side and I found him very clear in the direction that he wanted to go. And, Mr. Speaker, one thing I will tell you is I was shocked when the first thing we asked him about was what his salary was. I was shocked at how little he was getting. And so, I would ask him to speak to the Chair, the Government, maybe he can work something out with the Bermuda Tourism Authority to see if he can get in line with them. But I was literally shocked by what he was making.

First of all, an organisation or someone that is starting up and hopefully will take us forward. But it is kind of hard. I see that he is there. I guess if he makes things happen he will be going back to the Board for further looks. But, again, I was shocked.

Mr. Speaker, the first Casino Act . . . as you know, I was not really in favour of casinos in Bermuda. But it is here. And since it is here I accept it. I do support and believe that one should work—one. Based on an economy of scale I am trying to figure out how three or four are going to work. But that is what is before us, and we will move in that direction. But I just do not see how at the end of the day four licences will take place, or three licences. I want to clear on that part, two, three or four. I was not clear based on what the Act was saying.

One good model down on Front Street with the hotel owning shares in the one model may have worked better. But as I know hotels are close to trying to keep their revenue on board particularly from the alcoholic basis to get additional revenue. But I think one beautiful casino down on Front Street with performing arts and everything else around it . . . I use the Sir John Swan model as an example of what I think would have worked better for Bermuda’s talent spread all throughout the Island. But that is where we are and that is where we are. And I wish all those who get licensed the best, recognising that I am sure they will have to do their . . . the one who gets in first will probably have the greatest advantage going forward.

We have here 70-plus amendments. That is a lot of amendments, Mr. Speaker. And that is what I am getting at. I would have thought to make it more . . . going back and forth I had to bring out the old Bill and I am back and forth reading two things trying to understand what is going on. We should have had the

old one repealed and a whole new one done up. It is not done up right now. I am just hoping in the future that the Government will put one Bill so that it does not become so cumbersome. So when a developer or a casino operator is looking at it . . . because I am sure their lawyers are going to look at it. They have got two documents in their hands trying to go back and forth like this. It can become very confusing. So I hope that eventually they will streamline the Act to make it much more user-friendly for individuals.

When we talk about moving from the Singapore model to this, I am assuming that the model that we have right now is more of a North American-style operation. And I am assuming that because Mr. Schuetz is mainly from North America. I had an opportunity to go to Singapore just like my honourable colleague and talk to the operators in Singapore. Oh boy, those casino people are getting some good money over there. Those commissioners make good money over there, Mr. Speaker. I was shocked to hear what they were getting. I think it was about a million dollars a year, commissioners. I mean Members of Parliament in Singapore make a million dollars. The Premier is getting \$3 million. And they told me the reason why is they wanted good people. So we may want to consider that when our—

[Inaudible interjections and laughter]

Hon. Wayne L. Furbert: Take that up in our future when looking at our salary increases, Mr. Speaker. We might want to consider that.

But I had the opportunity to sit down and talk to some of the commissioners. I was very impressed with the operation. As a matter of fact, the first tourism . . . and it was not called a Tourism Authority, the Tourism Act, not Authority, because I used the word Authority, came from Singapore. That first model came out of Singapore. I remember, it was literally cut and paste and sent it up to the Attorney General and told him, *Let's do this*. And they took it and made some changes in it. I know the Minister has made some changes. We call it the Bermuda Tourism Authority. But the original Act was pretty well copied from the Singapore model.

We also look at the . . . sorry, the Board. I am talking about the Board, the Bermuda Tourism Act or the Board. But the model . . . and I am not a lawyer, so I did not find anything wrong with it. I thought it was pretty good. But again, with Mr. Schuetz coming on looking from a North American style, I can see why there are some changes. It would be interesting if we had brought a person from Canada, Australia, whether they would have adapted to another type of model for some changes in the Act. So it is here, and we accept what we have.

Mr. Speaker, I honestly believe that the Government, despite what they say they want to do, has literally tied the commissioner's hand in some form or

fashion. Here this is supposed to be a body that was independently operating without any interference by Government. And they have now thrown themselves in by giving this provisional licence. And as the Honourable Doctor from constituency 22 said, it was granted in the public interest. It was granted in the public interest. There is no confirmation or definite confirmation that they were going to get a licence, which did not make sense to me.

I want to speak more about that. Why do we give a provisional licence when the commissioners can say, *No, you're not getting it?* It was granted in the public's interest. Granted, *in the public's interest* is very important. In fact, it is very powerful because Government normally grants in the public interest when they really want something done. So I hope that they will not be knocking on the door saying, *Listen, you've got to make this happen. You've got to give it to St. George's despite these limitations they may have, despite certain things may take place*. I hope they are not getting involved in that.

I remember when the former Minister from constituency 31, Shawn Crockwell, introduced the commissioners. At the time there were four of them. And the Minister said that the Government would not get involved in the granting of licences . . . would not interfere at all. Would not interfere! Parliament is sending a message, *We are going to give them a provisional licence and . . .* I am stopping here. But you know what we really want, next step. We know what we want.

The chairman said at the time that if he knew that the Government was getting involved in granting licences, he would not have accepted the position. That was in the *Royal Gazette* in February 2015, I think it was. So now we have a Government . . . and it is similar to what the Government said to the country. *We are going to have a referendum on casinos*. And they backed away from that. Then they said to the commissioners, *We're not getting involved in your decision going forward*. But we know that . . . *I am going to tell you what we are going to do. We are going to give a provisional licence to St. George's*.

So that means that the Commission now has only two left. Or do they really have three left? And I will be clear on that. Is the provisional licence to St. George's one and three more? I am not clear on that part. *So, yes, Commission, you have the right to grant three. But I am going to give one out*. So that means there are now four out there. That increases the possibility of licences, increases gambling competition in the community, more economic problems, I think, rolling forward.

So we are going to end up with little small rooms like this with a little one-arm bandit in the corner, maybe a few tables. I was down in Orlando not too long ago. I was involved with a company, and they had a casino club gaming night. They rented a room, and it was probably not much bigger than this room

and the next room added together. And they had a little slot machine in the corner and three guys giving, or four people right here. So I imagine that there is no one building on the scale that I see in Las Vegas. There is no one I see who is going to build on the scale I see in Macau. There is no one I see who is going to build on the scale because it does not make economic sense. Three hundred, four hundred thousand dollars, a staff of a thousand running around and some people dancing on the stage, is not . . . it does not make sense. Sixty-six thousand people, 265,000, 300,000 people come here a year, the ships are not coming here unless they want to . . . they are already gambling on the ships.

So I would have thought we would have left the decision to the commissioners who can look at the economic benefit for us all, and let them make the decision whether there should be a maximum of three designated sites, or four designated sites. Let them make the decision.

Now you are saying St. George's. Why do we have to have that stuck in this legislation? I do not believe that the Government is being truthful to us. They are not telling the whole truth of why are they putting this particular site [there]. Is it because . . . I heard that it has possibly to do with the request for proposal. But I remember reading sometime back where the . . . and I could be wrong, and the former Minister could correct me, but I was just trying to look for it right now. But they said, *Ah. We don't know anything about a casino. We're coming here anyway. We would come to Bermuda despite [not] having a casino.* Although the RFP that went out, I think included the casino operation. *But no, we don't need that. We will just operate on the basis of a regular hotel.* That is what I thought I read sometime back. Now I will do further research to make that happen.

But now the Government . . . I am not going to build down at St. George's unless you give me some signals that there is a provisional licence so that Clarion Bank or Bank of Butterfield, HSBC or whoever finances it, are saying at least they have a step in the door. Tell the people of Bermuda the truth. If this is granting in the public's interest. If this is the public's interest you are talking about, we will not move ahead until we are clear that we are getting a provisional licence, and then next year, whenever the commissioner looks at it, because there are a whole host of things that can go through based on what I can see here before they actually start giving a licence. They do not meet the requirement and the CEO and Chairman break the news, *Sorry, we don't think you meet the requirement.*

So what message do you really want? Do you really want the commissioner to say, *I want you to give them a licence?* Because we are not being truthful, Mr. Speaker. You know, at first there was no licence and now I am giving a provisional licence, so we are taking a little step at a time. Next one we will

probably come back next year because they heard that the Commission is saying that they are not getting one and bring something for another further amendment and say, *No, they have a licence.* Because we are not going to build until . . . I would have thought that they are not going to start building, laying some mortar, until they actually get a licence. How can you? They are not going to move ahead. They said that they will build the hotel first, or they may build the golf course first. But they are not going to put investment in because based on their RFP they said they would have a casino. So there are a lot of steps out there.

I know they are trying to send this little subtle message. *Don't worry, it's all taken care of; you're okay. We've got you covered. You know, there is an election coming up next year and we want to make sure that you are fine and sending a message to the people in St. George's that you are going to put a few Bobcats down there and start digging up the ground.* I just find it amazing, Mr. Speaker.

I do not think the Government . . . and hopefully the Minister who is bringing the Bill will speak to that and tell us the real truth. Let us not wait until somewhere down the road and, you know . . . is the commissioner in agreement with you? I think, as a matter of fact, the Minister said earlier during the debate on the St. George's Resort [Bill] that the commissioners supported it. Did they?

He is shaking his head.

Which way are you going, this way or that way?

[Laughter]

Hon. Wayne L. Furbert: You know, I am really . . . because that is the body the country is looking at. The Minister designated to make a choice for a licence. That is the body. Not the Ministers in Cabinet that meets every Tuesday. That is where the decision should be resting, with the commissioners. Not with Cabinet, and make it political because they want to get something out of St. George's and say, *I've got 200 men down there, women down there, and I've got 1,800 to go to make my 2,000.* It is not going to work, Mr. Speaker.

So again, I believe that the commissioner's hands [are] tied. Again, I ask what happens if they do not . . . that is key. What happens if the commissioners do not support that area getting a licence?

So, my honourable colleague from constituency 15 asked, *Why not Morgan's Point?* And I am asking that question too. Why not Morgan's Point? I think in their master development agreement, and I think we did it, the Progressive Labour Party did it, [it was put] that they would get a casino. So why couldn't they get a provisional licence? That is a very important point, Mr. Speaker. And the Minister of Government should answer that. Send a message to Mr. Duperreault and Mr. Hunt and Craig Christensen who

spent millions of dollars. They have been around since . . . they have been around for a long time. They started over there in South Shore in—

An Hon. Member: In 2008.

Hon. Wayne L. Furbert: And there are millions of dollars going out their pocket. Why not Morgan's Point? Again, they are tying the commissioner's hands. Why?

The Hamilton Princess has got a licence . . . a designated site, sorry. We have a designated site.

An Hon. Member: Yes.

Hon. Wayne L. Furbert: All right. They will probably get one. So we already know the three. I want to be clear whether it is . . . I cannot remember whether it is three licences or four licences. And I hope the Minister will explain again. Maybe I did not read it properly. But it said there are going to be three licences. But is the provisional licence something different?

Extra?

Extra. So there are four licences.

The Hon. Dr. E. Grant Gibbons: Four provisional licences.

Hon. Wayne L. Furbert: Maybe the Minister will speak on this.

And I want the country to hear this. Will the commissioners still have the right to decide how many licences they give, and who gets them? All right. So, send that message to St. George's that, *You don't have a licence yet*. And maybe their bankers are listening right now. They do not have a licence. And they may not get one, because the Commission has to decide. And maybe the Minister will put some pressure on somebody because they want to start betting next month.

The way I see it, we are now . . . what is this? This is December. We are going into December, hit January, they want some tractors down in St. George's by June, Mr. Speaker, so they can start saying that they have got this hotel and they will start building, the America's Cup . . . I can read their manifesto right now, *Development going forward*. They want to be down there taking pictures with Grant, the Honourable Member from [constituency] 22. And the Premier and the Minister are smiling because they have some tractors down there, probably Island Construction machines, and smiling, saying they have this hotel being built.

It just makes political sense. I understand that. *I have one year to go, 2012*. Trying to rush and get Bazarian down there in St. George's. We know. We are coming to the election. We have got to move—got to move.

An Hon. Member: They are coming with a shovel.

Hon. Wayne L. Furbert: Put a shovel in the ground, remember? Put a shovel in the ground. Just throw some sand up in the air.

[Laughter and crosstalk]

Hon. Wayne L. Furbert: So there is a concern.

[Inaudible interjections]

Hon. Wayne L. Furbert: Right. So before that, I am sure, based on the Act, first of all we have to find some banks that are going to accept it.

[Inaudible interjection]

Hon. Wayne L. Furbert: So we have got some time.

[Inaudible interjection]

Hon. Wayne L. Furbert: Once the banks decide what they are going to do, then the commissioner decides who gets a licence—

[Inaudible interjection]

The Speaker: Honourable Members, let me hear one speaker.

Hon. Wayne L. Furbert: I guarantee you, Mr. Speaker, the first licence . . . and I am not a prophet, but I guarantee you, the first licence will be here in St. George's. Who thinks it will be St. George's? First of all, who thinks it will not be in St. George's? That is my point. Nobody put their hand up. You know, who a licence is going to be given to. The pressure has already been put on by the Minister, by the Cabinet.

Hon. Zane J. S. De Silva: He would not be here otherwise.

Hon. Wayne L. Furbert: Yes.

But I am hoping that the Chairman, who I know has integrity, and the CEO shows his integrity, and his Board has integrity and will not bow quickly to pressure. I mean, either way they are not cutting ribbons for the new hotel to open up. So they might just as well wait until we get there and let us cut the ribbon and work from there.

How much time do I have left, Mr. Speaker?

An Hon. Member: No time.

[Inaudible interjections]

Hon. Wayne L. Furbert: All right. And I said I was not going to be long either.

The Hon. Dr. E. Grant Gibbons: Yes, I remember that.

[Laughter]

Hon. Wayne L. Furbert: There is something in the Act (and I will talk to the clauses later on) that talks about Cabinet Ministers and Members not getting involved after two years. I was not clear, Mr. Minister, whether—

[Inaudible interjection]

Hon. Wayne L. Furbert: Oh, sorry, Mr. Speaker.

I was not clear, because it does not say . . . it says a legislator who is involved in gaming. It does not say a legislator who is *not* involved in gaming. So I am a legislator who is not involved in gaming. Will I be able to work at the casino now and immediately after I leave? That is very interesting, because it is not clear to me. But it should go on record in Hansard, so I can read it next year. [So I] ask the question, [if] I am not involved in any gaming right now, but next year, if I retire in March, and in April I am the accountant for the new Monte Carlo, will that stop me from being involved in . . . does the Act right now stop me from being involved in that? Because it is not clear to me. I want it to be. So every MP, legislator in this House, can get involved with a casino once . . . because we are not involved with gaming. I want to be clear on that.

I understand the Cabinet Minister because you made a decision on this particular thing. Can [MP] Sousa be cutting grass and be involved in the grass cutting down at . . . because he knows it is a big place, and put a contract down in . . . it is very important. Can the Sousa Landscaping have a contract with the . . . he is passing it and he notices they have a big piece of . . . they have to cut grass. You know, will . . . (let me call Glen) . . . Glen has a right to sell some cars to those condos because we had passed legislation to allow them to have cars. Will they? We will talk about it more in the actual clauses.

It would be interesting to know, Mr. Speaker, how many real, solid operators . . . We have been in operation now for pretty well two years. There is a message going [around] in the community of the world that Bermuda is opening up casinos. It would be interesting to know how many real operators out there are really saying, *I'm interested*. Has my friend down there in Hard Rock, I visited him down there. in Las Vegas. Is he saying, *I want to get in*? Is Caesar's Palace, and all the rest of them, saying, *I want to get in*? I would be really interested to know what the real interest is out there. Or are we just saying we will pass this and just hope that somebody comes? Because if we have somebody, we are going to have somebody of substance. Cannot have any Mickey Mouse.

[Inaudible interjection]

Hon. Wayne L. Furbert: I do not know. I do not know how . . . I gambled once in my life, Mr. Speaker. I do not remember how I won, but I gambled once in my life.

The Hon. Dr. E. Grant Gibbons: You've been in a casino?

Hon. Wayne L. Furbert: I was sitting down there at a machine. I was sitting down there because we had just come in from a CPA [Commonwealth Parliamentary Association] course. And I pulled the machine, and I was looking around and all of a sudden the thing went off. I thought I had broken the machine, right? This was in Las Vegas.

And a guy ran up and talked about, *You won!*
I said, *Yeah?*

And he said to me, *Are you American?*
I said, *No, why?*

He said, *Because you pay income tax, a tax.*

I said, *No. Look at this, I'm a Bermudan. Look. I said, I'm British.* I made out I was British that day and I paid no money. All right? I could almost open up a new business, running around to everyone who won and say I won it.

My point is this. I am not a real big casino man. My other colleague who will speak later on, I am sure he understands that much better than I do. All I am saying is that the Commission, at the end of the day, I feel has been short-changed by the Government's move to open up and give a provisional licence to the operators.

I want to be clear on the disqualification of who in this House and who in the civil service are not able to get involved in gaming once they retire, or part time, or whatever it is. I really want to be sure on this because . . . if not, then it will come back and bite us.

Mr. Speaker, that is all I wanted to say this evening. I will take up more during the actual clauses. Thank you.

The Speaker: All right, thank you.

Any other Honourable Members care to speak?

The Chair will recognise the Honourable and Learned Member from constituency 31. The Honourable MP Crockwell, you have the floor.

Mr. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I think it is important that I rise to my feet and speak on this, as I was the substantive Minister who sponsored the original 2014 Bill, Gaming Casino Act, and I am the Minister that appointed the existing Gaming Commission. The individuals whom I appointed, I appointed based on the integrity that I knew they had, Mr. Speaker, starting with the chair-

man (then the chairman), Mr. Alan Dunch, who is a mentor of mine and a friend of mine. And then he spearheaded the recruitment of the balance of that Commission. And I think we have an astute Commission, but we have an inexperienced Commission as it relates to gaming.

Now, in the past year I know that the Commission has done a great deal. In fact, while I was Minister I attended a few exploratory trips with them to learn because it is important that we understand that when we introduced gaming into this jurisdiction none of us here knew about the industry. Okay? And I think it is important that I speak because of some comments that were made by the first [Member] from the Opposition [who spoke] in relation to the 2014 Bill.

Mr. Speaker, the Government at the time did not just decide where to go, which model to look at and what type of legislation to draft. You hear time and time again, Mr. Speaker, complaints about the cost of consultants. That is why governments hire consultants. When they are venturing into an area that is unknown to them, where they do not have the internal expertise, no one in this jurisdiction had the expertise as it related to gaming and how we should go about the development of gaming in this jurisdiction.

Let me be clear, the Government at the time did not enlist brand new consultants. We hired the same consultants that the PLP had when they were the Government. Let us not forget there was a Green Paper that came to this House on Gaming, which was written by the Innovation Group. Okay? There was something like 900 pages of research that was done prior to the OBA becoming the Government. We re-hired the Innovation Group to update their research to take into account the current economic circumstances. And they did so.

During that time the Government was seeking guidance on the best way to go and then, in addition, the Government hired Spectrum Gaming [Group] (which is regarded in many quarters as the foremost expert in this area) and was the consultant that spearheaded the implementation of gaming in Singapore.

So here you have the Government seeking guidance from experts. We have what we are told is the foremost expert in gaming and guess who they told us who we should go and visit? Singapore, Mr. Speaker. We did not just take some darts and throw them at a map and they hit Singapore! We took advice from the experts. And they said, *We suggest you go to Singapore.*

Now, it is important that you understand the climate at the time in Bermuda when we were talking about gaming. The PLP will remember, because during their time in office gaming, at best, was 50/50 when they did their polling—50/50. Fifty per cent of the population was against gaming. So it was a political problem. And when the former Premier and Tourism Minister brought his Green Paper, guess what.

His own side did not support it. Okay? So let us get the climate correct here.

If we are going to talk about history, let us talk about the right history, okay? So there were problems in relation to embracing the ideology of gaming in this jurisdiction. Okay? And why? Because people were concerned about social issues. People were concerned about jurisdictional issues, our reputational issues in this jurisdiction.

So when we became Government that was the mindset that we inherited. So the focus at the time was protectionism. What type of model can we implement that is going to protect the vulnerable, protect the jurisdiction, and still be able to create the objective we are trying to create? And the advice came back, Singapore. Okay? So we took that advice.

And, as the Honourable Member who just took his seat, former Tourism Minister, will tell you, Mr. Speaker, he went to Singapore. I did not hear the first [Member] refer to that and the cost of that trip. And he also went to Macau to check it out, because back then we were looking at possibly introducing gaming into this jurisdiction, Mr. Speaker. So, we went through a significant process. I went from one end of this Island to the next doing roadshows about what we are going to do, how we are going to implement it, and the protection we were going to put in place. And when we finished that process, Mr. Speaker, before and after, guess what? The polling showed 70 per cent of the population supported gaming with an emphasis on protection. And that was what we were going with at the time.

I will tell you now, the experts actually agreed with the Honourable Member from constituency 6, who just took his seat. They felt that one large casino was probably the best model for Bermuda, because of our size, et cetera. But the Government also enlisted further expertise to ascertain how it would work if we had multiple casinos as amenities for resorts, because the number one issue that the Government had at the time was how we could attract foreign investment in the country. That is why casino gaming—so we can have hotels built in this country. We have not had a hotel built in this country from scratch, Mr. Speaker, in decades. In decades, Mr. Speaker. And we knew that we had to figure out ways to augment the revenue that these casinos can get, and casino gaming was one of them.

So let us not forget that that is why we did it. I understand people have a difference of opinion in terms of the model, but the Government said, *We want to spur development.*

Now, I am going to say something in a minute, Mr. Speaker, because I find it interesting that Honourable Members want to get up here and be concerned about a provisional licence, which I support. In fact, I have to talk about that as well (I am going to run out of time, I can see that). But had the environment not been so toxic at the time in this House, had the con-

spiracy theories not been going all around the place in this House, had all the allegations and false accusations not been rampant in this House, the Government may have been in a position to do what it needed to do to ensure that development got going. But because there was such a toxic environment at the time, we had to make sure that there was significant distance from the Government and the allocation of licences. It was the right way to go, Mr. Speaker. It was the right way to go.

But . . . and I want to be clear in terms of my participation. I want to be abundantly clear: At no time, Mr. Speaker, as I heard a news report maybe about a week ago, where they said they were told that former Minister Crockwell promised Desarrollos a gaming licence . . . not true! At no time have I ever promised Desarrollos a gaming licence. In fact, every single time it came up . . . because make no mistake about it. Every developer wants a casino licence. Okay? Make no mistake about it. It is coveted. They all want it for good reason. And imagine the first casino that opens in this country will do well. So they all want it. But whenever it came up, I made it abundantly clear that the Government's position is that the Government cannot guarantee, because the Government does not issue casino licences.

Now, what I did do before I left the Cabinet was guarantee that St. George's would be designated as a site if they met all the criteria, because at the end of the day it is the decision of the Minister. And I already made it public that St. George's qualifies, in my view, as a future designated site. And as far as I was aware, Mr. Speaker, that was sufficient satisfaction for the developers. But, being a part of this process, Mr. Speaker, things change. And, you know, we are asking these developers to come here and invest \$200 million into this jurisdiction. Most of it is their own money and whatever happened . . . and, as I said earlier, Mr. Speaker, in another debate, sometimes there are third parties that may need more comfort. So I certainly support the Government doing what it has to do.

And I was glad to see that this particular clause made it into this Act. And I know that it made it into the Act with the approval and approbation from the Commission, because otherwise it would not be there. So, in relation to that amendment, we need to send the international community a message from this Parliament that we support whatever needs to be done to ensure that they are able to get their development going. But I will concur that I do not know what the consequences, legal or otherwise, may be in relation to other developers, Mr. Speaker. Because there may be some.

On the face of it, it is very clear; it is very simple. *I'm in the same position as he is; why is he getting it and not me?* Right? So I can understand that there may be a legal issue. But as far as this provi-

sional licence, I have no problem with it, Mr. Speaker. But I do have a problem with section 187D.

Now, let me also declare that all of these amendments, besides a few—and the few that come to my mind, one is the provisional licence amendment, and two, is [section] 187—came past my desk and I spent a significant amount of time with the Commission, the executive director, the general counsel, their outside counsel, the chairman, going through the plethora of amendments that were proposed. And I had no problem with considering amendments deemed to be in the best interest of the jurisdiction.

Again, Mr. Speaker, I think the Honourable Member from constituency 6 raised an important point. We are here without the benefit of casino gaming acumen, and so if someone from Spectrum says, *Singapore, Singapore, Singapore*, we are going to do Singapore. And if someone else, coming from another jurisdiction, says, *Hold up. This is too onerous, you need to do this . . . we cannot come back. We have no real response, because we do not know. So we say, Okay, you're the expert.* [claps hands] *We do this.* That is the disadvantage of not knowing yourself. It is a disadvantage. Okay?

So we have to take that guidance and we move in this direction. But I can tell you that [section] 187D was not on the list of recommended amendments that came across my desk. So I do take issue with the justification for this amendment. And the justification I heard, I have heard from the chairman. I do not question the veracity of the justification; I question the timing, Mr. Speaker. Because the justification was that this is the gold standard, that this is what makes jurisdictions reputable. And that may be the case. I will note that the Minister who is dealing with this Bill today drew reference to other jurisdictions, but not one of them was an analogous jurisdiction. Not one.

I was waiting to hear "Aruba." I was waiting to hear, "Puerto Rico." I was waiting to hear, "The Bahamas." I was waiting to hear, "Jamaica has a similar clause in their legislation." We heard "California" and other jurisdictions. Now, if it is in those analogous jurisdictions, I am very interested to know, because that would change my view on this.

Mr. Speaker, the chairman said that this is important, it is relevant, it will put us in good company, and it would certainly put the gold standard on the jurisdiction. If that is the case, then great! But if that is . . . and the point is, it may be the case; but it was not at the forefront, Mr. Speaker, when these amendments were being considered, because it would have come across my desk. It became an issue after I left the Cabinet and went back into private practice and represented someone in the gaming industry. That is when it became flagged.

Now, my concern is why is it not in an analogous jurisdiction? Is it because of the size of our jurisdiction? What frustrates me about these conflict of

interest issues is that I have seen conflicts of interest in this Government, in other Governments doing business with relatives or people who are close to you, because we live in a small jurisdiction. It is almost impossible to avoid conflicts of interest, Mr. Speaker. So why are we going to be very strict in this sense, which will have a direct impact, at least on my career, or my current business, and my business partner, the former Attorney General, because it says at [section] 187D(c) “provide any goods or services to an applicant for or holder of any licence granted under the Act . . .” So I personally do not see any issue.

Certainly, if it were Desarrollos my integrity, Mr. Speaker, would have led me to say, *Sorry. I can't represent you*, because of the close relationship I developed with them, and because of what I felt would have been the optics of being the Minister negotiating with them directly in relation to this issue. But I cannot see why I could not represent Elbow Beach, Coco Reef, or other individuals who may be interested in either a designated site or a licence at some point, because I know the legislation.

It would be no different than the former Immigration Minister, who wrote new work permit policies and legislation, one day availing himself of that expertise by providing advice in that area. Why can the former Minister, who was responsible for bring the legislation to this Honourable House, getting it passed, responsible for the creation of the designated site process, intimately involved, not be able to advise, in appropriate circumstances, individuals in a jurisdiction this size?

So that caused me some concern. Certainly, I approved all of the other amendments prior to leaving Cabinet. And I am glad to see them here today. But I am concerned that we are here so much longer after—

The Speaker: You have 13 minutes.

Mr. Shawn G. Crockwell: Thank you, sir.

I am concerned that we are here now when I expected that we should have been here much sooner on this issue. And I am sure, depending on who you talk to, that we will find out that there are many reasons for this delay. And we have heard that there are going to be numerous regulations coming soon that this House is going to have to wrap its mind around and approve.

And my concern is that we are going to miss the America's Cup opportunity, I think that is a *fait accompli* now, Mr. Speaker. You will know that I recently took to my feet and I lamented the fact that we did not take advantage of an opportunity to look at a temporary licence, or a provisional licence for the America's Cup, where we are going to have thousands of people converging on this Island, wealthy people. We will have an opportunity to test it and see how successful it really can be. And we would have an opportunity to

get the training off the ground, get Bermudians who need work engaged in this new career and profession, and we can get that buzz going.

Do you know, Mr. Speaker, that the whole energy and enthusiasm around gaming is gone? It is gone. People were excited about it when we first passed it. And people were all interested in how they could get involved and trained. And we are taking so long to get this thing sorted out that people now do not even think it is going to happen. And it does not help that we are seeing articles in the *Royal Gazette* saying that it is not going to happen anyway because we have no banks that are going to be cooperative. It does not help.

So, I just do not understand why it is that we cannot . . . and I know that there are issues all around the place. But this is one of those types of things that we need to figure out and get it done. For a small jurisdiction . . . you are trying to tell me we cannot figure out a model and a regime that we can put in place in short order to get this thing up and running so we can get Bermudians who are unemployed right now, not just employed, but give them a new career, and get an amenity that can support our tourism industry, get hotel developments built—at least get them started—creating more jobs? What is the problem?

This is something that can help this country and we do not seem to be able to get out of the way! This is it! Tourism, hotel development, new jobs in casinos, and it has taken us almost two years, and now we are amending the original Act, when, in my view, if we can have some real leadership we can get something done.

Get it implemented.

Figure it out.

Get people in a room, put some timelines on it and say, *I want this done by this time*, and get it done, Mr. Speaker, because we have been dealing with this too long. And here we are back at the starting gate.

We had one Member talking about we should just repeal the original Act, when, in my view (and I am not an expert on this, and I am not going to try to be one), I think we could have tailored what we passed and made it fit our purpose somehow.

Let's get it done, because I am fearful, Mr. Speaker, that we will be back here . . . I may not even be here, Mr. Speaker, when we are back here tinkering around with amendments, regulations, this and that, and nothing is done.

The people in this country want action. They are tired of debates and they are tired of the blame. I do not know where the problem lies, but it is taking too long and we need to get it done.

Earlier today, Mr. Speaker, we passed the Bribery Act. I would have thought that would have been sufficient to cover the concerns that are raised in [section] 187D. This seems to be more targeted for some reason. Mr. Speaker, I do not believe that . . . I mean, I am in a quandary because as a former Tour-

ism Minister, and as someone who put a lot of time into the Desarrollos development—a lot of time—how can I go against the Bill that is going to help push that project along because there is an amendment that I find offensive? So it is a quandary for me, because I cannot send a message out there, particularly to those developers who I developed a personal relationship with and I have a mutual respect for . . . I cannot now say, *Well, I am going to undermine a Bill because I am not happy with one of the clauses.*

That is why I queried why the provisional licence is contained in this Bill. In my mind, you would have granted the right to the Commission to issue provisional licence in this Bill and then you would have come along and then issued that provisional licence in the St. George's Resort Act. That is the process that makes sense to me. But we are where we are. The Government has the numbers. I would hope that because of the importance of a provisional licence issue and because of the importance of this piece of legislation and because of the importance of us moving this industry along that somehow or the other . . . and I have been told that if we can get this done today some things are going to happen. Well, I will be watching, Mr. Speaker. I will be watching to see what is going to happen after this Act is passed today. And I hope that we see some leadership.

I hope we see some of that *urgency of now*, because the people in this country who are relying on us getting this, not only right, but getting it going are getting tired. They are getting tired.

So, Mr. Speaker, I think that we need to as the Premier likes to say, we need to move forward. But I am asking those individuals in the requisite positions to appreciate that we are now behind the eight ball. We are behind schedule and so we need to now get things done and get them done in an expeditious way, because this issue is too important and is too vital, not only to the future of tourism in this country, hotel development in this country, but also to create and generate hope that is dissipating, Mr. Speaker, in our community because people are saying, *Are you really serious about doing something for me?*

I have always believed that getting this industry up and running is important. Because, you know what? If I wanted to be a blackjack dealer and right now, if an unemployed individual on financial assistance wants to be a blackjack dealer and we both went and signed up to be trained, we would be on the same level. Forget my law degrees and everything else. I do not know how to do blackjack dealing and neither does he. And that is the beauty of this industry. We are all on the same level. Everybody would have an opportunity if they are interested in getting training and entering into a whole new career, no matter who they are. Certainly—

[Inaudible interjection]

Mr. Shawn G. Crockwell: Well, my colleague said at least for the next two years, I cannot, Mr. Speaker.

But that is the beauty of it. And people are out there waiting for it because they see this as their opportunity. Let us respect that and let us show them that we are serious about helping them, Mr. Speaker, help themselves.

Thank you.

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

The Chair will now recognise the Honourable Member from constituency 29, MP Zane De Silva.

You have the floor.

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

Mr. Speaker, I am happy to weigh in tonight and I will certainly have a few comments with regard to the [Member] who just took his seat, some in support and some not in support, Mr. Speaker.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Of course you would be.

Mr. Speaker, he said a few things that I hope resonate deeply with not only the OBA Government but with the Commission themselves. He said a few things that I really like to use in my everyday business life and it is simple things like put timelines on it, Mr. Speaker. Put some timelines, set some goals.

He mentioned the *urgency of now*. You remember, Mr. Speaker, for the last couple of years every time we talked about gaming or anything that is related and to do with jobs, I have talked about urgency of now, Mr. Speaker. Urgency of now. Why? Because our country needs it. We have 4,000 people out of work, Mr. Speaker. The Honourable Member mentioned financial assistance just now. I would like to go a step further and say that we have missed an opportunity. The OBA Government have missed an opportunity because if I remember correctly those that receive financial assistance certainly some of the criteria for receiving financial assistance is individuals have to go out and do some community work or some type of work, Mr. Speaker.

We have lost an opportunity and he talked about one of those. Maybe some of those folks on financial assistance would like to be a blackjack dealer. Well, why have they not been in training? And you might say, the Opposition . . . the Government might say (soon to be Opposition) might say that, *Well, you know, here we are. You guys have all these bright ideas, but it takes money.* Well, I am not sure how many applications were made, Mr. Speaker, when the RFPs were put out, but there was talk that there were 11 applications—11, at \$50,000 a pop, if you remember.

Now, of course, I have since heard that two were actually submitted but they had inquiries from

11. But still, they did receive some money, Mr. Speaker. So you know what? But when you are talking about putting our people that are on financial assistance to work you . . . let us test the waters. Did we lose an opportunity? Maybe we did.

Now, Mr. Speaker, this are a lot of amendments. You might as well call it a new bit of legislation. Do I support it? Yes, I do. Do I have issues that I do not support? I am surely there, too, Mr. Speaker. And I will get into that because, let me state for those that may not know, Mr. Speaker, I was one of those that during the original debate back in 2014 that did not like the idea of having only three casinos. I said open it up. Turks and Caicos have several, Mr. Speaker. You go to Atlantic City, you go to Vegas, they are lined up right next to each other, almost hundreds of them at stages, Mr. Speaker. So my take was why stop an entrepreneur from maybe opening up a casino. I am stuck on that one, Mr. Speaker, somewhat, in that I believe that we should open the doors for competition.

If you have a casino, Mr. Speaker, and we have 10 other people in this room with casinos it is up to you to do your marketing, to get the support for folks to come into your casino. I am familiar with them, Mr. Speaker, you know that. I have certainly made it very clear where I stand on gaming in Bermuda. And I spend quite a bit of time in casinos, Mr. Speaker. I love them to death. I am probably one of the very few that spend a lot of time . . . but I am very controlled, Mr. Speaker. So, you know, my thing is . . . and you will know that many casinos, as the chairman of the Commission and the CEO have said, they got a good deal when they went to Caesars. They got a discounted rate because casinos do that.

In fact, many of the casinos that I go to on a regular basis, Mr. Speaker, I do not pay anything at all. I do not pay for my room, and most times I do not pay for my food, either. But, that is . . . and we know why, Mr. Speaker. So, Mr. Speaker, this should have been there long ago.

We know from the Ministerial Statements that our former Minister of Tourism Crockwell made in this House several times, Mr. Speaker. You will know that they date back almost . . . I think it is two years now. Two years. What have we been doing for two years? In one of those Ministerial Statements former Minister Crockwell said that the CEO is going to hit the ground running. One day, before we even got to gaming debate, he gave us a little precursor. He said, *I am going to hire somebody and it is going to be somebody that is darn good*, he said. Right? He said, *No, no, no* (this was former Minister Crockwell) *I am going to hire somebody that is good! That is real good!* Those are his words—before any Commission was picked, before anyone was picked.

So, Mr. Speaker, we understand, yes. And the chairman, Mr. Dunch, was the one who said he is going to hit the ground running. But what the heck is tak-

ing us so long, Mr. Speaker? It is two years! The CEO certainly does not have a problem jumping on planes and spending taxpayers' dollars. But we want to see some action here. We have people out of work, and we will get into developers in a moment, Mr. Speaker. But one thing . . . I am not sure which one said it, and I have it in my papers here, Mr. Speaker, I have a lot of papers. I like to collect papers. I am not as sharp as my tech man, MP Lawrence, here. I deal with paper, Mr. Speaker, but I believe it was Mr. Dunch, or the CEO, said that we will be lucky, and just recently, we will be very lucky to get a casino next year. So you know what? If we do not get a casino next year, Mr. Speaker, it will be three years counting. Three years counting whilst we have 4,000 people out of work.

Now, Mr. Speaker, the Honourable former Minister Crockwell said, almost pointing fingers at the PLP, and I will use his words, because of the "toxic environment" in this House is why we did not have development, why we have not had a hotel to date. I argue with him. I argue with him, Mr. Speaker, and I disagree with him, because the toxic environment that he talked about in this place was only because of circumstances that had happened.

Now you remember where it started. We had a jet that left Bermuda, Mr. Speaker—

An Hon. Member: Yes, we did.

Hon. Zane J. S. De Silva: Okay? We had one that left Bermuda going to talk to a developer for that same site!

So, Mr. Speaker, let us talk about toxic environment, okay? Let us talk about their trip to Singapore that they were advised to take that cost the taxpayers' almost \$50,000.

So, Mr. Speaker, let us talk about toxicity. Do not talk to me about this environment was toxic when you talk about the PLP. It was toxic because it had a bad start. And you know the old saying: If it starts wrong, it finishes wrong most of the time.

[Inaudible interjections]

Hon. Zane J. S. De Silva: So, Mr. Speaker—

[Inaudible interjections]

Hon. Zane J. S. De Silva: The Honourable Member says why did they get rid of their Leader? Same reason that your Premier got rid of you.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Oh—

The Speaker: Honourable Member Crockwell, that is enough.

Hon. Zane J. S. De Silva: So, Mr. Speaker, I say that is all hogwash. I say, you know, this thing about *no developers came to Bermuda because of the toxic atmosphere in this House* . . . I tell you what, Mr. Speaker, I tell you what. I know that same Hotelco Group in this Island, in Bermuda, at a press conference were asked about the casino licence and they said, and I will quote, *that a casino licence is not a game changer for them*. I remember those words distinctly, Mr. Speaker, because I am reading them. Not a game changer. In other words, they will press on.

So this talk about the toxic atmosphere in this House, it is hogwash. Hogwash, Mr. Speaker! The problem with the development down in St. George's . . . I will tell you what the problem was. They did not have a casino licence. That is why it is here today. That is why it is here today.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes, let us be transparent. Let us tell truth to mama and daddy, come on.

[Inaudible interjection]

Hon. Zane J. S. De Silva: That is why . . . that is why we are here today, Mr. Speaker.

Mr. Speaker, the Honourable former Tourism Minister talked about polls 50/50 during our time in Government when we wanted to bring gaming, then went on to say that the last poll that they had showed 70 per cent support for gaming from the people of Bermuda. Well, let us just not forget, Mr. Speaker, that back then in 2007 and 2006 Bermuda was in some very healthy financial times. Everyone was working. And, yes, I can say I will take the Honourable Member's word for it about the 50/50 number, about 50 per cent . . . and I will tell you what, and I think the last eight years there has been a lot of people hurting, Mr. Speaker. And it is a different environment. I think that is why Bermudians support it more today than they did seven, eight years ago. It is a different environment.

You have middle-class Bermudians in this country, Mr. Speaker, that are fighting to save their houses. So anything that we can do to improve their lifestyle, Mr. Speaker, anything that they feel can improve Bermuda's chances of success they will support. And that is why, I think, that we have an increased support for gaming, Mr. Speaker.

Mr. Speaker, I have to reemphasise one more time about our people that are unemployed that should have been trained during this period. We cannot emphasise that enough. At least give them the tools so that [when] the opportunity presents itself . . . I mean, how long is it going to take for someone to be trained to become qualified as a casino host in terms of a dealer, in terms of someone that works around the gaming machines and all the different games of

chance someone can participate in? Mr. Speaker, if you ever played craps, that is not an easy game to understand. Okay? Blackjack, you have to count cards quickly, Mr. Speaker. You cannot just train somebody in two weeks. It is going to take time. So we must, we must get our people trained. And if we are going to have Bermudians that are going to be our blackjack dealers and our croupiers and all the different games, Mr. Speaker, poker organisers and all of that, Mr. Speaker, it is going to take time.

Now, Mr. Speaker, it would be remiss if we did not talk about some of the publicity surrounding gaming in the last several months. In particular, Mr. Speaker, I draw your attention to an interview that the CEO gave to *Bernews* on 30 May this year, talking about Singapore and the model and it took seven years and, of course, the \$30 million, indicating to the man on the street that, you know, maybe it is going to take seven years and \$30 million. I do not know, Mr. Speaker. I could not understand why that statement was made. Maybe one of his colleagues, the Minister, can tell us why he made that statement, Mr. Speaker.

He also went on to say that if we followed the Singapore model it will cost us \$30 million a year. Well, I remember, Mr. Speaker, when the two Ministers came back from Singapore they sang the praises of that Singapore model . . . sang the praises. But all of a sudden now, the Singapore model is no good and we are going to start over—\$50,000 later.

The other question, Mr. Speaker, I would like to ask, [and] hopefully we can get [answered] tonight whilst we have the chairman and the CEO in the House is, Do they have the funding to train Bermudians?

Why do I ask that question, Mr. Speaker? Because the CEO told *Bernews* in that podcast, Mr. Speaker, on 30th May this year, that if they do not get funding, training of Bermudians is nothing but a pipedream—and I quote, “nothing but a pipedream.”

Now, Mr. Speaker, when are we going to train our Bermudians? Or are we ever going to train Bermudians? So if we do not get the funding, all the Bermudians that thought they may get a job in the gaming business, they are not getting any piece of that pie, Mr. Speaker. None.

The CEO, Mr. Speaker, also said in that podcast that he has set up a casino . . . I stand to be corrected, but I am fairly certain that he said he has set up a casino in three months before. Now, maybe he has a reason for that. But if he set up a casino in three months before, why are we still here having this discussion tonight, Mr. Speaker?

Now, Mr. Speaker, there are a few other things I would like to discuss before the night is done. How is my time going, Mr. Speaker?

The Speaker: You have 15 minutes.

Hon. Zane J. S. De Silva: Good.

Mr. Speaker, with your permission, I would like to quote . . . you might remember, Mr. Speaker, there were—

The Speaker: Where are you quoting from?

Hon. Zane J. S. De Silva: I am going to tell you in a second, Mr. Speaker.

This was from . . . we had a few statements that were made by Mr. Dunch earlier this year, Mr. Speaker, and there were press releases. I mean, I could table them. We had two press releases, and we also have a print out from the ¹*Royal Gazette*, Mr. Speaker, which I would like, with your indulgence, to quote. This is from Mr. Dunch, “When the Minister first approached me to ask me whether I would take on this position, I think the first question I asked him was if the Government has made any commitments to anybody in relation to granting a licence.

“I asked that question because had the answer been yes, I suspect I would have declined the invitation.”

Now listen to that very carefully, Mr. Speaker. “I have been assured that no commitments have been given and that we as a commission have been given a clean slate, so we can be looking at all applicants subjectively, without political influence and we will make decisions objectively without political influence, and that I can assure you.” Words of Mr. Dunch.

Now, Mr. Speaker, I would have thought that if Mr. Dunch was sincere we would have had a resignation by now.

[Inaudible interjection]

Hon. Zane J. S. De Silva: I mean, political interference. I would not take the job. I would not take it. These are his words not mine, Mr. Speaker. So my question is, why is Mr. Dunch still involved? Why is Mr. Dunch still involved?

Now, Mr. Speaker, on 13th July a press release from Mr. Dunch and the chairman of the Gaming Commission, he said that he took a trip September 2015 and during this trip he and the CEO met with four other large gaming operators that [comprised] the biggest and best brands operating in the global casino resort space. All of these appointments were made through Mr. Schuetz’s contacts in the gaming business.

Now, Mr. Speaker, do we have a situation of the poacher minding the henhouse? Mr. Speaker, we have the CEO who has made appointments and met with (his words) *four other large operators that comprise the biggest and best brands operating the global casino resort space*.

Mr. Speaker, they are meeting with these folks, and you talk about the atmosphere. So if you

are making a public statement that you are meeting with the top people in the world in the casino gaming industry, and then you are expected to regulate these same people that you are wining and dining, Mr. Speaker, if they choose to come to Bermuda and open up a casino . . . now, something is not right.

Does anybody in the OBA Government question that situation? Do we have a CEO who is wining and dining some of the big players in the casino business world (their words) going to invite them to Bermuda and invest . . . *and, look, by the way, I am going to regulate you when you get here as we take another sip of wine?*

And, Mr. Speaker, Mr. Dunch went on to say, because when I first brought some of these things to light, Mr. Speaker, Mr. Dunch went on to say, ²“ . . . Mr. De Silva’s statements, it will quickly come to understand those statements for what we believe they were: namely, political theatre.”

I assure you, Mr. Dunch, that I do not sit up here for any political theatre.

The Speaker: Honourable Member, Honourable Member—

Hon. Michael H. Dunkley: Point of order, Mr. Speaker.

The Speaker: Honourable Member, you speak to the Chair. Please.

Hon. Zane J. S. De Silva: Apologies, Mr. Speaker, and apologies to Mr. Dunch, too.

The Speaker: All right, so, please.

Hon. Zane J. S. De Silva: He is in the House tonight and I welcome him here.—

The Speaker: Absolutely. But—

Hon. Zane J. S. De Silva: Hopefully he is enjoying the debate. Got you, Mr. Speaker.

The Speaker: It is all right for Mr. Dunch to be sitting there. He is not participating. He is just watching what is going on—

Hon. Zane J. S. De Silva: Yes, yes.

The Speaker: So therefore, it is respectful of you not to carry on that way.

Hon. Zane J. S. De Silva: Sure, Mr. Speaker, and my apologies, Mr. Speaker. No problem with that.

So, Mr. Speaker, of course, he was talking about at the time when I made comments with regard

¹ [Royal Gazette](#), 12 February 2016

² [Royal Gazette](#), 14 July 2016

to his relationship (I am talking about the CEO's relationship with his former wife), and, Mr. Speaker, I said on the floor of the House that night that I thought that that was rather a little funny to me, that you have your former wife who was brought to Bermuda . . . and the former Tourism Minister is here, so maybe we can get clarity for the first time. But I understood that when the former wife of the CEO came to Bermuda that he did not even know that. I will sit down if someone wants to point-of-order me.

So, I guess that statement was correct. It was not political theatre, Mr. Speaker. It was information that I had received.

So you see, Mr. Speaker, I had an issue with that. I had an issue with the CEO and his former wife who represented Caesars coming to Bermuda. The same people that we are trying to say we want investing in Bermuda [and] build a casino, *but, by the way, I am going to regulate you.* I had an issue with that, Mr. Speaker. And I still have an issue with it.

Mr. Speaker, Mr. Dunch also went on to say in that same press release, ³“What Caesar's did was pay their way to visit this Island with the thought of potentially investing,” listen, “hundreds of millions of dollars and employing hundreds of Bermudians.”

Now, this is the kicker, Mr. Speaker, he went on to say, “We are now concerned that our politicians may have convinced them that they are not welcome.”

So, Mr. Speaker, first of all, I would like that statement to be justified by the . . . Well, I am not sure who the current Minister is. Do we have the Junior Minister who is going to answer this? Or is Dr. Gibbons, the Member from [constituency] 22, going to answer this question? The Honourable Member from [constituency] 22?

[Inaudible interjection]

Hon. Zane J. S. De Silva: So, maybe he can justify that statement because, Mr. Speaker, Caesars thinking that they are going to generate millions of dollars and employ hundreds of Bermudians are now concerned that our politicians may have convinced them that they are not welcome.

Mr. Speaker, I did not cause that situation. I mean, are the regulators . . . is the Commission's job to get investors for this country? Or is their job to sort out the gaming legislation? What is it?

What is their remit? Do we not have anyone capable in the OBA Government to go out and get investors to invest in Bermuda with regard to hotels and casinos? Now all of a sudden we have a Commission, a chairman and a CEO that we are paying for, flying them around the world to entice investors to come to Bermuda, to encourage developers to come to Bermuda. I do not ever recall in any of the legisla-

tion that we debated in the last two years, Mr. Speaker, that that was their remit. No, I do not.

Maybe we will get that answer tonight. Maybe we will get it in Committee. I do not know, Mr. Speaker. But I find that highly, highly abnormal that a commission, whose job it is to form the legislation and the regulations for us to host casinos in this country, to also be the ones that are going to wine and dine potential developers . . . and we just passed a Bribery Act earlier today. I am not saying that . . . I am just saying, Mr. Speaker.

Hon. Michael H. Dunkley: Point of order, Mr. Speaker.

The Speaker: What is your point of order?

POINT OF ORDER

[Imputing improper motives]

Hon. Michael H. Dunkley: That is inappropriate for this House to [impute] motives of people. That is unacceptable for the Honourable Member to do that, especially when the gentleman he is talking about cannot even defend himself, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Hon. Michael H. Dunkley: He can do better . . . well, perhaps he can.

The Speaker: Okay. Thank you, Honourable Member. Carry on.

Hon. Zane J. S. De Silva: Now, Mr. Speaker, you will know that I did not say . . . I did not say anything. If I struck a nerve with the Premier, maybe he might want to have some further explanations. But I did not say that, you know, somebody in the Commission or somebody on the Commission was getting bribed by anybody.

An Hon. Member: Come on. Come on.

Hon. Zane J. S. De Silva: Now, Mr. Speaker—

[Inaudible interjection]

Hon. Zane J. S. De Silva: I did not say that. No, I did not.

Mr. Speaker, I, like the former Tourism Minister, also had an issue with [section] 187A(d). Let us be specific. I have a serious issue with that, Mr. Speaker. And I understand, if I have read the legislation correctly, Mr. Speaker, that, you know, this, this . . . when you talk about a current member of Parliament, Mr. Speaker, looking at getting fines or maybe being taken to court for providing any goods and services to anyone directly or indirectly . . . Mr. Speaker, I have

³ Bermuda Casino Gaming Commission [press release](#), 13 July 2016

an issue with this because everyone . . . Well, many people in this House, Mr. Speaker, know some of the things I do. But they do not know all of the things I do, Mr. Speaker.

An Hon. Member: Thank God for that.

[Laughter]

Hon. Zane J. S. De Silva: I do not sell milk, yet, Mr. Speaker. But I may do so one day.

[Inaudible interjection]

Hon. Zane J. S. De Silva: But, Mr. Speaker, let me say this—

[Inaudible interjections]

The Speaker: Just a minute. Come on. Come on. Come on.

[Gavel]

Hon. Zane J. S. De Silva: Yes, Mr. Speaker, this bit of legalisation here . . . I agree with the Honourable Member. It may be appropriate, but the timing . . . the timing.

And I am going to speak on behalf of former Minister of Tourism Crockwell and the former Attorney General Pettingill, Mr. Speaker, because you know we had a situation in this House a few weeks, a few months ago, Mr. Speaker, with regard to this situation. It appears to me, and I will say it appears to me, that this bit here in this [section] 187D is pointed at a few people . . . it appears, Mr. Speaker. Because we know that those two . . . Well, one is still an OBA member, the other one is no longer an OBA member, apparently, Mr. Speaker. But we know that they were heavily involved with the gaming legislation in this country.

It is disappointing that this bit of legislation regarding this issue is part of these amendments. It is disappointing that the OBA Cabinet and the OBA backbenchers will support something like this that appears to be pointing at their own. It appears, Mr. Speaker, to be pointing at them. And it is a downright disgrace if that is the underlying goal.

But, Mr. Speaker, I do have some, and some other folks in this room may have some, issues with this bit of legislation. Do I as an owner of a trucking company . . . if I am asked to deliver some goods or some milk to the casino, Mr. Speaker, am I breaking the law? In Bermuda it conflicts . . . I think one of my colleagues was talking about it earlier. Conflicts are hard to avoid in Bermuda, Mr. Speaker. You will know that. Certainly, the Honourable Member from [constituency] 22 knows that. He owns more businesses than probably everybody in this House put together. So if

he does not have a conflict . . . he may have some conflicts, too, Mr. Speaker.

An Hon. Member: He does.

Hon. Zane J. S. De Silva: Right? He may have some, too. So this piece of legislation . . . you know, I am hoping that by the time we get in Committee, Mr. Speaker, that this legislation is . . . we deal with it.

The Hon. Dr. E. Grant Gibbons: We will talk about it in Committee.

Hon. Zane J. S. De Silva: Okay. The Honourable Member says we will talk about it in Committee.

So, Mr. Speaker, that said, those are my points. I look forward to Committee, Mr. Speaker, and us maybe diving into a bit more detail. But let me say that the Commission . . . I am going to go back to where I started, Mr. Speaker. You need to set some goals, set some timelines and we need to really get moving and let us hope that the OBA Government do not get rid of another tourism minister and then we start rolling all over again, Mr. Speaker, because they have had three or four in the last six, seven, eight, nine months. So let us hope that they can help the Commission to get on track and let us get our people to work and get some developers in the country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 20. MP Susan Jackson.

You have the floor.

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

I would like to take a moment and just reflect back. The whole premise around gaming in Bermuda is based on hotel developers who want to come to Bermuda and have as an amenity inside their establishments a form of entertainment that is complementary to other amenities that are within the hotel. So, you know, sort of the premises there that a family can come to Bermuda and they stay at a hotel and they play golf, they swim in the pool, they may go to the spa and then in the evening they may want to take advantage of some gaming. And, so, this was not meant to be some independent large scale new industry for Bermuda but was meant to be an amenity for the hotels that wish to establish themselves here in Bermuda. So I believe that it is very important for us to hold onto that vision and contain it within the guidelines of which the Government has proposed this new amenity to Bermuda.

So with the thought of gaming being an amenity within a hotel development, it is super important for Bermuda to make sure that we have the right regulations, the right standard for Bermuda to make sure that we are providing the best of the best for our Is-

land. One can imagine, I mean, certainly for decades we have all seen that gaming is a sensitive amenity, a sensitive industry. And Bermuda has to be super, super careful—because our reputation matters—that we make sure that we are structured and developed in such a way that all of our t's are crossed and our i's are dotted. This is exactly the kind of industry that we would bring to Bermuda and if it is not done correctly it is the exact thing that could spiral us out of control and downhill, Mr. Speaker.

So, I do not care how long it is going to take us to do it. We need to do it right and we need to do it right for Bermuda because, like they may say, you know, yes, there may have been an awful lot of excitement when it was first introduced but now that the horse is out of the gate we have to make sure that this is a winning horse, that we get it right and that it is a thoroughbred, and we are going to make sure that this industry is something that holds high reputation and a gold standard for this Island and attracts the right people to our shores.

So with that, Mr. Speaker, I would like to just continue on and mention that the Commission that has been developed for our gaming industry, again, has got to be of the higher standard. So we have got to have a group of people, commissioners, prepared to do the research, prepared to look at all of the legislation and make sure that right down to every single detail we get this legislation right. So we as a Government we have to take the advice of a Commission that is strong, that is knowledgeable, that is able to say, *Well, you know what? Maybe we did look at one way of doing this but we found a better way for Bermuda.* And if they find a better way for Bermuda we have to take advice on that.

So I am going to commend the Commission. I am going to encourage them to continue to do what is right for Bermuda because our reputation means so very much for us.

Now, when it comes to the licensing, yes, so we have a developer that wants to come to the Island. As I refer back to my original statements, every developer would like to have this as an amenity, and certainly I had my opportunity, Mr. Speaker, and we crossed paths this past summer in the Bahamas when we were there for a conference. We had an opportunity to see how gaming—

The Speaker: You know, you are letting them know I was in the casinos. Be careful.

[Laughter]

Ms. Susan E. Jackson: Well, you were doing your civic duty. You were doing your civic duty, Mr. Speaker.

But I do want to say that the amenity of gaming in that jurisdiction is such that, you know, I understand how important it is for a hotel development to

want to have gaming. So if we have to provide any kind of provisional licence or, you know, extend ourselves in that manner, I certainly commend the Commission for negotiating and allowing this to take place.

But it is something that hotels do want to have. It does not in any stretch of the imagination, Mr. Speaker, dilute or in any way minimise the level of scrutinization that all of the applicants for a gaming licence are going to go through when they make application here on our shores in Bermuda. So it matters not whether it is provisional whether an application is coming through the Commission . . . all of them are going to go through an extensive and detailed scrutinization and investigation. So it is all going to end up being the exact same in the end. No one is going to get a free ride in the gaming industry here in Bermuda, Mr. Speaker.

Now, there was some piece that the Member from [constituency] 29 mentioned. And, in closing, I just want to clarify this. I do not know the details about any kinds of discussions and advice that has been received from different operators within the gaming industry. But I do know that there is going to be a reason for us to reach out to other operators who are licensed to seek their advice to possibly collaborate so that we can share information. And there has to be a level of confidence that this kind of relationship is going to be okay.

For me, I can sleep at night, Mr. Speaker, because I am. Rest assured, any operator that is regulated in a jurisdiction outside Bermuda, in particular, the United States of America, is very heavily regulated. So I do not see where any of the operators that are licensed in the United States are going to in any way jeopardise their success by coming to Bermuda and then doing something that is untoward. So, certainly, I have full confidence that if we do reach out and either seek the advice or work with other regulated operators overseas that we certainly are going to get good advice and we are going to be working with people who are highly reputable in the industry.

In closing, Mr. Speaker, I just want to also mention that it can be sensitive when Members who are in either high profile or important positions are sometimes held at higher accord than others. It is not just, maybe, people who are working in public service that once we are no longer in public service we have to be very careful with the relationships that we make until we have distanced ourselves enough from our public service, as an example. The banking industry does the same and a number of industries . . . if you are in a profession in those industries there are certain areas that you are encouraged or sometimes legally bound to keep your distance from and have a certain level of objectivity come back before you are able to get into relationships or professional business relationships with certain people.

So I just want to say that although it does feel very sensitive for us as public servants to sometimes

have to bow out of opportunities that might be made available, I certainly understand from a regulatory environment and just . . . we are just highly scrutinised and so, unfortunately, sometimes we do have to take that backseat.

But I do, again, Mr. Speaker, believe that Bermuda is looking to be the best in this industry, that we are going to do it right and that we will continue to move in the right direction to get the job done, and with all of the thorough scrutiny that will take place Bermudians will still have a huge opportunity to work in an industry that will be highly reputable.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable and Learned Member from constituency 36, MP Michael Scott.

You have the floor.

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

Mr. Speaker, I rise to reflect on the Casino Gaming Amendment Bill largely in connection with the point taken now by two speakers this evening. And as I do so, Mr. Speaker, and before I do so, I would like to acknowledge the presence of the Gaming Commission team in the House. Ms. Blakeney, Mr. Schuetz, a gentleman whom I do not yet know but I am going to go over and introduce myself, and my colleague, Mr. Dunch, whose work we wish to acknowledge and thank him for the work that [he is] doing.

But I rise to deal with them just on a matter of legal principle, points that have been raised by the former Minister of Tourism (the Member for constituency 31) and my colleague the Member for [constituency] 29. And I am not sure when the Government is going to learn that . . . I certainly do not want to be associated with targeted legislation. When will they learn that this kind of thing should not be done in the name of all Members of the House?

We saw it with the Bermuda Bar Act in 1974 when they made that amendment which caused a former Member of this House to just fail in his capacity to trade in Bermuda. What are the general principles? And this was the Julian Hall action, and now we are having it again. These kinds of restraints on trade in a nation this size, in an island-state this size, have magnified impact. That is why I do not want to be associated with it. And now we find it here in this Act.

The general principles are that—as applied to restraint of trade contracts—at common law they are *prima facie* unenforceable. They are enforceable if the person seeking to impose them has a legitimate interest to protect. Well, what is the legitimate interest to protect here? This is a statutorily imposed restraint on two persons in this House, that we know of for the moment. There may be some other practitioners. I stand in their behalf. We do not need this to be continual to happen. So the Government has to persuade

me and Members of this House what is the legitimate interest to protect.

The second test: Is the restraint reasonable in the context of the protected interest. Is it reasonable? And one of the tests for reasonableness is that time period of the restraint (in this case it is two years), and the geographic area over which the restraint is going to apply. Well, we live on 20 square miles in this country and practitioners practice in the square footage of the City of Hamilton, unless they are practicing outside. It will have a major geographical impact. In countries like Britain or the United States, you can go into the next state and practice and maybe make a way. But that cannot happen here, which makes these kinds of restraints impractical and heinous, as high as that, in our jurisdiction. So why do they end up in our statute books being done in our names?

The other interest is whether it is as a matter of general public interest to have this kind of restraint. And I cannot see what general public interest it would be in having a restraint of trade that does things that are similar and takes us on similar journeys that we have seen in the Bermuda Bar Act with my colleague, the former and the late Julian Hall. So I stand largely on that principle. State the principle and ask *is it reasonable?* And I suggest that it is not.

In two years, for example, the opportunity for the two Learned Members of this House to make a way in this business will be lost, and it will likely be lost forever. Two years might be reasonable in a larger jurisdiction, but in Bermuda it will be fatal, or potentially deadly. Everything about this short 187D, (a) through (c), is heinous, and for all practical purposes harmful, and I do not see why we continue to make these mistakes in this House.

I heard the Honourable and Learned Member, Mr. Crockwell, speak about it and lament it. He should have called for it to be struck from the Bill. I do not want it done in my name, and I want to make this point abundantly clear. So that is the point on the Bill (a Bill, otherwise, one that this Opposition supports).

May I turn to the other point now? Just very briefly. So I heard the Honourable Member who just took her seat say, *Oh, we do not care how long it takes*. Well, I hope that is not the official line of the Government now. I mean, that is a death knell to gaming finally coming on board and that is what I thought.

When I met with Mr. Schuetz and Mr. Dunch, we were pursuing this policy with the view of driving employment, supporting investment and . . . there is a schizophrenia going on in the Government. I mean they say that they are interested in these two concepts for our country. They set off in election campaigns and say that these are their driving forces. They pursue the airport proposition with unrelenting, unmitigated zeal and now we are beginning to hear . . . well, the evidence is clear. This thing is beginning to take on a life of its own. I am talking about casinos.

There needs to be consistency. And as all Members have called for, this matter, if it is meant to signal to investors and hotelier investors and the people of this country who are looking for jobs as my colleague the Honourable Member for [constituency] 31 has indicated, if there is an expectation that this is going to contribute to these important fronts, this is certainly not the way to go.

So I hope that we get on with . . . I join the call for us to make this casino initiative roll to a speedy conclusion. And it should not become a political mechanism tool now for the Government to use to foster its election or re-election prospects by controlling it and assigning it strategically in connection with making propositions being in a position to make a better proposition that will draw this out in time to say that we are creating a hotel in St. George's. I hope that is not the level to which the thing has sunk because it will have completely lost its original intent.

So I think those are the matters that I want to primarily raise to say that we support an acceleration and the picking up of speed with the introduction of gaming and casinos in this country. I implore the passage in the name of Members of this House and/or my name . . . I do take it personally, section 187D, and I join with the Member for [constituency] 31 and my colleague from [constituency] 29 in asking that this should be rejected. There is no legitimate justification for it in terms of reasonableness, protection of interests (whose interest God knows only) is really being set out here, and it is concerning that we should find it in this fashion.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 25, the Learned Member, Mark Pettingill.

You have the floor.

Mr. Mark J. Pettingill: Thank you, Mr. Speaker.

I remember once getting lost in a car driving in Ireland.

An Hon. Member: Where?

Mr. Mark J. Pettingill: In Ireland. In Ireland. I was driving across Ireland—

[Inaudible interjection]

Mr. Mark J. Pettingill: And I probably should not have been there.

But I stopped. There was an old farmer on the side of the road. I pulled over and I said, *Excuse me, sir, can you tell me how to get to such-and-such a place?*

And he pondered for a moment and he said, *Well, to be sure, you wouldn't want to be starting from here.*

You would not want to start from here. And, of course, this is where I am at so I had to start from where I was. And that was the answer that I got.

I feel a bit like that tonight. Where do I start from here? Because the fact of the matter is that I have been significantly involved in gaming . . . in the industry, well, the non-industry, in trying to get things going. As Attorney General I did it. Heaven knows, that was just about walking around with a lightning rod on your head when that stuff was starting off, because whatever you did the lightning was going to strike you. You know, that is politics. I got that.

I know this: You know, after what many had criticised me with on the other side for meeting with people that were showing an interest in Bermuda, the Honourable Member, my business partner, Mr. Crockwell and I wrote to those individuals and said, *Let us be very clear. No decision on any gaming licence will be politically decided. There will be an independent commission. There will not be a Minister that decides this or a Government. We set that out in writing right after that. That is a fact, and that is the way it happened.*

We were advised to go to Singapore to have a look at their model. And nobody said then come back and take everything that they said and implement it in Bermuda. Of course, when you look at it, you scale it down because we are a smaller place. We are not going to build a Baha Mar. We were not going to build the type of casino that they had in Singapore that our population could stay in. It was a scaled down position.

[Inaudible interjections]

Mr. Mark J. Pettingill: It was significant. You know what I mean . . . how big it is, right?

You know, we are not going to have something like that. Our model was an amenity to a resort hotel operation . . . an amenity—a boutique casino. Now that is where I left it. And in going into private practices, I am heartened to hear what the Honourable Member Mr. Scott said with regard to the situation. Because there are many, many people in this House in business that stand up regularly, and rightly so, and say, *I must declare my interest. I got a conflict here. I must declare my interest. I got a conflict on this one. I must declare my interest. I got a piece of this. I must declare my interest. I was involved in this.*

Week in and week out, Mr. Speaker, we hear that in this place. So show me where anybody else's conflict of interest tells them they cannot participate in making bucks in that business for two years after they leave this place!

[Inaudible interjection]

Mr. Mark J. Pettingill: And they explain to me how equitable is that . . . to my business. I am the only law firm that going into private practice advertised gaming as part of the service that I was going to provide. And I have had significant clients doing it. Now, Mr. Crockwell and I got fired by one of them the other week because of comments that were made in the newspaper—

An Hon. Member: No!

Mr. Mark J. Pettingill: Fired! They called up, *Hey guys, sorry. We didn't really want people to, you know, this is a confidential relationship to start with but, you know, we don't want to have a hot potato, that type of thing. Thanks.*

Thanks. That is just a fact.

And nobody has come to me and said, *This is how we are going to ameliorate your position, Mark.* Nobody has called me to ask for advice on this stuff, for my view in relation to these amendments or others. I am the only lawyer in this country that is a member of the International Association of Gaming Advisors. And I spoke with them on many occasions about what has been going on in relation to the issues that we have. I told them about some of the stuff that is going on, and I will just tell you one of the lines that I got back was, *That is ridiculous*, with regard to what people feel that they can and cannot do and should or should not do and what is a conflict and what is not and what is an appropriate declaration and what is not. *That is ridiculous*, but nobody asked me . . . or even how I would feel about this.

Maybe it doesn't impact on me because I have been out, I guess, two years. But my business partner has not been out two years. So where does that leave the practice? We build a wall between us and all that so he cannot do it, but I can? Nobody has called up to say, *Hey, it is not retroactive on you guys because legislation, as you know, cannot be retroactive so you are all okay.* But in good conscience, I do not know how that makes it fair on Mr. Scott when he finishes up. I can do it and he cannot? Because it is not retroactive? I do not know . . . I have not heard that.

So it was a bit jaw-dropping for me when getting this and reviewing these sections which appeared after Minister Crockwell resigned the extent of what is involved and the way that they are set out, the comparative analysis with what other jurisdiction has them that is comparable to ours.

Today the Honourable Mr. Crockwell asked the Attorney General (I do not see him in the Chamber tonight) . . . we passed a Bribery Act. We have a Criminal Code that deals with official corruption. We have PEPs. We have all kinds of legislation that cover us as legislators from what you do. The Attorney General made it clear that the Bribery Act was the

umbrella that covered all kind of conduct like that. Everything up and down, a list of legislation that I can think of that would bar you as a practitioner, as an individual who had been a legislator or a commissioner or an employee of the commission from engaging in certain conduct which amounted to taking a bribe or a favour or a complimentary service or a discount . . . all the things that are set out in the provisions of this Act—if you are going to provide something to give somebody a favourable position.

That Bribery Act, and maybe rightly so, is so broad . . . Members, for heaven's sake, do not have a sandwich from anybody, let alone a drink, and then sit on any type of board or in a position. The Minister that says, *Oh, yeah, they can have it . . .* do not have a sandwich! Do not have a drink of any kind. Do not do it! Do not get a lift in the rain! Why? Under that Bribery Act.

So why do we have to have this here when we have all of those penalties that say if you run this red light you are going to get burned, because you know what the rules are (or you better know) . . . you know what you can and cannot do. How can you then tell somebody that, but you cannot drive the car for two years . . . you are not allowed to work for two years after you leave here. I do not know how much people think we are getting paid up here.

[Laughter]

Mr. Mark J. Pettingill: You're laughing. But I know I got to work. I am looking across, I see other people, but everybody works outside of here. I mean . . . hold your hand up if you are truly a full-time, full-time Member of the Opposition, a full-time politician here. You do not have other business interests or something else is going on.

It is a small place. Everybody has a piece going on somewhere else. But now in this particular thing which is significant, a significant business, you cannot be involved in that for a period of time. If that is not restraint of trade then I do not know what is.

But here is my conundrum: This needs to move forward in the interest of the country. These things have to be done in the interest of the country. So we are here . . . we sacrifice in the interest of the country. So I guess if we pass this tonight, tomorrow morning the former Minister Crockwell has to call all our clients and say we cannot work for you any longer. And nobody has explained to me how that works or even said, *Oops, sorry, guys. Sorry. You are done. Sorry, you cannot do this.*

Now, okay, okay—

[Inaudible interjections]

Mr. Mark J. Pettingill: No, no. Certainly, no favourable treatment for me. I get it.

I would like to see where the other clauses are because of the bigger picture, it requires my support because otherwise we are not going to get it done. I guess you cannot work for Desarrollos. And then in the very same Act, myself as Attorney General, the former Minister Crockwell as the Tourism Minister having written to a group of people just sniffing at what was going on in Bermuda and looking at saying, *Oh, is there opportunity to develop there*, looking at potential for the St. George's site, making it very clear to the country, standing up here saying there was nothing wrong with what was done there.

The Members on the other side in here saying, *Well, the Commission should not have gone and been talking to those people. They should not have been talking to Caesars . . .* that is what Members have been saying. *They should not have been over here talking to other developers.* I happen to agree with that.

I do not think that is their remit. I have said it. I do not think they should have. They think it was okay. But it would not be okay now once this law is passed. But it was okay then. Okay, we disagree.

So, all of this stuff being propagated about conflicts and then we roll up and say but we are going to give Desarrollos a special position, a leg up, a favourable spot, and there is no other way to cut it, Mr. Speaker, because why even mention them? And my little partner and I disagree on this, because he gets it and I am trying to get my head around it and it has been whirling in my head . . . How do I address this one?

After everything I have said, after everything that certainly I made clear about how we are going to be a level playing field . . . How many times did I say that? Independent commission. No political involvement. How many times did I say that as Attorney General? How many times did I say that in this position here? I cannot tell you how many times I have advised clients on that. *You are not going to get any advantage here. I can advise you on the law and what you do here, but there is no special inroad to it because our white hat jurisdiction is having a level playing field.*

But somewhere we are going to have to do some serious explaining because we have placed a developer in a position of advantage over other applicants.

Now, let us be real. Maybe that is just the nature of Bermuda because we have to get something done. And now we are all in a conundrum, so let us not be hypocritical ourselves and pontificate on, *Well, you should have done this.* And I said it last week, and maybe the Commission should hear this as well. You stand in a ring full of mud wearing a white suit and you start splashing around, guess what? You are not walking out looking pristine. You are not. And if you stand there and do nothing you are not walking out looking pristine either. And much to that point, maybe that just

does not help our jurisdiction. So this whole casino thing has now become like herding cats. Meow! Like, good luck. You can do it with dogs; you cannot do it with cats. All over the place, herding cats.

[Laughter]

Mr. Mark J. Pettingill: And they are not like cattle. They will wander off and do whatever they want to.

So the Commission is over here doing this, Minister over here doing this, Opposition saying *do this*, people advising *do this*, all over the place, taking so long I found it astounding.

I have had the view on why has this taken so long. Why could we not just narrow it down and get to it so much more quickly than what we have done? I believe we should have had and should still have gaming for the America's Cup. I believe that we could have a cashless system in place like other places that works.

I declare an interest there. I have clients who want to do that. I declare my interest.

An Hon. Member: Today?

Mr. Mark J. Pettingill: Today. Well, they will not be my clients tomorrow, but today. I did have.

But look at that, it makes eminent sense. But we are off looking at this, looking at that, and we are not moving this forward. I know that is the Premier's goal. He wants to move things forward. He wants to move things forward, but something is tripping us up and getting us all in the way.

So on this Act in the interest of moving it forward, it looks like I have to eat it on the business front and accept that because of those amendments made, despite all the further legislation that is out there—the umbrella of the Bribery Act. I do not know who, I do not know . . . I asked the Attorney General if he wrote this as he was bringing forth the Bribery Act, so I do not know how or who or where it has been drafted or what has been done with regard to laying this legislation—

[Inaudible interjection]

Mr. Mark J. Pettingill: I do not know! I know it kind of came out of left field when I heard about it and the Desarrollos clause is in there which I see problems with.

I do not even know why it is in this Act. We passed this morning the St. George's Act. Why is it not in there with regard to that? Obviously, it does not take much to realise that somewhere in order to get a development done that had to be there or nothing was going to happen.

But that is not where it started, with the developers. I know because I was in the room when those presentations were made, and that was not part of

any position. So the goalpost moved, the cats got called and herded around, and we have to get these things done. But I am sure that Opposition Members despite looking at this and shaking your heads and all the rest of it, you know because you have been in this movie. You wanted to get it done with Bazarian. You had it in a lease. I had issues with that. I jumped up and down on that one. *You cannot have this, renounce their lease, did away with it.* Why did you have that in there? You were trying to get something done—

[Phone rings]

Mr. Mark J. Pettingill: [That's] not me.

You were trying to get something done. That is what was propagated at the time. I was the one that said we cannot go that way; we cannot do it.

But here we are having to effectively address the same type of problem because of the bigger picture. So I get it. The bigger picture is we have got to develop, we have to have jobs, we have to get things done, we have to make things happen. So I get it. But it does not mean that I have to like it. And I do not.

I guess that is what, you know, the road is leading me to. I would like it to have been different. I do not think we need to have the [section] 187 provisions because we have it all over the other place. I think it is superfluous. I do not think that it reflects what is in other jurisdictions of our ilk. I have researched that. I have not seen it. California is not Bermuda just like Singapore is not. You know, Nevada is not Bermuda. We are all different.

You have to take the best of what you have in other places, look at the size of your jurisdiction, Mr. Speaker, and what you are going to do and scale it down. Because as this stands right now on my read, Honourable Members, everybody and their mother is conflicted. You know? If you have a friend that is living in an apartment in your house, he is probably conflicted as well. That is how broad it seems to go in a small community.

So I do not understand why like everything else we cannot just have someone stand up and say, *I declare my interest.* That is what you have to do for the bank. You have to tell them this is where I make my money. This is what I do, *ad nauseam.* Like I said, it would be a cottage industry and it is. Why not with this? This is where . . . you know, *This is what I did and this is what I do now and here are the lines.* No special favour.

I was never in a position to give anybody a casino licence or any particular favour or anything like that. Certainly any of the things that got whispered or said about me or generated with regard to . . . are nonsense—could not have done it had I wanted to. So I know where the lines are. The point is you stand up with transparency and say *I declare my interest*, as we have heard many times.

I have an involvement with this. I advise people, like I have said, in relation to gaming in Bermuda, gaming systems and so on and so forth. I have done that. I did that before I was Attorney General. I was the guy that represented the gaming machine guys. That was me. So I have been around it for quite some time in this jurisdiction. I was the one that spoke to it with regard to the casino ships, *ka-ching*, that are down there with all the money going, you know, somewhere else because we had to do that to let them have it in.

So, Mr. Speaker, I think I have said what I have to say because I am not happy about a lot of things here. I am not happy about things that have been done or said in relation to the whole House on both sides. It is just mudslinging in relation to this particular industry that we need to get on and get something done because I believe this: the only way that we are going to revitalise tourism is if casino gaming does exactly what we all wanted to have it do which is form an amenity to gaming resorts.

That is what we need to have. Not some big wild, you know, big huge development because we do not have the traffic for that and we are never going to have it. That is why Baha Mar went bankrupt before it even opened its doors (and that is [in the] Bahamas). We are never going to have that kind of traffic on an Island like this to build a Wynn Palace.

Now that is my assessment and that is the assessment of a lot of people who are significant professionals in the industry. We were not going to be able to do that, and that is why we decided to go the way that we did. And it seems we have gone this circuitous route, checked out all these things that maybe we could have done outside the remit, and we are back to where we should have been in the first place and we are moving the goalposts here and there.

I say all of that for my honourable friends on the other side to say, *I get it.* I get the politics of it. I get the problems with it that turn in my gut. I get the legal issues of it that is for sure. But at the end of the day I think we, as a House, are going to have to eat it.

I am obliged for Members coming out and supporting me, effectively, or my partner, my business partner. I believe that that is a sincere interest, too. I do not think they are playing politics. I think they know us and they feel that we were wronged because they know like the former Attorney General, Mr. Scott, said, he has been in that position. He would not want to be in it again. So, it is a degree of understandable self-interest for his own as well that work in law or whatever else they work in. The Honourable Mr. De Silva . . . can he do this, can he do that? So everybody has a degree of self-interest going on and rightly so. It is not about the Pettingill/Crockwell clause. I get that, right, but it is just that it is highlighted here because of it.

So I get it all. But the truth of the matter is . . . but I guess we have to get it done because I sure as heck cannot stand up here and jump up and down

and say—throwing my toys out of the pram that because it is a clause that may directly impact on me—I am not going to support the way forward.

Now, I would love to see somebody bring some amendments to [section] 187. I would love to hear some comments from the Minister as he just said when we go into Committee with regard to perhaps ameliorating some of this or if someone on the other side has drafted some amendments . . . I have not seen anything yet.

[Inaudible interjection]

Mr. Mark J. Pettingill: I almost think . . . no, no, I almost think it is a conflict of interest for me to do it.

[Laughter]

Mr. Mark J. Pettingill: It is a conflict of interest for me to start drafting amendments on the floor of the House in relation to this.

So if everybody, you know, has objections and issues with this on this side or on the other side or has problems with it, then lay your amendments and let us debate this. The Minister said that we are going to go into Committee on it—let me hear how we are going to address each clause and what the run-on is and maybe what we should amend or what we should not. I am not going to jump up and down and raise all my concerns. I may raise a couple of things in Committee that I think we need to look at, that I think are problematic, that are problematic as to how they get done but I can raise those there.

I would have liked to have done it before the Act even came along and tried to give some advice and assessment and feedback. But, you know, maybe it has to be done at this stage.

So, in summary, Mr. Speaker, it is what it is. It is what it is. Desarrollos is what it is. You know, St. George's needs to get something on the go. This Government has brought ships back. It is determined to bring the hotel back. I get it. When people come along and say, *Well, we do not really quite think we can go ahead unless we are pretty sure about this. And we need to know and have some comfort*, like sovereign guarantees and all these types of things that all governments do, concessions that all governments do to make it a little softer and a little easier for people to look at the bigger picture to get jobs on the go and all the rest of it, I get it.

But be prepared, because there are other places that are going to put up their hands (and I know that certain Members raised that earlier), and say, *Why not me? Why are they special? I want to develop. Why do I not have the same treatment?* That presents us—me, as a member of the Government, as a backbencher—with a problem because I have to explain that as to why you are not quite as special as

these other people here. Your investment is not quite the same. It is a problem.

It is problematic. You know, it says in the amendment, in the public interest—and I get that in regard to St. George's because it is in the public interest down there. They have been a ghost town for years. They need this. They need something. They need it really to happen down there. But, boy, if I had spent a heck of a lot of money somewhere else, I would be wondering *why not me*.

But, Honourable Members, I will take my seat. I have had my say, and I will close with this. I do appreciate this: We have to get it done to move forward despite what our issues might be with it.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

[Laughter]

The Speaker: You have time. You could have been down and in your seat—

[Inaudible interjection]

The Speaker: The Chair will recognise the Honourable Member from constituency 21, MP Rolfe Commissiong.

Mr. Rolfe Commissiong: Thank you, Mr. Speaker.

Mr. Speaker, it seems that every time the political interests of the Government come hard up against the interests of the country, then the country has to take a backseat. Remember the Jetgate debacle? We remember the *referendum-gate* debacle. Both of those issues were tied to the same issue that we are wrestling with here today. Certainly, most Members have spoken quite eloquently on the subject at hand, including my representative from [constituency] 25, who I will deem the "Independent Member" in everything but name, who has just taken his seat.

Mr. Speaker, I believe that the same process has been in play here, that the political interest of the OBA Government has taken precedence over the country's interests with respect to the one of two sets of clauses that everyone has made reference to.

Now I heard the Member from [constituency] 25 make mention of the fact that the PLP Government had essentially promised Mr. Bazarian a licence, a casino licence. But we need to understand the context. There was no legislation that had been passed. Certainly there was no Commission as we have now. There was no framework by which that at that time could have been made manifest.

We also know, as was alluded to earlier, that the Government was divided, and that may be putting it kindly—characterising it somewhat optimistically at that time about the issue of casinos being implemented in Bermuda, or gaming, as were the public. I say I

am putting that kindly because in some ways it may have been at that time a slight, moderate majority who were opposing the implementation of gaming in Bermuda by whatever form it may have taken.

So, that is the reality of where we were and where we are today. I certainly, with respect to the provisional casino licence model . . . this would have been fine for me if not for the fact in terms of [clause 18] if it did not say the following: “32A(3) Notwithstanding subsections (1) and (2)(b), a provisional casino licence is hereby granted, in the public interest, to the Developer, as defined in section 2 of the St. George’s Resort Act 2015 . . .”

I do not know how the commissioners after seeing that, not the fact that they have decided to establish a provisional licence model, but that they have now essentially afforded as the Member from [constituency] 25 said, or I am going to paraphrase, has given a significant advantage to a prospective developer over all others. I do not know how the commissioners, the CEO, and, more importantly, the chairman, do not have smoke coming out of their ears and how they have not gone into the public domain to warn Bermuda and the Government about this breach. Because I think it is a serious breach that undermines the integrity of the process and undermines the work of the Commission, notwithstanding the criticism of some of their actions as afforded by my colleague in constituency 29 only some time ago during this discussion.

Certainly, Mr. Speaker, it just boggles the mind. I do not know how other developers, foreign investors, will view this other than to be at the very least deeply concerned about this development, because it certainly places them at a disadvantage and gives, again, an advantage to a current player. In some ways the Government has usurped the powers that they gave to the Commission in the first place. I guess the Lord giveth and the Lord taketh away.

Mr. Speaker, we all know that we need to jumpstart our economy and job growth. I, too, believe, even though I get a sense as the Member from [constituency] 31 mentioned, that the momentum that was surrounding this issue has begun to dissipate largely because it has taken so long. The missteps here have been another indication of the challenges afforded by the Government which have prolonged this process and our nightmare around this issue. We need to move and to get this done. But to see this type of thing take place, again, in a way which appears to undermine the process and appears to undermine the goal of the Government in bringing forth a product and a confidence around it that will enhance our prospects for attracting investment, is very troubling.

Certainly, the lessons that should have been learned around the issue of Jetgate and the referendum debacle have not fully been learnt as yet—the political lessons. And just to return to the thing about the listeners out there, remember about the referendum thing. It was so egregious what the Government

did, so insidious what they asserted that they were prepared to abandon the ability of Bermudians to make a decision on the referendum on gaming specifically because of a trumped-up charge which they shamed facedly placed in the public domain that the PLP Opposition was prepared to advise its members not to vote in favour similar to the debacle, some may say, that occurred during the referendum on independence in 1995—when frankly, no such gambit was being advanced by the PLP. Another example of how their political interest overrode what was in the best interest of the country.

So we see over and over again the same pattern being played out. Again, how the commissioners and the chairman are going to take this laying down is beyond me.

But just very quickly going over to the issue of [section] 187D on the issue of the apparent intent of the Bill here to ensure that (I guess I will use an American term) there will be *no revolving door* of legislators and/or Ministers who will have had significant involvement in legislating this or leading in this area with respect to gaming as a Minister. For example, perhaps, not being able to then work in the industry when they are no longer in that governing capacity. I can understand why that would cause such consternation on the part of, not only the Members who obviously have a direct pecuniary interest here today, the two Learned Members, but for others in this Chamber.

You know, I remember—bearing in mind what was said about the smallness of Bermuda as a jurisdiction and the fact that conflicts are unavoidable in Bermuda—I remember when Dr. Ewart Brown, the former Premier, made the same statement about six or seven years ago, what Members reaction was to that. But it is a reality we have to deal with. But then we have to balance that against real world best practice globally. And so I am not totally unsympathetic (if that is the right word) for us to have to take notice and to make provisions so those types of abuses do not take place. I notice that both Members while speaking of the potential harm, direct harm, that it was causing to them and others did not seem like they were prepared to understand that it does pose a potential abuse.

How we craft the right balance here that does not impinge upon the ability of Bermudians to earn a living, to conduct business because of their political involvement as legislators or as members of the Cabinet, as opposed to what is in the best interest by way of best global practice in terms of the industry itself is a dilemma. Again, we are not a large jurisdiction. But the risk, if I can use that term (that is what I will use), still needs to be (to use a word that I heard earlier) ameliorated. How we square that circle, again, represents a dilemma.

So, I am not going to . . . I will probably speak again in Committee. I think that I have made my arguments. Again, I just want to recap. I think that what

we are seeing here with respect to the provisional . . . not necessarily the provisional licence but the fact that you also had in this Bill a provisional licence being mandated to the St. George's entity under Desarrollos, to me, again, is egregious. It speaks to the issue of integrity around this process. I do not think it is very helpful. I think, again, it is an example of the Government putting their political needs ahead of what is in the industry's, prospective industry's interest and certainly Bermuda's interest.

With that, Mr. Speaker, I will take my seat.

The Speaker: Thank you, Honourable Member.

Any other Honourable Members care to speak? The Chair will recognise the Honourable and Learned Member from constituency—

Ms. Leah K. Scott: [Constituency] 30.

The Speaker: Constituency 30. MP Leah Scott, you have the floor.

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

I am going to try to lighten things up a little bit.

The Speaker: Try to do what?

[Laughter]

Ms. Leah K. Scott: Lighten things up a little bit.

The Speaker: Can you say it again—do what?

Ms. Leah K. Scott: I am going to try to—

The Speaker: Lighten things up, did you say?

Ms. Leah K. Scott: Lighten things up. It is kind of heavy in here.

[Laughter]

The Speaker: This is a heavy subject.

Ms. Leah K. Scott: It is kind of heavy.

Mr. Speaker, I am not a gambler. I have always been one of those people that if I am putting out my money, I want a pair of shoes or some jewellery at the end of it.

The first time I was in a casino I was on a cruise. I was with some friends of mine and my girlfriend put a \$50 bill in the machine and within two minutes it was gone and I was horrified. And then she wanted to put another \$50 in and I was like, *You have got to be kidding!* So gambling I do not think is for me. However, I will put a little wager on the top football team—

An Hon. Member: Who is that?

Ms. Leah K. Scott: Say it out loud, you will never walk alone. Never walk alone.

[Inaudible interjections and laughter]

Ms. Leah K. Scott: No! The Indianapolis Colts.

[Inaudible interjections and laughter]

Ms. Leah K. Scott: Mr. Speaker, the premise of gambling or having a casino here was that it was supposed to be an amenity in the hotels. When I travel I look for a hotel that has a gym. So I understand that when people are travelling they are looking for something that is going to accommodate what their interests are. I do not think that having a casino is going to be a panacea for Bermuda, but it is going to be something that I believe will boost our tourism efforts and somehow boost the economy and create jobs.

We are trying to establish casino legislation and regulations in a challenging regulatory environment as evidenced this morning by the Bribery Act that we passed. We also have the Proceeds of Crime Act—a lot of pieces of regulatory legislation that make it difficult for us to do things very quickly.

I know that legislation—we passed this legislation, the substantive legislation, sometime ago. So I appreciate that once we pass legislation, oftentimes we go back and look at it and think, *Well, there are some changes or amendments that we need to make.*

Generally, I am in agreement with most of the amendments that have been made. However, I do have concerns with the two-year cooling off period that has been incorporated. My concern, as with everyone else, is the timing of that incorporation. That is a substantial amendment that should have been set at the outset of the legislation, and I cannot imagine when the substantive Minister at the time was having this legislation drafted that that would have been something that he had overlooked.

My understanding from the Minister is that this cooling-off period is something that is required by the corresponding banks in the US. It is a regulatory requirement. And I would hope that the Minister when he gets up to speak would address that even further. However, I do think that if there is a way in Committee that we can work toward a resolution that is not going to deprive anyone of their ability to carry out their business, then I think that is something that we should do.

I agree with MP Crockwell and MP De Silva that this is something that we need to get moving on. People need jobs. They do not want the hope of having a job or the possibility. They need tangible evidence that they are going to be able to have jobs and I hope that the jobs that they are going to have are not going to be at the lower end but they are going to be across the entire spectrum from managers to (what do

you call them?) croupiers and card dealers. You know, I do not go into casinos so I do not know what they are called. But I hope that the jobs that they have are going to be across the spectrum and not limited to the lower end jobs because we have people that have skills across the board and our people should be aspiring to manage all positions. It should be as Bermudian as it possibly can be.

I think that casinos can make an important contribution. I understand that there is a lot of negativity that is associated with casinos. You have, you know, prostitution; you have people that are taking their money for rent and then going to casinos and spending it. I understand that we are going to have regulations and legislation in place that should prevent that and I think that if we can get robust regulation going, I think that it will be a good thing for Bermuda. I appreciate the Minister for bringing it forward. I think that we do need to get things moving because our people need jobs.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Any other Honourable Member care to speak? Minister? Mr. Minister?

Oh, you are . . . I was calling on the Minister to close.

[Inaudible interjections]

The Speaker: But I will . . . I will allow the Minister of Home Affairs. You have the floor.

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

Mr. Speaker, much of what has been needed to have been said has actually already been articulated tonight.

The Speaker: Right. I think so.

Hon. Patricia J. Gordon-Pamplin: But I think it is important to make a couple of comments to underscore where we are.

I think it is quite evident and it is generally accepted that the wheels of Government grind very, very slowly. And we have heard Members opposite, as well as Members on our side, express the frustration of this taking so long to get to the point where it is. Certainly, as the Minister responsible for Labour, I look at one big picture. And the picture in a four-letter word is called "work." I want work, I want work and I want some more work, Mr. Speaker.

Mr. Speaker, to know that we have the possibility of an industry that can start to ameliorate that challenge that we have with joblessness, I think we have to show an enthusiasm about being able to reach the stage of getting something done. But what we did not want to do . . . and I take the point by Hon-

ourable Member from [constituency] 29 in which he mentioned that we should be starting training opportunities and we ought to be able to do it now. There is a thin line, Mr. Speaker, between training somebody, to say, *This is coming down the pipeline and we want you to be ready*, and being able to say, *This is taking so long that my promise to you is vacuous*, and thereby creating more frustration. So, we want to make sure that there is that delicate balance, that tightrope, that has been walked, that has been traversed to the extent that the timing of the training will juxtapose perfectly against the creation of the jobs for which the training is being offered. I think that once we are able to determine that equation, Mr. Speaker, I think that we have something that will be important to our people to be able to put them to work.

I have to say that, and I do not want to pick on the Honourable Member from [constituency] 29, but I think that we have to. You know, it is lamentable that we do not have the ability to debate issues in this House without being able to cast aspersions on individuals. I think that when we had, you know, the comments made by the Honourable Member from [constituency] 29 effectively vilifying and castigating some of the decisions that have been made by the commissioners, by the people on that Commission, I just think it is unfortunate because I think that we can elevate our level of debate in this Honourable House, Mr. Speaker. I think that it is time that we have to start looking at that.

Mr. Speaker, I think that we have heard comments already with respect to our requirement to both through the Anti-Money Laundering (AML) and Anti-Terrorist Financing (ATF) make sure that we have the necessary jurisdictional protections that are necessary once gaming comes into effect and that is one of the challenges with which every jurisdiction that has gaming has to grapple with. It is one of the reasons why the banks, because of the new regulations . . . you know, there was a time, Mr. Speaker, that money laundering played a very insignificant role in the overall scheme of things. As time has gone on and especially with the rise of terrorism, we cannot even for one second underestimate what can happen if we do not have the necessary protocols and regimes in place with respect to anti-money laundering and anti-terrorist financing.

You know, I heard criticism for our Honourable Members who took advice from the Innovation Group, the very same group that were hired by the previous administration when they looked at gaming and how it could be implemented in Bermuda. They made the recommendation that we need to look at various jurisdictions to find out what model would be appropriate. Then once the Spectrum Group came on board, Mr. Speaker, they recommended Singapore.

And, yes, we heard Honourable Member from constituency 6 indicate that he went to Singapore, he went to Macau, and that was wonderful because that

was necessary. That Government at that time decided that there was an appropriate discovery phase through which they needed to go in order to make sure that what they were trying to implement and recommend for Bermuda would be well done.

So somehow it was okay for them to look at it and make the determination that they should go into the lion's den effectively to see what it is that was being created, and yet when our Minister, former Minister from constituency 31, and the Honourable Member from [constituency] 25, the former Attorney General, somehow when they went to have a look at the very same type of structure, there was something untoward about it. That is where the politics come in to this, Mr. Speaker. And I think that when we look at the [section] 187 to which Members have spoken tonight.

Have we been overzealous in the implementation of that 187 clause in the legislation? I would perhaps almost venture to say that maybe we have. But, Mr. Speaker, I think that if we had not you can be assured that we would have heard Members opposite saying, *Well, what about this, and how about these personal interests, and how about these conflicts.* So this is a situation where you are damned if you do and you are damned if you do not.

Mr. Speaker, I believe we can come with an effective resolution to that particular matter given, and I know that when the Minister speaks he will point out the requirements according to international legislations and requirements that caused that particular clause to be implemented. I think that we can *Onionise* our legislation to make it jurisdictional appropriate given the small size of our little Bermuda.

Mr. Speaker, let me just also say that the commissioners have a difficult job, and we respect the effort that they have put into the job that they have to do. Mr. Speaker, let me just say that as they consider the issuing of licences that they will have under their purview in order to be able to issue, yes, there is a situation with respect to the provisional licence that has been included in this legislation and that provisional licence, as Members opposite looked at it, effectively saying, you know, *why are you guys giving somebody a leg up?* We did hear very early on in the new hotel process that having a gaming licence was not a deal breaker for a particular organisation. As time went on, things changed, and I think when things change you have to be able to be sufficiently nimble to recognise and to understand and appreciate how situations can be altered in order to be able to make the kinds of commitments that are required in order for that primary responsibility that I mentioned at the very outset of work, work, work, jobs, jobs, jobs, how can we accommodate that. How can that be accommodated?

So, Mr. Speaker, we did hear an acknowledgement that when we had the lease drawn for a previous site in the same . . . I am sorry, for a previous operator on the same site, to which we are now refer-

ring, that they were offered a licence when there was no gaming legislation even coming down the pipeline. So if that did not seem on the face of it to be awkward, then I do not understand what would be.

The Honourable Member indicates, well at least they were transparent. Well, I see it a little differently. But the Member from [constituency] 6 indicated well why don't you give a licence to Morgan's Point? What about us? And he says that it in the one breath and in the very next breath he is saying stop inhibiting the ability of the commissioners to make their own decisions. So how can we on one hand say give one to this guy, but let them decide; give one to the other guy, but let them decide? Are we not suggesting that we are usurping the responsibilities and the authority of the commissioners by even making those recommendations and those suggestions?

Yes, we have the provisional licence included in this legislation. And, yes, the commissioners have a framework within which they must operate in order to make the determination as to how they will deal with the licences that they have to issue in the manner in which they will have to be issued. They would have to deal with the timing in which such licences may be issued, and all sorts of contributing factors that they would have to look at, Mr. Speaker. These are the things that they would have to deal with, and we trust them in order to do it.

The one thing we do not want to do is to start to hear how people are going to castigate them at the outset. You know, it is almost like . . . you know, I think that one of the Member's opposite indicated that there was a comment made that we have . . . or there was actually a comment in the press that was repeated tonight effectively saying that the politics in Bermuda had become so toxic that, notwithstanding that there may have been interest by outside investors, they had been turned off as a result of that level of toxicity. I think it is difficult to say, Mr. Speaker, that if you are walking into a cesspit you will not be able to come out smelling like roses. It is just not going to happen.

So, if that is the case, Mr. Speaker, we also have to be mindful as to . . . we can criticise. We can disagree. And I have said that from time immemorial. I have no difficulty with a difference of opinion. I have no difficulty with being held accountable for the things which we do. But when we do things in such a manner that we are so disagreeable, we have to stop and consider the impact of our words, not just on whether we like one another across the aisle, but how those words impact the country at large on the international scale.

That is something that we have failed to realise and to understand. So when we sit here and we start to continually undermine not just all that which the Government is attempting to do but just to undermine the individuals who have been put in place to carry out those responsibilities. I think we have to

have a second thought as to how we can elevate that discourse, Mr. Acting Speaker—

[Mr. Walton Brown, Acting Speaker, in the Chair]

Hon. Patricia J. Gordon-Pamplin: —to make sure that whatever comes out of it will enure for the better good of Bermuda.

We heard the Honourable Member who just took his seat before me indicate something that was very troubling in his comment. He said that the Government . . . I wrote it down . . . that the Government's political interests take precedence while the country's interests take a backseat. I had never heard of such nonsense in my life.

Mr. Acting Speaker, I think if you . . . I mean, you have been on the other side (maybe you have not been). You came to this Honourable House after, I think you came to this Honourable House in 2012.

The Acting Speaker: Yes, I came at a very onerous time.

Hon. Patricia J. Gordon-Pamplin: Yes, which you did. But other Members in this Honourable House have had the opportunity of sitting on this side of the aisle and having to drive a legislative agenda that serves to bode well for all of the people of Bermuda.

I do not know what makes them think that because they have moved to the other side of the aisle—maybe it is the sun shining in their eyes—but because they have moved over there, that somehow the principle of looking out for the better good of Bermuda has been lost. I do not think so.

I think that we, each one of us, work our fingers to the bone to make sure that we can find the right balance for that which we can do, that which we can implement, that which we can advance for the better good of our people. We want to see our people working. And I am so pleased to hear that but for a couple hiccups with this legislation . . . I am so pleased to hear that generally there is consensus and support.

The reason I say that because as we heard in one of the debates earlier in the absence of support it makes it far more difficult. Our people who might be hurting are standing by hoping that something is done that is positive for them so that they can have some benefit, that they can feed their families. And in the absence of us being able to create meaningful employment for them, and as my honourable colleague from [constituency] 30 indicated, we do not want to say that, you know, we are going to have a hotel and therefore we are going to create chambermaids. No. Or that we are going to have a casino and we are going to have waitresses. No. We want to know that we are able to spawn the managers and the top-level executives because we have the talent.

We have the talent and we need to stop overlooking that which we have, that which we possess, and how we can continue to empower the people that we have been put here to represent. We have to make sure that we hold hands on this. Yes, we differ politically. We may have different philosophies. But I cannot believe that there is anybody who does not want to see our country succeed.

I am not going to accept that premise. What I will do is to assume good intentions no matter what happens. And I know that when our Honourable Member indicated that she did not really care how long this legislation took as long as we made sure that the legislation was done well, I understand the striving for excellence. But I can tell you that, certainly as the Cabinet, we are tremendously frustrated that we have only reached this level, this stage, after this much time. And it is our intention to continue to push until this particular legislation has been crafted to the point of acceptability so that it can be accepted and passed in this Honourable House and that the benefits of the gaming industry and the provisional licences and the amenities that hotels are wanting to create for their particular properties are brought to fruition and that we see the greater benefit in Bermuda at large.

Thank you, Mr. Acting Speaker.

The Acting Speaker: Thank you, Honourable Member. Are there any other Honourable Members that would wish to speak to this Bill?

The Chair will recognise the Honourable Finance Minister.

Minister, you have the floor.

Hon. E. T. (Bob) Richards: Thank you, Mr. Acting Speaker, I will try my very best not to take up the half an hour.

But I have to remark on one or two things that have been said, and the first one I wanted to remark on is the comment by the Honourable Independent Member who said that when we first started out on this gaming thing it was like a voyage of discovery because we did not know much about it. We did not have much experience here. I think that is very true. And I think we have learned a lot over the period of time and we have made some missteps. Like a lot of things in life, you take, you know, one step forward and two steps backwards. But that is the nature of life.

I want to have my remarks mainly set on the issue of banking as it relates to casinos. When I was thinking about it, it reminded me of one of my favourite movies. Mr. Acting Speaker, I am a bit of a movie buff and I have lots of movies at home that I watch over and over and over again. One of them is a movie called *The Right Stuff*, which is about the space programme in the 1960s. And when they are talking about funding for the space programme they have a sort of unforgettable phrase and that phrase is: No

bucks, no Buck Rogers. Well, in this case, we have no banks, no casinos. As simple as that.

[Inaudible interjection]

Hon. E. T. (Bob) Richards: No banks, no casinos and that is because proceeds of gaming in Bermuda have to be cleared through US banks. There is no way around it.

You know, we are dollar jurisdiction and we just cannot clear that money without going through corresponding banks in the States. It is impossible. Even if, as one of my colleagues said earlier that he thought he could have a pop-up casino with a cashless casino. That would not matter. It still has to be cleared through the States. The credit cards have to be cleared through the States.

You cannot get around the USA when it comes to banking. The Iranians found that out to their chagrin. The USA sequestered \$100 billion of their money for 25 years because the USA owns the banking system in the world. They own it. All money has to flow through there eventually. So when we are looking at this problem of clearing, we have to understand that it is serious thing. You know, it is like Mohammad and the mountain. You know the mountain is not going to move so Mohammad has got to make a move for himself. All right? It is the same sort of thing.

I remember a few years ago I had been trying . . . and I made it no secret it in this House that I have been trying to get more banks into Bermuda. Obviously, without much success so far. But I recall meeting with some bankers in Toronto. I do not mind calling their name, it was Scotiabank, and we were telling them about, you know, how we had these plans to have a casino in Bermuda and how it could be so lucrative for them. And they told us that, yes, they do banking for casinos, particularly in the Bahamas, but the bank is for Atlantis. They said if Atlantis was not run by one of the big casino operators from, I think from Las Vegas, I think it is, if it was not run for one of them they would not touch the money. They would not touch it. Their prerequisite was that they would not do any banking for any casino that was not run by one of the, what is it, four or five banking houses in the States. So that was their rule.

So, you know, we could have wanted to have all kinds of casinos and all kinds of things all we wanted. But these guys had their rules. And there is good reason for that because, let us face it, Mr. Acting Speaker, the most famous way on planet Earth to launder money is through a casino. Everybody knows that. It is the most famous way. It is not the only way, but it is the most famous way to launder money.

Therefore, in a world that is preoccupied today with anti-money laundering . . . you can be sure that every bank is fixated with this anti-money laundering thing and particularly as it relates to dots on the map. I am going to get to that in a minute.

I have heard that there is a lot of conflict or a lot of talk here in the House this evening about conflicts of interest and how conflicts of interest in Bermuda have, perhaps, a different meaning than conflicts of interest, say, in the USA because, you know, we are all related and it is such a small place and all that sort of stuff. But, Mr. Acting Speaker, when it comes to conflict of interest in this matter as it relates to casinos, as it relates to banking, you can forget about Bermuda's notion of conflict of interest. Forget it! Whatever you think that our conflict of interest rules should be, or could be different from those stateside, you can forget it because they are the ones setting the rules, not us.

[Inaudible interjection]

Hon. E. T. (Bob) Richards: So if we do not measure up to their standards of conflict of interest, we can have our standards all we like. You know? We can love each other and say, *Yeah, you know, I am going to do business with my brother. It is okay.* We can do that all we like, but we are not going to any business in the States, particularly with casino money. We are just not going to get there!

The unfortunate thing, Mr. Acting Speaker, is that this is the most outrageous double standard that I can think of because we are talking about anti-money laundering here. Right? The Americans and the British have different anti-money laundering standards for themselves than they do for us. Any one of us, if we were American, could go to most places in the USA and open a bank account in 15, 20 minutes—tops! Same thing in any high street bank in London. No problem! Go in there and show a little bit of ID maybe, open up a bank account. You know how long it takes to open up a bank account in Bermuda? Weeks! Maybe months!

[Inaudible interjections]

Hon. E. T. (Bob) Richards: Months! Because of anti-money laundering rules and the rules that are set up for anti-money laundering are basically set upon us by these same countries that have lax anti-money laundering rules. So it is a double standard.

But, you know, it is not fair. It is an uneven playing field, and we can complain about it all we like. Those countries that have lax anti-money laundering standards, they are the ones that call us a "tax haven" and make up a majority. I can get up on a mountain-top and scream that Delaware is a tax haven, but it is not going to make any difference. I am not going to be able to hurt Delaware. But they can hurt us. So it is a double standard. It is not fair.

We get examined for . . . we have an examination coming up year after next in Bermuda, anti-money laundering standard. It is going to be as important as the Solvency II thing was for us. It is com-

ing up and we—the whole Island, not just banks—have to be compliant. If we fail that test, or we do not measure up to that standard, it is going to be a real problem for us as a jurisdiction. But the people they are going to send to measure us, cannot make the standards themselves. That is how outrageous this double standard is.

So we just have to understand that is an unlevel playing field. We just have to understand that in Bermuda if we set up a casino, our conflict of interest rules and practices are going to be looked at by these outsiders with X-ray vision—with X-ray vision, Mr. Acting Speaker. It is not going to just simple. We cannot write our own rules and we are going to be judged very harshly and with great scrutiny.

They have power over us whether we like it or not. So, you know, I sympathise with the Honourable Members who are complaining about this particular clause, but I think I . . . I do not want to steal my colleague's thunder. There is a waiver clause in there, I understand, and we will get into that when we get into Committee. I think that we just have to understand the game that we are in, the playing field that we are on, and that it is an unlevel playing field, and that we are a dot on the map. The guys who control this game are the most powerful economic power in the world. Those are the facts. And just like Muhammad, we are not going to be able to make the mountain move. Okay?

Now, I was interested and disappointed, just like my colleague, Minister Gordon-Pamplin, that the Member from constituency 29 decided he was going to mention the members of the [Gaming] Commission in the same breath as bribery. You know, that is not good for anybody. It reminds me of a book that I once read, Mr. Acting Speaker. The book was called *Don't Think of An Elephant!* Because if you tell somebody that they are not to think of an elephant, the first they think of is an elephant. So when he said, Well, you know, *I don't think anybody in the Commission is guilty of bribery*, it was just like saying, *Don't think of an elephant*. It is not right.

And you know what, Mr. Acting Speaker? It denigrates all of us because these same folks in the States who are looking at us with X-ray vision, they are looking at this Commission, they are looking at us, looking at the Government, looking at the legislation, looking in the newspaper about this comment with bribery and the Commission in the same sentence, they are going to say, *Hmm! Maybe we need to dig a little deeper*. Right?

[Inaudible interjection]

Hon. E. T. (Bob) Richards: And so, you know, it is not—

[Inaudible interjection]

Hon. E. T. (Bob) Richards: It is not good enough, Mr. Acting Speaker, to cast aspersions on an independent Commission in this way because it downgrades all of us in a situation where we do not have any cards to play. We do not have a casino. We do not have a bank that is going to bank a casino. And like I said, in the movie, *No bucks, no Buck Rogers*.

But, Mr. Acting Speaker, I do not think the banking situation, personally, is hopeless. First of all, we have to get our anti-money laundering and conflict of interest standards, and all the other things that are being brought to bear with these amendments today, we have to get those things up to standard. And then we have to go back to our banking friends in New York and say, *This is what we have done. Are you going to help us to get a correspondent relationship to help us bank casinos?*

And you know what, Mr. Acting Speaker? If that still does not work, we have to go to some of the big casino operators over there and say, *We want you in Bermuda and we want your bank to come with you*. We can do that. So, there are ways that we can get around this, but there is no way to get around this if we do not meet that standard. That is a prerequisite. We have to meet that standard.

So, at the end of the day, these standards are theirs and we have to meet their standards, not ours.

Thank you.

The Acting Speaker: Thank you, Honourable Minister.

Is there anyone else who wishes to speak to this Bill?

The Chair will recognise the Honourable Minister for Public Works.

Minister, you have the floor.

Hon. L. Craig Cannonier: Thank you, Mr. Acting Speaker. I will be brief (I was asked to be brief).

I just wanted to talk about the history of how we exactly got here. I am actually very thankful that we are here today, albeit many of us have said that it has taken some time. Bermudians tend to be a very conservative bunch. We tend to sometimes be very slow to decision-making. And this particular Bill here is evidence of that. That may not necessarily always be a bad thing. I recognise that everyone wants to ensure that we are as detailed as possible when it comes to such a controversial issue as gaming in Bermuda.

But I do recall right off the 2012 election we sat with a symposium of investors interested in the Island. These were hoteliers who had come to the Island. And I remember very clearly, with the Honourable Member, the former Tourism Minister, as we were in this meeting (and there were a few others of us as well in this particular meeting) wanting to hear exactly what it was that Bermuda needed to do to ensure that we could continue to look at potential investment in the Island, how could we maybe speed up

the process, because we had seen from history it was becoming laborious and long-winded to get investment in the Island and to close out a deal, to really close in on a deal and get it done and signed.

I recall we looked outside of the boardroom window (and these were individuals who I believe had come out of a recommendation also from the Innovation Group). And as we listened to them, they looked at the Island from this high room and they said, *What a gorgeous place to invest in*. And then they went down the list of the issues that Bermuda had. And I realised very quickly at that time that as a jurisdiction, Bermuda was completely out of touch with what the rest of the world was doing when it came to enticing and getting investment, in particular hoteliers who were interested in, potentially, gaming in the Island as well. We were completely out of touch with what was needed to get their investment here.

And there ensued this attitude of, *Okay, now that we understand more clearly what the investors are looking for*, because we, quite frankly, had not been speaking their language. And because we had not speaking their language, they were not hearing us and they were not listening to us. And we saw, historically, where we had pockets of opportunities but deals never closed out.

So the idea was to take a look at what Innovation had already put together. I can remember clearly the Honourable Member coming to me and saying, *Well, we've got this long 900-plus page document that the now-Opposition has put together, let's look at it*. And, of course, in my previous capacity I said, *Well, my goodness, if all of this work has been done, then let's get on with it*, and so pursued thereafter getting on with it, seeking out the opportunity of investment in the Island which also involved the potential of having a casino.

But it was felt at that time that we were getting very valuable information that would help us with what we needed to do to get that investment here, to get them to the table seriously talking to Bermuda, and to be able to learn their language to be able to understand what was needed. Out of that came this Commission, so that we would ensure that we were living up to what the rest of the world was doing and ensuring that we had a regulatory body that was in place that we would not be getting (as the Honourable Member, the Finance Minister, was just saying) ourselves into any issues with the rest of the world, in bribery and the likes.

So I was quite excited at the time. And I know that the Honourable Member from constituency 29, I know he likes . . . and sometimes we like a little scuffle on the floor. And it is quite interesting to watch sometimes, back and forth. But I also recognise that we all have a passion for wanting to get things done. And so sometimes we can be a bit thin-skinned on the floor here because people want to say things back and forth. But you know what? It is time for specula-

tion to go. All of us have been guilty of it and we need to put it aside.

So here we are today putting before this House of Assembly and Bermuda a Bill that makes sense. Now, I recognise that there are one or two clauses that people may have issues with, but at the end of the day, this is where we are today. And this is an exciting time, and I want to thank all of those involved. I want to thank even the Opposition for the Innovation Group that they hired who put that document together that helped really jump-start this whole thing. They gave us a foundation to begin to work off of.

I want to thank the Commission for its steadfastness and really for its hard hand as to what they were going to accept and not accept. I recognise also that they have three licences that they will be able to issue and people are saying, *Well, you know, as entrepreneurs . . .* I remember the Honourable Member from constituency 29 saying, *Well, why not just let anybody come in*. Well, that did not come out of the Innovation suggestion, and so we were following that Innovation suggestion very closely.

So, I understand where you are coming from. I am an entrepreneur at heart as well. Let the market decide where it needs to go. But we wanted to ensure that we were not encouraging folks to come here and then at the end of the day have a bit of a mess on our hands after the fact in opening it up and there were so many that no one was making any money, and hotels would again be empty. That is not where we want to be. I am sure that is not where the Commission would like for us to be. So we are all holding hands here trying to move forward to ensure that we put something that makes sense before the people of Bermuda and then we can get these things going.

Now, there is a bit of a banter going back and forth about, *Well, maybe we might be doing this for political reasons because an election is coming up*. We have been working on this since day one! So I do not accept that! And it is, you know, at the end of the day, I think that kind of shot is a bit of a cheap shot because they know that we have been working this from day one.

So the excitement amongst us is here! Yes, it has taken us a long time. Sometimes I rub my head and I say to myself, *Man, it just takes so long!* And maybe it is just us here in the House holding up the process. I do not know. It could easily be defended. But we are here today, Mr. Acting Speaker, and so the excitement about what is about to happen I think we all can really rally around.

Outside of all of some of the silly speculation going back and forth, I really have not heard (outside of that) where this Bill is a problem, except for maybe two clauses that have been mentioned. But most of the body of this is making sense. So we have got to thank everyone in the Commission for getting us to this point, to where we are today!

I recall the first time I went to a casino. My wife had said we were going to go up . . . and really it was about going to see some the Pequot ancestors, coming from St. David's at this particular casino.

[Inaudible interjection]

Hon. L. Craig Cannonier: Yes, suck-rock and a few of them up there. And you know, I got there and it was really interesting because as soon as we got there, I got out of the car that we were in and I saw this big bus there. And I looked at the bus, and then another one pulled up behind the bus, and lo and behold, I will not say the denominational name of the church, but it was a church group with two buses full of people!

[Laughter and inaudible interjections]

Hon. L. Craig Cannonier: Now, now! It was on a Saturday, so it could not have been them.

[Laughter]

Hon. L. Craig Cannonier: I was amazed at how super conservative we are here in Bermuda compared to our counterparts in the religious world who are gaming. I mean, you know . . . they got up and they were hitting up the slot machines. They were there!

So, our young people have been calling for something like this for some time now, looking for opportunities. We recognise also that they are the largest group who are unemployed in Bermuda. So we have got to get this thing going. Some of these young people are sharp! Even the ones on the street! I guarantee those guys could do the numbers. You know, you are sitting there at the . . . Honourable Member from [constituency] 29, you know you are sitting at a Black Jack table and they are counting those numbers quick! The dealer is counting the numbers and you are trying to keep up with the numbers and it is spitting them out! And some of these folks just about have a high school diploma.

So we have got a lot of people who could be making some good money in this industry. So what we need to do is get this thing on. We have been here for a long time today and I know most of us are tired. We want to get on with the clauses—

An Hon. Member: I am just getting warmed up.

Hon. L. Craig Cannonier: *Just getting warmed up!*

[Laughter]

Hon. L. Craig Cannonier: But we need to get this thing done. And we need to ensure that we keep the fire under the Commission to keep . . . let us get this thing done! Not the Commission getting under us! We

need to be pushing them and making whatever is needed available to them to get this thing done.

Now, I am going to go back to one of the issues that I believe many have spoken to very clearly in the House. A colleague was sitting here and, you know, has been wondering about this whole issue of government officials and the likes, and the conflict of interest, and how do we deal with this issue in the two years. And no one seemed to come up with any examples. But lo and behold, as the researching was going on from the US Department of Interior, the Departmental Ethics Office in the United States, they have here restrictions on post government employment. And what I found interesting, under it was this. "Two-Year Restriction."

Now, if anyone wants to write this down, 18 U.S.C. § 207(a)(2). "For matters under—

The Acting Speaker: Honourable Minister, you want to cite that source?

Hon. L. Craig Cannonier: Sure. This is coming from the US Department of Interior. If you look under US Department of Interior, you will see just under it where it says "Departmental Ethics Office." And then the title of it is, "[Restrictions on Post-Government Employment](#)." It says, "After you leave Federal service" . . . So it says: "Two-Year Restriction. [18 U.S.C. § 207(a)(2)]"

"For matters under your official responsibility during your last year of Government service, you are restricted for two years after you leave Government service from representing any non-Federal entity to any Federal department, agency, or court regarding those matters."

Now, I am not an attorney at all, not even close to it, and I am not trying to sway the conversation either way. But what I did want to do was bring to this Honourable House an example of a two-year leave that we see here. With the legal minds, it may not even apply here. I am not sure. But if you could take a look at it, it would be good for any of you in here, please take a look at this. It is under (and I will say it again) the US Department of Interior, and subtitled Departmental of Ethics Office.

So I recognise, I mean, I own my own business here in Bermuda. You all know that business, several service stations, and it is very difficult not to do business with a relative in Bermuda. It is incredibly hard. We are all related somewhere along the line. If you look close enough, you will probably find it. So I do understand the dilemma we are under, but that is an example that I did want to bring to the House this evening as to where it is being done in other jurisdictions.

But I will go back to (as I said I would not be long) where I started. And that is, I do believe, in spite of the fact that I recall very clearly in 2014 where the former Opposition Leader said that there will be no . . .

what did he say? *There will be no hotel development under the OBA Government.* Now, I get where we were at that time. I understand some of the dynamics that were going on at that time. But what I am saying is that that in no way has restricted this particular Government, and neither will we even allow such a statement to hold us back from getting to this point. This is not about cheap political points or winning an election or anything like this here. As I said before, this was started from the very beginning to get to this point. We are now culminating this, and within a term, we are just about there.

So I would encourage Members of the House to let us move forward. This is about hiring and getting our people back to work and those people affect every single one of us in this House. Every single one of us! I used to tell my kids all the time, *Don't come to me complaining about this person and that person, this and that.* And they would start complaining . . . *Because at the end of the day I can guarantee you, years down the road you'll probably be marrying that guy's daughter or son!*

[Laughter]

Hon. L. Craig Cannonier: That is what it is like in Bermuda. And Lord knows, after speaking in Bermuda, with our conservative nature, we certainly know how to hold on to a grudge!

An Hon. Member: Oh, yeah.

Hon. L. Craig Cannonier: So I am encouraging this Honourable House to let go of some of those grudges. This is really about the next generation coming along. This is really about empowering the people of Bermuda so that they can get back on their feet. This is all about our people.

We are not out of the woods yet. But this OBA Government will ensure it does everything possible, in spite of all of the speculative comments that go around, that we will continue to press on to do what is best for this Island and to ensure that our people get back on their feet.

Thank you very much.

The Acting Speaker: Thank you, Honourable Minister for your abbreviated contribution.

Is there anyone else who wishes to speak to this Bill?

The Chair will recognise the Honourable Opposition Leader.

Mr. Burt, you have the floor.

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

Mr. Acting Speaker, my comments this evening will be brief as it has been a long session and I know that Members want to get home. But the com-

ments from the Honourable Members from constituency 31 and constituency 25 are interesting. They are interesting, especially hearing the former Minister of Tourism state that the exclusions currently inside of the Bill were not there when he was the Minister of Tourism, although all the other amendments seem to be there.

Now, I would say that that is interesting. And I will accept the explanations that are being given by the (I guess I would say) Minister of Finance, and because in consultations that have been happening between our Shadow Ministers and the Minister responsible for this Bill. I will accept the reasons for it. But something does not exactly seem right. And to hear the passionate speech given by the Member from constituency 25, balancing the challenges of which he has to deal with on this piece of legislation, I think that the Government can do a little better.

I think that the Government can do a little better in making sure that when we come to this House to do important business such as this, the consultation is taking place in the community and also within their own caucus, because I think that is important. As we heard Members on the other side speak about how what happens here is important, it is important what is said here, it is also important what is said from Members on that side about how the Government goes about its decision making. So I think that that is something that should be a concern and I would hope that the Minister responsible takes it under advisement. I would hope that the Honourable Premier takes it under advisement as well.

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

Hon. E. David Burt: But, Mr. Speaker, that is not the main point that I have to rise on today, because the main one is the other portion of this Bill which concerns me greatly. And that is the whole issue of the issuing of a provisional licence.

Now, we have heard on numerous occasions, as has been said, that Members of Parliament and the Government will not have anything to do with the issuing of licences. We have heard that time and time again. And the Gaming Commission was going to be given three licences with which to deal with. But all of a sudden now there is going to be four provisional licences, because after this passes today—and the Government has the votes—we are going to now have four. So we have gone from three to four.

And we are now going to be giving a developer the keys to something that everyone else wants—a gaming licence. And that is being done here. The question that I would ask is, What research has the Government done in order to make sure they see that this person is fit to get a gaming licence? What work and due diligence has been done to ensure that this decision will not come back to bite us?

We remember, Mr. Speaker, the talk about due diligence that came from that side of the House when we were dealing with guarantees for the Corporation of Hamilton. And we know what happened with the good promised due diligence in that aspect. So the question is, Mr. Speaker, what have they done? What is it that is so significant that the chairman of the Gaming Commission said if there is any political interference, he will resign? Yet, here we see the highest form of political interference by basically saying, *Here is something, Gaming Commission, that we have given you the power to do but we are just going to do it for you.*

And then we talk about this concept in finance of “moral hazard.” And the question is, What you do for one, when does it then mean that you have to do for the other? Because we know what is going to happen, Mr. Speaker. It is going to be very clear and simple. Future developers and possibly current developers will hold the proverbial gun to the Government’s head and they will say, *If you do not do what you did for them, we’re not going to put the shovels in the ground.* Because we know that is the exact case here.

As it has been said, Bermuda is a small place. And despite the wonderful words of confidence returning to the economy, which was stated in the Throne Speech, we know that the only reason why there has not been ground breaking up in the East End is because they do not have their casino licence. And the Government is bending over backwards to figure out a way—after saying that they are not going to get one—to give them some level of comfort, while saying, *Oh, we are not really giving it to you.*

This is just to keep them at the table, Mr. Speaker. We know that. We understand that. The fact is that it is not the right way. Because when you set up processes that are supposed to be followed, if you want to hold yourself up as a reputable jurisdiction, you then do not do the convenient thing for the political imperative of looking to get shovels in the ground for your election campaign.

An Hon. Members: Yes, yes.

Hon. E. David Burt: You do it the right way, Mr. Speaker. You do it the way that can stand up to the test of public scrutiny. You do it the way in which the law, which you wrote, was intended.

So we understand what is going on today, Mr. Speaker. We know what this is about. This is about keeping Desarrollos at the table. And we know that this is not the first time they have asked for something. This is probably about third or fourth. And we see amendments coming to the House. One was a provisional licence and some was designed sites. And then it was this and that and all the rest. What will they ask for next week, Mr. Speaker? Because, clearly, they can see that the Government will bend over to do whatever in order to follow through with their commit-

ment. And it is a noble goal, Mr. Speaker. I understand it. Because that is a development that we need.

The question that we have to ask while we are up here doing this today, is, What impact does this have going forward for future projects? What impact does it have insofar as the Government now having to dole out additional provisional licences? And knowing the stance [of] the Gaming Commission, now we are going from three to four. Are we then going to go to five when Morgan’s Point asks for it and says, *Guess what? We are going to stop doing this work until you give us a provisional licence.*

What happens if the Greens say, *Well, we are not going to do anything until you give us a provisional licence.* What happens then, Mr. Speaker?

I understand the Government’s conundrum. But to quote the Honourable Premier (and I may get the quote wrong because I am not as old as he is) but, *A bull in a hurry never made a calf.* And we need to make sure we get this right. We need to make sure we do it correctly, Mr. Speaker, because what we will do here today may sound good, but we do not know what will come tomorrow. And that is my fear in the granting of this provisional licence to the Desarrollos Group.

We have to think very carefully about what this means going forward. When are we going to tell them to put up or shut up? When will that time come? Are we going to continue to allow ourselves to get strung along, and along, continue changing legislation [and] continue changing legislation, continue moving this goalpost, continue moving that goalpost? Maybe next we will be up here giving them a guarantee.

[Inaudible interjections]

Hon. E. David Burt: So we come from the point of the money is in place, they are ready to go; they do not need a casino licence. Then it was designated sites. Now it is the actual grant from the Parliament of something that we have given to the independent Gaming Commission. What next?

Mr. Speaker, this Bill is certainly needed. We want the gaming industry to get off the ground, but it is certainly clear that this is a troubling development and it should concern all parties. It should concern the Gaming Commission. It should concern all of the developers. It should concern every Member in this House knowing the fact that when we set this precedent today every developer that wants to come to Bermuda is going to ask for exactly the same thing. And they would be well within their rights to demand it, and they know full well that the Government will grant it because they granted it for somebody else. And that is not the correct way to go.

I will end with the final point, Mr. Speaker. I would like to support the comments from the Member from constituency 31. Because if we have a whole bunch of billionaires that we are throwing a party for

next year, we may want to take a little bit more of their money. That is what happens in a casino. That is why they have all those big buildings in Vegas. That is why the Honourable Member from constituency 29 gets to stay for free.

[Laughter and inaudible interjections]

Hon. E. David Burt: But those are the facts, Mr. Speaker. The house always wins, Mr. Speaker. Well, if the Honourable Member from constituency 29 says that they treat winners too, then it is true.

The Speaker: He might say that.

[Laughter]

Hon. E. David Burt: That is true.

[Inaudible interjections and laughter]

Hon. E. David Burt: But while we are here discussing an integrated resort model, while we are here talking about what it is that we can do in order to make this work better and fit Bermuda, while we are involved in all those conversations, there are a lot of people in this country that the only thing they have seen from the America's Cup is being told to volunteer for a month.

When the Government is committing lots of money, in the order of \$70-some million, when we have underwritten loans for a nice place over in WEDCO to the tune of over \$30 million, it is a lot of money. Now, there may be some people who are employed at the ACBDA. There may be some people who are working. There may be some people who are having their houses rented. I know the people inside of real estate are doing well. Homeowners may do well as well. But the fact of the matter is what we must figure out how to do is how to expand that pie and see how much more money we can actually get inside of the economy.

So, I would hope that the Government would take under advice from their former Minister responsible for gaming, the former Minister of Tourism, the Honourable Member from constituency 31, and I would sincerely hope that they would consider somehow, somehow figuring out how a temporary casino can be set up for the America's Cup to provide real jobs, real employment and not a volunteer position. Because [taking on] a thousand volunteers is not going to help the people who are looking for work.

If we are about making sure that we want is right for the people of this country, then we may want to consider actually doing something that will give more of them an opportunity to take some of that billionaire's money and put it in their pocket.

Mr. Speaker, I close with that. And I would just say that I hope the Government has considered very

carefully what they are doing with granting this provisional licence because it is certainly going to set a precedent and one that will most likely bind not only the current Government, but the future Government and any future development projects that we will see.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Premier.

Premier Dunkley, you have the floor.

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

I am always interested, and sometimes amused, to listen to debates in this House where I hear Members on the other side say, *We support the America's Cup, but . . . We support the Gaming Amendment Bill, but . . . We support this . . . but.* I am interested today to hear how the Honourable Member on the Opposition who is filling in for the Shadow Minister and started out the debate, while the Honourable Member said he welcomed the discussion and hopefully we can move it forward with some sanity (I think those were the words you used), and there has been general agreement with this Bill, I want to touch on three or four areas where there has been some pretty heavy debate for the last four and a half hours as we debated this Bill.

First off, let me thank colleagues for contributing to the debate. Whether I support some of their views or not, I think it is healthy to come here and have a good debate about it. But let me start out and recognise the chairman of the Gaming Commission, and the CEO of the Gaming Commission, and staff who are in the Chamber, and thank them for their work.

Now, I am going to take a little bit of difference with the colleague from constituency 31 who talked about experts. Well, we hired experts in the Gaming Commission to do the job, and clearly we need to listen to their advice, follow their advice, ask questions about their advice, discuss back and forth with them why this advice is appropriate, and find the best footprint to move forward. And I believe that the Gaming Commission has done exactly that. And it has been a tough road to slog because as we found in every jurisdiction throughout the world where gaming has become a reality, there is a lot to go from the concept stage to the implementation stage. And it is no different here in Bermuda.

I think we are a bit harsh on ourselves when we beat ourselves up incessantly about the process that has taken place here because I think we are here tonight in a good position to move forward where colleagues have generally given their support, albeit to a couple of clauses which I am sure we will debate in some detail when we get into Committee.

Let me start out my comments by saying the Casino Gaming Amendment Bill 2016 is the footprint now that we are going to move forward on with some positive action. And out of all of that, some of the questions that were asked tonight by the Opposition, we can answer.

There has been a lot of talk over the past couple of weeks about banking. Well, very clearly, I believe from information passed on to me by the experts in the Gaming Commission that for us to get banking privileges we need to make sure we have a proper footprint in place to deal with that. I believe this amendment, together with what we have done already, will allow us to get in that position. The Member from constituency 31 has talked about temporary licences. He and I have had conversations about temporary licences. Until we get this footprint in place, we would be remiss to take on anything else because we need to get banking permission and other things in place.

The Honourable Member, the Opposition Leader, who has now left the Chambers, put his support for temporary licences. But at the same time while he said it, he does not say how it will actually take place within the amendment that we have here, or anything that we have on the books. And I realise that when you are on the other side in the Opposition everything is easy because you can say it, move on, forget about it, come back to it again and trump it up. But in reality it is just not that easy. And so after tonight, I believe that we can move forward in a positive way.

I started out talking about banking because of the unfortunate story that was in the *Royal Gazette* late last week about banking and the difficulty in getting licences. Because if you read the body of the story, it differed from the headline of the story. Now, clearly, I think everybody involved in the casino gaming amendments is well aware that banking is going to be a challenge.

Mr. Speaker, this Bill is about jurisdictional issues, it is about reputational issues, and it is about Bermuda going forward in the best interest. And, Mr. Speaker, do I like it that the Deputy Premier and the Minister of Finance are running off to Brussels on a regular basis to defend, to promote Bermuda? No. But it is something that we have to do to protect our interest, to preserve our interest, to enhance our interest, enhance our reputation going forward.

Do I like it that Bermuda has to continually defend her reputation in London? In Washington? No. But it is something that we have to do and we have to continue to do.

Looking at it on a smaller scale, do I like it that small businesses and entrepreneurs in Bermuda when they go to the banks in Bermuda have to basically open up everything in their house to show that they are qualified to have a bank account? We were talking in the lunchroom, Mr. Speaker, about happens

when you go to the bank now. No. But that is what is happening all over the world if we want to do it. And we cannot change it. As the Finance Minister said, *We are not going to move that mountain*. So we have to move it forward in the best way.

Do I like it on a personal level where my own daughter tried to get a bank account in New York opened up and the bank would not even deal with her because of who her father was—a politically exposed person?

Do I like it that oversight compliance and regulations continue to grow every day and that NAMLC [National Anti-Money Laundering Committee] is working hard to make sure that the next time we have somebody come in and look at how we do things here we can meet up to the standards expected? No. But it is a fact of life and a fact that we have to deal with every single day.

And we could throw up our hands and say, *We are not doing it!* But where does that put us? Where does that put Bermuda? In every industry that we deal with, where does that stack us up? Because in spite of how we might talk across the floor about each other, Bermuda has a good reputation. But your reputation is only as good as yesterday and today. If you sully that reputation . . . It is like character. Once you lose character and integrity, you cannot get it back. So what we need to do is continue to protect it, enhance it, preserve it, talk about what we do. And this piece of legislation puts us in the position to deal with the oversight that is going to take place in this industry.

The gaming industry is one of the most highly scrutinised industries in this part of the world. And quite rightly so. Quite rightly so. And when colleagues talk about, *Show me how it applies in other jurisdictions*, we need to refer to places that we have to deal with on a regular basis, like the UK, like our biggest trading partner, the United States. We cannot slog away from that.

You know, there are a lot of drawbacks in being a Member of Parliament, and one of them is everything you do in a small jurisdiction is subject to public scrutiny. We have to learn how to deal with that in the most appropriate way.

So, when we look at this clause that everyone has talked about, clause [68, amending section] 187, specifically as it refers to Cabinet Ministers, what I have found interesting, Mr. Speaker, is through this debate tonight very few people have talked about the ability to get a waiver. Now, do I want to have extra oversight, extra regulations, extra guidelines that we have to go through? No. But it is appropriate if we are going to move Bermuda forward and have that sunshine shine on us and make sure that we can deal with it in a proper way.

And so as the honourable colleague from constituency 31 said, he does not question the veracity, he questions the timing. Well, perhaps the timing

issue goes back to the fact that as every week or month goes by the oversight is just even much more intense on people, and that is not going to change. What the Gaming Commission is trying to do, and what Cabinet has supported, and what we have debated in our caucus, we had this debate in our caucus, is the need to make sure that we can stand up to the test of public scrutiny. I think the way that this is drafted at the present time can do it because, although that clause in there calls for a cooling-off period for two years for Cabinet Ministers and other relevant officials, it does allow for the waiver.

So everyone in this House is going to be impacted. Yes. Dunkley's Dairy is going to have to get a waiver to sell milk because I sit in this place. I am in Cabinet. I do not have any problem with that. Are they going to complain at Dunkley's? Yes, because they are going to have to make an application. Have I talked to the Gaming Commission about making sure that the waiver process is followed in an appropriate timely manner? Of course that has to happen, because you cannot have more bureaucracy. So everyone is going to be subject to that.

But if we want to live in a jurisdiction where we can put our hand on our heart and say, you know, Mr. Speaker, we are proud of what we do and we can stand up to that transparency and accountability, these are the types of things that are going to be demanded all throughout the world. If we think we can get into gaming and slog some of these things off, and say, *Well, you know, it's a small jurisdiction. We really shouldn't worry about that because we are going to have conflicts.* It is not going to work. It is not going to work!

So, to honourable colleagues who say that perhaps we should look at amending those clauses in Committee, I caution against it because we cannot compromise. You cannot compromise on being a first-rate jurisdiction. You cannot compromise. I hear Honourable Members on that side will probably want to speak in Committee about it, and that is what they are entitled to. But it will be to our extreme disadvantage going forward. There is no doubt about it. When you are dealing with gaming and the oversight that is established and the banks and the challenges that they face, and the issues that they have had in the past, the fines they have taken, we need to make sure that we can walk with our head high and be comfortable that we are doing the right thing. So this is about reputational issues and jurisdictional issues. And while it is tough, it is something that I believe is appropriate.

Now, in regard to the provisional licence issue, as the Honourable Minister Gibbons, who opened this debate around six o'clock tonight with a very comprehensive brief . . . if you will allow me to refer, Mr. Speaker, to just one section of his brief where he talked about a provisional licence. I take disagreement with Honourable Members who say that this provisional licence is an advantage to one devel-

oper over another. Mr. Speaker, I could spin it around another way because politics quite often is both sides of the argument.

[Inaudible interjection]

Hon. Michael H. Dunkley: No, I said *politics are both sides of the argument.*

[Inaudible interjection]

Hon. Michael H. Dunkley: Well, you did not listen. You jumped right in.

But, Mr. Speaker, this developer is going to invest \$140 million, \$150 million, probably north of that by the time this development is finished. We crafted the legislation around it being a model for an integrated resort. This developer has come forward and met that plan which allows them to apply for a licence. That is not an advantage; that is a commitment that they have made.

And if you look, other developers are mentioned throughout the Island and all of those developers that were mentioned (I am not going to be specific about them), all had an opportunity to come to the table and talk about what they thought was appropriate to deal with their project moving forward. And one of them that has been mentioned . . . there was even a land swap for a sizeable acreage, three times the size of what they previously had. Government worked with them for a long period time. In fact, we even spent millions of dollars to clean up the area. Now, was that an advantage? That is an interesting debate that you could have.

I firmly am in support with our colleagues that this provisional licence is the way to go. Why, Mr. Speaker? Because clearly it was laid out in the brief that it is a three-step process. The provisional licence, and I quote from the Minister's brief, "A provisional licence is intended to provide a qualified level of comfort to an applicant to begin construction of an integrated resort or casino while simultaneously"—Mr. Speaker, I hope you can hear me—"undergoing the rigorous suitability tests together with other formalities of the application process." That clearly states out what has to happen here, Mr. Speaker.

Now, I know the Opposition will want to play politics with some of these things. But it is very clear that it is only a level of comfort that is being given here and there is still much more that has to take place if they are going to move forward on this.

We debated this for a long time with colleagues about what was the appropriate way to go. And no decision is easy when you are trying to move the country forward. But we are very comfortable with this decision. And we had the discussions with the Gaming Commission and the Gaming Commission was very clear that once they were formed under the watch of Minister Crockwell, when he was the Minister

of Tourism and Transport at that time, that they did not want to have their authority in every area fettered in any way. And we have to accept that that is the right way to go because if we want gaming to work, we need to make sure that that body has the ability to move forward without influence. So we have protected that at the same time.

I note that some Members on that side support, it appears will support, the provisional licence scheme. I am sure we will get to more of it in debate, but this Government is very comfortable with it. Would we be more comfortable giving less concessions to people in any development? Of course. But that is just a fact of life to move any development forward. There are a lot of discussions going back and forth and it is something that you have to continue to keep an open book on and decide where you are going to draw the line and how you are going to move forward.

We believe we have a good relationship with the developer. We believe we are moving in the right direction and we look for good things to happen in the East End of the Island once this development breaks ground. It has come a long way. There is a lot of work that has been done.

I want to take this opportunity to commend everyone involved for sticking to the wicket and making it happen. There is still a lot more work that has to be done as we move forward from here today. This Act, once it passes, sets a footprint, but there is still work that has to be done as far as regulations to take place. The Gaming Commission has a lot of work that they have to do. They have just started to scratch the surface and I know they are frustrated by the time it has taken. But if we get it right, that is the most important thing. And for this Government to get it right means we can move forward to make gaming come closer to reality, make the banking provisions come closer to reality, and protect and enhance the reputation that Bermuda has at this point in time and will grow.

So, Mr. Speaker, I hope I have answered some questions from colleagues. I look forward for the debate on every clause that takes place. I appreciate Honourable Members on the other side being forthright and forceful with their conversations, but we feel strong on where we stand that this is in the best interest of all of Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

The Chair will now recognise the leader of the debate, the Minister for Economic Development, Dr. Gibbons.

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker. I thank honourable colleagues on both sides for their contributions. I think it has been a good debate. I think we have certainly touched on some is-

ues. We still have got some work to do, obviously, in Committee.

I think a number of questions have been answered, some by the Premier, some by the Minister of Finance, so I am going to really try and just focus on a couple of things which came out very strongly in the course of the debate because we are getting close to 10:30 now and I think people are getting tired.

Let me start with this issue of the provisional licence. I do not think I heard any objections to the concept of provisional licence. And when you consider, as the Premier had and others have said, that really the purpose of this legislation, not just the Bill here but the Casino Gaming Act, is to essentially stimulate resort development and thereby sort of help rejuvenate our tourism product. I think the concept of going from where we were in the prior piece of legislation, the principal Act, the 2014 Act, to adding a middle step, is a very useful one. If you agree that what you are trying to do here really is perhaps support existing hotels or resort hotels, but really trying to push development, then the concept of having just one step in the beginning which is to be designated, and then having to wait (shall we say) two or three years while you are trying to build something and then at the very end finding out that you are really not there, having a sort of midpoint is not a bad thing in terms of providing some additional comfort.

But let me talk a little bit more about this provisional licence. I have had the benefit of talking to the Commission and trying to get an understanding of where they are coming from on it. The Honourable Member, the Leader of the Opposition, talked about having it be the keys to something. It is not just a licence and then you go on there to the vetting. I think it is important to understand that the way the Commission . . . and I am taking some licence here because they have to speak for themselves. But as I understand the way the Commission wished to proceed, is [that] they are going to have an RFP probably sometime early next year. In addition to this provisional licence, there are going to be others that are going to be looking to get a provisional licence.

The Commission gets, essentially, to handout up to three—and I think that is important, it is up to three. They obviously have the prerogative of not doing all three, or even giving out three licences eventually. I think that the important thing here is that, with respect to a provisional licence, it is not just a question of getting it. This was sort of [where] the penny drops for me. The provisional licence is going to have conditions attached to it. And there is going to be a fairly hefty fee as well.

So, one of the things that the Commission wants to do is to make sure that in addition to this provisional licence, which will have conditions, and other provisional licences, which will have conditions, and we have talked about some of them in the brief in terms of Bermudians being hired, in terms of anti-

money laundering, in terms of probably a slew of other things, these conditions have to be met in order to be even considered—in order to even be considered—to get a full licence. So just getting a provisional licence is not the end of the step. There are conditions that will need to be attached and those conditions could be quite onerous, in addition to the fee which I do not think has been discussed yet publicly, but I was surprised at how large that fee is.

There is a fair amount of work that needs to be in that provisional stage. It is not just handing somebody the keys to something. That intermediate step is going to be quite an onerous step before the Commission even gets into the issue for consideration for a final licence, which is this issue of vetting and making sure that everyone associated with the casino, the developers and beneficial owners and others, go through a fairly rigorous vetting stage. I think that piece is really important to understand.

Now, in the brief we used the term “qualified comfort” in terms of Desarrollos having a provisional licence. And as I said, it would have the kinds of conditions attached that others will as well, which will come out of the Commission’s deliberations (as I understand it) and the RFP process. I think the important thing here is that the Desarrollos and the St. George’s resort has been a particularly difficult issue over many, many years. I think that if anybody will understand the difficulty, and I will just call it, just sort of a geographical difficulty here, it would certainly be the Opposition. They laboured for some 14 or 15 years to try and get a resort essentially started up down there.

And it was not for lack of trying. If you go back before that, Mr. Speaker (and some people have touched on this), the original Holiday Inn was not entirely successful. It basically went into a Loew’s, which was not entirely successful. It then merged into a Club Med, which, as we all know, closed after a number of years. And even after that (I think that was about 1988 or 1989) there were a number of years when people were trying to get a resort, a hotel, set up in St. George’s.

So I think if there is a preference here at all, it is what I would call a geographical preference. I think all of us on both sides of the House, because we have all worked at this . . . I was in a former Government back in the early to mid-1990s, which was trying to get a resort hotel down there. The former Government laboured long and hard to try and get the Park Hyatt up and going. Whether or not they gave them the promise of a casino licence, I do not know, Mr. Speaker. It was mentioned on that side. So I think they understood very clearly the difficulty of getting this thing off the ground down there, and also the importance of it as well.

So I think in some respects, yes, it is some qualified comfort. But the conditions, the fee and all the rest of it, are very quickly going to put the St.

George’s resort on the same footing that others would have as well.

Some mention was made of the Morgan’s Point development. How come they are not a designated site? There is a very simple answer to that, Mr. Speaker. Their application to be a designated site is incomplete at this stage, as I understand it. So the only two, which we did earlier complete applications for designated site, which then puts them in a position for the provisional licence, are the Hamilton Fairmont Princess and, of course, the St. George’s Hotel Resort.

So I think it is important to say that there are additional complexities here. There are different, very onerous steps that need to be addressed with respect to this provisional licence. It is not just your home and all you need to do now is just make sure you are a nice guy and you will get a licence down the road. There are a number of issues which still need to be addressed there. And that speaks to the issue of credibility and reputation and the robust regulatory nature of this particular legislation, both the Bill and the legislation beforehand.

And I would like to think about it as essentially an evolution here. Some have said, *You are essentially rewriting the Bill*. The fact of the matter is that if you look at the Bill, there are quite a few changes to it. But the substance of the original Bill is still there. Yes, we have learned a few lessons. Yes, we now understand that we do not have either the deep pockets of Singapore or indeed the volume that Singapore has, or what I will call the culture of Singapore, which works in a very different way. And we need to be able to understand that we need to right-size this robust regulatory thing so that it works for Bermuda.

Let me speak a little bit to this issue of being able to bank casinos here. Now, the issue that we are looking at . . . and I am not sure everybody out there understands what a correspondent bank is. But a correspondent bank for most of Bermuda banks . . . HSBC does not need to have one because they are their own correspondent bank in the US and the UK and wherever else, but the other local banks—and I will declare that my family is involved in one of them—require to be able to clear US dollars, to be able to do anything from wire transfers to whatever, which involves the US banking system, require a US correspondent bank. And they need that because they do not operate in the United States. So they need essentially a partner bank there to be able to clear the funds, the credit cards and the money that is involved with providing services which go into and out of the United States.

So the issue is, and what we [saw] in the paper the other day is it is not so much a question of the local banks not wishing to bank the proceeds of gaming here in a resort or whatever else. It is the issue of the comfort of the correspondent banks. Just like Solvency II, where we had to assure the European Par-

liament and others there who looked at this issue that we were up to a certain standard, the correspondent banks in the United States are going to have to be able to convince their regulators—not us, they are going to have to convince their regulators—that the money that they take out of here is done under a robust enough regulatory framework so that their regulators will not say to them, *Sorry. You simply cannot touch that money because we do not have sufficient surety that the appropriate controls, anti-money laundering and everything else are in place.*

So it is not so much a question of local banks. It is a question of the fact that they absolutely are tied to these correspondent banks. And it is even larger than that, because if those correspondent banking relationships are lost, it shuts down a lot of other things that local banks do. So you are no longer going to be able to get a US draft here for any other purpose, because if the correspondent banking relationship is not working, then we have got a big problem here. And some Members, both on this side of the House and others, will understand in the last few years a number of institutions here have had some difficulty getting correspondent banking issues dealt with because Bermuda is small, because Bermuda is offshore. As my honourable colleague, Mr. Richards, said, *It's one thing if it's in the United States. It's another thing entirely if it's in Bermuda.* So it is an issue of these correspondent banks convincing their regulators.

Now, I am not sure whether anybody else has had experience with them or not. I have had experience with the New York Financial Services Department, from an insurance perspective. And I can tell you, they are difficult and they are fussy in terms of insurance stuff. They also regulate banks. And I am sure that they are going to be very concerned in this day and age that any bank that is a correspondent bank, whether Bank of New York, Wells Fargo, wherever the jurisdiction of this correspondent bank is, that they are very clear that that compliance is going to be a key issue.

And I am afraid it is a question of, we are just in a much larger world now than we used to be. And it is not just a question of what we want to do here. Unfortunately, we have to rise to the same standards that others do, as well.

So that is part of what we are dealing with. So, Mr. Speaker, that brings me to the famous [section] 187D. And I think one of the things . . . and my honourable colleague, the Premier, mentioned this. This provision, which is a cooling-off period requiring particularly Cabinet Ministers to wait for two years before they get involved in associations, is not an absolute requirement. And we will get into it more in Committee. My honourable colleague referred to it as a waiver; I might have earlier on. But what it says is you cannot have an association or you cannot provide services—and this is important, Mr. Speaker—without

the prior written consent of the Commission. So it is not saying you absolutely cannot do it. What it is saying is you cannot do it without the permission of the Commission.

And obviously, there are going to be different circumstances that will arise, and the Commission is going to have to look at that. Whether selling milk to a casino is something that will get essentially the consent of the Commission, whether selling insurance (and I will declare interest), or selling booze or something of that sort, or retail, you know, I think basically as a Cabinet Minister, I will be caught under that. But hopefully, the Commission will look at that and say, *Well, he's not doing it because he struck some deal with the Commission . . .* I am not even doing it myself. One of the companies that I may be associated with *hasn't struck a deal.* But we will have to see whether the Commission allows that or not.

My understanding—and the Commission is going to have to judge this as well—but when you actually look at this I think the only people who are really going to be caught in this House are Cabinet Ministers and a former Cabinet Minister. I do not think anybody else . . . and this is my personal opinion; it is not the Commission's opinion, I do not think anybody else is actually caught under this at all, because they are not involved at this point in actively . . . active involvement with a casino or licensing a casino or having been involved as a Cabinet Minister in making decisions with respect to tourism, which may have respect to legislation, things of that sort. My guess is that I suspect it is Cabinet and maybe a former Cabinet Minister who are going to be subject to the cooling-off period.

Now, why is this important? Why is this [section] 187D thing important? I have got here in my hand, Mr. Speaker, a printout. And this is from New Jersey. It is the State of New Jersey Ethics Commission. It basically sets out, pretty categorically, if you work at a casino in New Jersey or if you have been involved as the Governor, any member of the legislature, full-time member of the judiciary, any full-time professional employee of the Office of the Governor or the legislature, members of the Casino Reinvestment . . . All of these people, under New Jersey law, are caught under the New Jersey cooling-off period, or the departure from employment, having worked as a member of the legislature or whatever else. So, New Jersey is quite a bit broader than ours. It is a two-year period as well. It does have the ability to have an ethics commission look at it and make a decision, much like we have talked about with respect to the Commission here as well.

But the reason I mention this, Mr. Speaker, is because this is exactly the kind of robust regulation that has been in place for many, many years in New Jersey that a regulator in the United States is going to look at and say, *Does Bermuda have something similar in place that is going to give me comfort to allow this correspondent bank to receive essentially bank*

funds from a casino in Bermuda? And so that is why there is a connection between this section on corruption and conflict of interest and what we are talking about here in terms of [section] 187D. It is because we are part of this broader world. We have to rely on correspondent banks here. And we want to be able to move forward with having casinos be able to bank here.

So as my honourable colleague, Mr. Richards, said, I have not been in these discussions. I have certainly talked to the Commission about this. It is not that it is an absolute *they will not do it*; it is a question of, let us see what your regulatory framework looks like and then we will talk to you about doing the correspondent banking fees. But we have to be able to convince our regulators in the United States, whether it is New Jersey or the New York Financial Services Department or whatever, that Bermuda has a good system in place.

Now, I think Honourable Members have said on that side, *Well, what about Aruba? Or what about Bahamas? They don't necessarily have to do this.* And I am not quite sure what is there. But one of the things we are looking at, as my honourable colleague Mr. Richards said, is, with Atlantis, you have got a very large operator behind that with whom US correspondent banks and others have experienced in the United States. They understand the level to which they are compliant in other places. And I think those are the kinds of issues that are being considered.

With respect to Aruba, Mr. Speaker, as you will know, we are coming up against a CFATF [Caribbean Financial Action Task Force] check in 2018. I will just comment very briefly that the last neutral assessment that was done of Aruba said as follows (and I quote): "Aruba's system of anti-money laundering and counterterrorism financing and preventive measures is incomplete and lacks coherence and effectiveness. In other words, Aruba's system is subpar as far as the FATF is concerned. We have to be very wary of this as we come up through with an AMLC [Anti-Money Laundering Commission] procedure coming up to our own CFATF thing in 2018. So clearly, this is a hot spot for money laundering and for other issues. So we need to make sure we have a very robust regulatory system in place for that.

And those are some of the reasons why I think we are disadvantaging, to some degree, ourselves in respect to this issue of making sure that we have got this [section] 187D feature in place.

I think the other thing, and I will just end on this banking issue here . . . I think we all have to recognise, even though we tend to think of ourselves as the centre of the universe, the sort of Galilean system of the universe with Bermuda the centre, that our volumes here are not very large. In other words, when I speak about volumes, I am talking about the size of our casino business. It is not going to be as big as Atlantis, will certainly not be anywhere near New Jer-

sey or Nevada standards at all. So when a correspondent bank is looking at whether they want to do business here, they have to consider the additional compliance that will come in banking casino money.

And since our volumes are not very large, some of them are simply going to say, *It's not worth the trouble. It's not worth the additional cost of compliance and the other issues that I'm going to have to deal with to simply deal with Bermuda.* So that is why we have to be particularly careful in terms of the robust regulatory system we have put in place and why we have these provisions in here.

I think also, from a community perspective, we want to make sure that politicians are not seen to be taking advantage of their position. I think particularly of Cabinet Ministers. So there is an additional sort of moral imperative in here as well, Mr. Speaker. So those are some of the issues that I think we need to consider as we talk about, *Look. We can kind of do what we want here.* The fact of the matter is we really cannot anymore. Whether it is reinsurance or fund management or whatever else, we are very dependent on a very interconnected system with regulators in other places. And we have to be able to convince them that we are doing not just a good job here; it has got to work for them as well. So those are some of the issues, Mr. Speaker, that I wanted just to touch on. I think those are my . . .

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: My cousin over there says that that is enough.

So, Mr. Speaker, I think I have answered some of the questions. But we are going to get into Committee. We are going to have more debate about this. But those are the major points that I wanted to make. Thank you.

The Speaker: Thank you, Honourable Member.

I think you need to send it to Committee.

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker. I ask that the Bill be committed.

The Speaker: It has been moved that the Bill be committed.

Any objections to that? There are none. So I would like to ask that the Deputy Speaker please take the Chair [of Committee].

House in Committee at 10:47 pm

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, in the Chair]

COMMITTEE ON BILL

CASINO GAMING AMENDMENT ACT 2016

The Chairman: Members, we are now in Committee of the whole for further consideration of the Bill entitled [Casino Gaming Amendment Act 2016](#).

I call on the Minister in charge to proceed. Minister, you have the floor.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman. Madam Chairman, I am going to try and break this down in a way which is sensible. We have 75 clauses here, and I also have two minor amendments at clause 18. So what I would like to do, Madam Chairman, is move clauses 1 through 17.

The Chairman: Are there any objections to the motion of moving 1 through 17?

No objections.

Please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you.

Madam Chairman, clause 1 is self-explanatory.

Clause 2 amends section 2 [of the Act] to provide the following new definitions: *foreign casino regulatory body*; *general administrative documents*; *guidelines*; *immediate family members* and *information*. Existing definitions for *development agreement* and *special employee* are also being amended.

Clause 3 amends section 3 [of the Act] to enhance the Commission's powers with respect to vetting associates. These will include those exerting any influence over the operations of the casino, and in so doing, the Commission will be able to consider whether the associate has any interest, directly or indirectly, in the designated site or the integrated resort.

Clause 4 amends section 4A of the Act so as to clarify that fees are non-refundable.

Clause 5 inserts a new section 5A to provide for the revocation of designated site orders by the Minister in situations where a provisional casino licence is not granted or where such a licence is granted but is being cancelled, or where a full licence is not subsequently granted.

Clause 6 amends section 9 to provide the power for the Commission to determine applications for and to grant or refuse to grant provisional licences.

Clause 7 inserts a new section 14A to provide that an inspector is authorised to administer oaths and may require any information submitted to be provided on oath; or he may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth.

Clause 8 amends section 15 to increase the current powers of inspectors to obtain the personal details of persons suspected of committed offences under the Act. Where information supplied is believed to be false, a power to detain is exercisable only with reasonably necessary force, where the person de-

tained is informed of reasons for the detention and where the police are immediately informed of the detention.

Clause 9 amends section 16 to enable the Commission to seize equipment or articles relating to gaming for 30 days instead of the current 5. This power will be subject to extension or variation by the courts, which may also hear from persons interested in such items.

Clause 10 amends section 17 by substituting section 17(b) to read: "all fees and financial penalties paid under this Act," which removes the terms "composition sums and fines" as making up part of the funds and property of the Commission.

Clause 11 inserts a new section 17A to make provision for the Commission to borrow money, with the consent of the Minister and approval of the Minister of Finance, to provide the Commission with working capital or any other purpose for which capital monies are required or other purpose necessary under the Act.

Clause 12 inserts a new section 18A, which requires the authority to prepare to seek approval of its work plan and annual budget. This provision would involve the Minister of Finance throughout the process.

Clause 13 amends section 19 of the Act to delete the reference to composition sums and fines as being considered as part of the Commission's funds and property.

Clause 14 amends section 24 to provide the auditor with the power to obtain information and documentation directly related to the financial transactions of the Commission so as to protect confidential information.

Clause 15 amends section 28 to provide that the provisional licence being granted for the St. George's resort shall not be included in calculating the number of casino licences to be issued by the Commission.

Clause 16(1) repeals and replaces section 29, which will allow, in addition to the traditional physical gaming, the playing of eGaming within eGaming zones, and betting with a bookmaker within the premises of a casino. The Minister will also be able to make regulations which regulate eGaming and betting on casino premises, and can provide the specified system or method of communication is or is not a form of remote communication for eGaming, specifying an eGaming zone and prescribing the subject, races, competitions or other events, or processes, on which a bet may be placed. In this instance, remote communication would include wireless protocols between a server and a tablet.

Clause 16(1) also inserts new section 29A, which will allow for the sale and consumption of alcohol on casino premises. The Minister will be able to make regulations which regulate the sale of intoxicating liquor on casino premises. Consequent to these

new provisions, clause 16(2) inserts new definitions for the terms *authorised game*, *betting*, *eGaming*, *eGaming zone*, *gaming area* and *physical gaming*, and exempts casinos from provisions within Part VI of the Miscellaneous Taxes Act 1976 for the payment of betting duty, as earnings will now be subject to the Casino Gaming Tax.

Clause 17 amends section 32 to confirm that, by submitting an application for a casino licence, an applicant consents to any investigation undertaken pursuant to the Act. I will stop there, Madam Chairman.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

Thank you. The Chair recognises the Member from constituency 17. You have the floor.

Mr. Walton Brown: Thank you, Madam Chairman.

The hour is late, and I was just was provoked to ask one question of the Honourable Minister.

Why would the Minister want to have powers regarding the distribution of alcohol that supersede the powers of the existing regulatory body?

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

The reason is because having one regulator here for casinos (because we know casinos want to serve alcohol) makes it a lot simpler. And because the Commission is going to be involved in regulating other issues such as (and you will see in here) provisions for disturbance or exclusion orders, things of that sort, it makes much more sense to have it all under the Commission rather than having to have some connection with the Liquor Licence Act. There may be confidential information as well that is involved. There may be issues like that. So I think it is simply a simplicity thing, having it under one regulator.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

The Chair recognises the Member from constituency 25.

Mr. Mark J. Pettingill: Thank you, Madam Chairman.

I am hoping the Minister can help me with this, the definitions of 2(c) a number of definitions that we added. Of course, we have section 187F that was added, we are going to come to that, dealing with an improper approach. I was wondering why there is no definition of "improper" contained in the definitions of the Act because if we wanted to under 187F, I guess if a bus driver walks up to some commissioner and

says, *Hey, sexy that's a great decision you made* he is going to be caught like that particular provision. So I am asking with regard to an improper approach or improper influence that hasn't happened yet. But where is that contained by way of definition in the approach element as to what is considered legally to be improper by the evidences and by the definition in that section?

The Chairman: Thank you, Member.

Mr. Mark J. Pettingill: Oh, my [microphone] was not on. Sorry.

A waste of a good point.

Did you hear me, Madam Chairman? I was just told my [microphone] was not on. I do not know if the Minister heard me.

The Chairman: Do you want to repeat it?

The Hon. Dr. E. Grant Gibbons: Yes, I heard you.

Mr. Mark J. Pettingill: Yes. Okay.

Some Hon. Members: Yes, we heard you.

The Hon. Dr. E. Grant Gibbons: Yes. Madam Chairman, I was trying to see if there was any particular technical aspect of it. My sense is it is pretty self-evident. In its own way, I think the Bribery Act probably has similar provisions in there as well. And I think it is basically if you are trying to solicit or whatever else. I think it is perhaps a little bit to be judged. But if you are trying to do something which—

An Hon. Member: Grant.

The Hon. Dr. E. Grant Gibbons: Yes. (Sorry.)

If you are trying to solicit or trying to get someone to do something which is clearly intended to be fraudulent or whatever else, then I think that is the point. But yes, it is not defined.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

The Chair recognises the Member from constituency 31.

Mr. Shawn G. Crockwell: Thank you, Madam Chairman.

Madam Chairman, I would like to draw the Minister's attention to clause 5, in relation to the power of the Commission to revoke a designated site order. And you would note, Madam Chairman, that it is . . . Well, on the advice of the Commission, it is the Minister who will revoke after consultation with the Commissioner. And one of the reasons why the Minis-

ter can revoke is if a provisional licence is not granted under section 32A to the owner of the designated site.

Now, this is somewhat peculiar because this power of revocation did not exist when the Designated Site Act was passed. In fact, it did not exist when we approved the Designated Site Orders earlier today. So, you have a situation where someone was vetted for a designated site and paid a large fee for that designated site order, and now if they do not get a provisional licence, the Minister is obligated to revoke that designated site designation.

So my question is, is it going to be understood and somewhat contemporaneous that when you issue a designated site order or when the Commission recommends that this particular site be designated as a casino site, that they will have the intention to subsequently grant a provisional licence? Because without the provisional licence, the designated site is not valid, because it says here, if “a provisional casino licence is not granted . . . to the owner of a designated site” “The Minister shall revoke” that designated site order . . . unless I am reading it wrong. I see someone shaking their head.

But let me read it again. Clause 5A: “The Minister shall revoke, after consultation with the Commission, an order under section 4(1) where he is satisfied, after giving a designated site owner the opportunity to be heard, that—(a) a provisional casino licence is not granted under section 32A . . .”

So if the provisional licence is not granted, the designated site falls away, unless I am reading it wrong.

I would think that when you grant the designated site order, the Commission and the Minister must have in mind whether or not the applicant will be suitable for provisional licence, because it is going to be a process and a substantial fee that is going to be involved by that applicant. When they applied for a designated site, this was not even in law at the time. So now there is a risk that if, for example, Fairmont Hamilton now apply to get a provisional licence (and I would assume that they would get it), but if they applied to get a provisional licence and are unsuccessful, then they will lose their designated site position. So I am just wondering if they will sort of roll synonymous or contemporaneous when they are being considered.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I think I was quite clear when we did the two Designated Site Orders earlier on that if they did not get a provisional licence that they would lose the designation. It also says in [clause] 5(c), “a provisional casino licence is granted under section 32A, but the Commission refuses to grant a casino licence to the

provisional licensee” . . . In other words, if you do not get the final casino licence, you will lose your provisional licence as well. And there is a substantial fee involved with that as well, as I understand it. So . . .

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

The Chair recognises the Member from constituency 34.

Ms. Kim N. Wilson: Thank you, Madam Chairman.

I wonder if the Honourable Minister from constituency 22 can answer with respect to [clause] 16. Given the concerns that have been raised with respect to Bermuda’s compliance with international obligations for money laundering and terrorist financing. What, if any, degree of consultation took place with the National Anti-Money Laundering Committee with respect to the provisions of regulating eGaming?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

As far as I am aware, there has been continuing conversations with the anti-money laundering group and NAMLC. So I do not see that as an issue.

I am just going to get some additional technical advice here.

The Chairman: Thank you.

Are there any Members who would like to speak to . . . We will wait, and I will recognise you.

[Pause]

The Chairman: Thank you. Continue, Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I was just advised that the Commission also sits on the NAMLC board. So I think there is, obviously, communication going back and forth, in addition to the consultation.

The Chairman: Thank you.

The Chair now recognises the Member from constituency 25.

Mr. Mark J. Pettingill: Thank you, Madam Chairman.

Can the Minister perhaps address [clause] 14, which sets out, for this purpose of this Act, an inspector is authorised to administer an oath. Act [and rules] dealing with commissioners for oath and affidavits and oaths and notaries 1972 and 1973 set out very clearly the individuals who are appointed as commissioners of oaths. And there is a specific list there in the

Schedule. So I have a concern that this particular clause saying that an inspector is authorised to now administer an oath causes a particular problem in relation to the Act (the other Act which I mentioned), which clearly sets out who is authorised to make an oath. In other words, you have to be a commissioner of oaths or fall into one of the categories in the Schedule of an authorised person to take an oath—a JP, all of us, and so on and so forth.

So an inspector, as it stands now, does not fall within that category of commissioner of oaths and affidavits.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman. I think we will probably have to take that one under advisement.

No? I will check.

[Pause]

The Hon. Dr. E. Grant Gibbons: I am advised, Madam Chairman, that for the purposes of this Act, the inspector is authorised to do these things. So I think the Act in itself provides that authorisation.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

The Chair recognises the Member from constituency 31.

Mr. Shawn G. Crockwell: Yes, thank you, Madam Chairman.

Just for my edification, I just want to be clear again on clause 5. So is it anticipated that there will be these levels of applications? So once a designated site is granted, the next phase has to be the application of a provisional licence? And then once that is granted, you move on to a substantive licence. So you cannot get a designated site and then just move on to a substantive licence? Okay.

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

Mr. Mark J. Pettingill: Yes, thank you, Madam Chairman.

The Chairman: The Chair recognises the Member from constituency 25.

Mr. Mark J. Pettingill: Yes. I am just raising the concern here because [clause] 8 gives the power of an inspector to effectively detain a person with no more

force used than is reasonably necessary. So I guess it is the intention of the Act to give powers of arrest to inspectors for breaching particular provisions of the Act. And if that is the case, how are they effectively dealing with giving that type of power?

I will give you an example. In other places like Nevada and so on and so forth, you will often find that inspectors are actually police officers who are designated with powers of law to use reasonable force and to arrest. So I know that is contained in the substantive Act. It says it here. But where, with regard to the provision of arrest, caution and so on and the like, are they being effectively designated in accordance with our law as police officers?

The Chairman: Yes. Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

My understanding is that this clause has been discussed thoroughly with the police commissioner. The Honourable Member would be aware that when we were originally looking at the Singapore model—we are now in what I will call a modified Singapore model—in Singapore, they had a lot more resources. They had police who were effectively in the casino. So they did not require this. My understanding of this, and that Honourable Member may have more experience than I have in this, is that you have got to be able . . . If you have got an event which occurs and you cannot detain the person, they may be out the door. And then there is no ability to be able to stop them or get evidence.

So effectively, what we are doing, with the permission and the thorough consent of police commissioner, is to give these inspectors what would be considered quasi-police powers in terms of detention, and that is the thing. So the point of it is here is that, since inspectors are likely to be around and the police are not all the time inside a casino, the idea was, to be effective and efficient here, they had to give them these additional powers. So I hope that answers the Honourable Member's question.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 1 through 17?

If not, Minister, if you would just move the clauses 1 through 17.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I move clauses 1 through 17 as printed.

The Chairman: It has been moved that clauses 1 through 17 be approved as printed.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 17 passed.]

The Chairman: Minister, please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I am going to move clause 18. And I have a couple of amendments that I would like to [present]. They are pretty close to typo errors, but we are going to do it properly in any case.

The Chairman: The Sergeant-at-Arms is right to your right. Thank you very much.

AMENDMENT TO CLAUSE 18

The Chairman: Everyone should be receiving two amendments for clause 18.

The Hon. Dr. E. Grant Gibbons: Madam Chairman, would you like me to go through the rest of the clause, or do you want to do the amendments first?

The Chairman: I would like to do the amendments first.

The Hon. Dr. E. Grant Gibbons: Okay.

The Chairman: Are there any objections to doing the amendments first before we go to the clause?

There are no objections.

Madam Opposition Whip, are we ready to start? Shall we start?

Ms. Lovitta F. Foggo: Yes.

The Chairman: Yes. Okay.
Minister, if you would proceed.

The Hon. Dr. E. Grant Gibbons: Sure. In clause 18, the first amendment I have got, in clause 18(1), in the new section 32A to be inserted into the principal Act, we are going to delete the quote "Inserts sections 32A and 32B" and substitute "Grant of a Provisional Licence." You will see there, if you are looking at page 11, that that "Inserts sections 32A and 32B" has been carried down to the next section, and it really should say, "Grant of a Provisional Licence" as the heading.

The Chairman: Thank you.

The Hon. Dr. E. Grant Gibbons: So in some respects, it is a bit of a typo.

The Chairman: Yes. Thank you.

Does anyone have any questions on the amendment? No questions.

Is everyone in agreement to that amendment?

Yes.

Minister, please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you.

The second amendment is a little farther down in section 32A(4)(b) which currently reads, "(b) (b) specify such period." We want to delete the additional "(b)"—it just kind of slipped in there—to correctly read, "(b) specify such period." So get rid of the "(b)."

The Chairman: Thank you, Member.

Does anyone want to speak to that typographical change? No.

Is everyone in agreement on that typographical change?

Thank you. We will go back to the whole clause now so that we can discuss that.

The Hon. Dr. E. Grant Gibbons: Thank you. Thank you, Madam Chairman.

The Chairman: Member, before we do that, I am saying the House has agreed on the two amendments that we have to the clause 18. Thank you.

All agreed? Thank you.

[Gavel]

[Motion carried: Amendments to clause 18 passed.]

The Chairman: Please proceed with clause 18.

The Hon. Dr. E. Grant Gibbons: Thank you.

In clause 18(1), we are inserting new sections 32A and 32B to make provisions for the issue of provisional casino licences as part of the Commission's envisaged three-stage process for obtaining a casino licence. A provisional casino licence may only be granted in respect of a designated site for which the Commission has formed an opinion on the integrated resort. The Commission may subject a provisional licence to various conditions and may specify a time period for investigating the suitability of a casino licence applicant. If a provisional licence holder cannot satisfy the Commission as to suitability, then the Commission may cancel the provisional licence.

New section 32A also provides that a provisional casino licence is granted in the public interest to the developer of the site under the St. George's Resort Act 2015, and that licence is granted subject to all the provisions of the Act, regulations and any other licence conditions imposed by the Commission. That is important.

New section 32B provides that there shall be no more than three provisional casino licences enforced and valid at any one time. They are in addition

to the provisional licence issued to the developer of the St. George's Resort Act 2015 under new section 32A. So, there would be four if you include that one, and a maximum at any one time.

Consequent to these new provisions, clause 18(3) inserts a new definition for "provisional casino licence." Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

Thank you. The Chair recognises the Opposition Leader. You have the floor.

Hon. E. David Burt: Thank you very much, Madam Chairman.

Madam Chairman, to be quick, I raised concerns in the general debate, and I am just asking if the Minister could tell us what type of vetting and/or due diligence has been done on the provisional licence which is being granted by the Parliament and not being granted by the body that is supposed to look and examine such items? We are already giving a licence to someone, and I want to know what due diligence was done in this regard.

The Chairman: Thank you, Member.

The Chair recognises the Member from constituency 15.

Mr. Walter H. Roban: Thank you, Madam Chairman.

Just wish to follow on with the comments of the Member from constituency 18. I think one has to take some consideration of what has been said on this in that we have only just done the Designated Sites Order. So, one has to ask, if we are essentially doing a Designated Site Order, and then this clause has created the provisional licence, what actual vetting was done around that? Because presumably, the normal course of events would be the Designated Site Order would be given, and then there would be a time when there would be a process of review subject to their possibly getting their provisional licence. So that clearly was not done in this.

Well, the presumption is, Madam Chairman, that no such overview was done to provide the provisional licence, other than what has been done by the Government in the Act. So perhaps the Minister can give some clarity to us as to what oversight was done, since clearly this is a unique process that we have experienced today with the Designated Site Order and with the provisional licence being issued under this clause.

The Chairman: Thank you very much, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you. I take that as similar questions, in some respects.

Let me just step back to try and answer this in two parts. The first thing that I think we have to recognise here is that the substantial vetting is really done between the provisional licence stage and the final casino licence. So that, apparently, is the most involved, and that involves discussions with overseas regulators and regulatory bodies and the rest of it. It is a very involved process. So that is left to the very end in terms of the suitability criteria.

However, in order to be able to get their funding in the first place to be able to get through the BMA and through the original process to even be selected, there was a lot of vetting that was going on with respect to the particular group, the Desarrollos group. So suffice it to say that a fair amount of preliminary vetting was done, but that does not exempt them from the full Monty, as it were, when they have to go from the provisional licence stage to whether they get it or not, is a different issue. But to the final casino thing, there will be a complete and full vetting in terms of propriety, who they are associated with and all those kinds of issues that, obviously, we have to do to make sure that . . . And that is not just for them. It is for anybody who is going from a provisional licence to the casino licence.

But there has been a fair amount of vetting so far in terms of their selection in the first place, in terms of the BMA [Bermuda Monetary Authority], in terms of the financing they have gotten. So I think we are reasonably secure. But, obviously, we do not have at this point . . . The Government did not, but the Commission will have access under these MOUs to form regulatory bodies which may unearth something else. And that is the final step. I hope that helps.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, the developer is on record as stating that a casino licence is not a game changer. What has happened between that statement and today in that he is demanding this provisional licence?

The Chairman: Member, if you do not mind, while the general Casino Amendment Act, you are asking for something as to one action as to why they might have picked . . . I am not quite sure how the Minister is going to respond to that one. It is not part of clause 18.

Hon. Zane J. S. De Silva: It certainly is, Madam.

The Chairman: Then, please help me understand.

Hon. Zane J. S. De Silva: We are discussing that clause. I will start again.

Minister, the developer in which this provisional licence is going to be given is on record as stating that a casino licence is not a game changer. What has happened between that statement and now that you are bringing this change to the legislation?

The Chairman: Minister.

The Hon. Dr. E. Grant Gibbons: I think the simple answer is that I tried to address that in my comments at the end of the [Second Reading] debate. I think all of us want to make sure that particularly a St. George's resort is successful. It is pretty clear that in the change of operator for the hotel, not for the casino—the change of operator, there was a change in terms of how the developer actually looked at it. And I think the new operator . . . If you remember, if you go back a ways, you will remember that originally we were talking about a Ritz property, okay? And then they changed to a St. Regis property. And I think the operator, as far as I understand it, the St. Regis operator felt that, as an amenity, the casino part was more important than the previous one does. So it could be an issue of timing in terms of how the thing . . . yes.

So what we are looking at here is, as I said, we are quite concerned that particularly a resort in St. George's, which historically has been very difficult . . . You have experienced that, the former Government before, you experienced that. We are trying to, essentially, give them a little more comfort because what we really want them to do is to start to proceed to get on with the resort. So if they have got a little more comfort, we feel that that will assist.

The Chairman: Thank you.

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

So what you are saying is, Minister, with this new operator . . . with this new operator, what you are saying is that they have told the Government, they have told the Commission, they are telling the people of Bermuda that unless they get this provisional licence, then they are not going to operate in Bermuda, and therefore the show stops? The hotel does not go forward?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: No, they have not said that.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 21.

Mr. Rolfe Commissiong: Thank you, Madam Chairman.

To the Minister: During the general debate, I basically . . . I am in favour of the concept of provisional licence. My query remains, why was it necessary to, right off the bat, issue or seek to issue or seek to grant a provisional licence to the St. George's resort? You did mention something about the geographic considerations, the historical nature of that site being without any economic activity down there. Am I right? Although there are some who are saying that perhaps the real consideration was political geography in terms of election prospects. So again, why is it necessary to push this for the St. George's group, rather than just establishing the framework initially for the granting of provisional licences?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Madam Chairman, I am not sure if I can really add any more. I think I have talked about the historical issues. I think we have talked about wanting to make sure that this property is successful. Properties before this have been relatively unsuccessful over the years. And it goes back to the whole issue of what we are trying to do here with this legislation, which is resort development. And I think the Government is basically saying, if we can give this group a little more comfort, given the historical issues and given St. George's . . . And also, we do not want to be in a situation where the thing opens and then it closes. So if we can give them a little more assistance, that is where the Government is coming from on this. I am not sure what else I can say.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituent 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, my question, my next question is, the chairman of the Commission has stated publicly when he was appointed that if there is political interference, he would not take the job. Since, now that it is obviously been some interference by the Government to issue this provisional licence, has the chairman indicated to you that he is going to resign or not?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I am not sure, and I cannot speak for the chairman as to whether he would see it that way. But we have not had an indication, as I understand it, that the chairman is prepared to resign. And I think, obviously, as perhaps the Honourable Member, Mr. Crockwell, said earlier on, if the Commission was not in agreement, this Bill would not have come to the House.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 29. Remember we are not speaking to the principles of the Bill, only its details.

Hon. Zane J. S. De Silva: Got you. Thank you, Madam Chairman.

Minister, you said earlier, and former Minister of Tourism Crockwell also said earlier, that if this Bill passes, and using Mr. Crockwell's words, if this Bill passes, he was told that things are going to happen. And he said he was going to keep an eye on you so that he can watch over that. So, in other words, I think what the Minister [*sic*] was saying is that if this Bill passes, then we expect to see—I took that to expect to see shovels in the ground. If I am reading the play correctly and this is correct, can you confirm that? And if so, do you have a timeline for it?

The Chairman: Member, I am going to remind you, it is again that general debate . . . We are talking about specifics. And again, in clause 18, we do not see that there is a time frame allocated. I am just pointing that out to you, as I have already pointed out to you. I am giving you leeway. The Minister stood to his feet to answer your question, or else I would have stopped. Thank you.

Minister.

The Hon. Dr. E. Grant Gibbons: Yes. The Honourable Member may remember in my brief for the House, I did talk about getting shovels in the ground. So, yes, I think that is clearly the next step. It is not my call as to when that happens. But I think the sooner we get this done and get on with it, the sooner that is going to happen. So that is the best I can do as the person who speaks for it in the House.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 31.

Mr. Shawn G. Crockwell: Thank you, Madam Chairman.

Now to prolong the debate, I am somewhat pleased that we are here late so that my former employer knows what I used to go through for many years, Madam Chairman.

[*Laughter*]

Mr. Shawn G. Crockwell: But I am just curious. Now that the Government, well, now that this Parliament tonight will be granting a provisional licence to St. George's resort, or to Desarrollos, you mentioned, Minister, earlier that you are aware that the provisional licence fee is rather hefty. But I do not know if you actually said what that fee is going to be. So I am assuming that, as we are granting the licence, that that fee is going to be established relatively shortly, or that it has already been established, you know, in short order.

But my concern is the ultimate cost of obtaining the ultimate licence. I do not know if the Commission has yet determined what the cost of a casino licence will be. I know we have been trying to get the right balance. But will the cost of the ultimate licence be now offset by the fact that there is a significant cost for the designated site, and now clearly a cost for provisional licence? Is that being taken into consideration in terms of what the value of a casino licence will be? Just worrying about whether or not it is going to become prohibitive.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes. I cannot really speak to that. I have a sense that anybody who gets a provisional licence, including the one that the House would be granting here, will pay the provisional licence fee. That much I know. I also know that it is pretty hefty.

I do not know where the Commission is. They have not informed me, and they may not have come to a standing point in terms of what the overall cost will be. I think we have heard that the Commission wants to make this revenue-neutral for Government in the sense that the Commission will pay for itself through the fees. But apart from that, I cannot add any more. And I think the substantive Minister probably, or the Commission, will be speaking to this when they are ready.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, just following up from that, because you did say that several times tonight, that the licence will have a hefty fee. And I know that you take a lot of pride in saying that your OBA Government are very transparent, and it almost comes out with every sentence that you quote.

Certainly, in the light of transparency, you would want to tell the taxpayers of this country what this hefty fee is (because a hefty fee could be to Mrs. Smith, \$500, but, you know, a hefty fee to someone like yourself might be \$5 million). So we would really like to know what this hefty fee is. I think that the taxpayers have a right to know, especially since the Commission and the Chairman themselves have said that they will operate in the light of transparency. So I am hoping that you would let the taxpayers of this country know exactly what that fee is.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you.

This is not a question of transparency. This is a question, because I think that the fees will be tabled at the appropriate time, because it will be public knowledge as to what that fee is.

I think the Commission may not have come to an exact landing point in terms of what that is. My bad, perhaps, for suggesting it is a hefty fee. I sort of heard ranges. But I think it would be unfair of me, because it is not my decision as to what that is, to relay those. So maybe it is a hefty fee to you, as well, I suspect. So . . .

Hon. Zane J. S. De Silva: Well, of course.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Member from constituency 21.

Mr. Rolfe Commissiong: Thank you, Madam Chairman.

Minister, are we maybe perhaps sending the wrong signal here? Is the Government acting at cross purposes after all? The Finance Minister said that it is very likely that the banking authorities in the US will be more prone to agree to service the Bermuda business . . . with a major player from Vegas or one of the major resorts. I heard him say that. Certainly, Desarrollos and/or the St. George's resort does not meet that threshold, I would think why would we see a mandate that they get a provisional licence at this stage of construction?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I had a little difficulty following the line of argument there. I talked about already why we are giving a provisional licence for Desarrollos. I am not sure; maybe I missed the point of it. So, yes.

The Chairman: Member, would you like to clarify further the question?

The Hon. Dr. E. Grant Gibbons: I am sorry. I am getting a little tired here. So I missed the construct, yes.

Mr. Rolfe Commissiong: Yes, I am as well.

The Finance Minister stated that we would stand a better chance of getting the New York, or the US banking entities on board if we were contracting or we had a major player in the industry, whether it is in Las Vegas or one of the other major centres, here doing business, as opposed to what can only be described as a small-time player in the form of Desarrollos and St. George's resort—no insult to them, I might add. So are we working at cross purposes here in terms of our more long-term interests by giving a provisional licence to this Desarrollos group?

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

I take the point. I think what we have to be careful about is that we are not talking about the casino operator here; we are talking about the hotel developer. So the casino operator could be very different than the hotel operator or indeed the developer. So that issue is still open. I do not know whether they have chosen a casino operator or not. But obviously, there are a lot of people out there who are experienced and who are credible.

The Chairman: Thank you.

Are there any Members who would like to speak to clause number 18?

The Chair recognises the Member from constituency number 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, this clause, obviously, took a bit of legal intelligence, as did many of the amendments, I am sure. My question is that Ms. Arlene Brock, who was hired as a legal representative, quit after two months. Can you tell us why?

The Chairman: Again—

The Hon. Dr. E. Grant Gibbons: Madam Chair, I have absolutely no idea.

The Chairman: Member, we are still going outside the remit of the details of the Bill in front of us.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Opposition Leader. You have the floor.

Hon. E. David Burt: Thank you very much, Madam Chairman.

Madam Chairman, I asked the Honourable Minister in a question earlier what due diligence was done. He provided information on vetting by the BMA, et cetera. However, the Act itself speaks of specific things that are to be considered in the granting of a provisional licence. And I am trying to ascertain as to whether or not those items were done for this particular developer.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I think the Government feels that for the provisional licence with respect to the St. George's resort, that sufficient due diligence was done in terms of both their selection in the first place and, essentially, the financing that was involved with them. But again I repeat the same comment: The real vetting here is yet to be done. It is between the provisional licence stage with all the conditions associated with that and then the final casino. So I am not sure I can add any more to that.

The Chairman: Thank you.

Are there any Members who would like to speak to clause 18?

The Chair recognises the Opposition Leader.

Hon. E. David Burt: So, the Minister has time to confer with the actual substantive Minister to answer the question as to whether or not the items which were spelled out in the principal Act and that are supposed to be considered for the granting of a provisional licence under this new section, which we will be inserting, whether or not any of that was performed in respect of the Desarrollos group? Or is this just something that we just said, *Here you are. You can have it?*

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes. I am not sure I can do anything but reiterate what I just said. The Government feels that with respect to provisional licence, that adequate work was done with respect to what I will call the preliminary vetting.

Now, again—and I guess it is getting late and I have to repeat this—the Commission will attach all sorts of conditions to that provisional licence which will have to be met by the provisional licensee, okay? So

there will be additional provisions in terms of what I will call sort of a basic vetting process that has gone on. The real vetting is going to occur post the provisional licence.

The Chairman: Thank you.

Are there any other Members who would like to speak to clause 18?

The Chair recognises from clause [sic] 29.

[Laughter]

The Chairman: I am sorry; from constituency 29.

Hon. Zane J. S. De Silva: That is okay, Madam Chairman. We got it. It has been a long day, but it is okay. It is all right.

Minister, when someone, as you know . . . if anyone applied for a licence, there is a fee of \$50,000.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes, and obviously this is one of them.

This particular group, did they pay a \$50,000 fee?

The Chairman: Thank you, Member.

Minister.

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

The Chairman: Are there any other Members who would like to speak to clause 18?

The Chair recognises the Member from constituency number 21.

Mr. Rolfe Commissiong: Thank you, Madam Chairman.

To the Minister again: Minister, are you in a position to say whether the Desarrollos group have given any indication that they are prepared to enter into discussions with any of the major players, as alluded to by the Finance Minister?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I am afraid that is above my pay grade. I am not aware.

The Chairman: Thank you.

Are there any other Members who would like to speak to clause 18? Any other Members who would like to speak to clause 18?

If there are no other Members who would like to speak to clause 18, I call on the Minister to move the clause.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair. I move the clause 18 be approved as amended.

The Chairman: As printed.

The Hon. Dr. E. Grant Gibbons: No, no, as amended.

The Chairman: As amended, right.

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

The Chairman: It has been moved that clause 18 be approved as amended.

Any objections to that motion?

No objections; agreed to.

[Gavel]

[Motion: Clause 18 passed as amended.]

The Chairman: Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman. Let us see. I would like to suggest that clauses 19 through 33 be moved.

The Chairman: Thank you.

It has been suggested that clauses 18 to 33 be moved.

Any objections to that motion?

No objections; agreed to.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

Clause 19 amends section 33 to remove reference to a "body or association." This is a house-keeping amendment, as "person" is already broadly defined in the Interpretation Act of 1951.

Clause 20 amends section 34(1) by clarifying that the opinion of the Commission made under that section relates to proposed casinos, with the emphasis being on *proposed*.

Clause 21 amends section 38 of the Act consequentially in connection with the introduction of a provisional casino licence regime. Following the Commission's suitability assessment of a provisional licence holder and in compliance with the conditions, it shall either grant or refuse to grant a casino licence. The Commission will not be required to give reasons for any refusal or for any conditions imposed or to provide details of information or of sources of such information considered as part of its determination.

Furthermore, the Commission shall not be liable for any financial outlay or other losses suffered by an applicant as a result of an application being refused or conditions being attached to a casino licence.

Clause 22 amends section 42 to allow the Commission to redefine the boundaries of the casino

within a designated site and to further define and re-define gaming areas and eGaming Zones with a casino, either of its own motion or on application by the casino operator. Boundary changes take effect when the Commission gives written notice thereof or on a later date specified in such notice.

Clause 23 replaces section 43 and provides that a casino licence is effective for a period of ten years unless renewed, cancelled, revoked or surrendered. It further provides that a licence shall become automatically revocable until the point when the Commission provides written notice confirming the casino licence shall not be revoked if the casino licence holder dies or becomes incapable due to mental or physical incapacity, becomes bankrupt, ceases to exist or goes into liquidation. In the event of a casino licence becoming revocable, the Commission is able to serve a notice of revocation and appoint a temporary manager. Where a licence is revoked, the Commission may reinstate the casino licence and the Minister may, by regulations, make further provision for the revocation of the licence.

Clause 24 amends section 44(2) to allow the transfer of a licence with the permission of the Commission and subject to suitability investigations, as required under sections 32 to 37 of the Act.

Clause 25 adds a new section 45(2) to enable the Minister, by order, to add to the forms of "disciplinary action."

Clause 26 amends section 46 to ensure that the casino operator can be subject to disciplinary action and be liable for any act, omission, neglect or default by any employee, servant or agent of the operator; and to enable the Minister to make an order to stipulate additional grounds for sanctions.

Clause 27 replaces section 48 and enables the Minister to make regulations to control disciplinary action against the casino operator, including the powers of the Commission, the procedure to be followed and for the hearing of an appeal against the decision of an inspector. The Minister may also regulate the establishment, conduct, procedure, fees and powers of a tribunal hearing and appeal.

Clause 28 amends section 51 to provide that the appeal process for any decision regarding the casino's operator's licence may be set out in regulations.

Clause 29(1) inserts a new section 52(a) to require casino operators to establish and maintain a compliance committee which is responsible for ensuring that the casino is operated in compliance with the Act, regulations and directions of the Commission, and which shall furnish the Commission with any required information.

The Commission may require any member of the compliance committee to attend before the Commission to answer questions or provide information. And the casino operator is at all times liable for the acts and omissions of the compliance committee. Failure by the compliance committee to comply with

the Act, regulations or guidelines of the Commission will result in disciplinary action and/or other sanctions, including the suspension or cancellation of the casino licence.

Consequent to these new provisions, clause 29(2) inserts a definition for *compliance committee* and specifies that the Minister may make regulations in relation to the establishment, functions, obligations and all other matters regarding a compliance committee.

Clause 30 amends section 53 by removing the Minister's power to direct the Commission to investigate the casino. It also clarifies in relation to an investigation of a person having a business association with the casino operator and that the term *person* includes a body or association. New sections (2A), (2B) and (2C) are inserted to revise that an investigation may include members, shareholders, directors and officers, and all other persons related to the entity, and the casino shall pay to the Commission all expenses of the investigation.

Clause 31 amends section 58 to remove reference to "body or association." This is a housekeeping amendment, as "person" is already broadly defined in the Interpretation Act of 1951.

Clause 32 repeals and replaces section 59 to provide definitions for the terms "control contract" and "notifiable contract" and to empower the Minister to make regulations governing general or specific classes or types of contracts.

Clause 33 inserts a new section 60 to provide that no compensation for economic loss shall be payable by the Commission in respect of any refusal of the Commission to enter into or vary a contract whether or not such contract is terminated as a result.

Thank you, Madam Chairman.

The Chairman: Thank you very much.

Are there any Members who would like to speak to clauses 19 through 33?

There are no Members who would like to speak to clauses 19 through 33?

Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

I move that clauses 19 through 33 be approved as printed.

The Chairman: It have been moved that clauses 19 through 33 be approved as printed.

Any objections to that motion?

No objections; agreed to.

[Gavel]

[Motion: Clauses 19 through 33 passed.]

The Chairman: Please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

I would like to propose that we move clauses 34 through 50.

The Chairman: Are there any objections to move clauses 34 through 50?

No objections; please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you.

Clause 34 repeals and replaces section 66 to empower the Minister to make regulations prescribing functions to be performed by a licensee and persons who are required to be licensed. The Minister may also make provisions for the different categories and obligations of special employee licenses and for disciplinary action against the licensee.

Clause 35 amends section 67 by widening the scope of documents to be provided by operators to the Commission and that a special employee licence shall not be granted to a person who is under the age of 18 or persons prescribed as being ineligible to hold such a licence.

Clause 36 amends section 75 to provide further control to the Commission over the length of special employee license from five years to "such period as may be determined by the Commission."

Clause 37 amends section 78 to empower the Minister to make an order to add other forms of disciplinary action.

Clause 38 amends section 79 to allow for additional grounds for disciplinary action to be added by an order made by the Minister.

Clause 39 amends section 80 to give the Minister the power to make regulations prescribing any procedures and the powers to the Commission as regards disciplinary action against a licensee and for the hearing of an appeal by a tribunal.

Clause 40 amends section 81 to empower the Minister to make an order to provide additional penalties.

Clause 41 amends section 82 so that the Commission can suspend a licence in the public interest pending the conclusion of any inquiry or disciplinary proceedings in the specified instances.

Clause 42 repeals and replaces section 89 so as to provide that the Minister may, by regulation, prescribe the process by which a special employee may appeal a decision regarding his special employee licence.

Clause 43 replaces section 90 to provide the casino operator must ensure that the layout of the casino complies with the prescribed requirements.

Clause 44 amends section 91 to streamline the process for authorising games so that the Commission can, by general notice, approve games and for a class of games to be automatically included in

the list of approved games if approved by a specified foreign casino regulatory body.

Clause 45 repeals section 96 of the Act, which prohibited simulated games.

Clause 46 amends section 97 to correct an error in the original wording as regards the installation of linked jackpots, which provision does not apply to jackpots linked exclusively within an individual casino, and to ensure that only the casino operator can be liable to disciplinary action if the provision is contravened.

Clause 47 amends section 100 to clarify that in relation to accepting wagers and providing credit, that any casino operator or any licensed special employee who contravenes these provisions shall be liable to disciplinary action.

Cause 48 amends section 101 to clarify that ATM's are prohibited from all gaming areas.

Clause 49(1) amends section 102 to streamline the process for the licensing of junket operators by providing that the Minister may, by regulations, require a person or class of persons involved in a casino marketing arrangement to be licensed. The Minister may prescribe the procedure and fees for such a licence and regulate the marketing arrangements, conduct a person's licence and disciplinary actions against them.

Consequent to these amendments, clause 49(2) amends the definition of *casino marketing arrangement* in section 2 of the Act and deletes the definitions of *international marketing agent*, *international marketing agent licence*, *international marketing agent representative* and *international marketing representative licence*. Sections 103 and 104 are repealed, and further consequential amendments are made to sections 14, 100, 119 and 121.

I was going to do clause 50, was I not?

The Chairman: Yes, you were.

The Hon. Dr. E. Grant Gibbons: Clause 50 amends section 105 to provide that the minimum threshold dollar amount in dispute must not be less than \$500 before a complaint is referred to the Commission.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 34 through 50?

There are no Members.

Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

I move that clauses 34 through 50 be approved as printed.

The Chairman: It has been moved that clauses 34 through 50 be approved as printed.

Any objections to that motion?

No objections; agreed to.

[Gavel]

[Motion: Clauses 34 through 50 passed.]

The Chairman: Please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

I would like to move clauses 51 through 67.

The Chairman: Are there any objections to moving clauses 51 to 67?

No objections; please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

Clause 51(1) inserts a new section 111A to provide that the Minister can make regulations governing the procedure for making, varying and revoking exclusion orders relating to the whole or any part of the casino premises. It also provides that a self-exclusion order shall not apply in the event that the excluded person is required to be on the casino premises as a result of his employment.

Sections 112 to 118 are repealed and replaced to provide that a self-exclusion order can be made upon the voluntary written request by a person, and that the casino operator must notify the Commission. The self-excluded person can apply to the Commission for the revocation or variation of the self-exclusion order.

Further provision is made for the Commission or casino operator to make a compulsory exclusion order if there are reasonable grounds for believing the person is affecting or is likely to affect the orderly functioning of the casino or appears to be cheating or attempting to cheat, or that the making of the order is appropriate in the circumstances. Where the order is made by the casino, the operator must effect personal service on the excluded person and notify the Commission. That order shall apply only to the premises of the casino operator. Where the order is made by the Commission, it shall apply to all casinos in Bermuda.

An appeal against a compulsory exclusion order may be made by the excluded person, or the Commission may do so on its own volition. An exclusion order remains in force in respect of a person until it is revoked by the Commission and shall have a minimum duration of not less than 30 days, during which time the excluded person can apply for variation or revocation only if there has been a material change in circumstances since the making of the order.

The casino operator shall at all times maintain a list of those persons subject to an exclusion order and records containing the particulars of exclusion orders. An excluded person shall not enter or remain or take part in any gaming on any casino premises,

and any person subject to a compulsory exclusion order who contravenes the order commits an offence. The Minister may make regulations prescribing further obligations on a casino operator in relation to excluded persons.

Clause 51(2) provides that . . .

[Pause]

The Hon. Dr. E. Grant Gibbons: I hope this is water.

[Laughter]

An Hon. Member: That is not water.

The Hon. Dr. E. Grant Gibbons: Yes. Thank you for that thought.

Clause 51(2) provides, in consequence of the amendments made by clause 51(1), section 150 is amended, and section 2 of the Act is amended by replacing the definition of *exclusion order* and inserting new definitions for the terms *compulsory exclusion order*, *family exclusion order* and *self-exclusion order*.

Clause 52 amends section 120 to ensure that the winnings of an excluded person are paid to the Commission for use in problem gaming and by inserting new sections 120(9) and 120(10), which provide that winnings from a linked jackpot must be returned to the casino operator, who must comply with directions given by the Commission. The Commission must ensure that all funds received are used to support the functions of the Problem Gaming Advisory Council.

Clause 53 amends section 121 by adding new provisions requiring a casino operator to take steps to prevent any behaviour likely to amount to a serious offence or to bring the casino or the Commissioner of Bermuda into disrepute.

Clause 54 inserts a new section 121A to empower the Commission to give directions prohibiting a casino employee, a class of casino employees and the immediate family of a casino employee from gaming or betting at the casino where the casino employee is employed. An employee or immediate family member who contravenes this provision or the Commission's directions commits an offence.

Clause 55 amends various sections of the Act relating to minors, including sections 123 and 124, which clarify that minors may not enter or remain in a gaming area and a casino operator must remove any minors from the gaming areas. The casino operator must refuse a person who appears to be a minor entry to a gaming area unless identification is shown, and an operator or employee who breaches this requirement is subject to disciplinary action. Sections 125, 126, 127 and 128 are amended to provide that any person suspected of being a minor in a gaming area must be required to produce evidence of his age, name and address, and where a minor uses false

identification in a gaming area, he commits an offence.

Clause 56 amends section 134 by inserting a new paragraph (c) to strengthen the powers of the Commission to require casino operators to provide statements, documents, information or schedules.

Clause 57 repeals and replaces section 140 to provide that a casino operator shall deliver to the Commission a casino tax. And the amount of casino tax payable shall be such percentage of the gross gaming revenue for the month as prescribed in the regulations.

Clause 58 repeals and replaces section 143 to make provision for a general reserve for which the Minister, with the approval of the Minister of Finance, may make regulations governing the payment and collection of casino taxes, establishing a general reserve, prescribing the permitted transactions, time and manner of those transactions and transactions involving the Consolidated Fund.

Clause 59 amends section 144 to provide that the regulations made under that section are to be made with the approval of the Minister of Finance.

Clause 60 amends section 147 by establishing that the Director of Problem and Responsible Gaming is to be employed by the Commission, who shall be responsible for problem and responsible gaming. It also provides that the council be funded by the Commission and for the Minister to make regulations relating to the funding of the council.

Clause 60(2) makes consequential amendments in section 146 by inserting a definition of *director* and by amending section 148.

Clause 61 amends section 148 by creating an additional function of the Problem Gaming Council, which is to advise the Commission on matters relating to problem and responsible gaming.

Clause 62 amends section 158(2) by reducing the time within which such a provisional exclusion order shall cease to have effect, from the 28th day after the date it was made and to the 10th day after the date it was made, and deleting "or such later date as the Committee may determine in any particular case."

Clause 63 amends section 161 by deleting 161(1) to limit the powers of the council, who can confirm, vary, revoke certain family exclusion orders and set out the circumstances where this can be done.

Clause 64 amends section 163 to provide for the council to keep a list of family exclusion orders, and it removes the power of the council to obtain information from casino operators. The amendment also ensures that proceedings within the council are dealt with swiftly and within 10 days of the removal.

Clause 65 substitutes section 166 to regulate advertising and promotional activities related to casino gaming in Bermuda by providing that no person can carry out advertising or promotional activities relating to a casino or gaming unless that activity is in accordance with any regulations, Commission codes, guid-

ance or directions, under liability of a fine not exceeding \$50,000.

Clause 66 repeals section 171 of the Act, which currently prohibits chips from being taken from a casino.

Clause 67 amends section 185 by substituting 185(1) to add a power for the Commission to require the holder of any licence or approval to furnish the Commission a performance bond deposited or some other form of security of such amount as the Commission may determine for the purpose of any financial penalty arising out of any disciplinary proceedings or to defray the cost of any investigation.

Thank you, Madam Chair.

The Chairman: Thank you.

Are there any Members who would like to speak to clauses 51 through 67?

The Chair recognises the Member from constituency number 15.

Mr. Walter H. Roban: I have one very brief question on clause 60 as it relates to the Problem Gaming component that will be set up. Is it the ultimate plan that this component will be funded by revenue that is raised by the Gaming Commission through its licensing process rather than Government sort of funding? Is that a model that has been followed in other jurisdictions?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman, and I thank the Member.

The answer is yes. It will be funded by the Commission.

The Chairman: Thank you very much.

Are there any Members who would like to speak to clauses 51 through 67?

No. Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I would now like to move clauses 68 through 70 . . .

The Chairman: We are just going to move clauses 51 through 67.

The Hon. Dr. E. Grant Gibbons: Oh, I am sorry. Yes, of course.

I move that clauses 51 through 67 be approved as printed.

The Chairman: It has been moved that clauses 51 through 67 be approved as printed.

Any objections to that motion?

No objections; agreed to.

[Gavel]

[Motion: Clauses 51 through 67 passed.]

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chair.

I would like to move the rest of the clauses, which is 68 through 75.

The Chairman: It has been moved that clauses 68 to 75 be moved.

Any objections to that motion?

No objections; please proceed.

The Hon. Dr. E. Grant Gibbons: Okay. Thank you.

Clause 68 inserts a new Part 13A comprising new sections 187A to 187K to include in the Act anti-corruption and anti-bribery provisions.

Section 187A provides a definition for the term “relevant official,” and that any reference to an applicant for a licence includes any entity that would, or is likely to, require a licence.

Section 187B makes it an offence for any person to improperly give or provide, or offer to give or provide, any compensation or award or a percentage or share of the money or property played or received, through gaming, eGaming, or bookmaking, to any relevant official or his immediate family in consideration for obtaining or assisting in obtaining a licence or approval under the Act.

Section 187C makes it an offence for any applicant for, or holder of, a licence or any affiliate thereof to offer or deliver to a relevant official or his immediate family any complementary services or discount not offered to members of the general public in like circumstances.

Section 187D makes it an offence for any relevant official or the immediate family of an official during the period in which he holds office, and for two years from the date when he ceases, without prior written Commission consent—and that is important, without prior written Commission consent—to (a) hold any interest in any licensed entity or its affiliate; or (b) solicit or accept any complementary service from an applicant or affiliate not offered to members of the general public in like circumstances; or (c) provide any goods or services to an applicant other than in the ordinary course of his duties as a relevant official.

Section 187E provides that the Commission shall publish guidance, setting out how it will make its decision to issue its written consent under section 187D, and for the Commission to publish revisions to its guidance documents. This section also provides that a court shall consider whether the organisation followed any relevant guidance documents and that the Statutory Instruments Act shall not apply to those documents.

Section 187F makes it an offence for a Member or the Legislature or a public officer or any person carrying out any function of a public nature, or the immediate family of any of those, to improperly approach or to seek in way to improperly influence a commissioner or an employee of the Commission as regards any decision of the Commission.

Section 187G provides that summary proceedings for an offence under this Act shall be brought within three years of the commission of the offence; and 187H provides that a person guilty of an offence under this part is liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term of 10 years, or to both, or on conviction on indictment to an unlimited fine or to imprisonment for a term of 15 years, or both.

Section 187I provides that this provision shall apply in addition to any other corruption and bribery provision.

Section 187J provides that when a person is convicted of a corruption offence, the court may make a forfeiture order. And under section 187K, the court may make a confiscation order.

Clause 69 replaces section 189 and stipulates that, except for the purpose of the performance of his duties or the exercise of his functions, or required to do so by a court, no specified person shall disclose any information relating to the affairs of the Commission obtained in the performance of his duties or the exercise of his functions. Any person who contravenes this section commits an offence and should be liable as set out in that section. A new section 189A is inserted to provide for information to be furnished to the Tax Commissioner, or other statutory body listed in Schedule 2, to enable the performance of public functions or duties and for the Commission to publish the name and address of any applicant for a licence or approval and any information relating to the progress or outcome of such an application.

A new section 189B is inserted to provide for a person to disclose information to the Commission to assist the Commission in the performance of its functions, and such disclosure shall not be a breach of confidence or other restrictions unless it is subject to legal professional privilege. This section also exempts the provisions to the Rehabilitation of the Defenders Act 1977, and provides that an applicant or an associate shall be required to disclose any conviction for an offence of dishonesty, violence, or any gambling offence.

Clause 70 amends section 190 of the Act by exempting the provisions of Part 3 of the Public Access to Information Act 2010, the Personal Information and Protection Act 2016, so that the Commission is not to be required to disclose information obtained from or provided to a foreign casino regulatory body under a Memorandum of Understanding.

Clause 71 amends section 192 to provide a general penalty provision applicable to all persons where no penalty is stipulated.

Clause 72 amends section 196 to empower the Minister to make regulations for the granting of casino licences and provisional casino licence in the storage and protection of information obtained by the Commission or the council. It also revises the regulations made under sections 4, 143, and 144. And regulations relating to fees shall be subject to the affirmative resolution procedure.

Clause 73 amends Schedule 2 to the Act so as to expand the list of bodies with which the Commission may exchange information to include any foreign casino regulatory bodies, the Bermuda Police Service, and the Financial Intelligence Agency.

Clause 75 *[sic]* makes consequential amendments to the Prohibition of Gaming Machines 2001, and clause 76 *[sic]* provides for commencement of this Bill.

The Chairman: Those were clauses 74 and 75, instead of 75 and 76.

The Hon. Dr. E. Grant Gibbons: Oh, I am sorry. Did I get the numbering messed up here?

The Chairman: That is okay. That is all right.

The Hon. Dr. E. Grant Gibbons: Yes, okay.

The Chairman: The last two.

The Hon. Dr. E. Grant Gibbons: Yes, exactly that.

The Chairman: Are there any other Members who would like to speak to clauses 68 through 75?

No Members.

Minister.

The Hon. Dr. E. Grant Gibbons: Bless them, Madam Chair.

[Laughter]

An Hon. Member: That is a first for him to say that.

The Hon. Dr. E. Grant Gibbons: Madam Chair, I move that clauses 68 through 75 be approved as printed.

The Chairman: It has been moved that clauses 68 through 75 be approved as printed.

Any objections to that motion?

No objections; agreed to.

[Gavel]

[Motion: Clauses 68 through 75 passed.]

The Chairman: Preamble. The Preamble, Minister?

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: I move the Preamble, Madam Chair.

The Chairman: It has been moved that the Preamble be approved as printed.

Any objections to that motion?
No objections; agreed to.

[Motion carried: Preamble passed.]

The Hon. Dr. E. Grant Gibbons: 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 amended.

Any objections to that motion?
No objections—well done!—agreed to.

[Pause]

The Chairman: Thank you, one and all.

[Gavel]

[Motion carried: The Casino Gaming Amendment Act 2016 was considered by a Committee of the whole House and passed with amendments.]

House resumed

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

REPORT OF COMMITTEE

CASINO GAMING AMENDMENT ACT 2016

The Speaker: Honourable Members, the Casino Gaming Amendment Act 2016 has been approved with amendments. The second reading has been approved.

Any objections to that?
There are none.

I am made to understand that all other orders are carried over. Is that correct?

So, the Chair will ask the Attorney General . . . the Learned Attorney General has the floor.

SUSPENSION OF STANDING ORDER 21

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

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Bribery Act 2016 be now read the third time by its title only.

The Speaker: Any objections to that?
Carry on, please, Attorney General.

[Motion carried: Standing Order 21 suspended]

BILL

THIRD READING

BRIBERY ACT 2016

Hon. Trevor G. Moniz: The Bribery Act 2016. I now move that the Bill do pass.

The Speaker: Thank you.
Any objections to that?
The Bribery Act 2016 has been passed.

[Motion carried: The Bribery Act 2016 was read a third time and passed.]

The Speaker: The Chair will now recognise the Junior Minister of Tourism, Junior Minister Bascome.

Hon. Kenneth (Kenny) Bascome: Good morning, Mr. Speaker.

The Speaker: Good morning.

SUSPENSION OF STANDING ORDER 21

Hon. Kenneth (Kenny) Bascome: I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the St. George's Resort Amendment Act 2016 be now read the third time by its title only.

The Speaker: Any objections?
Carry on, Minister.

[Motion carried: Standing Order 21 suspended]

BILL

THIRD READING

ST. GEORGE'S RESORT AMENDMENT ACT 2016

Hon. Kenneth (Kenny) Bascome: I now move that the Bill do now pass.

The Speaker: Any objections to that?
There are none. So the St. George's Resort Amendment Act 2016 is passed.

[Motion carried: The St. George's Resort Amendment Act 2016 was read a third time and passed.]

The Speaker: The Chair will now recognise the Honourable Minister for Economic Development.

SUSPENSION OF STANDING ORDER 21

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

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Casino Gaming— *[coughing]*

[Laughter]

The Hon. Dr. E. Grant Gibbons: Let me try that again.

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: No. I think it was my colleague's water here that did it. Let me try that again, Mr. Speaker.

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Casino Gaming Amendment Act 2016 be now read the third time by its title only.

The Speaker: Thank you.
Any objections to that?
Minister.

[Motion carried: Standing Order 21 suspended]

BILL

THIRD READING

CASINO GAMING AMENDMENT ACT 2016

The Hon. Dr. E. Grant Gibbons: Yes. The Casino Gaming Amendment Act 2016. I move that the Bill do now pass. Thank you.

The Speaker: Thank you.
Any objections?
The Bill Casino Gaming Amendment Act 2016 is passed.

[Motion carried: The Casino Gaming Amendment Act 2016 was read a third time and passed.]

The Chairman: The Chair will recognise the Honourable Premier.

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
I move we now adjourn to Friday, the 25th.

The Speaker: Thank you.

The Chair will recognise the Member from constituency number 29.

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

Mr. Speaker, I rise tonight to talk about a few things that—

The Hon. Dr. E. Grant Gibbons: That was this morning.

SOUTHAMPTON RANGERS CLUB

Hon. Zane J. S. De Silva: This morning, yes, right. It is not morning, Mr. Speaker.

But I rise tonight to talk about a situation in my constituency, in fact, a couple of situations, Mr. Speaker, which I have certainly mentioned prior in this House. And I venture to stand on my feet and mention some of those again tonight.

Mr. Speaker, Southampton Rangers have a new president in Mr. Jason Wade. And he is doing . . . he certainly has lofty goals. And he showed that this week, Mr. Speaker, by hosting a Seniors Tea Party at Rangers, along with Mrs. Winona Tucker, and they also had some young men from Whitney. The post programme they have at Whitney, Mr. Speaker. And they have done a fantastic job.

Mr. Wade and his committee are hell-bent on changing the stigma attached to Southampton Rangers, Mr. Speaker. And you will know that I have said in this House a few times already, and I will sound out a call to the OBA Government to once again see if they can look into helping Southampton Rangers with regard to the field that they pay for. Mr. Speaker, I am sure you probably know by now, I have said it often enough in this House, that Rangers are the only club in Bermuda that pay rent for their field. And they pay \$1,200 a month, Mr. Speaker.

And why do I keep bringing this up? Well, I think that the Government have to try to assist the Rangers in some way—have to, Mr. Speaker. We have had several shootings. We have had a death at Rangers, Mr. Speaker. And, you know, it is no secret that one of the most important or the biggest revenue generators in our workmen's club is the sale of alcohol, Mr. Speaker.

It is our belief in Southampton that if we were to receive some type of assistance with this rent which currently is a bag of cement soaking wet, Mr. Speaker, on the shoulders of those at the club . . . it is a heavy burden. It is our belief that if we can get assistance with this rent which is due every month, Mr. Speaker, that they just might be able to stop certain people from coming in the club. And it might help the executive to make decisions on what they sell, when they sell, and who they sell it to.

So my call goes out to the OBA Government, Mr. Speaker, and to the Minister who acts for National Security in this House, to try and do something to assist the club to help them. There are a lot of people up there, Mr. Speaker. We had about 70 seniors attending. They were not afraid to come to Rangers to that tea party. And they were most of them from the Southampton area. And they want, Mr. Speaker, what most people want in this country, for us to arrest the social problems that we are currently having. And as a stand against some of these ill things that are happening in our country, Mr. Speaker, they did not have any problem, our seniors, attending that tea party at Rangers.

So my call goes out to the OBA. When they sit in Cabinet on Tuesday, put this on the agenda and see what we might be able to do to assist Southampton Rangers.

Now, Mr. Speaker, you would know also that I have said several times in this House, it has been two years and six weeks today—two years and six weeks since I first talked to the former Minister of Works and Engineering about the Camp Hill Road junction, right outside Island Cuisine, right outside Sousa's landscaping and gardening business, Mr. Speaker.

Mr. Speaker, a couple of years ago, it has been a couple of years now, former Minister Pat Gordon-Pamplin quoted Jeff Sousa. And she said that he had raised it with her, as well. Mr. Sousa also said, Mr. Speaker—

The Speaker: Honourable Member, let us use *Honourable Member from . . .*

Hon. Zane J. S. De Silva: Honourable Member from constituency 28, I think.

The Speaker: Twenty-eight.

Hon. Zane J. S. De Silva: The Honourable Member from constituency 28 said he mentioned it, told his constituents, in a newsletter, about the same junction and how dangerous it was. And, Mr. Speaker, let me remind Members that there was a young man who lost his life there.

Mr. Speaker, the former Minister of Works also said that she viewed it as a matter of urgency and had her technical officers working on it. Now, I know that she has since gone on. But of course, the new Works and Engineering Minister has certainly heard me make this statement before. So now I put it to him that his colleague has said this was a matter of urgency and that plans were well advanced, well advanced (her words). And if they were well advanced, where are we now? This was two years and six weeks ago today, Mr. Speaker.

So I would like for the Minister . . . and let me give that Minister of Works, from constituency 12 (my former constituency) some thanks, Mr. Speaker, be-

cause the next thing I am going to talk about is something that I hope is on his agenda, but I have to remind him. You will know, Mr. Speaker, certainly I do not have to tell you anything about Eldon Raynor. And some of his family live up in Southampton. I do not have to tell you about Frankie Rabain and his brother Blade who lives right at the top of Sunnyside Park, Mr. Speaker. And the Minister, I thank him for coming up. He took time out of his busy schedule. He came up and had a look.

Mr. Speaker, that is a piece of government property. It is probably about maybe the size of this room, Mr. Speaker. But I will tell you what the residents of Southampton and Sunnyside Park have been doing. They have cleaned it up. They mow the grass. They keep it in good shape. And of course, with the America's Cup looming, Mr. Speaker, you get a good view from up there, I am sure the Minister will attest.

What we would like to do, Mr. Speaker, is take some of the burden off the Government, some of the financial burden off the Government. Because what the residents of Sunnyside Park have said is that they will continue to maintain a property about this size, Mr. Speaker, if we would designate it a park for those residents in Southampton, and in particular Sunnyside Park.

So I just mention that tonight as a reminder to my good friend, Mr. Cannonier, from constituency 12. And I am hoping that between him and his Cabinet colleagues, these three items that I have brought tonight, they can maybe put the cap on a few of them. Thank you, Mr. Speaker.

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

The Chair will recognise the Honourable Leader of the Opposition. MP David Burt, you have the floor.

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

The Speaker: Good morning.

L. F. WADE INTERNATIONAL AIRPORT— TERMINAL REDEVELOPMENT

Hon. E. David Burt: Mr. Speaker, I rise to my feet tonight to speak on a matter of national importance. Because soon, this House is going to actually consider a number of pieces of legislation in regard to a project that we have been discussing for quite some time in this House. And that is the new terminal at the L. F. Wade International Airport.

Now, the Government has released a number of reports over the last few days, starting last week when they released a report to Parliament. And then last week Friday, I believe, they released a number of other reports. The Minister had a press conference today. Now, these reports are voluminous, and these

reports are certainly required. And these reports are the Government's attempts to fill the terms of the letter of entrustment.

But one of the things that happened earlier today in the Finance Minister's press conference is, the Minister of Finance stated that . . . and inside of the documentation which has been released to the Members of Parliament is that the Cabinet has agreed the deal. So if the Cabinet has agreed the deal, then the Government knows the deal that the people are getting themselves into.

Remember, Mr. Speaker, it was not long ago that there were summons from a committee that I was once a member of, the Public Accounts Committee, which were refused by the Government on behalf of [the fact] that negotiations were still ongoing. Well, if the Cabinet has now approved the deal, and that means that the core project document's date has been met, and it is spelled out in the airport development agreement, that means that there can be no more substantive changes to the terms that have been negotiated.

And that means, Mr. Speaker, that the Minister of Finance must be true to his word and share those details with the Public Accounts Committee, because the contract has now been negotiated. They should share the details with the Public Accounts Committee, and the people of this country, the people's representatives, should have a thorough examination of that, Mr. Speaker.

Why is that important? Mr. Speaker, if this airport project deal goes through, it will bind not only this Parliament, but at least five successive parliaments to a spending plan. That is five successive parliaments where the people of this country will not have a voice or a say in an airport deal. That means, Mr. Speaker, that it is important to get it right.

Now, why do I say that it is important to get it right? Mr. Speaker, I hear all this chirping on the other side talking about the hospital. Well, let me make it clear, Mr. Speaker. The hospital was put out to tender. The hospital was not a sole-source project. The hospital completely complied with Financial Instructions. The hospital did not hide any details of a vendor which was supposedly selected in advance from their own Accountant General, Mr. Speaker. So let us be clear on the comparisons when it talks about the hospital, Mr. Speaker, which met international standards. So we can hear about the hospital as much as we want. But the fact is that that [project] was held in a tender, and there was no question when it comes to value for money, Mr. Speaker, none whatsoever.

But here we go. Because I think that this is important, Mr. Speaker, and I have to make this point. The Minister of Finance said, once the negotiations are complete, that the details would be shared with the public. If the core project document's date has been met . . .

Hon. E. T. (Bob) Richards: Point of order.

The Speaker: Yes.

Hon. E. T. (Bob) Richards: Point of order.

The Speaker: What is the point of order, sir?

Hon. E. T. (Bob) Richards: The Honourable Member is misleading the House.

The Speaker: That is not a point of order. Misleading the House is not a point of order.

Hon. E. T. (Bob) Richards: Misleading the House is not a point of order?

The Speaker: That is not a point of order, no.

Hon. E. T. (Bob) Richards: Since when is it not a point of order?

The Speaker: No. You know, a point of order means that you are speaking contrary to the Standing Orders.

Hon. E. T. (Bob) Richards: Well, how about he is speaking contrary to the truth?

The Speaker: If you want to ask for a matter of clarification, you can do that. If it is a matter of truth or non-truth, then you will have an opportunity to stand up and refute that.

Hon. E. T. (Bob) Richards: Is this a new set of rules, Mr. Speaker?

The Speaker: It is not a new set of rules, no.

Hon. E. T. (Bob) Richards: But you are interpreting this differently now?

The Speaker: Well, this is my position. And I have stopped people, or I am telling people that the fact that you do not agree with what somebody says is not a point of order.

Hon. E. T. (Bob) Richards: It is not a point of agreement. It is just that it is not true.

The Speaker: Yes. Then you ask for a point of clarification.

Hon. E. T. (Bob) Richards: Okay. A point of clarification, then.

The Speaker: Okay. And the Honourable Member—right, he is yielding. So that is it, right? Are you clear?

Hon. E. T. (Bob) Richards: Yes. I am learning.

The Speaker: All right.

POINT OF CLARIFICATION

Hon. E. T. (Bob) Richards: What I said in the press conference this afternoon is that on the essential points the Cabinet has agreed. But the lawyers are still duking it out on lawyer-type matters. So the agreement has not been agreed in finality, in totality. In any case, the project agreement cannot be agreed until we have passed the legislation.

The Speaker: All right. Thank you.
Carry on, MP Burt.

Hon. E. David Burt: Mr. Speaker, I find that interesting. And the reason that I find it interesting is that in the documentation that the Minister of Finance handed out to everyone, it spoke about the cost to break the agreement. The Minister of Finance says the agreement, having now been approved by Cabinet, provides that the Government will be liable for 120 per cent of all costs incurred by the project partner, plus other third party costs, plus a \$5 million breakage fee if the project is terminated by the Government or the project partner.

Now that only comes into effect when the core project document's date is met as per the airport development agreement. And the airport development agreement makes it very specific that the only changes that can be made at that point are the changes that are required by senior lenders for financial close. So, is the Minister not following what is supposedly spelled out in the contract? Or is this not correct? Because something is not adding up, Mr. Speaker. I am familiar with what the airport development agreement says. And the airport development agreement is very specific on the core project document's date. And once that date is met is the only time that the breakage fee comes into effect.

So if the breakage fee is listed here in a document that we have in front of us, saying that the Cabinet has agreed to something, then how is the Minister of Finance saying that negotiations are still going on? Has the airport development agreement been amended and we do not know? That is part of the problem, Mr. Speaker. We do not know. And the people of this country, the representatives of this country, are going to be asked to commit this country to 30 years on facts that we do not know.

Mr. Speaker, how can this Parliament be sure that this is a good deal? How can this Parliament be sure that this is the right deal for the people of this country, Mr. Speaker?

Hon. E. T. (Bob) Richards: Mr. Speaker.

Hon. E. David Burt: How can the people know—

The Speaker: Yes.

Hon. E. T. (Bob) Richards: I do not know if this is a point of order or clarification. But the Honourable Member is clearly foreshadowing a debate that is coming up.

Hon. E. David Burt: No, I am not.

Hon. E. T. (Bob) Richards: I mean, you know, trying to have two bites of the cherry. You have got legislation on the [Order] Paper that is coming up, and the Honourable Member is arguing his case on that legislation. It ought to be against the rules.

The Speaker: Thank you, Honourable Member.
Yes, MP Burt.

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

Mr. Speaker, I will continue because there are two specific items of legislation on the [Order] Paper, and I am not discussing those. I am discussing documents which have been revealed inside of the public domain. And I think it is important. And I think it is very interesting, Mr. Speaker—

Hon. E. T. (Bob) Richards: Mr. Speaker.

The Speaker: Yes, yes, yes.

Hon. E. T. (Bob) Richards: Mr. Speaker, point of clarification.

The Speaker: Yes.

POINT OF CLARIFICATION

Hon. E. T. (Bob) Richards: That legislation and the transaction are integral to one another. The paper that he is quoting, I laid with the legislation. His point is a non-point. He is foreshadowing a debate that is coming up.

The Speaker: All right. Thank you.
All right. Honourable Member, if you can—

Hon. E. David Burt: Mr. Speaker.

The Speaker: —move quickly and bring us to a close.

Hon. E. David Burt: I have got it, because I understand where the Honourable Member is trying to go. But the reason I went there is because of the clearly misleading statements which were said earlier, Mr. Speaker. I referred to this because this is where the breakage fee was laid out, Mr. Speaker.

The Honourable Member, the Honourable Minister of Finance said earlier today that negotiations

are still going on. But according to this document, of which he said Cabinet has agreed and negotiations are finished . . . So which one is it, Mr. Speaker?

And it is—

Hon. E. T. (Bob) Richards: Point of clarification.

Hon. E. David Burt: And is it the fact—

The Speaker: Yes. One second, Honourable Member.

Hon. E. David Burt: I do not yield, Mr. Speaker.

The Speaker: All right. Let the Honourable Member carry on.

Hon. E. David Burt: And, Mr. Speaker, is it a fact, Mr. Speaker, that while we are set to consider Bills in the future, which will form part of this agreement, that we now find out that negotiations are still going on? So what is it that we are supposed to be agreeing to, Mr. Speaker, if negotiations are still happening?

So, Mr. Speaker, I go back to the first point. Because the Minister of Finance said that once negotiations are finished, he will share everything with everyone. Well, when that time comes, Mr. Speaker, I think that is the correct time for us to start to consider legislation, Mr. Speaker. But to move forward, because I think it is a good point, because the documents that were revealed and spoken about in the Minister's press conference today, speaking about value for money and a value for money assessment on the L. F. Wade International Airport, are interesting to me, Mr. Speaker. Because in the Honourable Minister's Statement today, he said, and I quote, "The VFM [value for money] assessment highlights how the Airport Redevelopment Project compares with similar P3 deals and concludes that the project achieves value for money for the people of Bermuda," end quote.

But, Mr. Speaker, the report did not say that. The report did not say that it achieves value for money for the people of Bermuda. The report said the following, Mr. Speaker, and I quote: "Based on our review of the circumstances, analysis of the strategic financial case and estimates on economic impacts of the Government's chosen option [(G2G)] represents value for money when compared to the two Public Sector Comparators" of doing nothing and the design-built option, Mr. Speaker. But guess what? The Government used a \$575 million for the design-built option when the airport that is proposed right now cost \$256 million. So clearly, you are going to get a favourable value for money assessment, Mr. Speaker, if you use a number that is twice as high.

We in this country and in this Parliament will be asked to consider legislation when we have not had the benefit of an independent analysis and a review. This company took the figures the Government

gave them and said, *If we use the figures that you gave us, then, yes, it compares with value for money. But we're not going to consider other options.* We are not going to consider the most basic option, of which people of this country would get, that if we take the plans that we have spent, according to the Minister of Finance, \$18 million to develop, if we take the plans and the project plans and all those other type of things that have gone into . . . remember, Mr. Speaker, the Honourable Minister of Finance was talking about all this money that we spent on consultants that we spent on the hospital, \$10 million on consultants? Well, our bill is up to \$18 million right now, Mr. Speaker, \$18 million. But that is what you do in the beginning of a project.

Can I check my time, Mr. Speaker?

The Speaker: You have seven minutes.

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

But that is what you do. And I have knowledge on this, Mr. Speaker, as I am a certified project manager. And the way to ensure that you get things right is you do the analysis, which is required, at the beginning. And that process is being done. But it is expensive, Mr. Speaker. And as we see, it has cost us \$18 million to date.

Some Hon. Members: Wow. Wow.

Hon. E. David Burt: Eighteen million dollars! That is how much it is, Mr. Speaker.

So, when all of that is said and done, Mr. Speaker, if we take the plans that we paid \$18 million or spent \$18 million on . . . we have not paid it. It is just all going to be rolled up into this money that Aecon, you know, makes a 16 per cent return on. So if we take all of these items, Mr. Speaker, why do we not have an analysis that says, *If the Government of Bermuda were to take the plans, which are currently paid for, and find out how much it would cost us to build when we are not giving a Canadian company a guaranteed 16 per cent return on their investment, whether or not it will be cheaper for the people of this country?* A simple analysis, Mr. Speaker, of which we have not had.

And it is shocking that the Minister of Finance would get up and say that this report says that the project achieves value for money for the people of Bermuda when he himself knows and admits, and the concerns which were expressed in this very document that they are not comparing apples to apples, that the only comparison which they have is a project that was valued at twice the size with a completely different scope, with a ferry terminal and all those other type of things, Mr. Speaker.

Let us consider what we have, and to consider whether or not, if we did it ourselves or if we privatised it to a Canadian company, who is going to earn a

16 per cent return, whether or not the taxpayer ends up better off, Mr. Speaker. So, I say this to say, Mr. Speaker . . . and I spoke to the Honourable Premier a while ago to ask him if he would have time to meet on Wednesday. And I am going to meet with members of my caucus, because I think it is important, Mr. Speaker, that we get it right.

And it is important that the Opposition be responsible. In this particular matter, I think that it is very responsible to make sure that we ask for a fair and independent assessment of the figures of which the Government is having. Because it makes no sense, Mr. Speaker, for us to go through with this project, for the Government to use their vote majority and ram it down our throats to find an Auditor General's report two or three years in the future stating, *This project may not offer the value for money of which we thought, and it probably could have been done at a savings to the taxpayer in another way*, Mr. Speaker.

I do not think that any of us wants that. And I think the best way to make sure we avoid that is to request that the Auditor General look at this project first and give us a report before Parliament votes so that we can all be certain that the independent analysis has been done and this is the right project for Bermuda. And, Mr. Speaker, I would posit that there is nobody on the Government benches, including the Honourable Premier (who I see in the corner is giving me a nice smile) . . . I believe that there is no one on the Government benches who should object to that. Because if we are going to uphold the highest principles of good governance, why would we be afraid of the Auditor General looking at the airport deal prior to its being done?

And, Mr. Speaker, the airport development agreement goes all the way up until March 21st, 2017. So there is time for it to be achieved during that time period, Mr. Speaker. But I think it is important that we get it right. And to ensure that we get it right, I suggest that this Parliament ask the Auditor General to have a look at the project first to provide her own independent assessment so that we can be sure, and the Members on the One Bermuda Alliance side, as opposed to being assured by the Whip, they can be assured that the vote that they give in good conscience is the right vote for the people of this country, Mr. Speaker.

So I will speak to the Premier on this later this week. And I put that to you, Mr. Speaker, and I put that to the Members on the other side, that it is something that we should certainly consider to ensure that we get this project right. Thank you, Mr. Speaker.

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

Would any other Members care to speak?

[Pause]

The Speaker: The House is adjourned to Friday, the 25th.

[At 12:38 am [Tuesday, 22 November 2016], the House stood adjourned until 10:00 am, Friday, 25 November 2016.]

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT
25 NOVEMBER 2016
10:00 AM***Sitting Number 4 of the 2016/17 Session*

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

PRAYERS

[Prayers read by Hon. K. H. Randolph Horton, Speaker]

CONFIRMATION OF MINUTES

The Speaker: The Minutes for the 21st of November have been deferred.

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

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

The Speaker: Yes. I would like to announce that MPs Walton Brown, Diallo N. Rabain, and Nandi Outerbridge are absent today.

Also, I would like to announce that yesterday I had meetings with the Opposition and the Government Leaders, and as a result of that, the Bermuda Airport Authority Act will not be debated today. It will be moved on to the next meeting so that Members would have opportunity to further go over the material that has been shared up to this point.

MESSAGES FROM THE SENATE

The Speaker: There are none.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: The Chair will recognise the Minister of Finance.

**INSURANCE ACCOUNTS AMENDMENT
REGULATIONS 2016**

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker. Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House

of Assembly the Insurance Accounts Amendment Regulations 2016.

The Speaker: Thank you, Minister. Minister, Dr. Gibbons, you have the floor.

**CASINO GAMING (CASINO FEES)
REGULATIONS 2016**

The Hon. Dr. E. Grant Gibbons: Good morning, Mr. Speaker.

I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Casino Gaming (Casino Fees) Regulations 2016. And I have another one.

The Speaker: Yes, Minister. You have a second one, Minister.

**CASINO GAMING (GENERAL RESERVE
AND CASINO TAXES) REGULATIONS 2016**

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker. I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Casino Gaming (General Reserve and Casino Taxes) Regulations 2016. Thank you, Mr. Speaker.

The Speaker: Right. Thank you, Minister.

The Chair will now recognise the Minister, the Learned Attorney General, T. G. Moniz.

**ANTI-MONEY LAUNDERING/ANTI-TERRORIST
FINANCING GUIDANCE NOTES FOR DEALERS IN
HIGH VALUE GOODS IN BERMUDA**

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

I have the honour to attach and submit for the information of the Honourable House of Assembly the Anti-Money Laundering/Anti-Terrorist Financing Guidance Notes for Dealers in High Value Goods in Bermuda. Thank you, Mr. Speaker.

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

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: The Chair will now recognise the Learned Member, the Attorney General.

ANTI-MONEY LAUNDERING/ANTI-TERRORIST FINANCING (AML/ATF) SUPERVISION OF THE HIGH VALUE DEALERS SECTORS—UPDATE

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

I wish to update this Honourable House on the progress that is being made by the Financial Intelligence Agency [FIA], in particular, and the National Anti-Money Laundering Committee [NAMLC] in general, in updating Bermuda's [Anti-Money Laundering/Anti-Terrorist \[AML/ATF\] Financing framework](#), to include within its scope the supervision of dealers of high value goods. This effort is part of Bermuda's continuing commitment to enhance Bermuda's compliance with the requirements set out in international standards established by the Financial Action Task Force [FATF].

Mr. Speaker, in July this year, the Legislature enacted amendments to Bermuda's AML/ATF legislation amongst which were provisions to bring in scope dealers in high value goods and empowering the FIA to undertake the supervision of businesses which make up that group. These legislative provisions were intended to come into effect on the 1st of December 2016, but I have been asked to hold off, so there can be slightly more consultation, until the 1st of January 2017. Dealers in high value goods are defined in the legislation to include jewellery dealers; car, boat and motorcycle dealers; precious metal and stone dealers; antique dealers; and auctioneers.

Mr. Speaker, the supervisory framework for these sectors will be unique. Businesses will have the opportunity to organise their operations in a way that will obviate the need for them to be registered and be subject to supervision by the FIA. This is because the supervisory regime will only be focused on those businesses that wish to be able to accept cash payments totalling \$7,500 or more, or the equivalent, in any other currency for a single transaction or a series of related transactions.

Therefore, Mr. Speaker, businesses that make a commitment to exclude from their operations these high-risk cash transactions at or above that threshold will be excluded from the registration requirements and will only occasionally be required to demonstrate that they continue to adhere to that commitment. For those businesses that do wish to undertake cash transactions above the threshold, they will be required to register with the FIA, and therefore will be subject to the applicable requirements in the AML/ATF law. These specify the preventive controls that must be implemented by those entities in order to

reduce their risk of being abused for money laundering and terrorist financing.

Mr. Speaker, I would therefore like to advise that, since the amendments were enacted, the FIA has carried out a number of administrative and outreach activities to prepare themselves and the relevant sectors for the commencement of the supervisory framework. To that end, they have prepared draft guidance notes, which they circulated to the sectors on the 26th of August 2016, for its consultation. The consultation period lasted until the 30th of September. During that time, the FIA also conducted training sessions with the dealers in high value goods, as well as had outreach with the banking sector to update them on this development.

Mr. Speaker, feedback provided to the FIA by industry and by the membership of NAMLC was taken into account in updating the draft guidance notes. The final draft was submitted to me for my review and approval. I have confirmed in writing my approval of these guidance notes and have requested that they be published in the official *Gazette* and an electronic copy be made available on the website of the FIA.

Mr. Speaker, although the provisions of the legislation will commence on 1st of December 2016, the Financial Intelligence Agency will, with my approval, commence registration on the 2nd of January 2017. Going forward, the FIA will continue their outreach and training sessions with these sectors to enhance their understanding of the regime and to empower them with the information necessary to facilitate compliance with the requirements.

Mr. Speaker, I have provided a copy of the guidance notes to the Clerk for the benefit of the Honourable Members and the public. With that, Mr. Speaker, I thank you for your indulgence.

The Speaker: Thank you. Thank you, Minister.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: We have written responses for Mr. Roban from the Premier. Do we have those? Yes, Mr. Roban should have those. Okay, thank you.

QUESTIONS ANSWERED IN WRITING: CCTV SECURITY CAMERAS

- 1) *Would the Honourable Premier please provide this Honourable House with the total number of CCTV Security Cameras that have been installed island-wide under the contract awarded to BAS-Serco as of October 31, 2016?*

- 2) *Would the Honourable Premier please provide this Honourable House with information on the expenditure related to the contract awarded to BAS-Serco and any specific subcontractors related to the operation, maintenance and repair of the CCTV system as of October 31, 2016?*
- 3) *Would the Honourable Premier please provide this Honourable House with the list of all legal fees paid to attorneys or advisors related to the CCTV operation up to October 31, 2016?*

The Speaker: We also have written responses for Mr. Rabain from the Minister, Patricia Gordon-Pamplin; we have them.

QUESTIONS ANSWERED IN WRITING: DEPARTMENT OF WORKFORCE DEVELOPMENT

- 1) *Would the Honourable Minister please inform this Honourable House what categories of employment have the Government and the Department of Workforce Development identified as needed during the construction phases of the proposed New Airport Development, the proposed Hotel in St. Georges Development and the Proposed Hotel at Morgan's Point Development and how many unemployed people currently registered at the Department of Workforce Development fall within these categories?*
- 2) *Would the Honourable Minister please inform this Honourable House what training programs have been identified by the Government and the Department of Workforce Development to train Bermudians in preparation for work during the construction and post-construction operations phase of the proposed New Airport Development; the proposed Hotel in St. Georges Development and the Proposed Hotel at Morgan's Point Development?*
- 3) *Would the Honourable Minister please inform this Honourable House how many work permits have been issued and how many persons are registered as unemployed with the Department of Workforce Development in the following categories for the years 2013, 2014, 2015 and between January 1, 2016 to Present:*
 - a) *Masons*
 - b) *Electricians*
 - c) *Plumbers*
 - d) *Carpenters*

- e) *Tilers*
- f) *Dry-Wallers*
- g) *Welders*
- h) *Waiters*
- i) *Landscape Gardeners*

The Speaker: And the Chair will now recognise the Honourable Member from constituency 5, MP D. V. Burgess.

Hon. Derrick V. Burgess, Sr.: Thank you, and good morning, Mr. Speaker, and the House.

The Speaker: Good morning.

QUESTION 1: SWING BRIDGE IN ST. GEORGE'S PARISH

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, will the Honourable Minister of Works and Engineering please inform this Honourable House as to what is the total cost to strengthen and fix the swing bridge in St. George's Parish?

The Speaker: Minister.

Hon. L. Craig Cannonier: Thank you, and good morning, Mr. Speaker.

The Speaker: Good morning.

Hon. L. Craig Cannonier: In answer to that question, the swing bridge strengthening work entails repairs to the central swing span at this present time. The work has a cost of \$607,000. Now, there is some other work that we will be putting out to tender on November 28, 2016. But it would not be appropriate for me to give those figures, because it is going out to tender at this time. But at present, we are looking at just the swing span of the bridge, \$607,000.

The Speaker: Thank you.
Yes, MP Burgess.

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

The Speaker: Yes. Carry on.

SUPPLEMENTARIES

Hon. Derrick V. Burgess, Sr.: As I understand it, in repairing the bridge there are some metal plates to be welded underneath. How will that affect the motor capacity that drives that bridge?

Hon. L. Craig Cannonier: Thank you, Mr. Speaker.
The work that we are looking to complete by December will restore the two-lane traffic, meaning

that the lights that you see there now will be removed. The challenge, of course, is that we still have to do the approach spans. And that work will not go out to tender until March sometime. So it means that we will have two-lane traffic going back and forth, hopefully without any hiccups, by the end of this December. The weight restrictions for the larger vehicles—for instance, the fuel trucks—will remain in place until we get the approach spans fixed, which will go out in this March.

So, two-lane traffic; no traffic lights; the weight restrictions stay as they are; and when we do the approach spans, then we will restore all traffic going over.

Hon. Derrick V. Burgess, Sr.: Yes. Mr. Speaker, I do not think I was clear. I want to know the lifespan of the motors that drive that bridge, because you are putting actual weight. That is what I would like to know, yes.

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

Yes. We are not talking about the actual motor mechanism at this point in time. There is a separate contract that will go out to do that. You are talking about the part that allows the bridge to actually swing open.

At present, what we are concerned about is actually the swing span, meaning the actual part that does swing, not the motor mechanism itself. That is the part that is rusted out. That is the part [with problems, the reason] why we have placed the restrictions in play, not the motor that drives the actual opening of the bridge.

So, the \$607,000 is to replace the steelwork underneath that is, in some places, completely eroded away. Then after we do that work we will look at the span approaches, we will then look at the hydraulics and the electrical work involved in actually allowing the bridge to swing open. As you know, we have done some testing already. And there is more testing to be done to determine the final cost, or final works, that need to be done to ensure that the bridge can swing.

The Speaker: Thank you.
MP Burgess.

Hon. Derrick V. Burgess, Sr.: Yes. Another supplementary.

The Speaker: Yes.

Hon. Derrick V. Burgess, Sr.: Once you finish the span, or start it, will there be any delay when you are doing that work? Because I see that it goes out to tender on Monday. And it is supposed to be completed by March of 2017. Any delays [expected during] that work?

The Speaker: Minister.

Hon. L. Craig Cannonier: Certainly with this work, there are no anticipated delays. But, you know, sometimes stuff happens. But no anticipated delays.

The Speaker: Thank you.
MP Burgess.

Hon. Derrick V. Burgess, Sr.: Second question, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: SWING BRIDGE IN ST. GEORGE'S PARISH

Hon. Derrick V. Burgess, Sr.: Will the Honourable Minister please inform this Honourable House when the bridge will be fully operational?

Hon. L. Craig Cannonier: I guess it is qualifying what "fully operational" . . . I am assuming that the Honourable Member is speaking to the fact that not only will the approach spans, but the actual span itself will be repaired [so that] structurally it will be able to handle the weight restrictions that are in place right now, but also the swing. When you say "fully," is that what you mean?

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

Hon. L. Craig Cannonier: Yes. As of March, again I will say, I will repeat just that part to lead into the latter part. We will, by March, I am hoping, have completed it so that the lights will be removed, and there are no weight restrictions. The next part after that will be, how do we get the bridge actually swinging itself? And that is what we are working on now with our engineers and a consultant to get a spec for that.

I cannot give that determination as of yet, because once we find out the cost of that, an estimated cost of actually getting the motors repaired, and the hydraulics and the electrical all repaired, then I think what we need to do is do an assessment of whether or not we should do these works or actually just put in a new bridge. And that is what our guys are looking at right now, the cost-effectiveness of repairing as [compared] to just replacing the whole bridge itself. But that information will be forthcoming.

The Speaker: MP Burgess.

Hon. Derrick V. Burgess, Sr.: Supplementary.

The Speaker: Yes.

SUPPLEMENTARY

Hon. Derrick V. Burgess, Sr.: With the work that is anticipated to take place down there, what would be the longevity of that bridge once we have finished?

The Speaker: Minister.

Hon. L. Craig Cannonier: Thank you, Mr. Speaker. Actually, that is a good question. I am glad you asked that question.

With just the structural part, the work being done by March, we will have at least a five-, maybe six-year time-span before we have to do any other works on the bridge, which is why we are saying, *Okay. Well, maybe we need to start looking at, by 2017, doing an analysis of actually replacing the whole bridge itself.* But the work that we are doing now will at least give us five years.

Understanding that the part that we are repairing will be great, but there are other parts that are eroding as we go along in time.

The Speaker: Thank you.

Yes. The Leader of the Opposition, you have a supplementary?

Hon. E. David Burt: Yes, Mr. Speaker, I do have a supplementary.

The Speaker: All right.

SUPPLEMENTARIES

Hon. E. David Burt: Because I note that in the Honourable Minister's answer, he said that to have the bridges fully operational will require mechanical and electrical repairs that are estimated at \$3.3 million, and the decision to make these repairs will be weighed against the cost of a new bridge.

The question that I would have, Mr. Speaker, is that in the analysis that was done to estimate the cost of repairing that section at \$3.3 million, were there any preliminary figures done on the cost to replace the bridge in its entirety?

The Speaker: Minister.

Hon. L. Craig Cannonier: Yes. Thank you.

I must say I did speak to the Honourable Member who initially gave the questions. I was a bit reluctant to have that \$3.3 million out there. I had mentioned it to my office in the department because we still have to go out to tender. And that may compromise the tender process. However, unfortunately, the Opposition Leader was not aware of that conversation earlier.

But in answer to the question, we have always looked at what it would cost to replace. The challenge we have is that we needed to do immediate work on the bridge because it was compromised, which is why

we had to go in and to do remedial work now. So yes, we have always been looking at, and I have always said in public—I have had town hall meetings, especially in St. George's—speaking to the fact that I thought that we need is to go with a new bridge completely. This bridge is very, very, very old. And continuing to find people who can maintain it and repair it is becoming a challenge. It is outdated.

But that is not to say that we may not go with keeping it. But yes, preliminarily, we did look at some costs. And we are continuing to do that.

The Speaker: All right. Thank you.
Yes, MP Burt again.

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

The Speaker: Yes, yes.

Hon. E. David Burt: And I would apologise to the Minister, because I was not aware of that figure. And that was not in any way, shape or form intentional.

But the question that I ask, and understanding the Minister has given his statement, because knowing that business cases need to be brought forward when comparing what you are going to do, did the Minister or has the Minister and/or the Government come up with any preliminary estimates, and if you are able to share, about how much it would be to replace the bridge?

Hon. L. Craig Cannonier: We are talking about a new bridge?

Hon. E. David Burt: Yes.

Hon. L. Craig Cannonier: Originally, there were costs in the range of \$30 million that were out there for a new bridge. But again, these are preliminary numbers. The problem, or the challenge, with preliminary numbers is they are preliminary numbers. We are still doing studies. In fact, our new director, chief engineer, whom we have has been looking at other alternatives as well. There are [alternatives], depending on the kind of bridge we put back. I mean, if we put a static bridge back, obviously it will cost less. Just filling it [in] with concrete, and it is what it is. So we have got many options out there. The estimates have been around \$20 to \$30 million, and could be higher.

The Speaker: Any other questions?

All right. Thank you. Thank you, Honourable Members.

No one came for any questions with reference to the Attorney General's Statement, so that will conclude the Question Period.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: The Chair will recognise the Honourable Member from constituency 25, the Learned Member, MP Mark Pettingill.

Mr. Mark J. Pettingill: Thank you, Mr. Speaker.

I rise today to ask condolences be send to the family of Liz Scott, Liz "Dookie", who is the former wife of my very good friend, Milton Scott, who is a former Senator. It looks like the whole House wants to be involved in that. I appreciate that.

Milton and I, and his wife and my wife, go back a number of years. Milton and I became fast friends during our time in the Senate. And shortly after that, I met his wife. And, in fact, the first double date that my wife and I ever went on as a dating couple was with Milton and Liz.

[Inaudible interjection]

Mr. Mark J. Pettingill: It is the only way, I think, they helped a little bit maybe.

But she was a tremendous lady, originally from Trinidad, and unfortunately was stricken with cancer four years ago and had engaged in a heartfelt and courageous battle over the last four years. On Tuesday, Mr. Speaker, I was assisting in helping an air ambulance out of Boston to try and get Liz back to Trinidad, where she wished to go, and Milton wished for that to happen. Unfortunately, it was not to be, and she passed away in Boston, peacefully, that evening.

I spoke to him yesterday. Obviously, it is a very, very difficult time, to lose a young wife whom you have been with for many years and was very close to. So I ask that we all keep them in our thoughts and our prayers. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Minister of Education, Minister Scott.

Hon. R. Wayne Scott: Thank you, Mr. Speaker.

I would like to offer congratulations to CedarBridge Academy, and to some of the graduates, for a fall commencement ceremony that I was fortunate enough to attend a few weeks ago. Mr. Speaker, CedarBridge is one of the only schools that does conduct a fall commencement for students who had some additional requirements to fulfil before they graduated in June, and I have a lot of time for kids who just stick to it and get this done. So, I would like to offer congratulations to them.

On a sadder note, Mr. Speaker, I would like to be associated with those remarks for Milton who, of course, as you know, is a first cousin of mine. And I just offer the family sincere condolences.

Also, for the family of Patrick Cannonier. Cannonier was someone whom I knew all my life when I was growing up in the Warwick area. I am still in the Warwick area. And I associate Minister Cole Simons for that, as well as Minister Atherden and the whole House on this side, from what I can see.

I also would like to offer condolences to the family of my PA, Darlene Harley who, of course, lost her father in August, a service that I attended as well.

And, Mr. Speaker, before I sit down, I would just like to thank the Member for, Monday, the offering of condolences for my father, who, of course, was buried yesterday morning. And everything I am, Mr. Speaker, I owe it to him. Thank you.

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

The Chair will now recognise the Honourable Member, the Deputy Leader of the Opposition, MP Roban. You have the floor.

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

It would be remiss for us, certainly on this side if we did not at least get up and associate ourselves with the condolences that were offered to the family of Mrs. Elizabeth Dookie-Scott, wife of former Senate Leader, Minister of Education, Milton Scott. I knew both. Obviously, knowing Milton, I would know his wife. And I have known both of them for quite some time. Most of us on this side would have known Milton for decades with his involvement not only as a Parliamentarian, which was at the latter part of his life, but as a trade unionist and teacher. So, persons such as our Shadow Minister of Education would like to be associated since the Shadow Minister would have been a colleague of hers for many years in the education system.

But Liz was also a teacher. She was a beautiful example of what Trinidad has to offer, who found herself here in Bermuda. Beautiful lady, beautiful personality, greeted us all with joy and love whenever she saw you. And I myself not only had connections with her, but also with her family in Trinidad as well. So, we reach out and send our love and condolences from this House and this side to her family, and Milton's family, in Trinidad. So, since he is a former Member of the Legislature, I think this extra attention should be given to our former colleague, and that everyone in this House, as it has been offered by the Honourable Member for constituency 25, that we offer support and love to the family of the Scott's, who seem to have had a double situation with members of their family at this time. So extra love, attention and support should be given to all the Scott family at this time. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

Would any other Honourable Member care to speak?

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: The Chair will recognise the Minister, Dr. Gibbons.

FIRST READINGS

AMERICA'S CUP AMENDMENT (NO. 2) ACT 2016

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

I would like to introduce for the first reading the America's Cup Amendment (No. 2) Act 2016.

The Speaker: Thank you. Thank you, Minister.

The Chair will now recognise the Minister Jeanne Atherden.

Hon. Jeanne J. Atherden: Good morning, Mr. Speaker.

The Speaker: Good morning.

SUMMARY OFFENCES AMENDMENT ACT 2016

Hon. Jeanne J. Atherden: 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: Summary Offences Amendment Act 2016.

The Speaker: Thank you. Thank you, Minister. I think you have a second one?

BERMUDA HOSPITALS BOARD AMENDMENT ACT 2016

Hon. Jeanne J. Atherden: I do, 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: Bermuda Hospitals Board Amendment Act 2016.

The Speaker: Thank you, thank you, Minister.

The Chair will now recognise the Minister for Works.

LAND TITLE REGISTRAR (RECORDING OF DOCUMENTS) ACT 2016

Hon. L. Craig Cannonier: 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 meeting: Land Title Registrar (Recording of Documents) Act 2016.

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 am told that Order No. 1 is carried over.

So we move to Order No. 2, which is the Motor Car Amendment (No. 2) Act 2016, in the name of the Minister of Economic Development, Dr. Gibbons. Minister of Economic Development, you have the floor.

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

I move that the Bill entitled the Motor Car Amendment (No. 2) Act 2016 be now read the second time.

The Speaker: Any objections to that? Carry on, please, Minister.

BILL

SECOND READING

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

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

Mr. Speaker, the Bill before this Honourable House seeks to amend the Motor Car Act 1951 (the principal Act). The Bill makes provisions for a “minicar livery” scheme including the types of minicars that are available for rental, the specifications of and the licence duty for those “minicars,” the licence fee applicable for the operation of a minicar livery and for connected purposes.

Mr. Speaker, the proposed amendments to the Motor Car Act 1951 speak to minicars, which are motor cars owned by, and ordinarily available for hire from, a minicar livery, which means a person or body of persons by whom minicars are let on hire for use by other persons. These minicars are proposed for use as rental vehicles in Bermuda. These minicars will not exceed 150 cc [cubic centimetre] in engine capacity, 20 horsepower or 15 kilowatts. They will not exceed 115 inches in length or 60 inches in width overall, and will have a maximum of two seats.

There have been ongoing discussions, Mr. Speaker, for many years about increasing the availability of smaller and safer motor vehicles for visitors in Bermuda. With this legislation, the Ministry of Tourism, Transport and Municipalities is taking a balanced approach which will provide safer transportation options for our visitors, but still includes many restrictions on the vehicles that can be used for rental.

The Ministry recognises that these amendments may increase competition for the livery cycle business as visitors will now have a choice between a two-wheeled livery cycle and a livery minicar with three or four wheels. However, it also provides an opportunity for the existing rental companies to expand their current offerings and address the safety concerns that many visitors express when renting a livery cycle.

Mr. Speaker, this Bill will provide new opportunities for Bermudian entrepreneurs to participate in the tourism industry and fill a gap in the market. In our heyday, we had in excess of 6,000 livery cycles on the road—today that number has dwindled to approximately 2,000. With tourism numbers on the rise, Bermuda will become more competitive with other visitor destinations that offer broader transportation options to their guests.

Mr. Speaker, the Ministry responsible for Transport has currently listed about 10 makes of vehicles which they feel would be appropriate for rental in Bermuda. All of them are smaller than a private A-class car. And, as specified in the Bill, the engine size and horsepower of the vehicles means that they will be unable to take more than two passengers and will have little or no capacity to carry luggage.

Mr. Speaker, whilst these vehicles are called “minicars,” some of those under consideration are commonly referred to as quadricycles and some are three-wheeled vehicles.

Mr. Speaker, the Bill specifies that the design or build of the vehicles in the minicar livery scheme will be regulated and controlled so as to be conducive to road safety in Bermuda and will preserve, as far as possible, the amenities of Bermuda. Renters will have to go through training and testing at the minicar livery in order to be deemed suitable to drive in Bermuda. They will also be advised of their liability for any offences.

Mr. Speaker, the Bill provides that restrictions will be placed on what a potential minicar livery business should look like and how it should operate. For example, for an individual to establish a minicar business, that person must have an annual licence to operate a minicar livery, which can be obtained on written application to the Minister, and the fee is \$500.

Mr. Speaker, it will be an offence to operate a livery without a licence. A licence will expire one calendar year after the date of issue. This means that TCD [Transport Control Department] inspectors will examine a proposed livery site to certify the conditions of their operation and their equipment before recommending to the Minister the granting of a licence.

Mr. Speaker, additional provisions listed in the Bill specify that the Minister may grant or refuse a licence to operate a livery subject to any terms and conditions deemed appropriate, and that the Minister may at any time vary the conditions attached to a licence. In considering a licence application, the Minister will take into account the suitability of the livery premises, the suitability of the equipment in such premises, and the qualifications of the staff proposed to be employed in the operation of the livery.

The Minister will have the power to revoke a licence if it appears that there has been a material change in the suitability of the premises, equipment, or staff since the inception of the licence; or if the licensee has not complied with any of the conditions attached to their licence.

A person who contravenes any provision of the licence commits an offence and will be liable on summary conviction to a fine of \$4,200, or to imprisonment for three months, or both. In the case of a continuing offence, a fine of \$500 may be applied for each day the offence continues.

Each minicar within a livery will be subject to an annual licensing fee of \$167.90.

Mr. Speaker, no minicar will be permitted to be rented to a person under the age of 18 years, or a person who does not hold a recognised and valid driver’s licence which is in force and not expired, suspended, or revoked.

Mr. Speaker, the Ministry of Transport consulted the Bermuda Taxi Owners Association, recognised taxi dispatching companies, and the minibus associations, as well as various other stakeholders, to ensure a full understanding of the types of vehicles that may be licensed prior to the Act and regulations being brought into operation.

Mr. Speaker, we cannot afford to rest on our laurels. Bermuda may be “another world,” but Honourable Members will know that we have strong competition from other tourism destinations, who offer attractive experiences and a wider range of safe transport options. To keep our competitive edge, we must offer a compelling experience and the kind of amenities and services that discerning visitors expect to have in a world-class destination.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member from constituency 24, MP Lawrence Scott, the Shadow Transport Minister.

Mr. W. Lawrence Scott: Thank you, Mr. Speaker. And I would like to thank the Minister for sharing his brief with me this morning.

But when it comes to the rental cars, Mr. Speaker, I am quickly reminded of the research that I did on how regular cars were introduced here in Bermuda. And just for those who are not aware, [when] regular cars were introduced in Bermuda, at first it was fought against. The then-sitting House of Parliament was not in favour of it. They were like, *Oh, no, we can't have it. The horse-and-carriage is the way that we go. That is what is unique to Bermuda*, and so on and so forth.

But what was going on, as history would show, what was going on behind the scenes is that they were trying to figure out who gets what dealership. Who gets what distribution? And I do not know those cars back in the day, but, who would get the Mitsubishi dealership? Who would get the Daihatsu dealership? And once that was decided and once they had divided up the automotive market amongst themselves, that is when they introduced cars. And a week or so after, the cars were allowed through Parliament. Then they were here on our shores. And back then, Mr. Speaker, we did not have any Amazon next-day shipping or anything like that. So you know that the decision had been made well in advance for the cars to show up so quickly.

And ever since those days, Mr. Speaker, what has happened is that we have just had more and more and more vehicles put on our roads. So right now, my research shows that we have approximately 49,000 registered vehicles, and I think those are private vehicles, that are on our roads. So, if we were to then take every vehicle that is registered on our road, and I am talking more so private vehicles right now, and put them on our road and put them bumper to bumper, we would have only three miles of road that would be uncovered. And, Mr. Speaker, keep in mind that we have 300-plus miles of road in our country.

So now we are taking those 49,000 cars. And the math that I calculated did not include your buses,

your tractor trailers, commercial vehicles, or public service vehicles, Mr. Speaker. That is just my understanding of the number of private vehicles that are registered. So now we are going to take the rental cars, and, according to this Bill, there is no limit to how many rental cars an individual can bring in. And when I say “an individual” right now, Mr. Speaker, I am actually referring to an individual livery—rental car dealership. (I am just going to call them *rental car dealerships* for now. But they are known as “liveries.”)

So with that, Mr. Speaker, I believe, we believe on this side that this Bill is actually the thin side of the wedge for allowing full-sized rental cars, Mr. Speaker. Because since it was originally introduced, the sizes and the specs have already been changed, Mr. Speaker. So it is not just electric cars anymore, as it was in the original Bill. It is not just four-wheeled electric cars. They have got gas-powered cars. You have got three-wheeled cars, just like the Minister said in his brief. So, Mr. Speaker, the thing is that what also was mentioned in the brief was the fact that, how do we know that visitors are able to handle driving on the correct side of the road, Mr. Speaker? How do we know that? Because I know you have seen it; you have been around longer than I have, so I am sure you have seen it.

[Laughter]

Mr. W. Lawrence Scott: I know that you have seen times when . . . and I actually saw it, I think, yesterday, driving home. There was a visitor on a rental bike coming out of the Lindo's on Middle Road, coming out of that gate. And that visitor came to the entrance of the gate, looked to the left and then proceeded out and pulled out right in front of me. If I had not been doing the speed limit, Mr. Speaker, I would have hit him.

[Inaudible interjection]

Mr. W. Lawrence Scott: Yes, I am a good driver. I think that is probably why the Party Leader kept me as Shadow Minister of Transport. So, Mr. Speaker, the thing is, how do we know that they will be able to handle driving on the correct side of the road? I know that they are going to have tests and examinations, and I will bring up my concerns with that when we go to Committee.

But moving on to the other side of things and the side that I would not like to stifle, but in the interest of doing my job and taking my responsibility very seriously, when it comes to entrepreneurship, and they talk about applying for licences, how are the licences granted? What are the stipulations? What are the regulations that are behind the granting of a licence? Is it just that Lawrence Scott presents a licence, and Wayne Scott presents an application for a licence? And because the Minister likes Wayne Scott more

than Lawrence Scott, Wayne Scott gets the licence, Mr. Speaker?

[Inaudible interjection]

Mr. W. Lawrence Scott: Well, you know.

[Laughter]

Mr. W. Lawrence Scott: And then, you know, so what does it take to be approved? What is exactly entailed in the approval process? That is a concern of ours on this side. Because we have seen . . .

The Speaker: And you should better get into that more when you get into Committee, as well.

Mr. W. Lawrence Scott: Yes, sir.

The Speaker: Mm-hmm.

Mr. W. Lawrence Scott: So, Mr. Speaker, the fact that this is an introduction, [the Minister] even mentioned it in his brief that this is an introduction to a new industry, it is an introduction of a new niche market, at best. What are the regulations that are going to be governing this niche market? What are the regulations that are going to be outlining this new industry, Mr. Speaker? When we talk about a new industry, we cannot help but think about the taxi drivers for whom this is going to create competition, Mr. Speaker.

I understand that the Minister mentioned that there were stakeholder meetings and that they had met with the individual stakeholders. And he actually mentioned the BTOA [Bermuda Taxi Owners and Operators Association]. But it is ironic, and it is somewhat confusing that the Minister says that he consulted with the BTOA and he got them on board. But I have letters, just like the one that is in my hand right now, Mr. Speaker, from taxi drivers who are against this rental car policy, who are against this rental car initiative. So, Mr. Speaker, if they got the sign-off from the taxi industry, how am I getting letters from individual taxi owners and drivers, saying that they are not for this and that they were not consulted? So, that is something that we would want them to address and to basically clarify as to who was consulted and what was said.

Because, Mr. Speaker, as it was reported in the local media not too long ago, it was referred to (as the way the Minister went about consultation) as political smoke and mirrors, or a political sleight of hand. And that was in contrast or in reference to the fact that it was reported that the Minister had promised that if the taxi drivers signed on to this, if the taxi drivers agreed to this, that he would allow them to bring in second-hand cars and use them as taxis. But, Mr. Speaker, my understanding is that this can be done already. Mr. Speaker, the regulations, as it stands,

stops you and me from bringing in a second-hand car and trying to license it as a private vehicle unless it meets certain stipulations—less than six months old, I am the first owner, and so on.

But if I am a taxi owner or taxi operator, or if I am bringing in a second-hand car . . . because what normally happens is that every year, every two years, the rental car industry in the United States, they sell off their cars, their rental cars to get new cars, so they do not have to worry about maintenance and those type of things. And what happens is that that has created a market for a lot of second-hand vehicles. A lot of people in the States will buy these Hertz and Enterprise second-hand cars and use them as their own regular cars. But for us, we cannot do that here, based on the regulations.

But what we can do is, if I buy a Hertz car and bring it here, but I am licensing it as a public service vehicle, then that is allowed, Mr. Speaker. That is my understanding as the regulations stand right now. So, if the Minister put that on the table as a compromise (as I will put it, to be polite), if the Minister saw it as a compromise, he did not really compromise anything because they are already able to do that.

So, Mr. Speaker, that brings me to the fact that it seems as though, when it comes to visitors and locals, there could be two Bermudas, one where, when it comes to visitors, visitors can do what they want. Visitors can get what they want. And your locals, basically, have to jump through so many different types of hoops to get it. And, Mr. Speaker, what I am meaning to say is that—and I am going to explain a little bit better with some of my research, later. But it just seems as though if you are Bermudian and you want to do something, there is roadblock after roadblock after roadblock. But if you are non-Bermudian and you want to do something under this OBA Government, all you have to do is ask and it will be handed to you, Mr. Speaker, handed to you on a silver platter.

And I will just give you three examples: granting of status to non-Bermudians. They just have to ask for it, and the Minister was willing to grant it. We all know the airport deal, that the Minister and this OBA Government is willing to give away the airport just because somebody asked for it.

[Inaudible interjections]

Mr. W. Lawrence Scott: And, Mr. Speaker, the next thing that I want to—

The Speaker: Honourable Member, stay away from that because that is on the Order Paper.

Mr. W. Lawrence Scott: Oh, okay. Okay.

And then, well, Mr. Speaker, the next thing that the Government is going to give away is going to be our beaches, because they are looking at privatise-

ing that with entrepreneurs. That was in the media, Mr. Speaker.

And so, Mr. Speaker—

Hon. N. H. Cole Simons: Mr. Speaker.

The Speaker: Yes, Honourable Member.

Hon. N. H. Cole Simons: This gentleman is misleading the House. The Government has no intentions of privatising our beaches.

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

Mr. W. Lawrence Scott: Well, Mr. Speaker, this same Government promised 2,000 jobs. So I just want to know, how far can we really believe what they say? And if they are not going to privatise our beaches, why are they giving certain beaches away to entrepreneurs? That—

The Speaker: Honourable Member. Honourable Member. Honourable Member.

Mr. W. Lawrence Scott: Well, okay, Mr. Speaker, I digress. I digress, Mr. Speaker.

[Inaudible interjections]

Mr. W. Lawrence Scott: But the thing is this, then. The thing is that they said in their brief, Mr. Speaker, that they were actually doing this for our—

[Inaudible interjections]

The Speaker: Please, Honourable Members.

[Gavel]

Mr. W. Lawrence Scott: They said in their brief, Mr. Speaker, that they were doing this for our tourism product. So it would mean that . . . it is funny that they say that, because when I did some research on a report that was done on a survey that was done, 47 per cent of visitors surveyed—this is exit surveys done, right?—47 per cent of those who were surveyed, meaning visitors who were here on-Island, visitors whom we had already won their competition, we already got them to come to Bermuda, 47 per cent were not at all interested in renting cars, versus 34 per cent who were extremely interested. Okay, Mr. Speaker. So, if we are doing this for visitors, 51 per cent were not interested in driving in Bermuda, Mr. Speaker, versus 39 per cent who thought rental cars would make it easier to get around. But yet, they say they are doing this for the visitors. But this is what the visitors are saying.

Mr. Speaker, I am glad you asked for more statistics, and I can give you a few more statistics, Mr. Speaker. Twenty-seven per cent—

[Laughter]

The Speaker: I did? I did? I asked?

[Laughter]

Mr. W. Lawrence Scott: I was anticipating; sorry.

The Speaker: Oh, you anticipated that I was going to ask?

Mr. W. Lawrence Scott: Yes. Because you looked so engrossed, Mr. Speaker.

The Speaker: I am, I am. Absolutely.

Mr. W. Lawrence Scott: So, Mr. Speaker, 27 per cent did not feel comfortable driving in Bermuda, versus 22 per cent who would like to drive in Bermuda. But in the brief that the OBA gave us today, in the brief that the Minister gave, he stated that this was done in the interest of making us competitive in the tourism market, Mr. Speaker. But I am just rattling off information that is in a survey that was done and presented and prepared for the Bermuda Tourism Authority. So I am not pulling this out of thin air, Mr. Speaker.

But then, Mr. Speaker, it went on to say that 59 per cent were moderately to extremely concerned that the introduction of rental cars could change Bermuda's unique character. So now, if we are no longer unique, Mr. Speaker, you know . . . it is not like the other islands. They have rental cars. The other islands have casinos. So it is not like we are . . . no, we are looking at doing casinos here as well. So, Mr. Speaker, how are we any different? Now, maybe it is because our price point will be better than the competition. No, that is not going to happen, because departure tax is being increased because of a certain project that is going on or wanting to be introduced, Mr. Speaker. So therefore, we have rental cars like the other islands. We have casinos like the other islands. And it costs more to get to Bermuda than it does to the other islands, Mr. Speaker. So how could we say that this is going to introduce or improve our attractiveness to tourists?

So, Mr. Speaker, going back to what the Honourable Member who stood up and called a point of order on me for, that they said they are not going to privatise our beaches—but yet, so how can we believe them with that if they said that this is for tourists, but the tourists have said that they do not want it? So either the Government is not in touch with the tourist industry or our tourism product, or they have ulterior motives on trying to get this pushed through.

So, Mr. Speaker, now the thing is that this went on to say, this report goes on to say that 52 per cent were moderately to extremely concerned about congestion on our roads. Mr. Speaker, is that not what I just started with? This whole presentation, my whole speech started with my main concern. Our main concern on this side was about congestion, Mr. Speaker. And the Government called me all sorts of names throughout this speech, Mr. Speaker. But yet, the tourists whom they are supposedly doing this for also said that they have issues about congestion. So either it is okay and understandable when the Government does not want to listen to a knowledgeable Shadow Minister—I understand that. You know what? My looks can be intimidating sometimes, Mr. Speaker. I know that; I am a Scott.

[Laughter and inaudible interjections]

Mr. W. Lawrence Scott: But, Mr. Speaker, I am more than just a pretty face. Actually, Mr. Speaker, I have done my research, right? And my research concludes—

[Inaudible interjections and laughter]

The Speaker: All right, Honourable Members. Let the Honourable Member continue his presentation, please.

Mr. W. Lawrence Scott: Yes. You know, Mr. Speaker, I guess Beyoncé said it best: *I woke up like this*.

[Laughter]

An Hon. Member: Then she goes to put makeup on. What do you do?

The Speaker: All right, let us . . .

[Gavel]

Mr. W. Lawrence Scott: But, Mr. Speaker, once again, I am glad I could bring some levity to this situation.

The Speaker: Good. Good.

Mr. W. Lawrence Scott: But at the same time, Mr. Speaker, this is the fact, that 52 per cent—and I am repeating this—that 52 per cent were moderately to extremely concerned about congestion on our roads, which is the same concern that most of our average Bermudians have when we talk to them about rental cars. When I am out there on the doorstep in my constituency, talking to my constituents about their issues and their concerns, rental cars comes up, Mr. Speaker, especially with the taxi driver. So therefore, once again, they have said and they are on the record of

saying that they are doing this in the interest of our tourists and the tourism product.

But yet, the tourists who did an exit survey said that they do not want it. They think it would impede our . . . (and let me just look and get the right wording.) It could change Bermuda's unique character, that they were not at all interested, that they were not interested in driving around, that they were not comfortable in driving, that it would add to congestion.

And, Mr. Speaker, one of the most telling statistic in this report that was given to the Bermuda Tourism Authority back in 2015, June of 2015, said that 52 per cent have not and did not plan on renting cars while on vacation in the Caribbean. So, Mr. Speaker, if the visitors do not want this, whom are the OBA doing it for? Because, obviously, I have proven that the visitors do not want it. We know that the locals are apprehensive about it, at best. And, Mr. Speaker, I am just going to leave that out there: Whom are they doing it for?

But, Mr. Speaker, I am going to change gears (pardon the pun). But I believe that we on this side would not have as many concerns if we could see the regulations, Mr. Speaker. And in talking to my fellow colleagues about this and sharing my concerns [about] it, they made me aware that the regulations do not always accompany Bills, Mr. Speaker. And that is just the way it has always been. Mr. Speaker, I am not happy with that. I do not think that that is the way that it should be done, Mr. Speaker. I think that we should actually be here striving to find ways to ensure that when a Bill comes to this House, both sides know, more so the Opposition than the Government, know exactly what is going on and how they plan on implementing this.

Because this Bill right now, Mr. Speaker, is just a vision. All it is an idea. *This is what we would like to do. But yet, we cannot outline how we are going to do it.* Mr. Speaker, you know, so once again, as I said, we do not know how . . . they are asking us to . . . and basically what happens, on a regular basis, we are being asked to approve Bills sight unseen, just approve. We are just approving things in principle, theoretically, Mr. Speaker.

And I know that none of us here, none of us here, Mr. Speaker, wants to be known as the average Premier, the average Minister, or the average MP. We all want to be known up here as the best MP or the best Premier or the best Minister that ever was. So we continue to do things just the way that they have always been done because that is just how it is, without trying to push the envelope, without trying to make a difference and streamline the process, which is the only way we are going to become better lawmakers, Mr. Speaker.

And I will not go into the concerns that I have, because it is more suited for when we go into Committee. But in Committee, Mr. Speaker, if you listen in—and I know you do—you will see a lot of the concerns

can only be answered through regulation and through the sharing of the regulations. So therefore, had they introduced or had they included the regulations in this Bill right now, Mr. Speaker, I could have gotten up and said, *You know what? We agree with it. Fine. Let's go,* and we could have been on to the next thing. But because they do not have the answers to these questions, Mr. Speaker, because they cannot have the answers to these questions until the regulations are introduced or the regulations are put into this Bill, all this Government is doing is just going with the status quo.

There is no push to find out how we can do things better. There is no push to find out how we can streamline the parliamentary process to ensure that we do not have Bills that are passed and then come back, like we do on the Order Paper right now. We have Bills that are coming back, and the regulations are being introduced now after it has been passed. And because the regulations did not agree with the original Bill, Mr. Speaker, that is when you have all of these different amendments. This is when you have all of these different loopholes that people find, Mr. Speaker, because they did not think about it, or it was not thought of because the Opposition did not have a chance to really have their questions answered.

So, Mr. Speaker, once again it goes back to who gets a licence? Ensuring that it is a fair process, how will a lot of our things be addressed; i.e., congestion? How do we legitimise visitors' renting cars? How do we legitimise visitors' riding on our roads, Mr. Speaker? And just, in closing, because I hear that I am getting a lot of opposition from the Government when I am asking them how we can improve and streamline and make our legislation and passing of legislation more efficient, most robust, more inclusive of all things and all concerns so that we have better laws, so we have better legislation? Because, Mr. Speaker, I know the . . .

All I will say is this. We are so quick, and the Government is so quick to say no to things when it is coming from a local, when it is coming from a Bermudian. But they are so quick to say yes when it is coming from a non-Bermudian. That, Mr. Speaker, has to change. That, Mr. Speaker, is what is holding Bermuda back.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: Thank you, Honourable Member.

Just before the Honourable Member begins to speak, I want to just take this opportunity. I see in the Gallery one of my mentors from a long time, one of my mentors from Silver City, from Somerset, Cogwood Pearman, [PHONETIC 01:02:35] and his wife.

So, please carry on.

[Desk thumping]

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

Mr. Speaker, I will start off my comments by speaking to an experience that I had when I used to live in the US. You know, I had a business in the United States, and one day a gentleman walked into my establishment, and he had on a Bermuda T-shirt. This was on Long Island. So I said, *Oh! You have been to Bermuda.*

So he looked at me. He said, *Yeah. My wife got killed on a rental cycle in Bermuda.*

And that smile disappeared right off of my face, Mr. Speaker, because it was the last thing I thought I was going to hear. And I thought the guy was pulling my leg. I thought he was joking. So I said, *Are you serious?*

He said, *Yeah. I lost my wife a few years ago on a rental cycle in Bermuda.*

So I will just put that out there, because, you know, we come up in this House sometimes, and we laugh and we joke, and, you know, we kind of get a little sarcastic about things. But this, to me, is a matter of life and death. It is a matter of life and death. It is a safety issue for our visitors.

We have all seen tourists on our roads on a rental cycle probably ever since we first started driving, ourselves, wiggling all over our roads, crashing into walls, crashing into roundabouts. I remember a few years ago I was driving down East Broadway, heading home. I saw a tourist, a gentleman and his wife (his wife was on the back) come off of Trimmingham Hill. They must have been doing about 60, completely out of control—hit the roundabout. Both of them flew over the flowerbeds and landed in the road. I thought they were dead. Luckily, they survived. Unfortunately, too many of our visitors have not survived incidents like that. So I just wanted to put that out there, Mr. Speaker.

The Member who spoke before me, you know, I had some difficulty, I must say, following his logic. Because one of the last comments he made was that this Government does things for non-Bermudians and we put foreigners first. And I am trying to figure out where he is going with his rhetoric in terms of this particular Bill. Now, what is happening with this Bill is this: We are creating entrepreneurial businesses and opportunities for Bermudians. Now, I do not know specifically who the individuals are who are going to be opening up these minicar rental liveries. But they are going to be Bermudian, which is why initially we were thinking about having it only for electric vehicles.

But now this Bill will cover gas-powered vehicles also, because there are going to be some entrepreneurs who want to deal with green technology. You know, what I am finding out is that people are either into green technology or they are into the old-

fashioned technology, gas-powered vehicles. I am into old-fashioned technology. I am still trying to wrap my head around all this electric stuff. But I know it is coming. It is here. And in the future, that is probably going to be the standard.

So these liveries are going to create opportunities for Bermudians. I do not know where the other Member was going with all this non-Bermudian stuff. But be that as it may, I will move on.

The Honourable Member also mentioned, how will these visitors handle these mini rental vehicles, minicar rental vehicles, on Bermuda's roads? Well, they will do the same thing that they have been doing ever since Bermuda entered the tourism business. We drive on the left-hand side. Most of our visitors drive on the right-hand side because they come from the United States. They will have to get used to it, just like they do now.

You have tourists who ride livery cycles on the left, and they have to make an adjustment, just like I have to make an adjustment when I travel to the United States and I rent a vehicle, a rental car. Just like when I go to the Dominican Republic and I jump on my Harley-Davidson, I have to say, *All right, Sylvan. Stay on the right or else you are going to end up as a hood ornament.* And sometimes, I find myself drifting to the left, and I am seeing a car, and I am like, *Why is this car on this side of the road?* And I am the one on the wrong side of the road. So we make these adjustments.

The bottom line is that we are in the tourism business, or at least I thought we were. And the problem, I think, with what we have been doing with tourism is that we try to force our visitors to do what we want them to do. We try to say, *Well, being you're in Bermuda, you have to ride a rental cycle, even though the last time you were probably on a bike of any sort was when you were four, five, six, seven, eight years old.* So we are creating another amenity for our visitors. And this amenity, these minicars, are far safer alternatives to what they have now. And as Bermudians, we will adjust, and we will get used to driving behind a tourist in a little 150 cc, three-wheeled or four-wheeled minicar putting along, just like we adhere to and allow our visitors on rental cycles to see our beautiful Island. It is just a safer method of transportation for our visitors.

So we need to stop finding reasons not to do things. You know, the Honourable Member was talking about, *Oh, there's no . . . We don't push the edge and push the envelope.* And I am just confused by his comments, because this is what we are doing. We are saying, *Okay. For the 48 per cent of you who would like to rent a vehicle, you can still rent your motorcycle if you want to see the Island that way. You can still rent your livery cycle. But here's another option. If you don't feel comfortable on two wheels, we have a four-wheeled option or a three-wheeled option for you.* And I am sure that of the 48 per cent who do want a rental

vehicle, a number of those will rent these new minicars.

In the past, Mr. Speaker (and I am sure others will remember this), we used to have 6,000 livery cycles on Bermuda's roads that were available for rent. You know, I remember when they used to have tourist events specifically during college weeks, which I would like to see come back in some form. You would go up South Shore and you would see Mobylettes at that time, because that was the livery cycle that was rented out. You would see thousands of them up near Marley Beach and all up there where the gas station is now on South Shore—thousands and thousands of livery cycles. You do not see that now. You see a group here, a group there. Maybe you go up Horse-shoe Bay, you may see some rental cycles, but nowhere near in the numbers that we used to have.

And it is not like all of these vehicles are going to be on the road at the same time. The Honourable Member talked about congestion. Well, Bermuda is always congested. We have always been congested. Even when we had horses and buggies, I suspect we were congested in some shape, form or another. So that argument does not wash with me.

And, you know, I have to give credit to the Minister for Transport, because he went out and he consulted with the stakeholders—the taxi drivers, the minibus operators. He did! He spoke with them. They dialogued. This Government listened. We made adjustments. And for the most part, I am confident, the Government is confident that we have buy-in from the majority of the taxi operators and minibus operators. Now, there will always be some who will object. That is what happens in a democracy. And I am sure that the Honourable Member does have some letters from a taxi driver or two who maybe object to this new regime being implemented. That is fine. We are never going to get 100 per cent buy-in on anything. That is totally and completely unrealistic. So let us put that too into perspective.

But, you know, I want to get back to the fact that we are in the tourism business. And since being the Government, we have put in place the Bermuda Tourism Authority and things are happening. Finally, things are happening. Bermuda is on the map again, from a tourism perspective. You know, just last weekend, once again I was out and about, and I met two visitors, young ladies visiting Bermuda for the first time, from Boston. And they were just having a great time in Bermuda. And the weather was not that great. The weather has not been that great. It was raining and whatnot

So I said, *Hey, how are you guys making out with the weather?*

Oh, the weather's okay! We're having a good time. Everybody in Bermuda is so friendly! Everybody's been so nice to us!

And then they made a comment that even made me laugh. They said, *Even the gangsters are nice!*

[Laughter]

Hon. Sylvan D. Richards, Jr.: *The gangsters are really nice people!*

But, you know, I believe it is true. Bermudians are nice. We like to show off our country. We like it when people spend their hard-earned money, come to Bermuda, rent a cycle, travel around, intermingle with us. We intermingle with them. And what this Bill will do is make their stay here just a little bit safer. Because whenever I hear of a tourist—and thank goodness it has not happened in a while—but when I hear that a tourist comes to Bermuda and loses their life on one of our roads, that is *tragic*. When anyone loses a life on our roads, it is tragic.

So I support this Bill. Most people in Bermuda get it regardless of the rhetoric that spouted on the other side on occasion. And I look forward to seeing young Bermudians take advantage of this business opportunity, because it is a business opportunity. Get a couple of these minicars, rent them out, make some money, and let us enhance our tourism product, Mr. Speaker. Thank you.

[Desk thumping]

The Speaker: Thank you very much, Honourable Member.

The Chair will recognise the Honourable Member from constituency 5. MP D. V. Burgess, you have the floor.

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

Mr. Speaker, just briefly let me say that sometimes we Bermudians are a bit selfish. We go to other countries; we rent cars and drive them, if we have licences. The big difference there, other than what side of the road you drive on (unless you are going in London), is that they have got bigger roads and more speed. Now, in Bermuda, we have not had any new roads for over 30 years. And I am in agreement with the Shadow Minister, [Lawrence] Scott, concerning his stance on this here. Because, Mr. Speaker, there are a few things that concern me. These are minicars. And normally, if a young child who has reached the age of 16 wants to ride a bike, they have to take a licence test down at TCD [Transport Control Department]. And if they become 18, whether it is a bike or a car, they have to take the necessary bike licences and get a doctor's clearance.

Now, if we allow folks to come to Bermuda and then jump in that minicar and drive, then certainly we will have to change the laws so that Bermudians have that same privilege. Because I do not believe

that one should have more than the other, even though it happens in other circles and places in Bermuda. Everybody should be on equal ground.

The Hon. Dr. E. Grant Gibbons: Mr. Speaker, I think it is a point of clarification.

The Speaker: Yes. Yes, Honourable Member, he wants to give a point of clarification?

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

The Speaker: Yes.

POINT OF CLARIFICATION

The Hon. Dr. E. Grant Gibbons: The Bill is quite clear that they will only be able to (quote/unquote) “jump into a car,” into a minicar, with a recognised licence. So, somebody who takes a test for a bike at TCD is going to have a licence. Bermudians will have a licence. They will require a recognised and valid driver's licence, as well. And they will not be able to just jump in the car and drive off. They will have to undergo training, and that is part of the specifications in the Bill. Thank you.

The Speaker: Thank you, Dr. Gibbons.

[Inaudible interjection]

[No audio from 01:18:24 to 01:18:30]

Hon. Derrick V. Burgess, Sr.: . . . one coming from Timbuktu with a licence, we do not know whether that person is a disqualified driver or not. You know? And I guess it goes the other way if we go overseas.

But even though they will have their licence, for example, if I have a licence for a car in Bermuda and I want to drive a truck, a big truck. I have to take another test. So, it is not so cut-and-dried because I have a licence from another country and here, because in . . . we have to conform to the rules of this country.

Now, Mr. Speaker, the other thing, I think the main thing that I have . . . now, let me say this here. I think they will be safer for anyone, for tourists. They certainly will be safer as far as bike accidents and stuff like that. So it is not all bad. But the other thing is the space to park when one comes into Hamilton. I ride my bike, and it is fairly easy most times to get a parking space. Now, with these vehicles, which can be a maximum of five feet wide, that takes up three bikes—three bikes. We just do not have the space.

The Hon. Dr. E. Grant Gibbons: Mr. Speaker, point of clarification again, if I may.

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

The Speaker: Yes.

POINT OF CLARIFICATION

The Hon. Dr. E. Grant Gibbons: Yes. They would be parking in car spaces. And actually, the Corporation has designated an area at Bull's Head at the top to provide much more space for them, as well. Thank you.

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

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker. You know, even cars have problems finding spaces in town. So either way you do it, it is going to create some problems.

And [there] are no limits on these, on how many you can bring into the country. I mean, that would be a nice . . . I would call it a nice second car for me. If I could put a top on it and keep the rain from hitting my bald scalp, my head, you know, that would be nice. But, Mr. Speaker . . .

[Laughter]

Hon. Derrick V. Burgess, Sr.: I just have a problem with that there. And I look at the taxis, the industry itself. Whether they know it or not, we have 600 taxis in the Island. We had 600 taxis in the Island when we were taking in over half-a-million passengers at the airport. Now we are only getting 300[,000], and then we had some improvements the other day, and I am appalled . . . I am not appalled, I am happy about the increase in the tourist numbers.

So not only that, we have many minibuses that have infringed on the taxi industry. It definitely is factual; there will be less work for the taxis already, with the minibuses. And with these minicars, it would affect them. The taxis depend on tourism. If I was a tourist coming to Bermuda, I would take a minicar, me and my . . . whoever was with me, and we would get in this little car and drive around Bermuda. I do not think there is anything better you can do. But Bermuda is not New York. Bermuda is not London. We want all the things that you can get in those big cities. But we do not have the space. And I think we have got to be cognisant of the size of this country. We want this, we want water sports, we want all of that. We want a circus and all that in these 22 square miles. It is less than 22; with the erosion it is probably down to 21, you know.

[Laughter]

Hon. Derrick V. Burgess, Sr.: So, Mr. Speaker, I would caution . . . I do not think it is something that we need at this time. You do not find tourists saying, I

want to hire a minicar! We do not have much problem with that. It is not like, you know, *I'm going to get in a minicar, and I'm going to drive [to] Somerset*—there in a half hour, you know. Unlike us, we go to the United States, and you have got to travel 20 miles before Bermuda reaches the museum, the mall museum. They have got to drive to that every day. And you are talking about 20 miles, 30 miles. But it is just not the case here. [The visitors] will get tired of it, because there is nowhere to go.

And with the traffic that we have on the roads, you cannot tell the tourists, *I've got a minicar, but I don't want you to drive between 7:00 and 9:00, because our people are going to work, and between 4:30 and 6:30 because they're going to home.* We are going to have some problems with those things. And we do not need them.

Now, over 30 years ago, I think the last brand-new road we got was Palmetto Road. And even that has had some problems now because the engineers at that time did not figure out that we are going to have all these big trucks and tractors and trailers. So we are spending money now to fix those just like at Marsh Folly—the erosion out there. Well, it was not designed to take these heavy vehicles.

So, Mr. Speaker, I would hope that this Bill . . . I would hope that they can just rise and report progress and look at the size of this country. This infrastructure is saturated with vehicles. And it really cannot, in my opinion, take any more. Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member from constituency 14. MP Glen Smith, you have the floor.

Mr. Glen Smith: Thank you, and good morning, Mr. Speaker.

I support the Motor Car Amendment [(No. 2)] Act 2016, known as the minicar rentals and livery services. I would also like to thank the Minister, who did consult with the taxi association and various other stakeholders, such as the police, road safety, and other officials.

Mr. Speaker, I want to declare my non-interest—

[Laughter]

Mr. Glen Smith: *Non-interest* as a managing director of Auto Solutions, which, as we all know, is an automotive company. We sell vehicles, parts and services to the taxi industry also. However, I can inform this Honourable House, once again, that Auto Solutions does not have any distributing agreement or agreements in the pike with any mini/quad/cycle business or minicar rental manufacturers.

Mr. Speaker, we need to be looking to do more for our tourism industry here. And it has been said this morning about the more amenities that are wanted. And we work and we are in a tourism market that is very competitive, extremely competitive. And there are niche markets that compete directly with us, small European islands, places in Europe and, obviously, the Caribbean. We also have to consider, what do our clients' demands require today? Sure, not everybody wants to rent a mini-vehicle. Not everybody wants to ride an auxiliary cycle. But they should be given the option. Just like we have to represent the minorities in other areas in what we do as parliamentarians, everybody deserves representation at the end of the day.

Mr. Speaker, the tourist and the business visitor have repeatedly asked me, many years ago in my first business when I used to drive a horse and carriage from Front Street (which I drove for four years) . . . and they used to say, *Why can't we rent a car? Why isn't that available?* And, you know, I could not answer them back then and what have you. But I listened to them, and since then, obviously, I have business associates who ask me that today. And here we are today debating it.

Once again, we have to be competitive with our brothers and sisters in the Caribbean and the rest of the world to be able to offer another amenity, such as renting a minicar. There is a new generation that is out there, which is the Millennials. And they are a group from ages 21 to 39 years old. They are an interesting group. They do all their research on the Internet. So, for example, can you imagine they are checking out Bermuda, saying, *What does Bermuda have to offer me? Do they have a five-star hotel? Do they have gaming? Do they offer minicar rentals? Do they have auxiliary cycles? Do they have pools,* and what have you? They check all that out before they even consider booking a flight to Bermuda or booking a hotel.

They are a group that does not tie in to traditional methods of transport, such as taxis or buses. Today, they just use Uber in the US, in New York, or wherever they are from. And do you know there are over 80 [million] Millennials in the US alone? Twenty-five per cent of those are millionaires already. That is a market that we are after. That is what we are after. That is why we are building five-star hotels.

Mr. Speaker, I would like to address a bit about the safety aspect. Unfortunately, some of us have been riding behind and we have seen a tourist get in a bad accident. We have also witnessed tourists down at the airport as they are lugged up the steps of an airplane, full of road rash. And years ago, they used to put Mercurochrome on them, which is that red stuff, dye, so you could tell they had actually had a taste of Bermuda roads. You know, the lack of understanding of how to ride an auxiliary cycle is understandable. And that is when tourists get into difficulty.

They apply brakes when they see something oncoming.

Of course, you are on a small bike with only 50 cc, and not a well-balanced vehicle. And some of the tourists might be a little bit overweight and cannot compensate when they hit the brakes. The next thing you know, they are down on the asphalt. Particularly on rainy roads, that is almost like ice. As we all know, at least I have experienced it. I am sure a lot of my colleagues here have had road rash after falling off their bikes onto wet roads.

In regard to the other safety aspect of it, you know, by allowing tourists or business visitors to be able to be in these mini rentals, they will feel safer because it will be limited as to having handbag-snatching take place when they are driving up the road, because they are not on two wheels. They are in a four-wheel vehicle that is covered and what have you. And also, the other sexual harassments that we have had on our roads from individuals.

And we have talked about being able to drive a rental vehicle on our roads. Well, the majority of these people who would be renting these vehicles have been driving since their teens. They are very comfortable behind a wheel. They are very comfortable with a foot brake, and they are very comfortable with a foot accelerator, along with a seatbelt to strap them in. And this week, Mr. Speaker, I did go and visit one of the vendor/suppliers of these vehicles. I happened to visit the one which is called the Twizy. Well, Mr. Speaker, no offence, sir, but yourself and the Honourable Minister, Cole Simons, would have a bit of a problem getting in that Twizy, that is for sure. It is developed pretty much for—

[Inaudible interjections and laughter]

Mr. Glen Smith: Well, what I am trying to do is just show the analogy; it is a very tight, tight space. And the good thing about this particular vehicle that I looked at is that it is eco-friendly, which is good for the environment. And it has numerous sorts of safety features with it, such as seatbelts, front airbag, front and back lights, a horn, indicators signalling which way you are going to go, flasher lights, windscreen with a wiper, speedometer, and of course, a small storage space for a locker.

And this particular vehicle that I looked at has the ability to have an app attached to it. Do not ask me how that works because I am not one of those Millennials who can figure that out. But it also could give them a tour as they are driving around the Island, so they get a better understanding of different areas where they are.

We have heard the argument of driving, as we drive on the left-hand side and most of our visitors drive on the right-hand side. Well, the truth of the matter is, and it has been said, we all travel. And yes, when I rent a car, I certainly have to pay a lot more

attention when I first come out of the airport and get onto a major highway and think what side I have to be on. And you know what? They will get used to that as we get used to it. We are no different from anybody else who travels around the world.

Now, Mr. Speaker, one of the areas I would like to touch upon is the taxi element. The taxi drivers are great ambassadors, and I thank them for what they do for Bermuda. Because besides the Immigration officer they first meet, they are the next point of contact, and they are the best salespeople on our roads. There is no doubt about that. And one thing that I believe, and what I know is with these particular Twizy [minicars], as I said, you could not get a suitcase . . . I do not even think you can get a six-pack of beer in the back of it, to be honest with you.

[Inaudible interjections and laughter]

[Gavel]

[Inaudible interjection]

Mr. Glen Smith: Well, perhaps I should have said a six-pack of water would probably be more appropriate to what I have just said, then, for Members across the House.

[Inaudible interjections and laughter]

Mr. Glen Smith: I do not need to think about Burt's Bliss.

[Crosstalk]

Mr. Glen Smith: Mr. Speaker, when I travel overseas, if I rent a car, I never drive at night. I always hire a taxi or I hire Uber. First of all, I do not know where I am going at night, and with lights and what have you. I use HITCH in Bermuda—great service. And, you know, it sounds familiar. You have parking issues. And once again, you want to enjoy yourself while you are out and you want to be responsible. So I believe that the taxi service will be used more frequently for this in the evenings when people go out.

Mr. Speaker, I have a business partner who was going to rent a home here two years ago and bring his family down for six weeks, a home in Tucker's Town. And he was going to spend, over the course of six weeks, probably a cumulative amount of about probably \$60,000. He has a very large family, and he wanted to have access to be able to rent a car or a mini-vehicle, as he does when he goes wherever he travels in the Caribbean or the Mediterranean.

But the one thing that stopped him from renting here was that he was not going to be able to rent a car. And it was not to rent a car to compete with the taxi business. It was to rent a car so that he had the ability to leave when he wanted to go somewhere with

his daughter or his son together. And I am sure there are numerous cases of that that are out there. And once again, we just have to adjust to the times, adjust to what our clients or consumers are looking for. And, Mr. Speaker, I support this Bill and I look forward to further debate. Thank you.

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

The Chair will recognise now the Honourable Member from constituency 33. MP Jamahl Simmons, you have the floor.

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

The Speaker: Good morning.

Mr. Jamahl S. Simmons: Good morning, colleagues, and good morning to the people of Bermuda.

Mr. Speaker, I was baffled by the Members from the opposite side who referred to extensive consultation by the Minister from another place, who does not sit in this Chamber. I was baffled by the glowing praise of this consultation, how he talked to all the stakeholders. And I said, *Perhaps they were all off-Island and missed the meeting at Warwick Workmans Club*, where the taxi industry rose up and let the Minister know in no uncertain terms that they were not happy with this approach. The consultation came on the back end, Mr. Speaker, after being treated . . .

I have to say, Mr. Speaker. I have been in politics a long time. I have had relatives in politics. I have never seen in my entire political career in Bermuda a Minister handle so badly a situation on the front end and in the meeting. And I was disappointed, I have to say, because, you know, when you have a Government, you are supposed to be a Cabinet team with Cabinet responsibility. The Minister was there by himself. The photo-op Premier, the Honourable Member, was not present. All the Members who are sitting on the floor were not there in Warwick Workmans Club to see for themselves the anger that the Minister who sits in another place had generated by his version of "consultation."

Mr. Speaker, today when we pulled up to Parliament, we were greeted by what is becoming a very familiar sight under the One Bermuda Alliance, a policeman at the gate, policemen around the building, and fences. Earlier, there was a policeman sitting in this Chamber. This is the legacy to the OBA's approach to consultation. Mr. Speaker, we have often talked about why is it that when we come to this Chamber, when we discuss issues relating to international business [IB], it proceeds smoothly? We have talked about this because there is proper consultation, proper consultation with the industry, the stakeholders, the Government and the Opposition. So the issues can be hammered out before it comes to the

Chamber. In tourism and transport we continue to get this wrong. And it is now time for the approach that has been proven successful with IB to be taken with tourism so that we can get people on board properly—not after they have to drag you out to a meeting and yell and scream and curse at you and threaten you. [Consult] before.

So this was handled very poorly, very, very poorly. And it is this pattern of behaviour which the Government is failing to learn from. That is why we have police surrounding the Chamber again, fences up again, because Lord knows who they have aggravated this time with their brand of *consultation*.

Mr. Speaker, now I have to semi-declare interest. My family, my great-grandfather was the founder of Dowling's Cycle, one of the first livery companies in Bermuda. The rental cycle business helped pay for many of my relatives to go to college, to build their homes, to enjoy a quality of life, the best quality of life that Bermuda can offer. Mr. Speaker, we left the business. My great-uncle sold the business when he retired, so we do not have any skin in the game at this moment. But when we talk about safety, I am very concerned that . . . and I hope that the Government will do what I have done.

I digress for a second. There are people in the industry now who are renting bikes to individuals who cannot even speak English. They are overseeing the tests and cannot even properly speak English. And they just send them on their way. And that must be addressed, Mr. Speaker, because we are now having businesses in this country that are putting our business at risk.

Now, Mr. Speaker, on the issue of safety, tourism safety with these vehicles, I have no issue with that. I think that that is a good point. But repeatedly [Members] from the Government side have spoken about the safety to the [tourists], but not a dicky-bird about the safety of Bermudians—the Bermudians who will share the road with these tourists, the Bermudians who will be pedestrians while these vehicles are on the road. Not a word. Not one single, solitary word about the safety of the people who live here and call it home.

So when my honourable colleague talks about the difference in perspective and the difference in approach, that speaks to it right there. Because, Mr. Speaker, we have seen . . . and we could talk at length about what we have seen on the rental bikes when the World Rugby Classic is on. Now just imagine these same people tooling down the road in vehicles. Eh? I get hit by a moped; I will probably be all right. How will I be if I get hit by one of those? These are the types of issues that we need to be very, very clear on. We have to talk about these issues, because the tourist goes. No matter what they do, eventually, unless they end up in the pokey, they go. But we are left here to deal with the consequences, Mr. Speaker.

Now, because of the Government's approach to consultation, because of the Government's approach to the truth, I am very sceptical about the motive behind this Bill. I am very sceptical, Mr. Speaker. We have had a Government that has broken promises. We have had a Government that has been caught stretching the truth, embellishing the truth. We have a Government that has lost the trust of the people. They know. They know what their polls say. Trust is a big issue with this Government, Mr. Speaker.

So when you tell me it is for the tourists, but the polls that the Bermuda Tourism Authority have produced say the tourists do not want it, well, obviously, okay, it is not for the tourists. And when you say, *Well, we just want to add another amenity for Millennials*, well, Mr. Speaker, the Honourable Member who just took his seat . . . I actually am sorry that he is not the Junior Minister of Tourism, because he has produced more content and quality information than the Honourable Member who holds that position.

Now, Mr. Speaker, the Millennials want many things. They want many things. Is this Government's position that no matter what the tourism surveys say, we will just give whatever to whomever because they ask for it? Is that the approach? Where is the plan? Because I know Millennials, they like the little exotic dancers, a little nightlife. Is the Government saying, *Well, you know what? They like that. We'll get them that, we'll do that, too?* There has to be a plan. There has to be a line. And when you see numbers, striking numbers, that our visitors who know Bermuda, who love Bermuda, do not want this, what is really driving this?

And I am glad the Honourable Member who took his seat declared that he would have no interest—

The Speaker: Just a minute. I cannot hear you because your Members are behind you, talking.

Mr. Jamahl S. Simmons: Mr. Speaker, they are excited. They just love me.

The Speaker: Yes, but I cannot hear you. I want to hear you.

Mr. Jamahl S. Simmons: Mr. Speaker, I apologise for their rambunctiousness.

Mr. Speaker, the audience . . . if the audience is not demanding it . . . and as I said, I am glad the Honourable Member who just took his seat proclaimed he has no interest in this. But, Mr. Speaker, I notice that in this Bill (and I may stand to be corrected) there is no provision against, as we did in the Gaming Bill a couple of days ago, Members being involved in this two years from now or less. There is no protection of that. So we know the Government. And the Honourable Member has said in his own words, and I will quote, "The One Bermuda Alliance

does contradict itself sometimes.” It does contradict itself sometimes. “And we make no apologies for that.”

So the words that will come . . . we remain sceptical. We remain cautious. We remain concerned that the motives have not been made clear. The beneficiaries have not been made clear. And the benefits have not been made clear.

Mr. Speaker, I, as the Shadow Minister of Tourism and with the will of the people and the will of the Leader, perhaps the next Minister of Tourism . . . I understand the limitations that our country faces in terms of our product offerings, in terms of what we have available. I remember that I was talking to someone connected with Shaquille O’Neal, a couple of years ago, and he wanted to come to Bermuda. But at that time, there was no five-star hotel. And Shaquille O’Neal only stays in a five-star hotel. So, you know, that happens.

[Inaudible interjection]

Mr. Jamahl S. Simmons: No, at that time there was not. At that time, there was not. And thankfully to the PLP, the Tucker’s Point did come on board.

Mr. Speaker, the point I am making is this. We are in a competitive environment. We are targeting wealthy, high-end individuals who will enjoy what we have to offer. Mr. Speaker, where we have to be very clear, as we move away from our nostalgia brand of tourism that was focused on the past and what worked in the past and all that into what the world will offer now is . . . we have to be cautious. We have to be clear that in our race to become more inviting, more accepting, that we do not lose the uniqueness of our product. Because while I may think our beach is beautiful, to someone who does not know the difference, a beach is a beach. We have a very unique product, and we must balance and manage our progress as we fix our product, as we grow our product to ensure that the strength that we have already is not cast aside for a quick thrill or a quick buck or a quick, you know, blip. It is about longevity. It is about longevity.

Now, Mr. Speaker, when they talk about these vehicles, I know that sometimes they are referred to as cars and sometimes they are referred to as motorised three-wheel whatever. And the point is that they only hold two people and do not fit somebody your size or my size like that. Perhaps this is the thin edge of the wedge to get to the larger vehicles. And that is what we have to be . . . and I think that is where honesty is required. If the Government in their consultative process, in a proper consultative process, said, *You know what? We are prepared to offer to the hotels, for your high-end customers, the ones who get the penthouse, the ones who get the \$5,000 a night room, for them as an amenity to the hotels, because they are going to be based in the hotels as a pilot programme, right?*

You then have an opportunity for the taxi industry and people to see how it works for themselves. You have an amenity for the guests, the high-end guests. You have a win-win situation where, if it succeeds, if it fails, you can then go out to the wider market and let the market take its course. We did not do that.

And that takes me back to my point, and this is my final point. The Government is not learning and progressing from its mistakes. To come up here and wax lyrical about consultation, when we who know the truth know that the consultative process failed out the gate, was strangled in the cradle and had to be resuscitated after the people said no. So let us get away from that. But there is an opportunity. The Government has some time left to try and clean up, make a little extra credit. Let us take an approach, going forward, which is proper consultation. Let us look at how we manage international business and how we manage their affairs. And let us try, as much as possible, to take that model over to tourism and transport.

We can get what we want done more efficiently, more effectively, if we do proper consultation. Thank you, Mr. Speaker.

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

The Chair will recognise the Honourable Member from constituency 12, the Minister of Works, Minister Cannonier.

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

I think the best way for me to start off here would be to say we all like choices in life. And we are living at a time whereby we are bombarded with any number of choices. I can recall, and maybe I have spoken before about this here, but I can recall when my daughter said, *Listen. You need to up your game with your clothes.* And so, we were in the States, and we went to Gap. And I wanted a pair of jeans. I just wanted a pair of jeans. And when we got into Gap, I was astounded, actually quite bewildered, at the choices I had available to me. You had faded, you had dark, you had black, you had green, you had blue, pink, red, yellow. I mean, the colours were endless. You either had boot cut, wide cut, low cut, faded, pre-washed, holes in it, no holes in it, and the list went on. I stood there and said, *My goodness! All I want is a pair of jeans.*

So we are living at a time where the Millennials like choices. They want to know that they have choices. And I am sure that everyone in this House of Assembly, including the visitors’ [gallery], would attest to the fact that when they [travel], they go online and they look at what choices they have. Now, I take the point that we need a balanced approach here. But what we have is tourism numbers increasing. And so, what we need to look at . . . and I heard about cars. And I want to remind all of us that we were at the

6,000 number for rental bikes. We are down to 2,000-something. As time has changed, these bikes also have changed, and so that is why we have these quad cycles in front of us because they actually are safer. They are safer.

And in his brief the Honourable Minister spoke about the safety of these issues. But I will get to that in a minute. What I want to talk about really are the choices. Now, Bermudians, we are and have been a unique bunch. We are great privateers. I mean, our ancestry goes back to, you know, taking and benefiting from it and also saying, *Well, you can do it in your land, but don't come and do it in ours. But if we come over to your land, I want to be able to get the ATV. I want to be able to get the quad cycle. I want to be able to drive on your roads, which are right-hand-side drive. I want all of these amenities, to be able to do it, and guess what? Don't ask me to take a pre-test when I go away to do these things. I have got my licence to drive. It is on the left-hand side, and forget you if you drive on the right-hand side. I want to be able to do it.*

And guess what? We have that luxury. Now, I am talking about balance here. I am not saying that we need to go . . . and I think that we need to go in steps. Every move that we do through the increased numbers in tourism here needs to ensure that we are not heading in a direction to where we do not want to be.

And I take the point, you know, the Honourable Member who just sat down made, talking about, you know, *We might be getting to rental cars* and the like, but that is all speculative. I am not in this House to be speculative or to conjecture. What we have in front of us right now . . . the same daughter who took me away to the Gap, who showed me all of these kinds of jeans that I had as options before me, she always also says to me, *Here and now. I do not want to go through all of this other stuff. Here, and right now.* So here and right now, we have in front of us an opportunity for our tourists to come and have a slightly different experience. And albeit maybe the numbers are not saying as many would like to get on our roads, but there are some who would like to get on our roads. And this provides an opportunity.

It does not have to be overwhelmingly 80 per cent of our tourists who say, *Well, I want to have a quad cycle to allow the option to be available to me.* The whole point of options is that you are appealing to a broad spectrum of people. So, of course, you are not going to get a majority of the people saying that they want something. But it is an amenity that we should be providing! It is safe! And if we want to get back up to the 6,000 numbers that we used to have back in the day on the roads, then we should be supplying something that makes sense, and this makes sense.

You know, gone are the days . . . and I am going to jump to the last part of it. Listen, the Honour-

able Member said (I am paraphrasing), he is good-looking, you know. He looks good. You know what? Gone are the days for Bermuda to be able to stand on the fact that you are just pretty! Pretty is not good enough! And we have seen decade after decade after decade the fact that Bermuda is beautiful! But it is not good enough in the world market today!

I heard an Honourable Member speak the other day about Cuba. You know, their doors are opening up in tourism. I am going to tell you, I have been to Cuba. And I got in one of those little mukmuks. Okay? It had a little lawnmower engine on it, a three-wheeler. And my wife and I were jamming! I mean jamming! *Wreeeeeeeeeeeeee!* I want everybody to get the picture in their mind. It looked like an egg I was in, you know. I was peeping out of this egg, jamming along. I had a good time. It was fun.

[Inaudible interjection]

Hon. L. Craig Cannonier: Sorry. The guy was driving, and he was in the front. Yes. I must admit the guy was in the front driving. But I could have gone out and rented other things myself and driven. So I could have rented a car easy, easy, and driven wherever I wanted to go.

So the point is, you know, I am not trying to split hairs. The point is that we have options available to us as we travel. And we already know that Bermuda is second to none when it comes to natural beauty. But that has proven to be, decade after decade, not enough. So we have got to do more in a balanced way to appeal to our visitors.

I mean, let us just face it. We are a high-end destination. But guess what? Our hotels are old, dated for sure. And so we have got to . . . you know, we are looking at building new hotels to up our game here. I would love to be able to see zip-lining and all of these kinds of things, some adventure to our travel here, that will continue to appeal to people, because it is difficult trying to increase the numbers just having a pretty beach, just having a pink beach, because people have options. And we are just one of those options in a bucket full of options. Just one.

And so if we are going to have a product that makes sense, then we need to start looking at some of these options. Because, quite frankly, at the end of the day, as I have already said, being pretty is not good enough. We men in here, we have got all kinds of different ties. Some of us have probably got a heck of a number of ties. And I can assure you that when I see the MP . . . the ladies come here with these shoes they have got on. They have got about probably 50 pairs of shoes in their closet. They have got options! Options! And I like to see them. It looks good. I like to see the different colour green ties these guys come with, and certainly the red ties that come in here. It is good to see.

So, I continue on, and I recognise that we are going to have to avoid, as we get along here . . . and I spoke the other day about the fact that we are not speaking the right language when it comes to investment in this country, when it comes to tourism and the likes. We have grown out of touch with the rest of the world and what it is looking for. And it is imperative for us to speak the right language back. So we cannot have a high-end destination, and you come here and all you do is get burnt on the beach. And guess what? You can just about [only] buy a bottle of water on our beaches. And so that is why we have the beach initiative that has come forward, that we are looking to have more amenities on our beaches to allow us to be able to go out, locals and tourists alike, to enjoy some of these amenities.

Now, one point I will say I do take is that our locals will not be able to rent these and—

[Inaudible interjection]

Hon. L. Craig Cannonier: They can?

They can. Okay. There we go. It has come out.

All right. So, I recognise these opportunities that we are looking to provide, entrepreneurial opportunities on the one hand. And I know the speculation will go back and forth: *Well, who are getting these things?* While I think in this House we should be ensuring . . . and I will be the first to say that these entrepreneurial opportunities do not have an agenda of the past. I am not afraid to stand up here and say it. I am an entrepreneur. I would like to see more entrepreneurs involved. But we had a situation where many of our entrepreneurs throughout the recession are gone now! They are completely gone! They went under, belly-up. This is an opportunity for those same visionary people to get back at the table with something that we know can work because, guess what? The numbers are increasing, Mr. Speaker. They actually are increasing.

And so, we are not here to debate the fact that our tourism numbers are increasing. They are increasing. What we need to be doing is providing opportunities for these increased numbers [of tourists] to do stuff other than bake in the sun without being able to buy a bottle of water on our beaches. So with that in mind, Mr. Speaker, if you have taken anything, take this: Being pretty is not good enough anymore.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

The Chair will recognise the Honourable Member from constituency 6. MP Wayne Furbert, you have the floor.

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

Mr. Speaker, I have heard discussion this morning, or debating, on prettiness and about the

tourists and all this type of stuff. Mr. Speaker, what about the people? Michael Jackson said, "They don't really care about us." They really do not care about us. That is what Michael Jackson said. And I am saying the same thing. Mr. Speaker, the OBA really does not care about us. But let me declare my interest. I am an entrepreneur. And two of the entrepreneurs who are trying to get these cycles are my cousins, one on my mother's side, one on my father's side. I should be sitting up here and saying, *Cousins, go for it.*

But, Mr. Speaker, there are 600 taxi drivers out there—sorry, vehicles—and probably about 1,200 to 1,500 taxi drivers, which affects 3,000 to 4,000 family members. And we are worried about . . . [you] cannot tell me what impact it will have on them. These are men and women, particularly men, who are working in the industry, trying to make a living. And we are going to have an impact on them and their families. And you are telling me I have got to stand up and worry about my two cousins? I am sorry. One from Somerset and one from Hamilton Parish.

This is not about it. It has an impact on the family. You have not created 2,000 jobs as you promised. You have not created . . . as a matter of fact, we have lost 2,000 jobs. And now we are going to lose more opportunity for our people. The taxi drivers . . . and I am disappointed they are not here today. I understand that, because they are also fighting against the minibuses, so they have got to keep their parts in place as far as competition.

But Mr. Speaker, we in this House will have a detrimental impact on our taxi industry if we do not stand up for them. Who really cares about them? I do. If it is just me, I do. So, I am saying to this House, what is the impact study that you have done on our taxi drivers? What message are you going to give them the day they cannot get a job? Because the whole bunch of cars coming out of Dockyard [are] causing congestion in our streets. Who is going to speak for them?

Newton said for every action there is a reaction. So what is the reaction that you expect? What is the action that you expect after that? I am very much concerned. If you do not think that this is going to encourage . . . I heard the Honourable Member say that 6,000 cycles used to be on the road. You know why? Because we had 600,000 tourists.

[Inaudible interjection]

Hon. Wayne L. Furbert: That is quite obvious. Fewer tourists mean fewer cycles. But I guarantee you if they had the opportunity to jump in a minicar . . . between a bike and a cycle and a car, which one do you think? Who in the world thinks they are going to be jumping on a cycle? Who? Does anyone on that side think they will be jumping on a livery cycle because they have got a choice between a car and a cycle?

[Inaudible interjection]

Hon. Wayne L. Furbert: Well, they said *maybe*. But they do not know, Mr. Speaker. But they are not jumping on any cycles when they go to Boston or Florida. Not the Honourable Grant Gibbons, who has probably got his own private limousine picking him up.

The Speaker: Let us stay away from such things. It is the Honourable Minister of Economic Development.

Hon. Wayne L. Furbert: Honourable Member. I am sorry, Mr. Speaker.

The Speaker: All right.

Hon. Wayne L. Furbert: But, Mr. Speaker, I am angry because we have not considered the people. We have not really considered the people! And the impact is going to be detrimental. . . . Twenty? That means roughly probably 100 people in a household. And most of the men are ageing. They cannot go out and be masons anymore. Mr. Speaker, we do not have any construction work. Where are you going to send them? Down at the insurance company to work? The Honourable Member from [constituency] 22 is not going to hire them.

[Crosstalk and laughter]

The Speaker: Honourable Members, there is no . . . Honourable Members—all Honourable Members! There is no conversation between speakers and other Members. Speakers speak through the Chair.

Hon. Wayne L. Furbert: Yes. Yes, Mr. Speaker. Make it very clear that it was not me, Mr. Speaker.

The Speaker: Just speak to the Chair.

[Laughter]

Hon. Wayne L. Furbert: So, Mr. Speaker, I am just wondering when they talked about opportunities that allow our tourists to have choices, what choice will our people have once they are out of work? What choice will they have? Will they be heading up to Financial [Assistance] because they cannot pay their bills? Is that the only choice they will have? Is this the direction the OBA wants to send our people, Mr. Speaker? I am speaking on behalf of our people.

I was the former Minister of Tourism. And there was not a tourist who said, *I'm not coming to the Island because I can't drive or ride a bike. I can't get a car.* Would they have rented if they had the opportunity? Yes, they would. But there is nobody who says. . . show me a survey that says *I am not coming to Bermuda because you have . . .* as a matter of fact, the numbers are going up. Nobody has said they are not

coming because they cannot rent a car. This is an Island which is different. We do not have to be like everybody else. We do not have to include everything because somebody says so.

And there are places around . . . you cannot get on Tucker's Town and break through that fence.

An Hon. Member: Which fence?

Hon. Wayne L. Furbert: You know what fence I am talking about. There is a gate down there that we cannot even go!

There is a gate down there that we cannot even go, Mr. Speaker. You know why? Because they want to limit the amount of traffic going through that area and getting on those three beautiful beaches out there that we as Bermudians cannot even get on. Open up that beach, open up so we can all drive our minibuses and cars through. The day you open that up, I will support . . . maybe I will support your minivans, cars. Until then, I am not supporting it.

It is hurting our people. We are trying to get jobs for our people, and now you are trying to take them away. I cannot support that, Mr. Speaker. Where are our heads? What were you thinking? There is no survey. There is no study to show that more tourists are coming here because of minicars. As a matter of fact, I remember David Dodwell, former Minister, mentioned (I know I saw a survey, and I was trying to look for it) . . . who said, *No, we're not interested. We're not interested.* The Bermudians said, *No, we're not interested.* The congestion on the street, the environmental impact and particularly the impact on our *families*. Who is going to care about them? Who is really going to care about them?

So you go on and vote today. You are voting against our people. If you do not believe it is possible, consider it. At least consider it. Was it discussed in caucus? Was it discussed in Cabinet, the impact on our taxi drivers? Or we just felt that we were going to just offer another amenity for our tourists to *think* that they *may* come here because they can drive a car? Because if that is the case, there must be a lot of cars that are going to be rented. If we believe that tourists want to rent a car, there have to be a lot of cars to be rented. I see the Honourable Member shaking his head. And that cannot be the case, because when they go home we have to deal with the congestion because they will keep continuously coming, continuously coming, continuously coming.

Many of you have driven down Bay Street in the Bahamas. It is congested. Is that the way we want it? Do you want congestion so people . . . you cannot get into town now. It takes an hour. You have to leave home at five o'clock from Somerset. Do you want to leave at three now because of 6,000 people coming out of Dockyard? I am not saying they all will, but just think of the possibility because there is no limit on the [number] of these vehicles. There is no limit. Every-

body can rent one. Everybody can. There is no limit as far as giving licences out. And they will be all parked up there because that is where the market will be. They will open up the little stores up there, storefronts in Dockyard, put their sign up, *Rent a minicar, a minicar or bike*. They will come down the street.

There has to be an impact. So, did you think about the impact on our families? No. No, they did not. They really did not think about it, because they really do not care about the average Bermudian. They really do not care! Honourable Member, maybe you can stand up and tell me how, where are those taxi drivers going to be driving if they cannot get a job? If you gave me a choice between . . . I rent a car when I go overseas. I do. I really do. That is because it is available. So, if there is availability for a tourist to rent one of these things, do you not think that they will, at the end of the day, rent one of these vehicles?

For every action, there is a reaction. That is what Newton said. And the reaction will be on our people, the very people whom we say that we care about. So, I am asking Members on that side, maybe rise and report progress and think about, think about this. Have you really made the right choice? Have you really made the right choice? Yes, there will be people on that side of the House who will benefit. The Honourable Member from [constituency] 22 will get more insurance.

[Inaudible interjection]

Hon. Wayne L. Furbert: Possible.

[Inaudible interjection]

Hon. Wayne L. Furbert: It is quite obvious. We have to insure them. We have to insure them. I heard the Honourable Member in the [brief on the] Bill say we have to insure them. I do not have an insurance company.

[Inaudible interjection]

Hon. Wayne L. Furbert: Maybe the Honourable Member should not be voting. As a matter fact, the Honourable Member should probably not be presenting the Bill. He wants to drive my colleague out from the legal part, but he does not want to drive out his part with insurance.

The Honourable Member is going to have an impact on his business. And the Honourable Member is going to vote. Do you think that is right? I do not think it is right either.

The Hon. Dr. E. Grant Gibbons: No materiality.

Hon. Wayne L. Furbert: Materiality? Well, you have got too much; you do not think there is materiality.

[Inaudible interjection]

Hon. Wayne L. Furbert: As an accountant, Mr. Speaker, we go through . . . sometimes we do audits. And we say that the scope is, you look over \$100,000 or maybe \$1 million because the scope is too small. But you are benefiting from \$50,000. It is still a part of it, you know. Because the materiality, we say, we call it "materiality." We are not going to look at anything under \$50,000. But I am still having an impact on my business because it benefits the directors and shareholders of a company. So I would ask the Honourable Member whether he will excuse himself at the end of the day when we do vote on this.

[Inaudible interjection]

Hon. Wayne L. Furbert: I can probably look at other Members on this side that it will have an impact on their business, going forward. But that is small compared to, how are we going to take care of our people? Because I always think about that first.

My motto in life is, if I can help somebody as I pass along, my living would not be in vain. It is not about how I am going to try to discourage and how I am going to impact negatively on their lives. This Bill will have a negative impact on our citizens and on the taxi drivers, going forward. If we do not think that is . . . even if it affects one person, Mr. Speaker, it is one person too many. We are not supposed to be here bringing legislation to have a negative impact on anyone. But we are here to try to improve their lives.

As a former Minister of Transport, I remember a time, Mr. Speaker, when, as a matter of fact, bus drivers were trying to drive taxis. And at that time, the director said, *Well, they cannot drive taxis*. I said, *They can't?* And I wrote to the Attorney General at the time, and the Attorney General told me, *Yes, the director is right*.

I literally, Mr. Speaker, I sat in my chair and I took the book up like that and I looked at it, and said, *We cannot be passing laws that are going to hurt our people*. Fortunately, we had a more senior Attorney General at the time, drafting. She said, *Minister, I advised them several years ago that they can drive, because as long as you give them time between driving a taxi and a bus, they can drive it*. What is wrong with that? So why? So then now they can drive taxis and drive buses, depending on the period of time. Going on vacation gives them time to drive the taxi.

I remember the time, again in Transport, a young gentleman came to me and said, *Minister*. He cannot get his job back because he had been caught on drugs. And I said, *Oh? Well, how long have you been out?*

He said, I think it was, *About six years*.

So I went to his director and said, *I have a simple question. Do you believe in redemption? Do you believe a man can change?*

And he looked at me like, *What do you mean, Minister?* and said, *Redemption?*

I mean, *Do you really believe a man can change his ways?* That gentleman, Mr. Chester, who runs up the street holding his fists up, Mr. Speaker, that is the gentleman I am talking about.

So, my whole philosophy . . . and I am now thinking that each Member took a pledge to help people. We took an oath. We did not take an oath that we are going to ruin lives. And that is what you really want to do on that side? You should be ashamed of yourself. You should be taken out tomorrow! We should not be waiting a whole year to take you out. A year is too long because you are hurting too many people. You are going to hurt more people over the next year. I am not even going to talk about the airport coming up, whenever it comes up. But we are hurting more people!

I am asking the One Bermuda Alliance, if you did not hear it from your side, then hear it from me. Search your heart and not your head and ask yourself the question, *What impact will you have if you pass this Bill today?* Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member, the Honourable and Learned Member from constituency 25. MP Pettingill, you have the floor.

Mr. Mark J. Pettingill: Thank you, Mr. Speaker.

I certainly agree with the Honourable Member who just took his seat that for every action there is a reaction. I think sometimes what we find in Parliament is that for every action there is an overreaction.

[Laughter]

Mr. Mark J. Pettingill: And maybe that is just the political approach of presenting polar positions.

But I have to say this, hand on heart, I think that the Honourable Member knows this: I certainly fundamentally care about things that impact on our people—all our people, you know. And it is not always an easy position with regard to how you adopt something. We saw that on Monday night with regard to the Casino Gaming Bill, which impacted on my own business. As a matter of fact, my honourable and learned colleague and business partner, maybe we will go into the minicar business now. Or perhaps we will advertise 1-800-MINICAR-ACCIDENT, and then we can sue the Honourable Member for the insurance value of it.

[Laughter]

Mr. Mark J. Pettingill: So we will find a way. We will think. It might present an opportunity; I do not know. I

hope not, because I do not want to see people getting hurt.

But I have looked at this. And my understanding is this. I understand and verily believe that the taxi drivers were consulted. Certainly, I saw the reports in a press release where they have had discussion. Maybe it came later than it should have. And I am a great believer that there should be proper consultation and discussion. But I also have a concern that we get into the basis of overreaction and over-consultation. Again, part of the problem in the gaming industry . . . it dragged and dragged and dragged because we were over-consulting, too much quagmire in the way.

And there comes a stage, Mr. Speaker, when one has to sit down and look at it and say, in the balance—in the balance of a new idea—*What is the best action to take?* I like the safety factor here, that it is safer than a bike. I know, growing up as a kid in school particularly, and then later on, I cannot even count, Mr. Speaker (now Deputy Speaker taking the seat) . . .

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, in the Chair]

Mr. Mark J. Pettingill: I cannot even count, Madam Deputy Speaker, the number of times that I stopped to help tourists who were, you know, smashed up on the roads, injured. And, tragically, there were even a couple of fatal accidents involving tourists. Because on the bikes they tended to gravitate to going on to the wrong side of the road, whereas in a car, you know, with the steering wheel on a particular side or in a vehicle like this, there tends to be that higher degree of safety factor.

And quite sensibly, people like to have the idea of a little bit of freedom to drive around and go where they want to go and see the things they want to see and explore on their own, not necessarily in a taxi all day. I know, going to a place like St. Barts (we went a few years ago) that is a smaller island than here. It does very, very well in the tourism industry. And you get right out there and you rent a car, and they roll out with you for your minicar with these kind of little totes, and you drive around in them and they are really neat. And you see them all over the place.

I think that the idea of, *if we get crowded up on the road because there are so many of these cars out there that we are having to rent out, and it is taking us longer to get places . . .* we can all sit back and smile because that means we are making buckets of money, you know, as a country. So, it would not be a bad sign if that is, in fact, something that is going on.

But I think when I talk about action and then overreaction, I do not see that in passing this Bill, in my assessment, that by next week, next month or even next year we are suddenly going to have a plethora of minicars on the road.

Mr. Speaker, you are back. It seems to be substitution day, for me.

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

[Laughter]

Mr. Mark J. Pettingill: Welcome back.

Mr. Speaker, I do not see that we are suddenly going to have this horde of minicars on there. The truth of the matter is I think there is risk involved in this as far as the business goes. It looks to me like a sensible way to provide an option to tourists who want to come here. And the taxi drivers seem to get that, I am sure. We will be telling these people, *Look. You cannot get in these things and drive drunk, because we really are getting to zero tolerance for that, like anywhere else in the world.* You know, they do not want to be doing that with regard to their own licences and being arrested here.

So they have to be aware of all of those types of warnings with regard to what they can do. In the evening they are going out for dinner or a drink or whatever, they are going to take a taxi, as they always do. But, you know, this is something that is great. I mean, these things, when you really put it in perspective . . . Every now and then, I drive my mother's car. She is 87 years old and has got the smallest type of car that you can get on the road, just passed her licence again last week at her birthday.

And I always say to her, I laugh, sometimes when I drive, I say, *This car is like driving a golf cart.* You know, it feels really tiny to me, and it has kind of got this hum to it. It is like a golf cart. So these vehicles are, by analogy, not much different than a golf cart. I mean, they really are small, little runarounds. And I think that some of our tourists who want to come here, looking at that, saying, *You go to the hotel. You can rent one of these things* (it is going to be one more added little thing). You know what? That would be kind of cool. *Bermuda still has these hidden-away little beaches and coves and parks and tribe roads and things like that to go and explore. And we can get in there, pull out a map and go off the two of us on our own and feel pretty safe, and go and explore.*

You know? Honeymooners will like that. Older couples will like that. If they do not want to get on a bike, then this is an option.

For me, and I have done this, I have gone away . . . I did this in Positano in Italy. I was thrilled to see that you could rent a bike. My wife and I rented a bike and went down the Amalfi Coast a bit. And it was just a great time. I could have rented a car as well. And so, I think the people will take up those options. I think people like having a bike.

But let us put it in perspective. If you take the fact that we had 6,000 bikes on the road in the heyday of tourism, and now we have half that number, and we are trying to build back our tourism, and the numbers

are moving in the right direction, now is the time, as the scale starts to slide up, to say, *What can we do to provide those extra amenities?* That is why we came along with the whole boutique amenity casino thing for resorts. It is just one more thing that people say, *Well, yeah, I'd like to be there and have a go at that. I'd like to be there and have the opportunity to do this. I'd like to get out on the water and rent a jet-ski.*

We had that debate a few years ago when we did jet-skis. I remember sitting on the other side with certain criticisms coming into play because of things that the Government was passing. And I was thinking, well, we have got to do these types of things. We had to allow casino gaming for the [cruise ships] to come into town, to provide that amenity for the tourists who were on the [ships]. And the Government on the other side had to support that. They saw it, and people on our side jumped up and down and said, *They are going to stay on the boat. They won't come into town.* This is us now talking, but what was then the UPB, or I was independent or BDA, whatever it was at the time. But, you know, I remember those comments being made.

And the response from the other side was, *No, no, we have to do things to provide it or they are just not going to come!* So now the debate is just here in reverse. I remember sitting, listening to it and going, *Come on, guys.* You know, the fact of the matter is that we have got to think a little bit out of the box. And the truth of the matter is that we tend to be overtly conservative and overtly over reactive. You know, I would name other things, but it is like . . . and I have seen the conservatism around gay marriage, by way of example, which is going through the courts right now—extreme pushback on a conservative front, which is almost special to Bermuda.

And it comes to other things, and we still have this tendency. Even the younger of us and young people can be ultimately conservative—*Oh, we don't want to do that, we don't want to do that.* And what happens is, Mr. Speaker, my assessment, people go somewhere else. They like to have an option. In this day and age, people like to have an option. This is the day and age of shopping where you go on your laptop or whatever, like I have here. You push it in, you can go through a whole host of things and say, *Well, I'd like to look at that. I'm on eBay. I want to have a variety, and I want it at my fingertips, and I want to be able to do it.*

So when you land on our shores, and I have heard this, *What? You cannot rent a car?* We have heard that for ages. You cannot go into a casino. You cannot, you know, come here as a same-sex couple and get married. You cannot do all of these things. It does not make us attractive as a member of the international community. It simply does not. I believe that people get put off by one thing as it is reflecting an attitude to everything else.

So there is an action and an overreaction. They look at it and say, *What? Bermuda? I can't go in a casino in a hotel? Man, let me see where else I can go. What? Bermuda doesn't allow gay people to get married? I don't like that. I'm not going to go there. What type of people are those? That's too conservative for me. I can't rent a minicar in Bermuda? I'm going to St. Barts.* Let alone the other things. You know, it reflects on, *You can't get here what you can get anywhere else in the world.*

Now, I think that we have got to be mindful. We have to be mindful about how we do it. And I think that has been well-thought-out. That is why it is a 150 cc thing. That is why it is a small vehicle. And guess what? Somebody has to service those vehicles. Somebody has to keep them clean. Somebody has to be there on call-out. It is a job provider! It is a job provider. They are not going to be all parked in one place. This creates work for people. It is going to create work. It must do. By the very nature of something being a vehicle, it is going to create work.

So, Mr. Speaker, I see there are a lot of pluses here that outweigh the potential minuses. There are concerns, you know, all round. I can see what the concerns are. But in the balance I arrive at this: I think these are the types of things we have got to give it a go. And it matters not that if the majority of people say, *I don't want to go to Bermuda and rent a car*, but there is that minority of people who do, the 30 per cent to 40 per cent, or whatever it is. Well, provide for them! It is like so many other things. The people who want to come here who do not want to rent a car—do not rent one! That is an easy answer for you. But you need to have it for the people who do.

Just like so many other things, you need to allow for the people who want something, and it is their right to have that. The people who want to game should go and game. The people who want to get married should go and get married. The people who want to be able to do those things in a modern society, they should be provided for them. And the people who decide, *I want to rent a minicar instead of having a taxi driver all day, or instead of having a motorbike, which I have never ridden in my life, or a moped, which I am scared to death of . . . this is an option for me to spend money in Bermuda, to drive out to a place in Somerset or in St. George's from your place in Hamilton. Let's find a route. Let's go down there, and let's go to lunch at Blackbeard's.* The business drives itself there. That is the type of knock-on effect.

You know, you may have other people who are not going to go and do that or are not necessarily going to explore the Island, explore all of the fun things to do, because they would do it if they had this type of thing available to them.

But let us get real, because this is where I think we tend to overreact. As I say, by doing this we are not going to suddenly have a massive car park, like at City Hall, full of minicars and 5,000 tourists de-

scending in a line to get the minicars and drive them all over our roads. That is not how it is going to happen. And it is certainly not going to happen like that overnight, were it to happen. We have to see it for what it is. It is a sensible and reasonable tourism amenity—that is what it is—that is attractive and will provide that needed additional opportunity. And we need to think along the lines of that with so many other things that our competition does that we do not do.

So, I support it. I see the concerns. I have heard the concerns. I have heard . . . I am satisfied on this one: There has been appropriate consultation, and rightly so. You know, I do not see it doing anything, in the balance, but doing something good for us because of the positives in the balance that exist in passing this legislation. Thank you, Mr. Speaker.

[Desk thumping]

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

It looks like we are right on 12:30. Good timing there, Honourable Member.

Mr. Mark J. Pettingill: Thank you.

The Speaker: The House is adjourned to 2:00 pm.

[Gavel]

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:00 pm

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

BILL

SECOND READING

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

[Continuation of debate thereon]

The Speaker: We will resume the debate on Order No. 2, the Motor Car Amendment (No. 2) Act 2016.

Any Honourable Member care to speak?

The Chair will recognise the Honourable Member from constituency 20, MP Susan Jackson.

You have the floor.

Ms. Susan E. Jackson: Thank you and good afternoon, Mr. Speaker.

The Speaker: Good afternoon.

Ms. Susan E. Jackson: I would like to just take a few minutes to comment on the Motor Car Amendment (No. 2) Act.

I guess this is my turn to somewhat say I am a little bit offended by what my honourable colleague across the floor said when he positioned this opportunity for Bermudians in a negative light. So I want to just backtrack a little bit and comment on that, from the other side of the fence.

I see considerable opportunity here. Not only is it an opportunity for new business and the evolution of livery rentals for our visitors on the Island, but it also creates a number of other amenities that can be made available to visitors and locals alike on the Island. And certainly, you know, I think about some of the areas of Bermuda that we cannot reach via taxi. I think about the fact that if we were having little minicars that it might even offer opportunities for further explorations into the infrastructure of our Island that we may be able to take these vehicles on, let us say, the tracks.

We might be able to create an environment on our tribe roads and tracks where tourists can, maybe for a fee, have an opportunity to go. They could even be guided; they could be historical, they could be adventurous and exploratory.

So there are different ways in which we can create new opportunities. It is up to each one of us as Bermudians on the Island to keep our minds open about something that is new for the Island and to speak up and take a stand and create opportunities that could certainly complement this new initiative.

I would also like to comment on the fact that I believe that there have been surveys conducted, in particular by the Bermuda Tourism Authority, where they have asked people, *If there was anything that you could add to your experience here in Bermuda what would it be?* And that there has been a measurable response that has said, *We would very much like to have some form of vehicle in which we can manoeuvre around the land.*

So, clearly, the motorcycles have had their lifecycle—no pun intended—and they certainly have reached maturity as an amenity on the Island. I think many people around the world realise some of the risks involved, et cetera, and would like to be in a safer vehicle. So the idea of having a minicar that is protected, that I understand is not particularly fast, would be a very nice little way for our tourists to get around the Island. And as my colleague before me mentioned, this is the kind of thing that people might use if they just simply want to explore or maybe they would like to just go to the beach and it is a quick hop from their guesthouse to the beach and back and they would use this as a short runabout.

But if there were any times when the visitor would very much like to have a tour, would like to have some explanation about the Island, would like to take a longer journey and go to places that they may not know where they are going, then a taxi would certainly fill that void. And of course we know, given the accommodation of our taxis, when our visitors would

like to get together as a larger group, as a family or as friends that may be four and six in count, [then they] like to get into a taxi and use that for longer journeys or to go to social events in the evening and such. So I believe that there is an easy complement between the taxi industry and the idea of livery companies offering these minicars for our tourists to get around.

Now, Mr. Speaker, I lived up in Dockyard for almost three years, and that gave me an opportunity to observe the behaviour of our tourists that are arriving by cruise ship. And I have to confess that the large majority of those visitors [who] only have a short period of time in Bermuda are more than happy to get into a taxi, a minibus. Some get on the public buses, but they are leaving and travelling in droves from Dockyard in private transportation for the most part. Now the idea of a guest getting off of a cruise ship and having to go through the training and . . . what could be a somewhat time-consuming procedure to rent a minicar would probably work against them. They would prefer to jump into a taxi and head for their tours for the day, et cetera.

The other side of it, while living in Dockyard and walking about and listening to the taxi operators and the minibuses is that, you know, to be honest, a lot of the cruise ship visitors are interested in going to the beach. And with the beach comes sand and salt water and some of the things that, you know, we would say that our taxi operators are not completely keen to have, especially for what ends up being a relatively small fare. So the idea that if there was the adventurous cruise ship passenger that wanted to get to the beach, and that is all that they wanted to do for that journey, that the idea of them hopping into a minicar if they wanted to take that route and go through that extra effort, that they probably would be . . . it would be an amicable arrangement between themselves and the taxis.

And, as I mentioned earlier, the taxi drivers are the first places where the groups go when they want six, eight people to go on a half-day or full-day tour of the Island. This is the way they go. It is convenient, they get the full story, they get the history, they get to meet with locals—that is a huge and completely different experience than anything you are going to get in this little rented minicar.

So I would like to create a distinction. And I believe that the taxi industry is innovative enough and certainly a sophisticated organisation or group of entrepreneurs that will be able to create a clear distinction between the value of their experience in their product, which would be the [tours] in particular, versus popping into one of these little minicars to scoot about.

I also would like to just mention as well that for locals on the Island I see that there is a clear opportunity for these livery minicars to provide an opportunity for there to be, on occasion, another piece of transportation that is available. So I know that many

people on the Island have family and friends that come to visit on vacation. Bermudians and residents get up and go to work every day, and sometimes it is difficult to have the kind of flexibility that our visitors might like us to have. And, you know, the buses during the day are available and taxis are there, but sometimes it is nice for our houseguests to be able to say that on, you know, one or two days out of the 10 days that they may be visiting that they would like to just have a little minicar that they can rent to get them . . . just for the quick little hops around Bermuda that they would like to take. And that certainly can create a level of relief for the hosts, the Bermudian residents that are oftentimes occupied with their one car per family.

So, you know, as a parent I certainly can sympathise with having college children coming home for a short period of time and they want to just simply go over to their friend's house and back. And working full time it is very difficult to sometimes share the car. And the idea that for one or two days it would be possible for a young adult to be able to rent this car to get to their friend's house and back would certainly be an added amenity to the local community as well as for our tourism industry.

So, I see that the livery minicars do have benefits, not only for our visitors, but that they can serve a purpose for the locals as well.

In closing I just again want to reiterate that this is a fantastic amenity to add to our tourism product, and I certainly welcome it. I am expecting and looking forward to there being very strict guidelines and regulations around the minicars, that we will maintain them as being distinctly different from any other type of vehicle on the Island in such a way that they will not directly compete with any of the other forms of transportation on the Island that could potentially feel as though they are in direct competition. Because I do not believe that these small minicars are a competitive factor for much of the tourism industry, but instead are a positive amenity.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable and Learned Member from constituency 31, MP Shawn Crockwell.

You have the floor.

Mr. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to rise and lend my support to this piece of legislation.

Mr. Speaker, I was the Minister of Transport at the time when this legislation was being drafted, and it is some time in coming. We were looking to bring this legislation earlier this year, and for various reasons it has been put off. But one of the reasons (and I think a great deal of due diligence has been put

into it) was that because there was a particular model that had been identified and a particular entrepreneur who was interested in this particular industry, that that vehicle was brought down, the police actually inspected it and drove it and gave its stamp of approval on the vehicle, on its safety, and on its suitability on our roads.

Mr. Speaker, I had the opportunity to actually drive the vehicle as well and see it. And like other Members have said, it is a small vehicle, a vehicle that could fit two individuals. In fact, the question I had was whether or not it could transport with two individuals a set of golf clubs, and it could not. In order for them to take a set of golf clubs, the passenger would have . . . there could be no passenger in that particular seat, you would have to put the golf clubs in the passenger side seat. And in the back, again, there was maybe enough space to fit a bag—one bag—of groceries, Mr. Speaker.

But what it does provide for individuals who are concerned about their safety in relation to a moped . . . and I will tell you, as the Minister of Tourism at the time, and even now, when I saw tourists, they would ask me about renting a bike. And I apologise to the livery owners, but my advice was not to do it—every single time—because the slightest of accidents could ruin a vacation, Mr. Speaker.

I am not a big fan of bikes because you are so exposed, the individual riding that bike. If that individual is in an accident, then the exposure is so great. Even if it is not a high-speed accident the amount of injury and damage that a person can endure on a bike, Mr. Speaker, is great. And so imagine going on your dream vacation, you have spent many months, if not years, saving for it. You come down, you are on the bike and it is raining and you are trying to take one of our difficult corners. You have an accident and that will destroy your vacation and, in some cases, as we have heard already today, Mr. Speaker, we have seen too many fatalities from our tourists on the bikes.

So, in my view, having an alternative, Mr. Speaker, which will provide more safety to our tourists and allow them to travel around the Island in greater comfort . . . these vehicles are covered. So if it is raining you do not have to deal with . . . imagine going to dinner and you happen to come into a summer shower, Mr. Speaker, and you are on a moped. Again, it creates a great deal of inconvenience.

So, I think we have got to look at this as trading the moped for a more modern way of transportation. It is not adding to, in my view . . . we are hearing this argument about congestion. In my view, it is not as if we are going to see all of the mopeds remain on the road and we are now going to add these quadracycles to it. I see it as these new quadracycles replacing the bikes that are currently on the road.

But even on the congestion issue, before I left the Ministry I knew that we had lost about 10,000 vehicles on the road. I do not know if that figure has

changed, but there was a reduction as a result of people leaving the Island over the last, you know, 10 years, Mr. Speaker. We have seen a reduction as it relates to cars and bikes in the tune of 10,000 vehicles less.

And I think all of us remember when we really saw congestion in this country, Mr. Speaker, in the early 2000s when you had to get up . . . I used to live in Somerset. And if I did not leave Somerset by seven o'clock, Mr. Speaker, I was going to be late. If you left at seven o'clock you would get right through, no problem, and you had time for breakfast and coffee because you would get in at 7:30, Mr. Speaker. But leave at 7:15 and you were just about getting to work at nine o'clock. There was that much congestion.

And we complained back then. We did not like the fact that there was all this congestion. And as a result . . . now, the congestion was an indicator of success, you know. As someone said there is always a cause and an effect or to every action there is a reaction. Well, when there is booming business in this country, when international business is doing well, when tourism is doing well, guess what? You will have congestion. You cannot have your cake and eat it too.

So now we do not have the congestion, or there is less congestion. But guess what? Business is not as great, so people are complaining because there have been job losses. Well, because people have left, Mr. Speaker, that is a corollary of that.

So, yes, there may be some congestion, but we welcome it because that will be an indicator of the jurisdiction doing well as a business and, in this case, as a tourism jurisdiction.

Now, Mr. Speaker, the Honourable Member from constituency 6 who gave a very passionate speech . . . I know him very well. He is a good friend of mine. I will say that he is consistent because he had been speaking to me about this when I was the Minister. He called me and he said he was against it. He was against rental cars when he called me and he said . . . you know, and this was when the Honourable Member will recall, I believe the BTA [Bermuda Tourism Authority] came out and made a statement that they were interested in introducing rental cars and the Honourable Member called me and said, *Minister, don't do it. I don't support it. This will go against the taxi industry.* So he is being consistent.

But I know the Honourable Member well enough to know that he is a seasoned politician. He understands politics very well, and he will see a political opportunity when it presents itself. He knows very well that every taxi driver that is driving around right now has [the radio set] on 105.1. He knows that, Mr. Speaker. Okay? And he also knew that there were taxi drivers in the Gallery, Mr. Speaker, when he was on his feet. Okay? And he also understands, Mr. Speaker, the voting bloc that that industry has. Okay? So I was not surprised. It was a good speech. I will put it in the Honourable Member's top five, Mr. Speaker.

But this is not competing, in my view, Mr. Speaker. And I will say this, I am not going to get into the consultation, you know. I was not part of the pre or post-consultation on this. But I think the Minister made a mistake when he introduced this as rental cars. That was a mistake. I do not care what the specifications are in the legislation, a taxi driver hears "rental car," his antenna is going to go up just by the classification of that term. I do not even like the fact that it is called "minicar" in this legislation. What I was going to do, I was going to call it exactly what it is, a "quadracycle." That is what I would have called it. And we were looking at the legislation to create another category called "quadracycle" because the whole connotation of a rental car or a minicar causes anxiety to individuals whose business, whose livelihood, is in a taxi or driving vehicles.

But this is not in competition with the taxi drivers, Mr. Speaker. Yes, there might be some loss of business. You might have a husband and wife that come here and they decide they want to rent a quadracycle that carries two. And they may go out to dinner and on this evening, had that not existed, maybe they would have caught a taxi. But at the end of the day, it is the Government's job to create more volume—the Government and the BTA's job. And the Government did its job by creating the BTA, Mr. Speaker. And now the BTA must bring greater volume to the jurisdiction so that there should be sufficient demand for quadracycles, for taxis, for minibuses. That is what we need to do, and we are on that path, Mr. Speaker, so that everybody can be able to get their share of the business.

The Government cannot be in the business of protecting industry. It needs to be smart enough to make sure that it is diversifying enough, Mr. Speaker, so that there is sufficient competition. But you cannot stifle progress in the name of protecting industry.

Now, to the livery owners, my view is this is directly in competition to them. So they need to adjust and look at similar types of vehicles that they can import and rent as well. Go get a licence and compete. You know, I think of the cell phone industry, okay? If you have a cell phone company right now that is still selling the flip cell phone, they are not going to sell any product. You know, maybe the Honourable Member, from constituency 1, I understand he likes those. But everybody is buying iPhones, the more modified . . . I mean it is amazing to me. As soon as a new iPhone comes out, people will go and get rid of their perfectly good iPhone and upgrade to the new and latest technology, Mr. Speaker. Well, the telecom industry had to adjust to the new technology that was out there.

Same thing. We have evolved and now we have electric vehicles. Now we have these vehicles that are covered, they are more safe, they are more enjoyable to drive, Mr. Speaker. And so whoever is in this industry, and I believe it is the livery cycle indus-

try, they are going to have to have a look at it. In fact, when we first introduced it, when this first came to light, they should have started to investigate then to see how they could adjust to their business, Mr. Speaker.

So I do not think it is going to have much of a deleterious impact on the taxi industry. But if you are out there renting bikes . . . and I think the rental of bikes has been under siege for years anyway. We heard figures today from 6,000 down to 2,000. They are declining for a reason. Not just in numbers. People see the risk. We have very [winding] roads, Mr. Speaker, and you know . . . in fact, I had an experience just the other day when I was driving around by Mid Ocean Golf Course coming down by Paynter's Road. As I came around the corner there was a tourist, a guy, he had no shirt on, riding his moped and he was on my side of the road. I was going around a corner and he was right there, Mr. Speaker. I mean I was frightened to death that I was going to hit this guy and possibly kill him, but he was able to swerve and get around.

And yes, I heard people talk about, *Well, people are going to drive on the wrong side of the road.* They will have to adjust. I know there is no one in here that has driven in the United States and at one point forgot they have to be on the right side. Let us be honest. No one has driven away and said, *Oh, my goodness, I've got to go on the left . . . or go on the right* (whatever it is, Mr. Speaker, in the States). It happens. In fact, my honourable friend is not here, but I was in Vermont sometime ago with him and he was driving a car in front of me, a vintage car, and we went to pick it up and he was driving it and he was on the wrong side . . . I had to like beep! You know, like you are on the wrong side, mate! We forget. That happens.

But let that privilege be taken from us, Mr. Speaker. Let the United States say—and it is not far-fetched. It is not far-fetched. I had a visit from the former US Consul General who had some guests down and he was pushed to the limit because he had to take his guests everywhere. If they wanted to go the beach, he had to take them and drop them off and go back to what he had to do and then he had to go pick them up. And then he had to take them to dinner and pick them up.

And he came to my office and he said, *You know what? I looked into this because I could not figure out why my guests, who are diplomats, who have lived all around the world . . . they have these international driver's licences, why can't they drive in Bermuda?*

And I said, *Well, they can't.*

And he said, *Well, we allow you to drive in our country. There is a standard diplomatic principle called reciprocity.*

And I am just telling you what he said. This was his thinking, *if we allow you to do it in our country,*

our citizens expect you to allow them to do it in yours. Okay?

People can shake their heads. But guess what? It already happened in Massachusetts, Mr. Speaker. It happened in Massachusetts and what was funny is the amount of people who have stopped me after that happened because we know, Mr. Speaker, that we utilise Boston for medical reasons. People go to Boston because it is a close flight. People enjoy the city, and the like.

An Hon. Member: Shopping.

Mr. Shawn G. Crockwell: For shopping and other things. My daughter loves going to Boston. She has family in Boston, Mr. Speaker, and they will go and rent a car and drive out to their home. The amount of people that stop me because they were so upset and anxious over the fact that they might not be able to drive when they go to Massachusetts was unbelievable. I believe, if my recollection is correct, it was around Cup Match time when that happened. And whenever I was walking around people were stopping me and saying, *What are you guys going to do about this?* I said, okay. It is the same thing. We want a privilege, but we do not want to extend that same privilege to others when they come here, Mr. Speaker.

Now, we have heard people say that the Government does not care. This piece of legislation, as I said, commenced under my remit. But I would say this, I heard that exact same argument when as Minister I proposed to create the Bermuda Tourism Authority, and about all the jobs that were going to be lost, and all sorts of stuff that was going to happen. You would have thought, Mr. Speaker, the world was going to come to an end because we were creating the BTA. In fact, I remember somebody forwarded me a cartoon that someone did of me looking like Donald Trump pointing to somebody saying, *You're fired!* Because I am trying to get rid of Bermudian jobs. Well, guess what? No one lost their job, Mr. Speaker.

The BTA was formed despite all of the challenges, and today everyone . . . the BTA is like a fabric of our society now. The BTA is part of our everyday vernacular and it is doing well and we are seeing results that no one in this House, including myself, and the Government did not anticipate—16 [per cent], 18 per cent increases in air arrivals! So now it has achieved its objective and we hear no one . . . in fact, on Monday the same Honourable Member from constituency 6 is recommending that the CEO of the Gaming Commission should get the same salary as the CEO of the BTA!

I sat there and said, *Wow! It is amazing how things change.* Now, we have accepted that the salary for the CEO of the BTA must be acceptable and that the CEO of the Gaming Commission should get the same thing. So this is what happens when time goes

by and we see exactly how these initiatives will evolve.

Now I heard earlier the Shadow Minister of Transport say that his information is that the second-hand cars are still available for taxi drivers. That is not the case. That is not the case, Mr. Speaker. And I have been lobbied to make that change. We were looking at making that change, and I think as a negotiation that was a good deal. Clearly, the BTOA [Bermuda Taxi Owners and Operators Association] came out publicly and was very complimentary towards the current Minister and thought it was a good trade off to be able to bring in second-hand taxis rather than going through the expense of buying brand-new ones when that time came. So, it is not a case of it being some form of ruse, Mr. Speaker. That is a fact. I was lobbied to make that change as [in] this jurisdiction we are unable to import second-hand vehicles, Mr. Speaker.

Now, in relation to the survey, I know that we were going to conduct a more up-to-date survey and I do not know if that happened, because the survey that I was relying on as the Minister was quite old in terms of peoples' disposition—tourists' disposition—in relation to rental cars. And the numbers that I heard today are around that. I understand that it was no more than 50 per cent that were in support. So, there was supposed to be an updated survey, I do not know if that updated survey took place and if it did what the results are.

But let me say this. We heard 30 per cent or 40 per cent said that they supported rental cars. We have the wrong view of tourism in this country, and we have had for some time. And I had this debate, and I am sure I have told this story in this House before. I had this debate with my father on gaming and my father, who is Seventh Day Adventist, is opposed to it, and here I am, his son, promoting it. So we are having a chat about it and he is saying to me, *You know, Shawn, I don't think that gaming is the right way to go and I don't think this and I don't think this about gaming.*

And I said, *Daddy, every time you say something about this you start by saying "I." Tourism is not about what you want; tourism is about what our guests want. That is what tourism is about.*

And here in Bermuda for some reason we think about what we want and that is why we have to ask ourselves the question that the former Tourism Minister asked, Dr. Ewart Brown: Are we serious about being in the tourism business? Because this is not about the business of what we want. It is not about our comfort when it comes to tourism. It is about *what does our tourist want?*

Now, if it was all about getting 100 per cent interest, we would not offer anything, Mr. Speaker. Do you think 100 per cent of our tourists go to Crystal Caves? No. Maybe 40 per cent do. Do you think 100 per cent of our tourists go to Horseshoe Beach?

No. Quite a few do, though. But if you are having a dinner party, Mr. Speaker, and you invite 10 people to your house, 10 people that you want to come to your house, and 40 per cent of that 10—4 of the 10—said to you that they do not eat red meat. What are you going to do, Mr. Speaker? You are going to offer an alternative. You are not going to say to that 40 per cent, *Well, you can't come, you're not welcome because you don't want to eat my red meat.*

Of course not. You are going to say, *Okay, I am going to accommodate what you want. What do you want?*

Oh, we eat chicken. Somebody else might have turkey. And so guess what? You are going to have that on your menu and your guests will come in and have a good time and leave and say, *I enjoyed my stay at the Speaker's house.* That is how you treat guests.

And that is how we have to think about tourism. So, if 3 out of 10 that are coming here say, *I would like to jump into a quadricycle, or, I would like to rent something other than a moped,* then we have an obligation if we want them to come, to provide it. That is if we are in the business. That is if we are in the business!

So, Mr. Speaker, tomorrow when this Bill is passed and it gets to the Senate and is approved, everything is going to keep going on as it has been going on. Hopefully, though, we will have . . . because I have met tourists who have said, *I would like to have the opportunity, if I want to get up at my own convenience and go to the grocery store, I would like that convenience to do so and not have to do it on a bike.* Do it in something that is more safe, something that is more appropriate, Mr. Speaker. And at the end of the day our guests and our tourists would have had a better experience. And I think that this is what we should be striving to achieve, to provide the experiences and the amenities that meet the needs and the desires of our guests.

And so I think that this is another step to do that. As you know, I have been on record, Mr. Speaker, that we have got to get the casinos up and running because that is yet just another amenity. And any other amenities that we can come up with, Mr. Speaker, we have very innovative Bermudians who can come up with great ideas to augment the experience of our guests. So let us not look at this . . . because sometimes life is always about how you look at things. If you are going to look at it as taking something away, then it is going to be a negative. Let us look at this as adding to the experience for our guests, Mr. Speaker.

And I think at the end of the day, if we can have our tourists going back home saying, *I had a great time,* instead of going back home saying, *I enjoyed the beach and I enjoyed this, but I had to always get a bus, or I had to rent a taxi, I couldn't just go when I wanted. I didn't have that flexibility.* If they can go away and have no "buts," Mr. Speaker, that should

be our objective, so when tourists leave here they say, *I had a fabulous time. Period!* And this is just another opportunity to achieve that.

Thank you, Mr. Speaker.

[Desk thumping]

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

The Chair will now recognise the Deputy Leader of the Opposition, MP Roban, from constituency 15.

You have the floor.

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

Mr. Speaker, perhaps things just do not happen in the right time because perhaps if the Honourable Member in constituency 31 had been the pitchman for this particular Bill, and it had the benefit of coming to the House earlier, we probably would not even be here, because I must say he presented a very persuasive argument, much better than his successor has been able to do around this up to this point. So I compliment the Honourable Member.

I am not sure I agreed with all of the Honourable Member's points, but they were persuasive, Mr. Speaker, in how he put it forth. I have to honestly admit that. In that the way he presented the argument around an initiative that he himself had some involvement with [was] very, very persuasive in the idea that we need to have more choices for our visitors, that it is not always about what necessarily we think, but about what the visitor would like to have as part of their experience and that there may be a need for us to update some of our offerings here because, let us face it, we have been kind of . . . perhaps we were even the pioneers to some degree of the livery cycle as part of the Bermuda experience going back to the 1950s and 1960s. But now, perhaps, it needs to be updated to reflect the different types of tourism opportunities we are trying to accomplish.

If I perhaps have just summarised some of what the previous speaker said and, as I said, I thought he presented . . . if I was somebody who did not have my own view on this and was listening for the first time, I would be quite settled with his argument around this.

But, Mr. Speaker, I do have some points to make which, perhaps, are reflective of a different view on this particular measure. And I would just like to remind us kind of where we started, at least from the standpoint of where we on this side started. And it started with a Bill that was presented in this House that was called the Motor Act No. 2, I believe.

Now, let us remember these Acts . . . you know, I too am a former Tourism Minister. So I understand that these Bills are par for the course of the duties of the Ministry of Transport and the Minister of Transport to bring annually to this House because

there are often changes to the transport system for which the Government has responsibility. It happened to me all the time. Just like with Financial Services and Finance. There are Bills that come here which are just a part of the normal order of business and must be done, Mr. Speaker. We know that. And in some other areas in Health and other areas there are certain things that are done all the time and they are [the] norm. So not necessarily a hard eye by the Legislature is put to them because we know this, Mr. Speaker.

But part of the challenge we have here, Mr. Speaker, is that this measure came with little information about it coming to us, that this particular type of change was being made to Members of this Legislature. It came, almost disguised, as a Motor Car Amendment (No. 2) Act, or whatever it was named at the time earlier this year. It was only with the keen eye of the Shadow Minister and other Members of our caucus, in particular the Shadow Minister who sits in constituency 24, that [it was] brought to our attention that, *Wait a minute, they're looking to put . . .* as it is referred to as a "minicar." And so we are saying, *What?*

So, Mr. Speaker, there is almost the impression that the Government was trying to hide this measure under a veil of secrecy and cloak and dagger instead of be very clear as to what they were bringing. It was almost like it was hidden under being a generic, normal-course-of-the-day Bill. And as I said, I speak as a former Tourism Minister, so I understand that comes like that.

But that is part of the challenge, why we are here today. And we have had the hills and mountains and vales and all types of other acrimony around this Bill up to this point. It is because the Government seemingly took an approach with it, as even the honourable former minister described, that did not quite settle well with a whole lot of people. That is where we started, Mr. Speaker.

So there was not, as was stated by an Honourable Member prior, this vast amount of consultation and feedback. That came after the game got blown up. That is when that came. And we saw a very interesting process of consultation, Mr. Speaker, which seemingly was not actually . . . it was almost like chasing the rabbit after the rabbit had bolted, and you are trying to catch it after you let it out of the cage. Or like it broke out of the cage and you are trying to catch it. The Government did not introduce this measure to the public, to those interested parties, in a manner that was pleasant. Because it looked like they were trying to sneak it under the table, Mr. Speaker, if I can just use that in an informal way. That is why this journey has been taken and this Bill was not passed at an earlier point of this session.

So the Minister had to go back and actually . . . beyond the hostile meeting that was dealt with at Warwick Workmans Club, beyond the statements from

the BTOA that originally came out, the Minister had to run behind all that and try and bring about a process where people understood what was actually being done, that it was not an effort to be damaging to the taxi drivers, that it was not an attack on people's livelihood, it was not in the typical way you have seen the OBA deal with some other measures of legislation in this House or to the public, whereas the definition of "consultation" with the One Bermuda Alliance is a very different definition in process than many people have seen at other times. And as my honourable colleague from constituency 33 said, the unprecedented need to have higher levels of security in the House, outside the House, on top of the House, on the street in front of the House . . . that is what we have seen.

And so, Mr. Speaker, that is kind of where we started. It was not a very . . . not a good start to anything. And so with that came all the obvious arguments about impacts. People are concerned about added congestion, and I would be interested to know from the Government . . . and this is a general question about transport which I hope the Government can answer. What has been the real reduction in the number of vehicles on our roads over the past four years? Because, as I recall we have almost as many vehicles on the road, Mr. Speaker, as we have people living in Bermuda. And there has been reference during this debate to a reduced number of vehicles. Ten thousand was one number that has been batted around. And that may be the number, but I would be interested to know, based on revenue, have we seen a corresponding reduction in revenue, Mr. Speaker, from licensing from private vehicles, in particular?

Now, there could have also been a reduction . . . and perhaps I am going to ask a question that will be both in bikes and cars, because many of the people who would have been residing here prior to the recession were also people who used a lot of bikes, as well as cars. So has there been a corresponding reduction in private bikes, private motor bikes, and in private cars over this particular four- to five-year period while we were in the recession, from I guess 2008/09 to now? Has there been . . . which can be arguably attributable to the reduced population?

I would be interested to know just as a general question on transport whether that is, because I recently . . . and because I live in the east I do not have the same experience with travelling in a car as those who live in the west. I have not had to deal with some of what the Honourable Member in constituency 31 described as the congestion of having to get up 5:00 in the morning or 7:00 in the morning to be able to make sure he gets to town at 9:00. I have not had that experience. But I would be interested to know if that pattern has changed in recent years, because, certainly, I do not see any difference in the town here, in Hamilton, with the daily traffic. It still seems the same as it was before for me.

And coming from the east, and those of us living in the east know that it is slightly different. We have seen congestion build up over time coming from the east, and it does not take any less or more time now for me to come from the east than it did five years ago, the same 10 minutes or so. I can almost, you know, run myself on a clock and know that if I get out of my house at 6:00, at 6:10 I am in the middle of town. I do not even have to have a watch. I can just know that is pretty much how it goes irrespective. And I know people from the west have a bit of a different challenge.

But I would be interested to know from a data standpoint has there been a lower congestion pattern coming from the west as well. And I am talking about . . . not anecdotal. Does the Ministry have information on how that is changed? Because congestion is an issue for Bermudians. It is a reason why the water . . . having the ferries was moved to be changed so many years ago and we added new ferries and the ferry system was advanced as an alternative to travelling the roads to deal with the congestion issue. That has, obviously, evolved over time, but that was the original premise of adding new ferries to the transportation system in Bermuda. So, I would be interested to know because this congestion issue is serious for locals.

And even to the argument that was put about . . . well, we as Bermudians can have objections to certain things in tourism, but we are not the ones who they are trying to please. We are not the ones who the tourism industry is catering to. But I would argue . . . and I am not trying to beat up anybody on this argument. I am just presenting another point of view, Mr. Speaker, that—

[Inaudible interjection]

Mr. Walter H. Roban: Well, Bermudians are the partners in this tourism experience. They actually are the people that we rely on to assure that a visitor has a good experience in Bermuda. And that comes with making sure that Bermudians feel good about being in Bermuda. If Bermudians are stressed and aggravated and dissatisfied with their experience at home, that is going to exude to the visitors who come here. And that could eventually end in a sense of hostility and resentment to the visitor who is coming and imposing on us, and we are being forced to take on all these amenities that we traditionally were not comfortable with to satisfy them. I think we have to be mindful of that.

So when we talk about the amenities and whether Bermudians like them or not, it is not just about that. I think it is a bit more complicated than that, Mr. Speaker. It is about Bermudians feeling comfortable with what Bermuda is. And when we are comfortable with our own experience in Bermuda we exude that comfort and happiness and peace and tran-

quillity and welcome-ness to our visitors. That is how it is.

So we are partners in this experience. So, if we like and are proud of what amenities we have, we will promote them ourselves to our visitors. It is unfortunate that we do have to have a bit more of a cautious approach to the livery cycle experience because that was not always the case. The rental of the livery cycle was something that we all kind of promoted as being a part of the Bermuda experience. Those of us who have gone away to university and invited friends down here, one of the things we would do is tell our friends, *Yeah, you can come and rent a bike and get around just like I do, you know.* That was part of the thing, Mr. Speaker.

I am sure you, as a young college student, did the same for your friends when you invited them around. I know it was not that long ago, Mr. Speaker, so I know you remember.

[Laughter and inaudible interjections]

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

So, that is what we all did at one point. Now, it is not the same expression that we do now. We would not necessarily encourage the same thing now. And I get that. Because things have changed, the experience of riding a livery cycle is different than it was when many of us were just a little younger. And I too, like you, Mr. Speaker, I am not that . . . you know, I am not that old, so I do remember having the experience and I do remember having encouraged my friends to do the same thing when they came here.

But I know that now, perhaps, I would not do the same thing as easily, particularly if I did not think they were good riders. I might be a little bit more cautious. It can be accepted that the experience on the road has changed for everybody in Bermuda in recent decades, so we approach it very differently.

But that is because of congestion. So the concern about congestion and the impact that these new vehicles might have is a real one. And it cannot be ignored and should not be ignored. But, again, if the Government and its partners in this effort . . . and a lot of rumours always float around as to who was actually wanting to introduce these [minicars], Mr. Speaker, and what the relationships were in getting this done, why it was done so quietly and secretly. All of those are questions. And when you cultivate suspicion around an issue, Mr. Speaker, people often respond to it in a certain way. And that, unfortunately, is how this issue has been pushed. So people are going to rely on the arguments about congestion, the environmental concerns.

Now, I did hear something, Mr. Speaker, and I can stand to be corrected by the corresponding Minister, about whether these are environmentally friendly vehicles. I heard there was some talk about them ini-

tially being electric or perhaps being a . . . but I am not so sure.

[Inaudible interjection]

Mr. Walter H. Roban: Okay. So there is going to be either option. But, again, there is a concern that we are adding another fossil fuel driven vehicle to the whole mix in Bermuda.

Now, Mr. Speaker, I must admit that perhaps I and others might have been a little bit more settled with this particular initiative if we had seen the offerings that are going to possibly be put on our roads. I have not seen any example of a vehicle of this type, although the former Minister did say that he had seen it, the police had seen it, and they have driven around in it. Well, yeah, okay. But what about the rest of us? I have not seen it. I have not seen an option of what might be used in Bermuda. No one has presented one to us to show us. I have not seen it anywhere and, frankly, that might even have been something that might have been more helpful, if perhaps somebody had shown us what these actual vehicles might look like. I have not seen it.

[Inaudible interjection]

Mr. Walter H. Roban: I do not know that. I am just hearing what they said. I have not seen it and no one directed me to where I could see an option. I have not seen it or some of the options that might be available.

I am just saying that that in itself might have helped some people to be settled with the decision going forward, including myself. And some of my concerns might have been allayed if I could at least have seen what might be appearing on Bermuda's roads.

So, these are some of the things, Mr. Speaker, that people are concerned with. And also because we still continue to have road fatalities of a disturbing number on our roads. These are the facts. And there is the overall concern from people that introducing a new option onto our roads than what we already have could enhance the risk that we all are presented with.

So these are just some of the things, Mr. Speaker, that are on the table of concerns. But I go back. It started because this whole initiative started in the wrong way in the first place and if, perhaps, it had started on a different tone with a little wider transparency and disclosure and wider public availability of information as to what the Government was going to be coming forth with, it might have settled down some of the temperature around this option and it would have been moved forward sooner.

So, Mr. Speaker, that is the reason why the taxi operators who, seemingly, you know, prior to the last election were the undying fans of the One Bermuda Alliance and paraded around the country with caravans of taxis lauding that a One Bermuda Alliance will bring a new day for them, new opportunities, a

sense of peace, prosperity, and good will to the taxi industry. Well, it does not seem like that is the sort of . . . what we are hearing now.

And I am not saying that this is unique to the One Bermuda Alliance because, certainly, those on this side who had the opportunity to be Transport Ministers experienced their own experience with the taxi industry, Mr. Speaker. But perhaps we are just seeing more of the same and it is not as simple as that as we go forth. And perhaps these are a part of the promise that the One Bermuda Alliance brought to the taxi industry that will bring a different approach to them. It will be different; it will be something unlike what they experienced with the previous administration. Well, I think, perhaps if you speak to some taxi drivers as I have, you might find that that has not really been their experience and all that is glitter is not gold.

But Mr. Speaker, despite lauding our taxi operators as being great ambassadors of Bermuda, those ambassadors may not feel that they are being treated as well as they deserve by the current administration. But, again, we shall see. I think there is an argument, Mr. Speaker, for us trying to ensure that . . . it is not always about doing what the client wants sometimes. And I have not seen any data that supports the fact that visitors in any noticeable amount say that they would be more encouraged to come to Bermuda, they would be more enhanced by the local experience if they had their own independent car or minicar to get around.

I do think that there still remains value, Mr. Speaker, in us wanting Bermuda to be a bit unique in the experience that people have here in that there should not always be a rush to do what others are doing all the time. There are some things that just will not fit. You know we are a 22-square-mile jurisdiction, we are not 100 square miles, 150 square miles, we do not have a lot of space in the way that other islands in the south have for flexibility, so we have a very fixed product to work with, Mr. Speaker. And because it is very fixed and somewhat finite most small changes matter. They can have broad impacts in ways that are not the same in a West Coast or an East Coast jurisdiction, some of which are even our competitors, like Newport and other areas of New England. Or even some of our cousins to the south who, despite being islands like us, have a lot more land, have a lot more space.

As was said by an Honourable Member in this House, Mr. Speaker, earlier today on this same discussion, you know, we were told, *Oh well, some extra parking in Hamilton is going to be provided*. Well, there is no parking for most vehicles now in Hamilton—car or bike. You have to search. So more space is going to be made? That still means that we are going to be potentially competing for space with these new products as they come.

And perhaps, Mr. Speaker, there is a value with potentially having a sort of pilot operation or pilot

programme initially for a period of time on this to help people to become comfortable. Whether it be the taxi operators, whether it be other people in the transportation business, whether it be the public in general, a sort of trial period where an operator was not necessarily given an exclusive to have them here on-Island, but perhaps for a six-month period, somebody would have been allowed to have these vehicles and they be offered to visitors at a sort of reasonable rate to try out because we are piloting them in Bermuda to see if they will fit. And we will get feedback from those visitors.

And then maybe after that six-month period everybody else who wishes to get involved would be allowed to come in and bring in products. But they would be based on real . . . kind of a period of assessment that would allow everyone to be comfortable. Because, you know, we do not know, despite what we are all saying on both sides. We do not know what the impact of this is going to be, really. We do not. The impact might end up being okay; but there also might be some things that happen that we do not anticipate. And I think part of that is built up, Mr. Speaker, as I said before, around the sensitivity around transportation in Bermuda because of the amount of transportation that we are exposed to.

One of the other things (I will just jump around) is our issue around our friends to the south. You know, one of the unique things about Bermuda compared to the other jurisdictions to the south which have been referenced is that we actually have quite a few transportation offerings here, which is unique from many Caribbean islands. We have an actual real public bus system that is open to access by visitors and is easily accessible for visitors as well as locals. And I have been to a few islands in the south and even where they have a sort of minibus system, most often they have a minibus system that you can get on. You know, you kind of have to really know what you are doing and know where you are going to be able to take advantage of it. We actually have a public bus system which is comparable in structure and operation to many of the metropolitan cities around the world, and that actually is a plus for us, I think.

We also have . . . and it is perhaps a more recent option, Mr. Speaker. We have minibuses which have come in just within recent years and are also a part of it. And, of course, we have taxis which are our legacy offering and the other pieces which are mostly private, privately run. So we have offerings that make us unique from our friends to the south that actually many visitors come here and like the fact that they can get on a bus and go from Hamilton to the South Shore quite easily or some of other attractions quite easily without having to . . . and can decide, *Okay, my family wants to take a bus today, so we are going to take a bus because we want to see Bermuda from the bus standpoint*.

Oh, my family, we want to take a taxi today because we want to . . . maybe a nice, exclusive taxi tour.

Okay, oh no, I was told that the minibuses can help us out, we just want to go from A to B at a reasonable rate. I'll rent a minibus. I'll look into renting a minibus.

So even our visitors right now, Mr. Speaker, have many options. Now, I am not necessarily arguing against this measure. I am arguing for the concerns that have been raised around this measure, Mr. Speaker, that I think have to be taken on board by the Government. But I am not going to argue against the measure, which I have seen some of the Members on the other side have. They are almost downplaying what Bermuda already has in order to build up what they are doing here. You know, I have never been comfortable with that style of debate because it suggests some intellectual—

An Hon. Member: Dishonesty.

Mr. Walter H. Roban: Not only dishonesty, but disability, frankly, that you have to destroy something to build up your own credibility. Argue your case in the face of whatever challenges you face and take out those arguments that challenge you one by one at a time to give credibility to your argument. Do not totally destroy and say, *Well, that has absolutely no value and mine does*, when actually you do not make your argument any better.

So to argue that this Bill that we are doing, the Motor Car Amendment (No. 2) Act, I believe it is, is bringing something because everything else we have is just not satisfactory for the visitor, or that there is a complete total danger in any other option or unsuitability or that visitors are really demanding something else . . . I have not seen any data or credible evidence to support that.

But, again, I go back, Mr. Speaker. It is how this started. It is how this whole discussion started with a cloak-and-dagger effort to bring a Bill with an abysmal process of consultation and still perhaps not an effort to get all of the other stakeholders on board and comfortable with this process.

Now that does not mean, Mr. Speaker, as I have said, because I am prepared to perhaps believe that this might actually be something that some people might like. Some people actually just might like this, all right, Mr. Speaker? So I am prepared to say, as the Honourable Member said, you know, we cannot be 100 per cent for everybody, but perhaps there are going to be 10 to 20 of the 100 that might just like this. And that is okay too, because we do have to be versatile. We do have to be able to have a number of choices and options available to our clients. But we also, Mr. Speaker, have to ensure that those who are our partners in this process, which are the Bermudians—despite what some Members of the Government

might think or others . . . we do have to make sure that our Bermudians are happy in this process of tourism.

The Speaker: You have about 30 seconds left, Honourable Member.

Mr. Walter H. Roban: And so let us move forward trying to get everybody on side, Mr. Speaker, so that this change, if it is going to come, will be something that we all can at least have a level of comfort with.

Thank you, Mr. Speaker.

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

Any other Honourable Member care to speak?

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: Just before you speak Honourable Member, I just want to recognise Senator Fahy, the Minister of Transport here.

[Motor Car Amendment (No. 2) Act 2016, second reading debate continuing]

The Speaker: The Chair will recognise the Honourable Minister for Home Affairs, Minister Gordon-Pamplin.

You have the floor.

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

I am going to commence my comments with the exact last comment that was made by the Honourable Member who just took his seat when he said that some people might like it and some people may not.

And basically, Mr. Speaker, it is important to say that those who do not like it will not use it. There is not any obligation on behalf of anybody coming to the Island to say that this will be your mode of transport, this will be the manner in which you will get around and, therefore, you are obligated to purchase the rental time for one of these vehicles. That is not the case.

I find it very interesting because the Honourable Member from [constituency] 6 who spoke earlier . . . I sometimes wonder what the thought process is that goes through the Honourable Member's head when he stands on the floor, because I remember just not too long ago when he was beating his chest about some of the things that this One Bermuda Alliance Government is doing and how we are following in the footsteps because they provided concessions and now we are providing concessions. But yet his Lead-

er's statement indicated that this was a negative, that it was a negative.

So what is interesting here is the Honourable Member started today with his Michael Jackson analogy, his Michael Jackson saying, *They don't care about us*. And by making that statement the question begs, which—

[Inaudible interjection]

Hon. Patricia J. Gordon-Pamplin: The Honourable Member is asking me to sing it. I do not think I can, and I am not even going to try. Actually, I could if I wanted to, perhaps not as good as the Member from [constituency] 6, but I can sing, I think.

But let me just ask the question, when the taxi drivers, you know, and when he said *they don't care about us* (speaking specifically to the taxi drivers) that "they" being the Government, was it not the Government that introduced unregulated minibuses. And what have we done as an administration, as will have been seen in the Throne Speech, to indicate that we will bring in regulations for minibuses? So that is a situation in which you did not have regulations, you are saying that the taxi industry—

Mr. Walter H. Roban: Point of order, [Madam Deputy] Speaker.

[Mrs. Suzann Roberts-Holshouser, Deputy Speaker, in the Chair]

The Deputy Speaker: And your point of order is?

Mr. Walter H. Roban: The Honourable Member is—

The Deputy Speaker: No, your point of order is?

Mr. Walter H. Roban: That the Honourable Member is misleading in her facts.

It is actually a fact that this Government also—

The Deputy Speaker: Is this a point of clarification?

Mr. Walter H. Roban: —of actually. Hmm?

The Deputy Speaker: Is this a point of clarification?

Mr. Walter H. Roban: She is misleading the House.

The Deputy Speaker: All right.

Mr. Walter H. Roban: This [PLP] Government did begin the process of drafting regulations for the minibuses and they would have found those drafts and those proposals on their desks when they became Government in 2012.

The Deputy Speaker: Thank you, Member.
The Chair recognises the Minister.

Hon. Patricia J. Gordon-Pamplin: As I said, Madam Deputy Speaker, minibuses were introduced sans legislation—regulation, sorry. There was nothing to regulate minibuses to give them a structure and a framework under which to operate when they were allowed. They came on the roads in direct competition to the taxi industry and we did not hear . . . they just thought it was a good thing. And I am not knocking it at this point. But do not on the one hand say that we on this side do not care because this is another amenity that we are offering to visitors, and yet on the other hand say that they allowed full frontal competition to the taxi industry without regulation and somehow that is okay.

You know, I have kind of committed, almost you know, to saying that we will . . . I will not, in my debate, stand and say what you did and what you did not do. I am trying not to do that, but when we hear—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: When we hear blatant comments coming from Members opposite that are directly contradictory to what they have done and what it is that we are trying to do, it is very difficult not to reflect back and make that comparison. So I think it is important that we as a Government will be regulating the minibuses so that . . . you talk about who cares about them? We do care to try to create a balance.

But I appreciate the comment that was made by the Honourable Member who just spoke to the issue of not having to undermine that which we have to suggest that what is coming up that is new is going to somehow . . . you know, that that is the only thing that needs to be considered, because that is not what we are doing. We recognise that in some circumstances the minicar, as identified in this legislation, may be appropriate. In other instances there are those who may still wish to ride the mopeds. There are others who will want to continue to take the legacy taxis, as the Honourable Member referred to. And there are some, in fact, who prefer to see Bermuda from the waterside, which is an absolutely fabulous experience, and utilise the ferries. So we do have integrated transportation possibilities, but what is wrong with offering an amenity that people have asked for?

And, you know, I think that the Honourable Member did indicate that we are all in this together and that there is a partnership. But we need to make sure that we put together our best abilities with the partnership in order to create a situation which pays dividends. Because nobody wants to think that they have a partner and that the partner is creating a diminution in the value of that partnership. So, if we have to put something to embrace whatever we have to make it better—not to replace anything, but to make it

better, to enhance what we offer—then what is wrong with doing that? I think there is nothing wrong with doing that.

Nobody has said on this side of the aisle that we are going to throw out everything that exists, put taxi drivers out of business, put everybody else out of business because this is the new be-all [and] end-all. We have not said that. We have said that this is an amenity which will be offered to visitors coming in if they so choose. And we are not forcing anybody to do it. It just is what it is.

Let me also say that the Honourable Member from [constituency] 17 . . . no, sorry from [constituency] 15, was concerned that he had not had the ability to see some of the vehicles. I believe that his Shadow Minister for Transport actually did have the opportunity to see. And if the Honourable Member did not avail himself of the possibility of going to see what was being offered, he cannot fault anybody but himself. Because what is interesting . . . you know, I came into this Honourable House, Madam Deputy Speaker, from the perspective of being a Member of the Opposition. And when you are a Member of the Opposition you have to be entrepreneurial in how you approach your legislative responsibilities. As a Member of the Government, invariably you are spoon fed by permanent secretaries, by their representatives—

The Deputy Speaker: Member, if you will just hold on.

I would appreciate the member who is about to leave the Gallery . . . you are not to be passing messages to anyone on this side of the House. And that will not happen again while I am sitting in this seat.

Thank you.

Sorry, Member.

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

You know just to say . . . sorry, you totally made me lose my train of thought here.

[Inaudible interjection]

Hon. Patricia J. Gordon-Pamplin: No, I was not ending.

But let me just go on to the next point that I want to make. And I understand why Members opposite would consider that everything that comes out from this side has some kind sinister implication, that there is some ulterior motive. And I think they perhaps became comfortable with that thought process because of the experiences that they had had.

I think that we might remember, going back to the days of the cruise ship and port legislation, when it was told that this would not be taken up on a particular date—talk about bringing something in through the back door, under the table. And Members opposite were told, *Well, you come in early so we can catch the Opposition unawares and catch them off guard*, to the

extent that, I remember very clearly, Members on that side, some of whom are still sitting here, said, *This is my integrity at stake. I told the Opposition we would not be taking up this particular legislation and, therefore, I am not going to vote to support it.* But that is a kind of underhanded or . . . sorry, less than open exchange that has occurred in this Chamber. So I understand why Members opposite would start to say that they have some concern.

And let me just say that the point that I was making was that as Members of the Government, they would have had the benefit of the services of permanent secretaries and directors to feed them information. When you become an Opposition Member you do not have those benefits, so you have to kind of find your way to do things. And I say that to just remind the Honourable Member that, notwithstanding that the Shadow Minister of Transportation made himself available in order to find out what the offerings were with respect to these minicars, that if he did not, there was nobody to fault but himself.

Let me also suggest that we need to look at what the targeted market is with respect to these new vehicles that are coming in. We are talking about a 150 cc, which is no different than the cycle that I ride to work. We are talking about something that has a maximum of 20 horsepower, 15 kilowatt (if it is the electrical kind). These are not big cars that might have been the thought process. I think the first thing that I heard about was something called a Twizy. That is not a car. It is not something that is going to be bombing around the highways and byways at 30 or 40 kilometres. It is going to be something that is a maximum 150 cc, maximum two passengers.

And, as we heard an Honourable Member say a little earlier, it is difficult to get two people plus golf clubs in the same vehicle. So, you know, this is not competition for the taxi industry in terms of what it is intended to provide.

So I think that we have to start looking at becoming, perhaps, a jurisdiction of possibilities as opposed to continuously falling into the mindset of the *opposition of no*. Everything that comes out from this side is like, *It's not a good thing. No, you can't do it. No, you shouldn't do it . . . no, no, no, no, no, no, no.* And you know, we had a debate . . . and I am not reflecting on the debate, but I just wanted to reflect on the structure in which, to a person, there was concern about a particular issue. And they all stood and spoke about it and when we got to Committee nobody uttered one concern about the primary issue with which everybody had concern. Why? Because information was provided. So you do not just come . . . and they stood, we stood for hours and all we heard was *no, no, no, no, no* and then you realise that the “no” was ill-placed.

So we want to ensure that we start working together. If we want to talk about a successful Bermuda, let us . . . I do not have a problem with criticism,

observation. That is not the problem at all. Let us not dig in our heels and automatically assume that everything that comes out from this side is negative and the only thing that is worth considering is what Members opposite wish to advance. Because you cannot have an effective parliamentary process if that is the approach.

The Honourable Member who just took his seat before me indicated in his presentation that it is a shame that the Honourable Member from [constituency] 31 was not the pitch man for this concept because he had a rather convincing argument. All I say is, let us start looking at the issues and not the individuals. I think that this is very important. If you have a predetermined mindset when somebody stands and opens their mouth, it is not . . . you know, listen to what comes out as opposed to what that person's persona might bring. And I understand that, you know, there is suspicion with certain ones of us on this side. It is what it is, and we live with that. But with that said I think it is important that we put some of the realities of this legislation on the table.

Now the one thing that concerns me is that of fatalities. And I think we have heard . . . you might recall, Madam Deputy Speaker, that Ice Queen in Paget was a difficult sort of junction. You used to come to it at the base of Rural Hill and go in and then you would come out close on the more western side of the parking lot. And we had a very nasty and, in fact, fatal accident that occurred at that junction at one point in time. And immediately the proprietors of that establishment looked at how to better create a safe environment for traffic to enter and to egress. And they changed around the entrance, being the farther west, and then the exit being a place where there was a better [line] of sight.

Obviously, any time that somebody has an accident . . . the Honourable Member from [constituency] 31 said it very well, in that we want to make sure that the experience that our visitors have is . . . that the experience is a positive one. We do not want anybody to have a vacation ruined as a result.

So if this type of vehicle works for them—I am not saying it is the only choice—but if this vehicle works for them, I do not see that there is anything wrong with providing that additional amenity. So I think that I would like to support this to say that I am pleased that we have had the opportunity to discuss this particular issue, to look at how we can enhance a visitor's experience.

Now, we heard about protectionism and what a Government's responsibility is, and it was interesting. The Honourable Member from [constituency] 31 who brought up the idea of the reciprocity and the . . . I would not say a threat, but maybe a veiled threat, that came from the then-Consul General who was concerned about the fact that his diplomats were unable to get some kind of vehicle access while they were here as we can get when we go [to the US]. And that

was a very real challenge that we had to face. And we are still working through how best to ensure that our Bermudians are not disabled from the convenience that they want when they are travelling and they want to be able to travel conveniently when they want to.

And I think that it is important that we, again, become more a Government of possibilities because we can work through . . . we are not saying that every person who comes on-Island, that there are going to be so many of these new vehicles that it will undermine the entire traffic structure. There are regs that will still be brought to have it as an overview of this legislation. And I think that it is very, very important that we continue to strike the delicate balance that is necessary between what we have and what it is that we are attempting to provide.

So you know, convenience says a lot. I know certainly as a reasonably seasoned traveller when I go to a different jurisdiction, I want to be able to rent a car. Not because I do not like their taxis, but because I want to be able to come and go when I want to come and go. We do have a good integrated public transport system, provided that you are ready to move before midnight so you can get the buses. If you do not, then you are going to be out of luck. And I think that we have to . . . there are some people who may be out and they do not want to be leaving in order to catch the last bus. Added to which, the last bus wherever it might be may not take them to their door. I know for a fact that if I had to take the bus to go home, if I got off at the nearest bus stop to my house, I have still got a 10 to 15 minute walk to get up the hill, around the corner, and into my house.

[Inaudible interjection]

Hon. Patricia J. Gordon-Pamplin: Absolutely. All up hill . . . all up hill . . . all up hill!

[Inaudible interjection]

Hon. Patricia J. Gordon-Pamplin: And the Honourable Member says *overweight*. One hundred per cent accurate, no problem with that. No argument with that, and I will absolutely accept that. But you have got to at least . . . at least a 10 minute—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Yes, all up the hill and in high-heeled shoes.

So maybe they may not be able to understand that and they may not be able to have that experience. But let us just say that there are times when people wish it to be a little bit more convenient and they do not necessarily want to be out after dark.

It is interesting, I had a conversation just the last time that we met with the Honourable Member from constituency 29, when he spoke about the rum-

ble strips on East Broadway and saying that he believed that they had a sort of a positive impact on the level of fatalities that existed on the roads. And as he said that I thought, you know, whatever we can do to enhance people's experiences in traversing our highways and byways, then we have to do it. We have to make sure that we create a safe environment. And if that assists in creating a reminder that there is, you know, a bend that is coming up that is going to be, that must be negotiated well in order to avoid a traffic accident, then that is what we need to do.

But if we are saying to our visitors that we are going to put you in something where you are protected, that if you do have a rain shower that you are still going to be dry, that you do not have to worry about being on a bike, and as the kids call it, *decking out*, and especially on that camper that exists going along East Broadway, then you know, let us at least look at how we can embrace it and try to create a positive experience for, not just our visitors, but bearing in mind the Honourable Member from [constituency] 14, the partnership, because these are also things that will be available, there is nothing that will preclude a Bermudian resident from going and renting one of these quadracycles if that works for them.

And especially when you have a limited ability to have your car available for your college-age children when they come home from school, there is nothing wrong with saying we will get them a quadracycle, we will get them something else. And I know, Madam Deputy Speaker, I would rather see my child on a quadracycle than I would on a moped that might just frighten the life out of me because you do not know, not so much whether they are going to be careful, but how careful the other road user will be.

So with those few comments I would like to end my comments on this particular issue. But I think it is important that we highlight the fact that we are just trying to create an amenity, that we are not looking to reproduce what we have in transportation possibilities for our visitors. And let us see how we can embrace this to make it work and to make it work for everybody.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

Are there any other Members that would like to speak to the Motor Car Amendment (No. 2) Act 2016?

Thank you. The Chair recognises the Member from constituency 30, Ms. L. K. Scott.

You have the floor.

Ms. Leah K. Scott: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, the first thing I would like to say is that I actually have to agree with the Member from constituency 15 in terms of our ability to convey and communicate information about this Motor

Car Act. I think that we, as a Government, have not done very well in terms of communicating and making people feel comfortable about some of the things that we want to do. Change makes people uncomfortable, and in order to make them feel comfortable you need to talk to them about what you are doing and allow them the time to adapt.

However, I do not think that the Government does not have good intentions. I think that we are doing what we can do to try to boost the economy, to boost tourism, to get people here to create jobs. We are not tearing down what we have as existing products, we have got taxis, minibuses, regular buses. So what we want to do, as Minister Pat Gordon-Pamplin has said, is we want to enhance the suite of products that we do have.

When the minibuses first came out the taxi drivers were not comfortable with them, but they have somehow managed to coexist. And I am sure that they will manage to coexist with these little quadracycles. The people that actually should be up in arms are the people that own the livery cycles because that is going to have a greater impact on them than it will the taxi drivers.

The taxi drivers will still be able to get their fares. They will still be able to have the long trips to and from the airport because, from what I understand, although I have not seen the quadracycle, they will not be able to take luggage or transport any big items in them.

And the reality is some people will use them and some people will not. I know that when I have guests come, I do not like to have to transport them all over the place, especially when I am working. So this will allow them the ability to move around the Island freely and to get around and see things that they might not be able to see because I will not have the time to take them.

So I think, though we may have started out wrong, that we are going to end up right and I think that this is a good thing and I think that we all should support it.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Member.

The Chair recognises the Member from constituency 21.

You have the floor.

Mr. Rolfe Commissiong: Thank you, Madam Deputy Speaker. I am going to, like my colleague across the aisle, probably be somewhat brief myself.

You know I just find it unfortunate in this House that at a time when statistics now indicate that both the global ice shelves in the Antarctic and in the Arctic are shrinking . . . in fact, the Arctic shelf as of November has reached its greatest level of depletion. What this means is that the prospects of global warming increasing is definitely on the cards, I should say.

And the reason why I bring this up, people may be listening over the airwaves here and in the House, and thinking that I am going off on a tangent. Frankly, I am not, because I am tying it right back to this Motor Car Amendment (No. 2) Act. I am very disappointed that at a time when there is a global focus on the impact of global warming on the environment and a call for the concomitant reduction in greenhouse emissions globally . . . we know about the Paris [Agreement] that was recently agreed to. We are finding our Government proposing to allow another set of vehicles that will be emitting greenhouse gases by way of being fuelled by fossil fuels. I just think that is unfortunate.

I would have been far happier with this Bill if we would have been a little bit more ambitious by proposing that only vehicles generated by way of electrical power or electricity-driven vehicles were going to be allowed. They have made a decision here to also go with more traditionally powered vehicles in terms of these minicars that are going to be driven by way of fossil fuels. And so that is a missed opportunity for me, and I would ask the Government to reconsider that.

Technological change is another issue that I want to convey here. It is nothing that I think we can avoid. I will concede that processes that afford greater efficiencies may not necessarily be always welcome because there is a trade-off, for example. And so we need to be careful about that. But the reality is that the world is moving in another direction, particularly as it relates to the transportation industry itself. We know that there is an enormous amount of investment going into the development of autonomous vehicles. Major industrial players within the car industry, such as Tesla, General Motors, Daimler-Benz, BMW, Ford, they are all investing heavily in this technology. We could very well find that within the next 10 years, particularly in the taxi transportation industry, that taxis themselves increasingly will be autonomous vehicles providing transportation.

In addition, we know that the technological disruption represented by companies which are now global players, such as Uber and Lyft . . . someone mentioned earlier about our own, sort of, perhaps version of it, that being HITCH in the local market. That is another example of this. So even for our brothers and sisters out there, many of us are deeply connected with those in the taxi industry because this plays such a vital role within our communities, our households, particularly within our labour market and our economy that we cannot bury our heads in the sand. Change is inevitable.

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

Mr. Rolfe Commissiong: With respect to this Bill, Mr. Speaker, I do know that there will be some within the taxi industry that are necessarily opposed to it. But

that does not mean that all taxi drivers are opposed to it. Some do not feel this represents a competitive threat directly at that level to themselves. So I think we need to take a more nuanced view here.

The other thing that I want to just bring attention to that I was very happy about is the fact that . . . I think it was last week someone alluded to it, one of the Members. You had a group of young black entrepreneurs looking to get into this market. I do not think that we should just dismiss that or blithely ignore their ambitions in this regard. So, having said that, it means that I am not going to be necessarily opposed to the legislation itself, although I have concerns.

I think that what they are proposing is great. Their vehicles will be electrically powered. I believe there are three-wheeled vehicles, three- and four-wheeled vehicles. And I saw, you know, at the end of the day, the Government perhaps will have its way. But if that is the case and the Bill does pass, then I am very happy for the fact that we are going to have these young black entrepreneurs who seem poised—Mr. Bulford from Somerset and his colleagues—to be major players in this industry.

Again, getting back to concerns, I think we have to be very cognisant of the fact that congestion on our roads will perhaps be impacted by this. Because what we are going to have is not only the growth of this market sector, this industry in our country, but that will be superimposed (if you will) upon the fact that many of the livery cycle companies will also still be marketing and renting their wares, their livery cycles, mopeds and other types of related vehicles in the Bermuda market. And so will we eventually see these livery companies also wanting to get into this market sector? I think that is going to be inevitable and something that we will have to take a look at.

But my point about the congestion is that we have got to understand that we now have mega ships, super mega ships, I would say, coming in here on a regular basis. When you talk about passengers and crew combined, we could be seeing anywhere from 7,000 to 8,000 individuals that are on some of these ships. It is extraordinary. Back 10 years ago when I was involved with my company with the cruise ship industry myself, a mega ship was a ship that had maybe 2,500 to 3,000 passengers, 10 to 15 years ago. It is more than double that now in terms of size and we are seeing them parked up here weekly or two and three times a week now during the height of the season. So, not only will we be seeing these vehicles, which are going to perforce take up more space on our roads, they are significantly larger than the moped.

When the economy begins to come back—and we all look forward to that—in a very robust way, we all know what it looked like on Bermuda roads going back seven or eight years ago. So if we have a rebound in our economy to such an extent that we are going to see greater numbers of people coming here

taking up residence, working in Bermuda, we are going to see more Bermudians, again, working full time and being able to purchase vehicles, and to a larger extent than may exist now. And so this could be another major issue down the road in terms of congestion as some of my colleagues have pointed out.

Again, in terms of the taxi industry, we must not ignore their concerns. They are valid. As I said before they play a very key role in our economy. And for many households the earnings that are generated by our taxi operators and drivers represents significant revenue for these households and we should not ignore that and we should always look to look out for their interests in that regard.

Thank you, Mr. Speaker.

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

The Chair will now recognise the Honourable Member from constituency 28, MP Jeff Sousa.

You have the floor.

Mr. Jeff Sousa: Good afternoon, Mr. Speaker—

The Speaker: Good afternoon.

Mr. Jeff Sousa: —and those in the House and those in the listening audience.

Mr. Speaker, I feel this legislation is far overdue and I do take offence to some on the other side stating that we do not care. I hear that quite often coming from those on that side. Mr. Speaker, we are doing this because we do care—all of us—and for many reasons. Number one, we want to see the tourism, the hospitality industry, get better and improve in this country. And by doing that, Mr. Speaker, that benefits each and every one of us on this Island.

Likewise, we have heard many today talk about the safety issue. And, of course, myself being on the road more than most in the House, I likewise have picked up many of these tourists on the ground. What we must realise is that many of our closest neighbours in the United States have never been on a bike before in their life. So coming here and getting on a small little moped on smaller roads is quite intimidating for them. But by being on these vehicles which I understand many of them have four wheels, they are going to be much more comfortable with riding these vehicles.

And, of course, I also heard many say that consultation never took place. Well, Mr. Speaker, I personally spoke with many of the taxi drivers along with the Minister of Transport and we explained to them in large groups, you know, in small numbers, what this was about. Of course, the initial threat to them was when, as my fellow Cowboy fan, former Minister Crockwell had said, that when the word “rent” a car came up, that really threw them off. Many of our taxi drivers were thinking there will be Hertz and Avis

out at the airport and this never was proposed and never was an idea. And, of course, Mr. Speaker, I have many cousins that drive taxis. My grandfather was one of the first taxi drivers, T13. So I understand their concerns and I, likewise, have been speaking with them. But if we are looking to be a first-class tourist destination again, we need to do things like this because the tourists of today do want choices.

And, again, you know, I have heard issues mentioned about where we are going to park them and we have heard earlier today that there is going to be additional parking at Bull’s Head. Likewise, I do know that the hotels, particularly the major hotels, will be accommodating some additional parking. And likewise even the Government would have to look at this with some of our major beaches and so on.

So I just want to say, once again, particularly for the listening audience, that consultation did take place numerous times on a one-on-one basis. Actually, I am meeting with a taxi driver tomorrow in my office. But consultation has taken place quite often. And I do feel that this legislation is good for Bermuda.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Any other Honourable Member care to speak?

The Chair will recognise the Leader of the Opposition from constituency 18, MP David Burt.

You have the floor.

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

Mr. Speaker, a few times I think I have stood to my feet and told this story, but I am going to tell the story again. And it is a story of when I canvassed inside of Pembroke West Central when I was running up to the election and there would always be this joke I would tell because people would ask me how I felt about gaming in Bermuda. And I would say, *Well, with regard to gaming I am in favour of gaming, absolutely, and I have been in favour for a while.* But in Bermuda we have a propensity at some points in time to be suspicious and resisting change. And the analogy that I always drew was that I said that I am sure that in 1951 when there was the importing of cars and the Motor Car Act, I am sure there were a whole lot of people that were against cars being in Bermuda. And so that is just the nature of some . . . it is kind of like a unique quirk, I guess, of being Bermudian, the resistance to change. And I think that is a reason why in a lot of ways that we have some of the challenges which we have like that.

But at the same point in time and in agreement with the Honourable Member for constituency 30 who took to her feet a short while ago, and with my Deputy who says that the reason why we somehow seem to have such challenges in this approach is that the Government cannot seem to get it right when it comes to consultation. It cannot seem to get it right

when it comes to communication. It cannot seem to get it right when it comes to understanding the fact that you must have the support of the people before you move things forward.

And that is the challenge, Mr. Speaker, that we are constantly faced with by this Government. And the only reason we are here doing this now is because the first time they did it they got taxi drivers in this country to drop tools.

Now, Mr. Speaker, I will declare my interest as a taxi owner. It takes a lot to get a taxi driver to say that they are not going to drive a taxi on a Friday night during the summer. That takes a lot. But taxi drivers felt as though their livelihood was under attack by this Government, a Government which, I would say, came into office promising all and sundry to taxi drivers. I remember that pledge that they had in their One Bermuda Alliance platform, Mr. Speaker, talking about how they are going to make GPS optional? It is not optional anymore. But we know that the One Bermuda Alliance goes back on their promises very quickly. That is what they do. They contradict themselves and make no apologies for it.

So it should come as no surprise that the taxi drivers do not trust the One Bermuda Alliance, or trust their intentions. Now, I note that the Minister's brief, even though there were some press statements earlier about certain supports from certain segments of the taxi industry on this, but I note the Minister's brief does not say that the Government has the approval of the taxi drivers. It says that we have consulted to make them aware because I know that many taxi drivers and many taxi associations, of which there is more than one, oppose this. But I get it. It is the same reason that the Honourable Minister of Economic Development might oppose more insurance companies or more car dealerships, the same reason why the Honourable Premier might oppose more people selling milk or importing milk, the same reason why the Honourable Member from constituency 14 might be opposed to more people selling cars or importing used cars—because it is competition.

However, Mr. Speaker, from an economic perspective what we have to understand is increased competition tends to make economies stronger. And it is a challenge that we have to come to grips with. And it is something that we have to be very clear about when we speak insofar as the way in which we want to go forward.

So, no, we cannot be resistant to change. And I want to make it clear that in the Progressive Labour Party we are not resistant to change. But not being resistant to change does not mean that you cannot put forward reasonable concerns which come out of this Bill. And what we are embarking on, Mr. Speaker, is that we are embarking on something that has never happened before, that this is a change and we do not know what the impacts may be. And so the concerns that have to be expressed are whether or not, with no

limits that are being placed on these vehicles, if we may run into unintended consequences, if we may want to go with a slowly, slowly approach before we go to, *Okay, everyone*, [and] you have a free-for-all.

[Inaudible interjection]

Hon. E. David Burt: Yes, and there is a challenge, of course, also with us considering this without knowing or understanding what the regulations may contain. The regulations which will come from negative resolution, which as you know, Mr. Speaker, we never get to see up here. Because our rules and the Statutory Instruments Act state that negative resolutions must be tabled in this Parliament. And Mr. Speaker, this Government probably has tabled about 10 per cent of the negative resolutions that they have ever made, a point that I have gotten up on my feet many times in this Parliament and said, but yet the One Bermuda Alliance just continues to go on, continues to ignore laws, continues to ignore consultation, continues to put things through. And we hope that they learn from their mistakes, but as we see with this Bill they have not.

So, Mr. Speaker, the concerns that were raised by the Honourable Shadow Minister and others on this side are valid. We certainly have to be concerned about safety on our roads and these vehicles—without question. And to hear the Honourable Minister for Home Affairs, I think she has had about four or five portfolios, but the Honourable Minister for Home Affairs got up and talked about, *Oh, these aren't going to be vehicles that are going to go 40 kilometres per hour on our roads*. She is just making things up as usual, because the Renault Twizy has a max speed of 80 kilometres per hour, which is far in excess of our speed limits, as do many vehicles. So to dismiss the concern that we have about safety on our roads, about persons now having vehicles that will have more propensity to cause damage and harm because they are larger and have more weight than a simple livery cycle, it does not make sense. So these are legitimate concerns.

There have to be concerns, of course, about parking and congestion on our roads and with parking. It certainly is a valid concern that needs to be raised. And when we are talking about a free-for-all, then yes, it is a concern. So we want to know what the Government plans to do to address that, we want to know what the Government plans to do with that because especially if we are talking about this in Dockyard because there has been some certain back and forth. Because we have heard from the taxi drivers that the Government has represented to them that there will not be any of these businesses in Dockyard, yet we hear Members of the One Bermuda Alliance talking about these vehicles coming out of Dockyard. So which one is it? Is it Dockyard, yes; or Dockyard, no? Or is this, as the Honourable Member from constitu-

ency 14 says, the One Bermuda Alliance contradicting themselves and making no apologies for it?

The clarity must come, Mr. Speaker, and we need to understand where the Government is going with this. And I would also like to echo another concern about the environmental impact. Because you have heard in our Throne Speech Reply about the need to make certain that we are conscious of reducing our carbon emissions. And understanding that there are numerous entrepreneurs, some who may wish to go electrical and some who may not, but it is something that we need to move to in order to make sure that we are using less and less fossil fuels and more of the renewable energies that we have. So I think that is something that is also important . . . and reducing our carbon footprint, whether it be with these vehicles and the possibility of them being electronic. But I understand, and we cannot get there just now because even that, Mr. Speaker, will reduce the amount of persons who may be able to compete inside this space.

And that is where I want to close, Mr. Speaker, because we have some of the entrepreneurs who are looking to do some of these things in our audience today. I just had a conversation with Justin Robinson and will have conversations with other persons. Many Members on this side have spoken about persons who are involved in this who are members of the Progressive Labour Party, who are former officers of the Progressive Labour Party. So we are not opposing them having the ability to be entrepreneurs, to create jobs, to create income and to extract more tourist dollars from the tourists. We have to do a better job of being able to extract more tourist dollars from the tourists, Mr. Speaker, but it still does not mean that we cannot raise legitimate concerns to ensure that this item in its implementation does not have any adverse impacts. And we need to make sure that we are very considerate of what that counts.

So I would encourage the Government to adopt a slowly, slowly approach. I would encourage the Government also to ensure that whatever regulations they have, that there is consultation on those as well. And I would ask to make sure that unlike the numerous negative resolution changes to financial systems policies and all the rest which the Government does which they do not table in this House, that the Minister of Economic Development who is speaking, and the Permanent Secretary for the Ministry of Transport is here, I would ask that when those regulations are made if they could be tabled in this Parliament so at least the public can know and see what is going to be tabled.

But with that, Mr. Speaker, I think we have beaten this horse a lot today and I think that we can move onto to other issues. But I would hope that the Government would consider this very carefully, but when it comes to competition, when it comes to young people being entrepreneurs, we want to support that

as much as possible, making sure without, of course, the negative impacts.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you. Thank you, Leader of the Opposition.

The Chair will now recognise the Honourable Premier.

You have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, and good afternoon to colleagues.

The Opposition Leader gave me a chuckle when he talks about consultation and trust, and I just thought back very quickly of maybe they have learned a lesson about the need to consult after Uighurs—

An Hon. Member: Oh, stop.

Hon. Michael H. Dunkley: —were ordered to this Island under the cover of darkness . . . and the Members on the other side said, *Oh, stop.*—

[Inaudible interjections]

Hon. Michael H. Dunkley: But they can have a point of order. They can have a point of order if they want to correct me, but there will be no point of order over there.

And talk about trust, the Opposition Leader talks about trust, but I recall what some of his former colleagues said no less than two weeks ago about that Honourable Member over there.

And the Opposition Leader very boisterously talks about regulations not being able to be seen. Well, they are published in official Gazettes and any Member of this House can table them for debate. And may I also remind the Opposition Leader that this Government is more open and more transparent than that Government could ever dream of being, Mr. Speaker.

[Inaudible interjection]

Hon. Michael H. Dunkley: We implemented PATI . . . and I must be hitting a nerve because we have people over there who seem to have woken up. We implemented PATI so information could be easily and readily available to the people, Mr. Speaker.

So, Mr. Speaker, in regard to the Motor Car Amendment [No. 2] Act 2016 which we debate this afternoon, it is one of two approaches by the Opposition. A tired and typical approach where, *Well, we support it but . . . but . . . but.* And then they give veiled support for it and the longer this debate goes on it seems they are circling right back around. The second approach is that they say that this Government, this caring and compassionate Government, really does not care about the people. Well, Mr.

Speaker, we can have that debate at another time, or we can have it on the motion to adjourn tonight. But everything that we do is with the view of making Bermuda and all Bermudians better off as we move forward.

And, Mr. Speaker, the list is long on the progress that we have made. And there have been some allusions to what has taken place in the last couple of years in Bermuda. But, clearly, the progress that we have made to improve Bermuda and the opportunity for Bermudians is there, from ending the great recession, to bringing cruise ships into St. George's—when they said it could not be done—to pumping hundreds of thousands of dollars into *Cash Back [for Communities]* to helping needy people in our community. And you know the Honourable Members laugh . . . they laugh at progress.

Well, Mr. Speaker, I find it childish and churlish that people will laugh at progress. And the list goes on and on. You talk about entrepreneurs, what about the microloans for the business people, small business people and entrepreneurs?

So, Mr. Speaker, this Bill is supported by this side because we have had consultation across the board with the transportation industry and with the hospitality industry. And I accept that there are some challenges we will have to work through. I accept that there are some taxi owners and drivers who are a bit nervous about this change, but I have to congratulate the former Minister for looking at this approach and congratulate Minister Fahy for actually making it happen and going out, with the support of his colleagues, going out and making the consultation happen.

Mr. Speaker, the Honourable Minister who introduced this Bill, the very capable and hard-working Minister Gibbons, spoke about in his brief that there is always an opportunity to move forward and never, never should we rest on our laurels. Well, Mr. Speaker, it is very clear that we live in a world where change is very rapid. And we live in a world where communities and countries certainly look to move forward, and they do not care about outside of their realm of responsibility or outside of their community or onto other shores. And obviously in Bermuda if we do not take care of ourselves, then we will be steamrolled. And to some extent that has happened in the past with tourism because we have taken our eye off the ball.

But now under this Government there is a renewed focus on making sure that we stay at the cutting edge. And now that we see a significant rebound in tourism, which colleagues have talked about it . . . and, you know, the Honourable Members keep chirping from the other side about various things. But there is a significant rebound in tourism.

And, Mr. Speaker, in spite of those chirps I will say that rebound will continue next year because the BTA has a plan that they have worked with Government and it is going to be successful going forward. But it does not mean that we can ever rest on our lau-

rels because we fell back because we took our eye off the ball.

And so with the tourism development we see, with the expanded seat capacity to Bermuda, with the renovations and the refurbishment and the building of hotels from the East End of the Island to the West End of the Island, we need to make sure that we provide the people who come to Bermuda with some of the amenities that they would expect to find. And this is one of them that we have seen calls for by people who have visited our Island, and we believe that it will support and it will strengthen our transportation industry. It will be . . . at the start, they will have to be licensed just like the livery cycles now. And the Honourable Minister did show that the livery cycles have dropped drastically from 6,000 to 2,000 cycles. And Mr. Speaker, you have to ask, why is that the case? Well, obviously, I am sure there is a decrease, because the number is down, so less people [are] having that demand. But I also believe that because of the size of our roads, the size of vehicles and the [winding] roads that we have, the narrowness of the roads, that safety is a big concern.

And let us face it, Mr. Speaker, too many of us in Bermuda drive way too recklessly. It is unbelievable just how bad our driving habits are. And so when our visitors come here, when they spend a lot of money to get here, when they work hard to come to Bermuda and they want to relax, they want to unwind, or they want to have some exciting adventure that you can find from one end of the Island to the other, safety on the roads is important. Thank God for our taxi drivers who provide that comfort and that transport.

And you know, Mr. Speaker, there has been a lot of talk about taxi drivers. Let me just take this opportunity to thank the taxi drivers for being Bermuda's most prominent ambassadors. I talk to visitors all the time about the service they get in Bermuda and they always talk about our taxi drivers, just how knowledgeable they are about the product that they have to sell, how friendly they are for everyone in the car, and how they go above and beyond the call of duty. That is the general reputation we have, and it certainly is heart-warming to see that that is actually the case.

But we also know that while taxis can meet the needs of people, when visitors come they always want to look at other opportunities open to them. And I think this Bill here today creates a small niche so we can take care of some of the needs of the people, alleviate some of their concerns about safety, and we have to do it.

My honourable colleague, MP Pettingill, from constituency 25, talked about a visit that he had to the Amalfi Coast. I was fortunate enough to go there earlier this year with my family, Mr. Speaker, and I was blown away at just how treacherous their roads are. I have never seen [winding], hazardous roads like that. If you touch a curb and you go down, you are going down a couple of hundred feet—and they are not go-

ing to find you. And the way they drive there is unbelievable. They are motoring at very fast speeds. It is very difficult to drive there if you do not know the winding roads and the hazard of the conditions and if you take your mind off the road and you look at the beauty of the place—because it is very beautiful.

So while I was there, I would never even think about renting a vehicle there. I made sure that my family and I always had somebody to take us around from place to place because I knew that it would be dangerous for me to drive: (1) because I would want to see the beauty, and (2) those roads were very treacherous. But what I found, though, was that their transportation [industry] found many different ways to cater to the people there. They gave them the opportunity to do that, and that is what we need to do in Bermuda. And that is what this Bill here does today. It provides an opportunity for a different form of transportation, still in support of the transportation industry generally in Bermuda.

Mr. Speaker, there has been some talk by colleagues on both sides of the House about entrepreneurship. I have no doubt that with the passage of this Bill and the implementation of the regulations and us moving forward that this will provide opportunity. It will provide entrepreneurship. It will provide jobs all across the board. It will expand the ability of transport to cater to our needs, and also to make sure that people can get involved in something. The Honourable Members on that side and this side have talked about young Bermudians wanting to get involved with vehicles that they have seen. I think this is good.

Remember, we are on the upswing now. We are going to have more people coming to this Island, we are going to have more need for transportation options, and yes, traffic will increase a bit. And yes, there will be some parking challenges. But we can work through those because the numbers have been down so far. And I think we can work through those and we can get more and more of our people back to work.

We can offer exciting initiatives to the people that we bring to the Island. That is all about what Bermuda is now, changing from the old staid place where it maybe was my grandmother's holiday to come to Bermuda, to giving the experience that anyone wants. You can still be my grandmother and want to come here for a holiday and sit off on the beach on a beautiful November day and read a book. And you can still be the young person, like our daughters, who want to come to this Island and get out and see some excitement—go cliff diving, go have some of those types of experiences. There is a lot to Bermuda. We are now starting to cater to all the needs of the people we want to attract to Bermuda and we can compete with our other jurisdictions around here.

So this Bill, Mr. Speaker, after fulsome debate, I am glad that we brought it here. I thank the Minister who sits in another place for the work that he

has done. I thank the Minister here who is leading the Bill through. And this Bill is a very positive step for the people of Bermuda. And I thank all of those in the transportation industry for working with us to make this happen. This is a better day for Bermuda as we move forward. It is all about opportunity, entrepreneurship, and jobs.

Thank you, Mr. Speaker.

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

The Chair will now revert back to the proposer of the Bill, Dr. Gibbons, the Minister for Economic Development.

You have the floor.

The Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker, and I thank honourable colleagues on both sides of the House for their contributions. I cannot say that I agreed with some of them, but I think it was a good debate.

Actually, I was a little surprised. But then I had to smile when the Leader of the Opposition stood up to do some damage control, the Honourable Member from [constituency] 18. That Honourable Member, I think, as most of us have noticed, has been, I will say almost desperately, trying to rebrand his party as forward-thinking and progressive, embracing FinTech and all sorts of new technology and the rest of it. And yet . . . and yet . . . and yet when the opportunity came to embrace a new idea, to essentially try and move us forward from a transportation perspective with respect to tourism, most of the Members on the other side could do nothing but find problems with it. So, I think the issue is leopards do not change their spots. When push comes to shove, you see exactly where people are coming from.

John Cage, a musician, had a nice saying which I kind of enjoy, it says, *I don't know why people are concerned about new ideas, it's the old ideas that frighten me.* And I think that speaks volumes to what is going on. And I will say that the Honourable Member, the Leader of the Opposition, did try and straddle the fence there a little bit saying that, obviously, they wanted to move forward and the rest of it. But, clearly, there has been sort of an undertone all day, particularly from the Honourable [Shadow Minister] who speaks for Transport over there in [constituency] 24, that all they could do was find problems with it. And so I think the issue . . . things have not changed very much at all.

But I think as Honourable Members, particularly on this side, were saying, look, you know, we are either in the tourism business or we are not. And I will address some of the issues here, but I think, Mr. Speaker, you have seen it and other Honourable Members in the House have as well. We have seen in the last sort of year or so a real bump in the younger demographics—some of them have called them the

Millennials and the rest of it—but it is the 25- to 35-year-old group, and those are often the ones that are coming with families and young families.

And the Shadow Minister has seen it. I have had a look at a couple of examples of the minicars that we are talking about here and they present a much better alternative for young families, particularly those with children. We have often seen visitors with a young child on the back of a livery cycle. And I think most of us kind of hold our breath about that. I am not going to even speak about what some local Bermudians do when they put the young child in front of them on the scooter. I think that is an entirely different issue. But, you know, when you have got a visitor who has, perhaps, not been on a bicycle in some time and is riding with a small toddler or a small child, it really worries you.

So, you know, these are alternatives, particularly if we are catering to visitors with families who really either cannot afford or do not wish to have a taxi all day and, you know, but want to get a young family around. It is an alternative which I think we have to look at and, in fact, one of these vehicles even has an airbag in it.

So, I think when we are talking about this younger group, they are adventuresome. I think a lot of visitors who have ridden livery cycles here kind of like the adventure of it. It is an appeal of Bermuda. But I think, as Honourable Members have said, let us face it, our roads are getting more congested, more difficult, not all of our fellow countrymen drive with safety in mind. And I think this is something that is going to help to increase the volume of tourists because it provides more options, more amenities, and at the end of the day, I think it is actually going to provide more business for taxi drivers and others.

So, it is not something which we should be necessarily fearful of because there will be protections in place, and I will speak to some of those in a few minutes. But I think we need to be forward-looking and we cannot, every time a new idea comes up, think of a hundred different reasons why we should not do it. That is not what moved Bermuda forward over the centuries, over the generations. It was people seeing opportunities and moving forward. And this is an opportunity in many ways, not only to strengthen our tourism product, but certainly also to provide opportunities for entrepreneurs if we like.

As one honourable colleague said, I think the ones that probably need to have a very clear look at this are the liveries because they have dropped from some 6,000 cycles down to about 2,000. My understanding is that there are only about five liveries still in business. So, this may be for them an opportunity as well to create jobs and to essentially provide a service for visitors as well.

I think the other thing that certainly bothered me, particularly coming from the Honourable Member in constituency 6, is this kind of repeated thing about

the Government doesn't care and that is why we have done this. I think, Mr. Speaker, nothing could be further from the truth because I think had we not cared, had the Minister not cared . . . I can remember when the Bill was first put down. There was a lot of concern and aggravation about it. I think a lot of that was due to misinformation, and I will lay some of that at the feet of the Shadow Minister out there. Yes, we could have probably done a better job, but I do not think people saw it as a huge change in any respect. So I think that is a lesson learned.

But in terms of not caring, Mr. Speaker, you know the movie *Men in Black*, when Will Smith and Tommy Lee Jones saw an alien and there were sort of normal people that also saw the alien, they had this device, I think it is called a neuralyzer, where they actually sprayed them so they would forget everything. I think someone sprayed the Opposition on some of these issues so they would have sort of collective amnesia here. Because, Mr. Speaker, you remember going back a few years, just the huge anxiety and anger around GPS [Global Positioning System]. I do not think the Government of the day, and the Honourable Member from [constituency] 18, Mr. Burt, [who] was a Member of that Government, cared at all when they rammed through GPS. There was almost no consultation there. It was, *We're gonna drag them kicking and screaming into the 21st century whether they like it or not*. So, the question is, did the former Government care when they pushed through GPS?

At least this Government, Mr. Speaker, when it was clear that there was concern about it, we backed off. I can remember the Premier and I outside the House—

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: —I think Leo Simons—

Hon. E. David Burt: Point of order, Mr. Speaker. Point of order. I call attention to—

The Speaker: Yes.

POINT OF CLARIFICATION

Hon. E. David Burt: —Standing Order 19(11), and I ask to offer the Member clarification in regard to . . . he was talking about backing off. His Government has made GPS mandatory.

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

The Hon. Dr. E. Grant Gibbons: The Honourable Member seems to forget it was the former Government that made GPS mandatory.

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: The former Government, Mr. Speaker. And I think—

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: But it does prove a point in a way. It proves a point that sometimes people find that as they get adjusted to things it is not as bad as they originally thought it was. And I think we have perhaps seen a similar scenario here—a huge misunderstanding in the beginning on this when it was first tabled. The Honourable Member, [the Shadow Minister] who speaks for Transport was out running his mouth about rental cars and all the rest of it. Taxi drivers were very concerned. But we were met when the legislation went down and we . . . I was approached, as well as the Premier, outside by Leo Simmons and others who said, *Please don't push this through. Let's talk about it.* And we agreed to do that.

And the Honourable Member who is responsible for it in another place met on multiple occasions with the Bermuda Taxi Owners Association. Leo Simmons has actually supported this even with a press release. In the meantime, they have talked to . . . as well as the dispatch companies and the Minibus Association as well, Mr. Burgess. So I think people, now that they understand what it is about, do not seem to have much of an objection. Am I saying that every—

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

The Speaker: Yes, what is your point of order?

POINT OF ORDER

[Misleading]

Mr. W. Lawrence Scott: The Honourable Member is misleading the House. I am actually in communication with Mr. Leo Simmons right now, and he said that he agreed with this under the fact that they were not going to be coming out of Dockyard and that negative resolution would be taken out of the Bill.

The Speaker: Okay.

Mr. W. Lawrence Scott: Those amendments are not here so, therefore, he does not agree with it. So, therefore, it cannot—

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

Some Hon. Members: Ooh! Ooh! Ooh!

The Speaker: Thank you, Honourable Member.
Carry on, Dr. Gibbons.

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

An Hon. Member: Oh, pray for mercy!

The Hon. Dr. E. Grant Gibbons: I think the issue was—

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: —that I was getting to—

The Speaker: Honourable Member!
Carry on please, Dr. Gibbons.

The Hon. Dr. E. Grant Gibbons: Yes. The issue that I am speaking to is the issue of sort of understanding what it is all about. And I think it is fair to say that there was a lot of misinformation out there and a lot of communication which, unfortunately, had to happen after the first piece of legislation was put down.

As far as the changes were concerned, they were minimal. It was simply a reduction—and this was at the request of the Bermuda Taxi Owners Association—that the length be shortened and that was by five inches. So it went down from 120 down to 115.

So let me tackle some of the other issues that I think have been raised in the debate today. The first one was congestion. And I think there has been some discussion about it, but the numbers (as they have been explained to me) are that we now have 3,523 fewer vehicles on the road than we did in 2008. So, actually, we have quite a few fewer vehicles.

An Hon. Member: How many?

The Hon. Dr. E. Grant Gibbons: There is room . . . it has gone from about 51,000 down to about 47,000 vehicles on the road.

So, actually, the opportunity is here for some additional vehicles, particularly if you have a continuing decline in livery cycles. The number of vehicles we are probably estimating here on the first go-round is probably something on the order of 250 of these minicars, which is not going to appreciably add to the congestion, particular considering we are some 3,500-plus lighter than we were before.

I think that the congestion issue is one thing. We have talked a little bit about parking. The understanding is that the Corporation of Hamilton is going to put, particularly for the ones that are electric, put facilities on the roof of Bull's Head and I think they would not go in cycle parking spots, but in car parking spots as well.

As far as the issue about impact on the taxi industry, I think, based on now that people understand that it is only a two-seater, because it has little or no

ability to handle luggage, I think you are still going to find that there is almost no impact at all there. There is clearly going to be, I think, an impact on the livery cycle business, but I think by and large given the small numbers that we are talking about here that we envision, we are not going to have a huge change at all in terms of impact on the business. And in fact, as I said earlier, I suspect that what we are probably going to be doing is getting more visitors and seeing more visitors.

But let me touch on the polling that came up earlier, and as one Honourable Member had indicated this is a poll that is somewhat dated now, it goes back a year and a half, and I think the Shadow Minister who speaks for Transport on the other side was sort of cherry-picking pieces out of this. Let me just draw the Honourable House's attention to a couple of findings, and I think this is important here—

The Speaker: Help me, Dr. Gibbons, what is the poll, actually?

The Hon. Dr. E. Grant Gibbons: This was a poll that was prepared for the Bermuda Tourism Authority—

The Speaker: Oh, BTA. Okay, yes.

The Hon. Dr. E. Grant Gibbons: It was done in May 2015, and it was looking principally at visitors' impressions of rental cars—not minicars, it was rental cars at that particular time—and just some of the highlights which I thought were interesting: In terms of trying to determine visitors' typical use and perceptions of the various types of transportation options while in Bermuda, the results suggested that a variety of transportation options are used by visitors in Bermuda with public transit being most common, followed by taxi services. One half have rented a scooter or moped while visiting the Island, while only a few have borrowed a vehicle from a friend or relative. It went on to say as well that the majority of visitors are unlikely to use Bermuda's scooter or moped rental services on their next trip, whether or not they have used these services in the past.

Now the reason I said the Honourable [Shadow Minister] who speaks for Transport was cherry-picking was because he declined to tell the House that there was another question here which basically looked at the issue of, essentially, electric vehicles. And there was the question of whether visitors were interested in renting an electric car on their next trip to Bermuda. The answer came back that more than 50 per cent were actually quite interested in renting an electric car, which speaks to this issue I think of a renewable vehicle and all the rest of it. But the fact of the matter is that many of these visitors were also visitors who had been to the Island before.

Mr. Speaker, I think Honourable Members will appreciate it is not just the ones that are returning visi-

tors that we are interested in, we are interested in attracting new visitors as well. And they may be turned off by not having the kinds of transportation options that we are talking about with this particular piece of legislation.

So, I think those are some of the things that I need to touch on. I think I have covered most of the issues. Let me just check and see. I think there was some concern about visitors driving on the wrong side of the road. I think some of my colleagues answered that as well. But let us be honest, Mr. Speaker, we are talking about visitors who have a valid driving licence, who have experienced driving in other places, and we have thousands of what I will call "guest workers" here who have valid driver's licences from other places.

Obviously they have to go through some testing down at TCD [Transport Control Department]. Most of them are used to driving on the other side of the road and we have not had, as far as I can see, unless alcohol is involved, real issues there. And I think as some Honourable Members were joking earlier, most of us when we go overseas to the United States or other places, we will rent a car and we have to get used to driving on the other side of the road. I always, when I can, rent a car unless it is too dangerous, depending on where I am.

I think a lot of us like to get out and explore. And I think what we are talking about here is a different transportation option that will be a good addition to the current options available to visitors. It should help us to particularly provide additional amenities to this younger demographic that we are trying to attract here. And, quite frankly, I think you will find that a number of Bermudians will see this as an option too, as something that they might wish to rent. At some point down the road, who knows, we may be back in this House allowing these visitors . . . and there is no intention of it now by the Government, I hasten to add, allowing Bermudians to purchase and use these things as well.

So, it is going to start off slowly. I think there will be clear regulations and rules around the liveries, the minicar liveries, in terms of the requirements for those, and I think safety is clearly an issue that we are all concerned about and I think this will considerably improve that, Mr. Speaker,

With that, I would ask that the Bill be committed.

Thank you, sir.

The Speaker: All right. Thank you.

The Minister has moved that the Bill be committed. Any objections to that?

There are none, so I would like for the Deputy Speaker to please take the Chair [of Committee].

House in Committee

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

The Chairman: Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Motor Car Amendment \(No. 2\) Act 2016](#).

I call on the Minister in charge to proceed.
Minister, you have the floor.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

Madam Chairman, I am going to move clauses . . . well, there are only six of them, so I am going to move clauses 1 through 6, unless there is an objection.

The Chairman: It has been moved that clauses 1 through 6 be moved.

Are there any objections to that motion?
No objections.
Please proceed.

The Hon. Dr. E. Grant Gibbons: Thank you.

Madam Chairman, as we have heard, this Bill is amending the Motor Car Act 1951 to include provisions for a minicar livery scheme including the types of minicars that are available as a rental, the specifications of and licence duty for these minicars, the licence fee applicable for the operation of a minicar livery, and for additional purposes.

So, clause 1 is the title of the Bill.

Clause 2 amends section 2 of the principal Act to insert the definitions of a “minicar” and a “minicar livery.”

Clause 3 inserts Part VIA into the principal Act providing—

- (a) in sections 101A and 101B that—
 - (i) a person must have a licence to operate a minicar livery, which can be obtained upon written application to the Minister;
 - (ii) the Minister has the power to grant or refuse a licence, or to grant a licence with such conditions as the Minister deems fit, or revoke a licence in specified circumstances;
 - (iii) the make or model of a livery minicar may be approved by the Minister by notice in the *Gazette*;
 - (iv) no minicar shall be rented to a person under the age of 18 years or a person who does not hold a valid driver’s licence;
 - (v) it is an offence to operate a minicar livery without a licence; and

(b) in section 101C the Minister has the power to regulate by order the design or build of a minicar; and

(c) in section 101D the Minister has regulation-making powers.

Clause 4 amends Schedule 1 to the principal Act to provide the specifications for a minicar.

Clause 5 amends Schedule 2 to the principal Act to provide the licence duty for a livery minicar.

Clause 6 provides consequential amendments to—

(a) the Government Fees Regulations 1976 to insert the annual licence fee for the operation of a minicar livery;

(b) the Public Holidays Act 1947 to include a minicar livery in the specified categories of retail shops that can conduct business on a public holiday; and

(c) the Traffic Offences Procedure Act 1974 to provide where a parking offence is committed in relation to a minicar, the driver of the livery minicar, not the owner, is guilty of the parking offence.

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members that would like to speak to the Act?

The Chair recognises the Member from constituency 24, the Shadow Minister of Transport.

You have the floor.

Mr. W. Lawrence Scott: Thank you, Madam Chairman.

I just want to speak to clause 2. Clause 2 is where it amends section 2 of the principal Act to insert the definition of a “livery motor car” and “motor car livery.”

My question is that if you look at section 26 of the principal Act, it says that you cannot basically . . . this would make it a car for hire, a motor car for hire. Section 26 would then say that a motor car for hire cannot be “any motor car other than a public service vehicle for the carriage of passengers for hire or reward.”

So, we have to then look and say, *Well, what is the definition of a public service vehicle?* A public service vehicle is defined under the principal Act as “an omnibus, minibus, motor taxi, airport limousine, limousine, or purpose built service vehicle.”

So now we have to ask ourselves what is a “purpose built service vehicle”? And a purpose built public service vehicle is found under section 10(1) of the Act, which says basically . . . it defines it as the Premier’s car or the Governor’s car, the US Consulate’s car, a fire-fighting . . . any vehicle with attached fire-fighting, ambulance, self-propelled construction, special schools bus, hospitals, and government cars or police cars.

“Minicar” is not defined under any of these. So the question is does that mean that they are going to make this . . . that they are going to amend section 26? Because section 26 is not part of . . . is not being amended here. Therefore, if section 26 is not being amended in this Act, that still means that minicars fall outside of being considered a car for hire, which means that they then cannot be rented, which is the whole purpose of this Bill.

And since we moved all of them, did you want to just do that one or do you want me to ask the other questions?

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I think the Honourable Member answered his own question. Minicars are not covered in section 26 and therefore there is no problem.

Mr. W. Lawrence Scott: But—

The Chairman: Thank you.

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: There is a problem because section 26 defines what a car for hire is. If it is not defined in section 26, it cannot be used as a car for hire. That is the issue.

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

And that is precisely the point. The minicar is not a car for hire, it is a minicar and it is covered in the provisions of the Bill.

The Chairman: The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: But, Madam Chairman, that is a little strange, because if you look at the Bill itself, it actually defines a minicar as a motor car for hire. So if it is being defined as a motor car for hire in the amendment, how are you saying that it is not a motor car for hire under the Act, under the principal Act?

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I think this is . . . (I guess the best way to put it) an issue of wording. In essence, these are minicars; they are not motor cars. But because of the way the legislation is written as the

Motor Car Act we had to fit within that, otherwise there would have been, as it was explained to me by the draftsmen, extensive, extensive changes.

So to some degree we are putting it in the Motor Car Act, but, in fact, it is a separate class. They are minicars. And the Bill provides for the rental and hire of minicars, not motor cars.

The Chairman: Thank you.

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: If you go to TCD, TCD will tell you any vehicle that is driven on our roads with a steering wheel is considered a motor car, whether it is a minicar . . . you have got the Mini Cooper out there, that is still a car.

So, Madam Chairman, the fact that it is defined . . . they came up with the definition here. And from what the Minister is saying, the way that they are trying to do this is to shortcut and just basically cut and paste and make it as expedient as possible, but not as robust as it should be. Therefore, this Bill does not legitimise rental cars or the renting of minicars because they are not covered under section 26. And what the Minister has said is that they just do not want to change section 26 so they are going to try to do a shortcut. And that shortcut still does not address it, which means that if we pass this Bill today and a taxi driver were to take the Government to court for allowing somebody to do this, they could because it is not covered under the Law. The Law does not allow it. The judge would interpret it as not being in the confines of section 26.

So they need . . . I suggest that the Minister really . . . well, rise and report progress just to at least make this amendment, which he said should be going on but they are choosing not to do it and they are trying to find another way. So, he should rise and report progress to allow that this is a robust Bill that actually ends up providing the objective that they desire.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

The Honourable Member has misquoted me terribly. What I have said is that this Bill clearly authorises minicars and minicars available for hire, it clearly authorises minicar liveries. There is no issue. It is a provision in the Bill to precisely authorise this, so there is not a problem. So, we are simply going to have to agree to disagree.

The Chairman: Thank you.

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: One thing that I agree on with the Minister is that the principle of this Bill is to make minicars for hire legal. Where I disagree is that the letter of the . . . the black and white does not do that. So, there is a difference between the spirit of the legislation and the actual legislation itself. And we have seen time and time again that legislation that has been passed in this House with the spirit not meeting up with the letter of the law being overturned in court, which would be an embarrassment. I am actually doing the Government a favour by stopping them from being embarrassed in court.

So they need to amend section 26 to allow . . . all they would have to do is . . . because what they are trying to do is stop from having to create a separate section. What they should do, if anything, is say a car for hire to include a minicar. If they would just make that amendment to include minicars, then that would mean that they could then be considered a car for hire under section 26.

But they do not want to do that, Madam Chairman. Do you know why? Because if they include it as a car for hire under section 26, they would then actually inadvertently be making it a public service vehicle, Madam Chairman. And if they made it a public service vehicle then that is where other regulations come in, meaning that public . . . because remember, a car for hire is a public service vehicle and that would . . . anybody getting a licence to drive a public service vehicle would actually have to go to Public Service Vehicles Licensing Board. And in order to do . . . and that is where the confusion comes.

So therefore, once again, this is why they do not want to do it and do it robustly, which means that even the spirit and the letter of our original . . . and the principal Act is against the renting of motor cars.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I think the Honourable Member explained why his suggestion that it needs to come under [section] 26 is a bad idea. We have got this; it is a separate class of vehicles and we want it to stay that way. So there is nothing further for me to add.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Motor Car Act?

The Chair recognises the Member from constituency 6.

Hon. Wayne L. Furbert: Thank you, Madam Chairman.

We are discussing [clauses] 1 through 6, correct?

The Chairman: Yes, we are.

Hon. Wayne L. Furbert: I just want to ask the Minister, it says in 101B(i) the Minister may on a written application may grant a licence to operate a livery.

The Chairman: Clause 3? Under clause 3, right? [New Part VIA] 101B?

Hon. Wayne L. Furbert: Under [clause] 2.

The Chairman: Clause 3.

Hon. Wayne L. Furbert: I am sorry, [clause] 3, yes. I did not see the top part, yes, under [clause] 3.

The Chairman: Okay.

Hon. Wayne L. Furbert: Does the Minister have any idea how many licences the Minister is considering giving out? And if I ask for a licence tomorrow, assuming I meet these qualifications as far as [the] conditions attached and locations and stuff, what will stop me from getting one? Do you have any idea what will stop me from just . . . just that the Minister may not like me or something? I mean, how will that work? Do you have any idea on that?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: I am not sure, Madam Chairman, that I can answer a hypothetical question like that. Whether the Minister likes him or not is not part of the application procedure that will be there. It was not part of the application procedure for a cycle livery either. Very similar language is being used here that was used for a cycle livery, if the Honourable Member wants to look it up. You know, I am not sure how to answer what would stop him tomorrow.

Clearly, he could not implement it tomorrow because there would need to be an inspection by a TCD inspector. They would have to go out. They would have to look at the . . . there needs to be an approval of the vehicle that the Honourable Member wants to bring in. So there are all sorts of issues that have to fit within that—size, horsepower, or kilowatt hour if it is electric. So all that needs to be looked at.

But, in principle, there is nothing stopping him or any other Bermudian coming forward with a proposal and making an application to the Minister.

The Chairman: Thank you.

Are there any other Members . . . the Chair recognises the Member from constituency 6.

Hon. Michael J. Scott: Thirty-six.

Hon. Wayne L. Furbert: Six.

The Chairman: Six, sorry.

Hon. Wayne L. Furbert: And I think you got to the point that I was trying to get at. That there are really no limits on how many licences can be given. I am assuming that based on the livery cycles, which makes sense for their business, for them to apply. So that is the five that you [mentioned], it is only five or six, and then possibly new ones, and there could be many [new ones]. Is it somewhere in the Act? I thought I heard or read where it talked about you could get up to a maximum of 25 vehicles towards a licence. Did I read that somewhere or is that so?

The Chairman: Thank you, Member.
The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you.
I guess it depends on whether you look at this as a glass is half-empty or a glass is half-full problem. I did say, when I was wrapping up the debate in the House, that the initial perception by the Ministry or the Department of Public Transportation is you are probably looking at something on the order of 250 of these, if all of those who have already . . . his cousin or whoever, plus others, come forward and make their proposal.

But I think you have got to give some credit to the Department of Public Transportation to be sensible about this. I think, no, there is no limit on the number of minicar liveries. There is no limit on the number of auxiliary cycle liveries either. But I think, clearly, there are supply and demand issues here. I think, you know, those that are off the bat pretty quick on this will probably do well until somebody comes along with a much better minicar. And maybe it is electric, maybe its gas, who knows, and everybody thinks it is a great little rental minicar.

So, you know, I am not sure where we are going here, but I think the answer is that the Department will obviously be conservative about this. They are concerned about safety. They are concerned about the ability of the livery to have appropriate mechanics, training areas, and all those sorts of issues. So those will obviously be clearer in due course.

Thank you.

The Chairman: Thank you.
Are there any other Members that would like to speak to the Bill?
The Chair recognises the Member from constituency 36.

Hon. Michael J. Scott: Thank you, Madam Chairman.
A question for the Minister: I wanted to understand what the weight of this vehicle will be. I know from the principal Bill weight is in place in the specifications section. But will the weight ratio to this engine ratio to the people in the car produce a minicar that is

quiet on our roads, or is it going to be, you know, a screaming, straggling banshee?

And the second question I have is, am I right in . . . I mean, I do assume that there will be an insurance factor when these things are rented.

Thank you.

The Chairman: Thank you.
The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, I appreciate the questions of the Honourable Member.

I think it would be fair to say that TCD is going to look at these in the same way they would other vehicles in terms of the noise factor. I think the last thing we want if we are trying to add additional amenities is to have screaming banshees going down the street with no mufflers and all the rest of it. So, I suspect that the Ministry and the Department of Transportation will be pretty careful in terms of what is and what is not approved. Obviously the electric ones are basically silent, so there is not an issue there.

The Honourable Member talked about weight. Generally, these things are quite a bit lighter than a Class A car. The electric ones will have batteries, so that will probably increase the weight a little bit. But on the other hand, you are still talking about something which is going to be a lot less weighty than a car.

It does allow me to make a comment. When we were in the House, the Honourable Opposition Leader talked about one particular model, which is a Twizy, as being able to go about 80 kilometres per hour. That will not be the case here for the simple reason that the kilowatts are limited. So you are looking at a top speed which has got almost a governor on it in that sense. So they will not be able to go at the same speed that these Renault [Twizy] vehicles are allowed to do in Europe, where they are all over the place, actually, if I understand it correctly. So I hope that answers the Honourable Member's questions.

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: Insurance? Yes, I think . . . I do not know exactly what will be required. But I am assuming that it will be very parallel to what a cycle livery would normally have to do now, where they will have to have essentially third-party insurance. Whether they will also offer personal insurance as well for medical reasons . . . I just do not know. I do not know what cycle liveries do now.

[Inaudible interjections]

The Hon. Dr. E. Grant Gibbons: Clearly, they have to have third party and the cycle livery itself has to have liability as well.

They are chirping in the background that I should declare my interest. I do not even know if we

insure cycle liveries or not. I suspect it is rather a bad thing to insure, they are probably pretty risky. So, anyway, I just do not know. I think the insurance will need to be sorted out. But clearly, clearly there is liability there and that liability will need to be covered.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Bill?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

I would like to ask the Minister what he is . . . is there going to be any certification of those that are going to teach these tourists to operate the vehicles like they do the livery cycles? So, will you have any certification requirements?

Also, will there be any training grounds that will have to be available to teach these tourists, like the livery cycles?

The Chairman: Thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

The answer is, I believe we talked in the brief about the need for safety and for training, so, yes. I think clearly these are slightly larger vehicles than a livery cycle so there will be, I am sure, in terms of the conditions for a minicar livery, additional precautions that will need to be taken. You are also looking to make sure these people have a valid licence as well. So you are . . . and nobody under the age of 18 would be allowed to rent them.

I think in terms of training I am assuming that there will need to be provision in the regulations for that. And yes, there will be a requirement for certification of those who are actually doing the teaching or training of visitors.

The Chairman: Thank you. And I would remind the Member that I cannot have two people standing at the same time, but I will recognise him as soon as the person speaking sits.

But the Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Madam Chairman, I get so excited sometimes when you are in that Chair I cannot help myself. I am sorry.

[Laughter]

Hon. Zane J. S. De Silva: But now the Minister just said he assumes that it is going to be in the regula-

tions, and I think that is very important. I will certainly—

The Hon. Dr. E. Grant Gibbons: Yes, I can help the Honourable Member, I have a note from the—

The Chairman: Is this a point of clarification?

The Hon. Dr. E. Grant Gibbons: Yes, it is.

The Chairman: Would you yield for a point of clarification?

Hon. Zane J. S. De Silva: But you just said we cannot both stand at the same time.

The Chairman: Would you yield for . . . I did.

Hon. Zane J. S. De Silva: Sure.

The Chairman: Thank you very much.

Hon. Zane J. S. De Silva: Now don't you be smart.

The Chairman: Thank you very much.

The Chair recognises the Minister.

POINT OF CLARIFICATION

The Hon. Dr. E. Grant Gibbons: I have a confirming note from the technical officer that the certification will be in the regulations.

The Chairman: Thank you.

Are there any other . . . the Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: To be clear, when we say "certification," we are talking about certification of the trainers? I am not talking about—

[Inaudible interjection]

Hon. Zane J. S. De Silva: Okay. All right.

Who is going to do that training, Minister?

The Chairman: No. Right, thank you.

The Chair recognises the Minister, and if you would, when you stand to your feet, answer that question so the people could hear it because you just went on without having the luxury of the public hearing your answer.

Thank you.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I am afraid at this point I do not know the name of who will be doing that training.

The Chairman: Thank you.

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Okay. And I do not know if the Minister actually answered the question about the training grounds. Because, Madam Chairman, you will be aware, certainly with the livery cycles, they do actually have grounds in which there are, you know, little turnarounds and things like that.

With these being cars and not cycles, I was just wondering what assurance the Minister is going to give us that they will actually have . . . and with land being so valuable in Bermuda and there has been a lot of talk about Dockyard. But I would hope that there will be some entrepreneurs in other parts of the Island as well.

So what is the Minister . . . can the Minister confirm that the training grounds will be . . . I mean, is there some kind of design so that if an entrepreneur wishes to go in this business they know what the stipulation is, they know what the regulation is going to be in terms of size that may be needed for a training ground?

The Chairman: Yes, thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, I thank the Honourable Member for that question.

The answer is yes. There will be regulations. As you will know, Madam Chairman, you cannot bring regulations until you have actually got the Bill passed. But there will be regulations setting out specifications for training grounds and things of that sort.

But I will take the opportunity while I am on my feet . . . the Minister has actually said to me that he is concerned about the existing requirements for auxiliary cycles as well. And I have had a quick look through them and they are pretty light right now. So I think there will be an effort not only to make sure that there are appropriate provisions in place for minicar liveries, but also they (the Ministry) will be upping the requirements for auxiliary cycle rentals as well.

We had enough comments in the House about the carnage on our roads and deaths of visitors, so I think it is important to use this opportunity to improve the safety features of both vehicles.

Thank you.

The Chairman: Thank you, Minister.

Are there any other Members . . . the Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, you said a moment ago . . . you mentioned about the age limit, obviously being at least 18 years of age. Will there be any . . . what happens if

you have tourists that come to Bermuda and they are over 65? Because currently with our seniors in the Island some of our seniors have to get tested every year in order to get their licence renewed. So what is the stipulation for tourists who are over the age of 65?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Madam Chairman, I think that is an ageist comment. There are many people over the age of 65 who are quite capable of driving. Let us be practical here. If someone is blind and decrepit, I do not think anybody is going to be allowing them into a minicar—

Hon. Zane J. S. De Silva: Are you talking about Pat like that?

The Hon. Dr. E. Grant Gibbons: —or an auxiliary cycle. So I think . . . and I am not thinking about somebody who is 65 or over; I am just saying [that] there are liability issues here and I think . . . you know, I hope most auxiliary cycle liveries now carefully look at the visitor because they are liable as well if they let somebody on the road and they create havoc. I am sure there will probably be a provision in the regulations for the age issue and in terms of the requirements for the licence that needs to be presented to be able to rent a minicar.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

And I would certainly advise the Minister to not talk about his colleagues when it comes to age and not being able to see. Colleagues on that side of the House, that is.

But Madam Chairman, you know, I do not want to beat this one to death, but it is very important—

[Inaudible interjection]

Hon. Zane J. S. De Silva: It is very important because, you know, our current law, when it comes to seniors, especially those that may be over 70 . . . now it is okay for the ministers to say that, *Well, I am sure that people are going to be responsible*, and things like that. But you will know . . . and what is to stop one of our seniors that has been turned down by TCD . . . because as you may know, Madam Chairman, seniors . . . and certainly my stepmother is one of them, who

had to go for a test just a few months ago because . . . and she was a little disappointed in that they failed her. So she can no longer drive, even though she felt in her mind she could drive.

So my question to the Minister is, even though someone may come to Bermuda and they may produce their driver's licence, what is the difference between our locals that are subject to these laws and some of our tourists?

The other question I would have for the Minister is, suppose one of our seniors goes to TCD and they fail and they say, *Well, look, I tell you what, if there is no law against rental cars . . . they might have failed me down at TCD, but I am just gonna go up and see Lawrence Scott who opened up a rental car business. I will just go up there and rent one of his.* And as we know, some of the livery companies . . . and I am not sure if the Members on that side realise this, and I will declare my interest in a livery cycle business. Certainly I can tell you that when it comes to some of our locals, some of our locals rent bikes on a year-to-year basis because they do not want the headache of having to take it through TCD every year. And you know when the livery cycles are going in for testing, they just give them another bike when they take that one. So, you know, this is a fact. Some of our Bermudians do that. So I would certainly appreciate an answer on those two questions.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

I think the current rule is that if you are 65 you have got to be . . . or under 72, you have got to be tested every five years. And then over 72 it is every two years . . . or maybe it is every year?

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: Every two years? Up to 75 it is two [years] and over 75 it is every year.

Now, I will say that my father, my late father, was driving up until 93 and was severely . . . severely disappointed when his licence was not renewed at 93. It did give the rest of the family a great sigh of relief, particularly as the mirrors were missing on the car.

[Laughter]

The Hon. Dr. E. Grant Gibbons: But I think the simple answer to this is the Minister has given an undertaking that he is going to talk to Age Concern about this. Clearly, we do not want somebody to be able to, as it were, get away with it if they are simply renting a minicar, but if they had to be tested more rigorously for a normal car . . . So, I think that will need to be sorted out.

And I think the Honourable Member makes a valid point that this is something that will need to be looked at in terms of how you deal with older people.

I suspect . . . I suspect that right now it is handled in a practical way by cycle liveries, auxiliary cycle liveries. Probably if somebody looks like they can handle it at 70 and they are spry and with it, then they will let them on the bike. But, you know, if they are 65 and sort of literally falling apart, then they probably are not going to let them ride the bike. So there needs to be a certain amount of common sense here. But I take the Honourable Member's point. It needs to be looked at. The Minister has said he will speak to Age Concern and try and get a better understanding of how we would address this.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Bill?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

My last question (I hope) for the Minister is he talked earlier about the kilowatts and talked about the electric cars having governors. And my question to him would be, not all of these, as I understand it, will be electric. Some may be gas. So what is the Minister planning to do with the entrepreneur that, you know, wants to bring in a gas powered vehicle which can be a little bit more powerful than the electric ones?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

I think this speaks directly to the issue of what TCD is prepared to license as a minicar. And I think, clearly, clearly, there are two sides to this coin. If the thing will only go 20 mph [miles per hour] we will have a different problem on our hands with everybody and their grandmother trying to pass it on the road. So there has got to be some balance here. I am not the technical expert as to what they will license or not. There are clear provisions in the Bill as to what the maximum amounts are, but the TCD will have to look at it.

We all know that the livery cycles will clearly exceed the speed limit and so, I think, again, this is going to be a matter where I think we have to be practical and allow TCD to essentially make the regulations and license the specific vehicles according to their concerns about safety and all the rest of it, not only for the person driving it but also for other road users.

Thank you.

The Chairman: Thank you.

Are there any other Members that would like to speak?

The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you, Madam Chairman.

Minister, with regard to these rental vehicles, was there any thought given to having a time restriction? In particular, I think it was the Honourable former Tourism Minister Crockwell that pointed out when he lived in the west, as I do now, that . . . I know that if you leave Whale Bay after 7:20 in the morning, you are looking at, at least an hour-and-15-minute drive. You might get away with an hour and five minutes when the schools are in. Was there any discussion with regard to maybe restricting these vehicles, especially coming from the West End of the Island, so that the traffic congestion that we who live up in the west all know can be very, very frustrating during the working week . . . was there any time frame restriction discussed when they were looking at bringing this legislation?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: No. The Bill does not envision any restriction in that sense. I do remember, though, the former Government talking about having restricted zones in Hamilton. I guess they never moved ahead with it. But Singapore, London and other places have restrictions and additional fees associated with . . . if you are in a particular zone or area, particularly in the mid-city, at certain hours. So I do not know if the Honourable Member is suggesting that or not, but I think clearly with respect to this . . . no, there is no provision here for restricting hours on this.

We do restrict other vehicles, I think, like dumpster trailers and others which the Honourable Member may be familiar with, but—

[Inaudible interjection]

The Hon. Dr. E. Grant Gibbons: So you know, the answer is no.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Motor Car Amendment Bill?

The Chair recognises the Member from constituency 21.

Mr. Rolfe Commissiong: Thank you, Madam Chairman.

[Inaudible interjection]

The Chairman: I just need to hear the one Member.

Mr. Rolfe Commissiong: Thank you, Madam Chairman.

The issue of safety comes to mind. Perhaps this will be dealt with in the subsequent regulations, but seat belts? I was wondering if you can please address that, whether they will be required.

Secondly, again, I want to come back to this issue that at a time when we should be reducing our carbon footprint why was the decision made to provide for minicars that use fossil fuels? Again, it just sends the wrong signal. The Minister himself who is shepherding this through the House right now is responsible for jump-starting, if you will, our green revolution. I know he spoke recently about putting out to tender the . . . so we could establish, or have a solar farm established down at the finger (what it is called) down at the airport.

So to me this, again, sends the wrong signal. And I do not think the desire to accommodate a particular entrepreneur in this case justifies us to going back or moving in such a retrograde way by allowing another category of vehicle to spew harmful emissions. Is the Minister prepared to even consider pulling this provision by just making sure we can just go with the electric generated vehicles?

Certainly we saw the demonstration, or Bermuda saw a demonstration of the potential of that only a week ago with Messrs Robinson and Bulford with respect to the vehicle they wish to bring to the market. And I believe there is another entrepreneurial group that is looking to do the same in terms of electrically generated power units for their minicars.

Again, is there any consideration to eliminating that category of vehicles with respect to the minicar proposal?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thanks, Madam Chairman.

To his first question on seat belts, the answer is yes, they will be required.

With respect to only allowing electrical rental minicars, while I may be sympathetic to what the Honourable Member is saying, I think there was consideration about this.

Part of what we are trying to do here is provide entrepreneurial activities for others out there and I suspect probably what will happen is, based on the polling we saw that was referred to earlier, visitors are pretty conscious about green and renewable. And I suspect you will probably see quite a few of them will migrate to what I will call the quieter, cleaner electric ones for a bunch of reasons. But right now this is available to both electric and gas powered. And who

knows? Down the road in a couple of years, it may be pretty clear that we want to restrict it.

I like the idea of electric, but I think at this point they are . . . because it is a new class of vehicle the Ministry felt it should be open to both.

The Chairman: Thank you.

Are there any other Members that would like speak?

The Chair recognises the Member from constituency 21.

Mr. Rolfe Commissiong: Well, it is clear that the Minister, by way of his response, is indicating that this category of minicar was placed here to accommodate an entrepreneur. I frankly am of the view that this is not justification enough. Certainly, if these other entrepreneurs could go and find appropriate electrically generated vehicles, then this entrepreneur who we are accommodating here (I do not know who it is) could have done the same thing. And I just think, again, it sends the wrong message at the wrong time here.

The Chairman: Thank you, Member.

The Chair recognises . . . are there any other Members that would like to speak?

The Chair recognises the Member from constituency 25 [*sic*].

Mr. W. Lawrence Scott: Twenty-four.

The Chairman: Sorry, 24.

Mr. W. Lawrence Scott: Good day, Madam Chairman.

My question comes under clause 3 where the Minister in the amendment says that he is going to grant licences to drive these rental cars under [section] 76(1).

When you look at [section] 76(1) of the principal Act, it does state about the examinations, which is what was mentioned in the Minister's brief. The question I have is that when you look at examinations and satisfaction of an examiner, the definition in the principal Act of "examiner" is someone who is appointed by the Governor—not the Minister. Therefore, how are we going to get examiners to provide the testing for these rental cars when they are not at TCD?

I will let the Minister . . . I will go on to a second question to allow the Minister to get answers because my understanding is that a good way to do that would be to go under section 76A, which is a provisional driver's licence. But the question with that one is under section 76A the provisional driver's licence asks for a physical fitness signed off by a registered medical practitioner. So how would we get around that if [section] 76(1) and the examination and the examiner does not work? So then you would actually have to look un-

der probably section 80, but section 80 reaffirms the physical fitness.

But why would they not put it under section 84 of the principal Act, which is special provisions concerning issuing of driver's licences and learner's permits to visitors, which actually talks about what the Minister mentioned earlier about approved driver's licence given off of a foreign authority? And so why would they not do that and just amend the number of days that are in section 84 from . . . and just take it out from 30 [days] and just let it be from the time that that provisional licence was issued? And I will give it to the Minister.

The Chairman: Thank you very much.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

In regard to the first question about the Governor's involvement, the Honourable Member will know this is a pretty old piece of legislation, at least by his standards (it is not that old by mine). But it goes back to 1951. And in those days a lot of stuff was done with the Governor having approval for it, so I do not think it has been changed. What I have been told is that custom and practice does not have any involvement by the Governor in terms of public service vehicle licensing requirements right now. It is an archaic thing in there.

With regard to the issue of the licence, [section] 76(1) refers to a local driver's licence, and obviously those requirements will not change. So you either present a local driver's licence or you present a foreign one. And to some degree, it is in the same way that Bermudians can go to Massachusetts right now, as long as you do not go on Enterprise—

[*Laughter*]

The Hon. Dr. E. Grant Gibbons:—you can present your Bermuda driver's licence, and they assume that the due diligence is done on the Bermuda end.

We will have to assume that, and it will be in the regulations which driver's licences will be recognised as valid. We will have to assume that appropriate testing was done to give that person, in that jurisdiction from which they came, a driver's licence. So I think we are going to have to take it, to some degree, on faith and not necessarily require them to get a Bermuda driver's licence to be able to drive a minicar.

The Chairman: Thank you.

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: I understand the points that the Minister is making, but my suggestion is why would we not put it under section 84, which already has all

those recognitions of somebody providing a United States driver's licence, a New Zealand driver's licence? It already has that, and all they would actually have to do is just basically remove the 30-day requirement for visitors because it is visitors that are going to be driving these rental cars. So if they put it under . . . why would they not put it under section 84, which is entitled "Special provisions concerning issue of drivers' licences and learners' permits to visitors"?

The Chairman: Thank you, Member.
The Chair recognises the Minister.

Mr. W. Lawrence Scott: I can go on if the Minister needs time.

The Chairman: No, the Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, I think the simple answer to that is when the drafts people looked at that and they looked at what the Department or the Ministry was trying to do, this is the way they decided to draft it. Unfortunately, the draftsperson is not here right now. They may be able to provide a more technical explanation as to why they did not use section 84, but you know this is the way they decided to do it.

The Chairman: Thank you.
The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: Now, I will move on to the other thing. And this actually comes under clause 3, basically under [new] sections 101C and 101D.

And . . . yes, [new sections] 101C and 101D. And there are two things. We have talked about it at length in the general debate about the taxi drivers and their apprehension when it was first brought to them. It was also stated that the Minister consulted with the taxi industry and came to a resolution with at least one of them, with one of the taxi industries. But I have also been in communication as recent as just a few minutes ago with that same individual, and they have made me aware that part of the Minister's compromise, to put it politely, was that these vehicles would not be rented out of Dockyard and that it would all be done under positive resolution, not negative resolution.

Why are those two . . . why is that agreement not seen or reflected in this Bill?

The Chairman: Thank you, Member.
The Chair recognises the Minister.

[Pause]

The Chairman: Thank you.
The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman.

I just wanted to get a better understanding because, obviously, I was not in those meetings.

With respect to the comments about Dockyard, I think the understanding I have from the substantive Minister is that they . . . if there were, in fact, minicar liveries in Dockyard—and that is an *if*—that there would be, because of concerns about congestion, certainly a limitation on the numbers that would be available up there. So that was one issue.

With respect to affirmative or negative resolution, what the Minister did undertake was that in terms of size and the types of the vehicles and the rest of that there would be, essentially, consultation with the taxi [drivers] and probably others before those regulations actually come or are done at all. So I think the issue is there will be consultation beforehand, but I do not think there was a . . . with respect to something like size or changes in the size or things of that sort, that would clearly have to come back to the House as affirmative. But in terms of some of the regulations around the liveries themselves, that is negative resolution as is in the Bill.

Thank you.

The Chairman: Thank you.
The Chair recognises the Member from constituency 29.

Hon. Zane J. S. De Silva: Thank you. Thank you, Madam Chairman.
Minister, you just said that there—

The Chairman: Can you help us with the . . . with the—

Hon. Zane J. S. De Silva: Clause 3(8).

The Chairman: —clause. Yes . . .

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes, it is clause 3(8). I have got it highlighted here.

The Chairman: We do not have a 3(a), so do you want to help us out a little better?

Hon. Zane J. S. De Silva: Sorry, [clause] three—eight.

The Chairman: [Clause] three—eight.

Hon. Zane J. S. De Silva: No, the Minister—

[Inaudible interjection]

Hon. Zane J. S. De Silva: [Clause] 3(8).

The Chairman: Yes, there is a [clause] 3(8).

[Inaudible interjection]

The Chairman: Mm-hmm.

Hon. Zane J. S. De Silva: [Clause] 3(8).

[Crosstalk]

Hon. Zane J. S. De Silva: No, no, no, no, I am talking about [clause] 3(8).

The Chairman: [Clause] 3(8).

Hon. Zane J. S. De Silva: I am talking about [clause] 3(8). Right here.

The Chairman: So that will help.

Hon. Zane J. S. De Silva: See, clause 3(8).

[Inaudible interjections]

The Chairman: It is clause 3, [new section] 101B(8).

Hon. Zane J. S. De Silva: Yes, yes, yes.

The Chairman: Page 3, top of.

Hon. Zane J. S. De Silva: We are doing clauses 1 through 6, I do believe. Are we not? We are doing 1 through 6.

[Inaudible interjections]

Hon. Zane J. S. De Silva: I said [clause] 3(8). Three—eight. Turn the page, Grant, three—eight, over the page.

The Chairman: Thank you, Member.

We are, for clarification purposes, we are referring to . . . under clause 3, [new section] 101A(8) *[sic]*.

Hon. Zane J. S. De Silva: Yes, thank you. Thank you, Madam Chairman.

I like to save time because I think everybody wants to go home, so I am just trying to make things a little quicker.

[Inaudible interjections]

Hon. Zane J. S. De Silva: But Minister, based on . . . I will in a second, this is a quick question for you, Minister.

Based on what you just said with regard to limitations up in Dockyard, if indeed they are up in Dock-

yard, with there being . . . I think you said earlier, maybe 25 per entrepreneur or per business.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Okay, let me . . . even if it is not 25 per licence or business or entrepreneur, what sort of limitations are you talking about if you said that . . . you did say earlier that you expected about 250 vehicles that will come out of this legislation. So what sort of number are we talking about if indeed they are up in Dockyard, if you have had that discussion already?

The Chairman: Thank you, Member, but I would point out that that has nothing to do with the particular clause that you had identified. But thank you.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thank you, Madam Chairman, and I agree with your sort of ruling on this.

I do not think it applies directly. I think what the Minister had indicated to me was that because of the special circumstances around Dockyard there probably would be some limitation on the number of vehicles up there. But I do not think any number has been sort of agreed at this point, and I think he has indicated that there would be consultation. So, I think we will have to work through that.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Motor Car Amendment (No. 2) Act?

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: Well, would the Minister not consider that going back on his word when he told the taxi drivers that that was going to be taken out? But I am not going to . . . that is not my main point.

But my other point is where is the other promise that was made and reported in the . . . and I am talking to section . . . under clause 3, basically [new sections] 101C and 101D—

The Chairman: Thank you.

Mr. W. Lawrence Scott: —where the other promise that was made or reportedly made about the second-hand vehicles being allowed to be brought in as taxis or public service vehicles, where is that amendment and where is that in the amendment? Because that was part of the agreement as I was made to understand between the Minister and the taxi drivers.

The Chairman: Member, I just also want to clarify that we can only speak to the Bill that is before us. And there was general debate which, of course, you raised

it as part of the general debate. But as part of the Committee, we speak to the clauses. So, I will go back to the Minister, but I am just pointing that out.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

This is way out of bounds here, but I think the Minister has indicated that they were going to do a written policy with respect to the second-hand cars that would be allowed to be brought in and they would consult with them on that particular provision. But obviously that has nothing to do with the Bill before us.

The Chairman: Thank you.

Are there any other Members . . . the Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: And just to save time, what I will do is I will ask the question, and depending on the Minister's answer depends on how we move forward—

The Chairman: Member, only if it relates—

Mr. W. Lawrence Scott: Yes, no, no, this is—

The Chairman: Okay.

Mr. W. Lawrence Scott: I am talking about [new section] 101C.

The Chairman: Perfect.

Mr. W. Lawrence Scott: Would the Minister be open to accepting an amendment to [new section] 101C by deleting the word “negative” and substituting therefor the word “affirmative”? And that would be the same for [new sections] 101C and 101D.

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: No.

The Chairman: Thank you.

Are there any . . . the Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: Okay, no problem. I sort of figured that that was going to happen, and I did not want us to go through the whole thing of calling names and all of that, so that was why I just figured I would ask if they were open to it, then I would have proposed the amendment.

The Chairman: Thank you very much.

Are there any other Members that would like to speak to the Motor Car Amendment (No. 2) Act?

The Chair recognises the Member from constituency 31.

You have the floor.

Mr. Shawn G. Crockwell: Yes, thank you, Madam Chairman.

Madam Chairman, I am looking at clause 3, [new section] 101D. And it is not really a question; it is going to be a comment, Madam Chairman. This is in relation to the regulations that will be made in relation to this new vehicle and new industry.

Madam Chairman, you will be aware that regulations are both descriptive as well as prescriptive, and TCD is the regulator in relation to all the vehicles that go on our roads. And you will see the regulations or the guidance in relation to the regulations under [new section] 101D concerning a valid driver's licence when renting a minicar. That is a regulation that is going to have to be enforced, you know, properly and with vigour.

Concerning the licensing and registration of minicars, prescribing identification marks and plates, and generally for carrying out the purposes and provisions of this part, I just make the comment because although TCD is the regulator and their job, clearly, is to have regulatory mindset, the purpose of this . . . and we have heard this time and time again today. One of the objectives of doing this today is to facilitate commerce, is to help entrepreneurs who are interested in this particular industry. And I think the Honourable Member from constituency 21 was making some very good points in relation to emissions and the like, this could open up the door for entrepreneurs who have an understanding of electric cars and the like to move the jurisdiction in that direction.

But my point is, quite often regulations can get in the way of commerce. And I saw this at times whilst I was the Minister. I can give you an example, Madam Chairman, where we have regulations in relation to tint. And it was the OBA Government that actually loosened those regulations to allow for darker tint and the like. And on one occasion one of the dealerships brought in these cars and the tint was manufacturer tint and it was 0.3 darker than the regulations and the decision of TCD was, *Sorry, you've got to take all of the tinted windows out, import other windows and put them in.* It would have cost the dealership a fortune to do that.

And when I was contacted I said to myself . . . and the people who were purchasing . . . these cars were pre-purchased. And so I asked for a tint of the regulated tint and I asked for one that was darker and asked the individuals, who do a fantastic job, the technical officers, which was the darker tint. And they could not tell. So it was something that was not even perceptible to the eye, yet it was going to be this onerous situation for the dealer to have to go . . . and then I intervened as the Minister and we made some adjustments.

So, I say that because sometimes when we are too regulatory-minded we can create challenges for individuals who are in commerce. So, you know, as we introduce this we have to make sure that we are complying with safety standards and that individuals are not going to be able to do anything that can cause harm on the roads. But at the same time, if we can strike that balance, and get the flexibility so that it is not going to be obstructive, Madam Chairman, I think that would be helpful.

The Chairman: Thank you.

Are there any other Members that would like to speak to the Bill?

The Chair recognises the Member from constituency 24.

Mr. W. Lawrence Scott: Just one quick question. I do not know if this has been addressed already, but we are talking about entrepreneurs. Has the entrepreneur that is trying to bring in a rental vehicle which has handlebars and not a steering wheel, has that been addressed already?

[Inaudible interjection]

Mr. W. Lawrence Scott: Okay. Well, then my question is this: If an entrepreneur wanted to bring in a rental vehicle that does not fall under the classification of a minicar and is something more suited to fall under the Auxiliary [Bicycles] Act or being it having handlebars, TCD classifies a car as a vehicle that has a steering wheel and a bike as something that has handlebars. So if it is . . . let us say I wanted to bring in a three-wheeled bike that has handlebars. Would I be able to do that under the [Auxiliary Bicycles Act] or would I have to do that under the Motor Car Act?

The Chairman: Thank you, Member.

The Chair recognises the Minister.

The Hon. Dr. E. Grant Gibbons: Yes, thanks, Madam Chairman.

I think it is a little difficult to answer a question like that on the fly. I think what I would suggest is the Honourable Member needs to suggest to his colleague or associate that they go down to TCD or have a chat with the Ministry or the Permanent Secretary, or whoever at TCD was going to be dealing in this area, and I am sure they can advise them appropriately.

But there will be regulations in terms of what these minicars can and cannot look like. And they obviously will also have to follow the restrictions and provisions in the Bill as well. So, I do not know if that helps, but we cannot make a decision up here, that has got to be left to the technical people.

The Chairman: Thank you.

If there are no other Members that would like to speak to the Bill before us?

No other Members.

I call on the Minister.

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

Madam Chairman, I move clauses 1 through 6 as printed.

The Chairman: It has been moved that clauses 1 through 6 be approved as printed.

Any objections to that motion?

No objection.

Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 6 passed.]

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I move the . . . what am I doing next? The citation?

The Chairman: The Preamble.

The Hon. Dr. E. Grant Gibbons: I move the Preamble.

The Chairman: It has been moved that the Preamble be approved as printed.

Any objections to that motion?

No objection.

Agreed to.

[Gavel]

[Motion carried: Preamble passed.]

The Hon. Dr. E. Grant Gibbons: Thank you, Madam Chairman.

I move that the Bill be reported to the House as printed.

Thank you.

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

Any objections to that motion?

No objection.

Agreed to.

[Gavel]

[Motion carried: The Motor Car Amendment (No. 2) Act 2016 was considered by a Committee of the whole House and passed without amendment.]

House resumed

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

REPORT OF COMMITTEE

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

The Speaker: Honourable Members, the Bill entitled the Motor Car Amendment (No. 2) Act 2016 has been read a second time and approved.

Any objections to that?

We will then move on to the next order of the day and that is in the name of the Learned Attorney General, the Minister of Legal Affairs, T. G. Moniz.

You have the floor.

BILL

SECOND READING

PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2016

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

I move that the Bill entitled the Proceeds of Crime Amendment (No.3) Act be now read the second time.

The Speaker: Any objections to that?

Please carry on, Attorney General.

Hon. Trevor G. Moniz: Mr. Speaker, I am pleased to introduce to this Honourable House the Proceeds of Crime Amendment (No. 3) Act 2016 (the Bill) to make corrective amendments to the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008, and to the Proceeds of Crime Amendment (No. 2) Act 2016 to clarify the nature of the customer due diligence requirements that will be applicable to registered dealers in high value goods.

Mr. Speaker, in July of this year the Proceeds of Crime Amendment (No. 2) Act 2016 was enacted for the purpose of bringing dealers in high value goods into the scope of Bermuda's AML/ATF regime. However, that Act did not clearly specify the nature of the occasional transactions for which registered dealers in high value goods must conduct customer due diligence and does not make it clear that the regulations will only apply to those dealers that are registered with the Financial Intelligence Agency. The provisions of that Act that pertain to dealers in high value goods will come into effect on December 1, 2016 and the administrative arrangements to facilitate the registration and supervision of such persons for AML/ATF purposes are well advanced. The corrective amendments to address those issues are, therefore, required to be enacted to come into effect on that same date.

Mr. Speaker, the legislation being amended are: the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008, and the Proceeds of Crime Amendment (No. 2) Act 2016. Correspondingly, Mr. Speaker, these amendments will:

- a. make it clear that the Proceeds of Crime (AML/ATF) Regulations 2008 will only apply to dealers in high value goods who are registered with the Financial Intelligence Agency; and
- b. provide a relevant definition of "occasional transaction" in regulation 2 of the Regulations to make it clear that for the purpose of registered dealers in high value goods an occasional transaction occurs when in any transaction or series of transactions they accept cash equal to or above \$7,500 or the equivalent in any currency.

Mr. Speaker, this Bill is pertinent to Bermuda's compliance with international standards and the credibility of Bermuda's regulatory practices. These amendments will perfect the earlier legislative amendments which address specific technical requirements of the Financial Action Task Force's International Standards on Combating Money-Laundering and Financing of Terrorism and Proliferation. Bermuda remains committed to working to achieve full compliance with these standards.

Thank you, Mr. Speaker.

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

The Chair will recognise the Honourable and Learned Shadow Attorney General from constituency 36-

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

The Speaker: —Michael Scott.

Hon. Michael J. Scott: Mr. Speaker, the Learned Attorney General has shared his brief and more helpfully he has indicated, with which I concur, that this is a correction of placing certain definitions in the . . . to be attached to high value goods and we completely concur in its objectives and ends.

So, this is not going to be as long as the Motor Car Act.

The Speaker: Thank you, Honourable Member.

Any other Honourable Members care to speak?

[Inaudible interjection]

The Speaker: Every now and then.

The Chair will now recognise the Attorney General.

Hon. Trevor G. Moniz: Thank you, Mr. Speaker.
I move that the Bill be committed.

The Speaker: Thank you.
Any objections to that?
There are none. If the Deputy . . . would you please take the Chair [of Committee]?

House in Committee

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2016

The Chairman: Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [Proceeds of Crime Amendment \(No. 3\) Act 2016](#). I call on the Minister in charge to proceed.
Minister, you have the floor.

Hon. Trevor G. Moniz: Thank you, Madam Chairman.
I move clauses 1 through 4.

The Chairman: It has been moved that clauses 1 through 4 be moved.
Are there any objections to that motion?
No objections.
Agreed to.
Please proceed.

Hon. Trevor G. Moniz: I am obliged.
Clause 1 is the citation.
Clause 2 amends section 14 of the Proceeds of Crime Amendment (No. 2) Act 2016, in paragraph (d), to clarify that the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 only apply to dealers in high value goods who are registered with the Financial Intelligence Agency.
Clause 3 amends regulation 2(1) of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008, in the definition for “occasional transaction” by adding paragraph (b) to clarify that, in the case of a dealer in high value goods who is registered with the FIA, an occasional transaction means a transaction or series of linked transactions where a total cash payment (in any currency) that is equivalent to BMD \$7,500 is accepted.

Clause 4 is the commencement provision and specifies the Act should come into effect on December 1, 2016.

The Chairman: Thank you.
Are there any Members that would like to speak to clauses 1 through 4?
Thank you.
The Chair recognises the Minister.

Hon. Trevor G. Moniz: I move clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved as printed.
Any objections to that motion?
No objection.
Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 4 passed.]

Hon. Trevor G. Moniz: I move the Preamble.

The Chairman: It has been moved that the Preamble be approved as printed.
Any objections to that motion?
No objection.
Agreed to.

[Gavel]

[Motion carried: Preamble passed.]

Hon. Trevor G. Moniz: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Any objections to that motion?
No objection.
Agreed to.

[Gavel]

Hon. Trevor G. Moniz: Thank you, Madam Chairman.

[Motion carried: The Proceeds of Crime Amendment (No. 3) Act 2016 was considered by a Committee of the whole House and passed without amendments.]

House resumed

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

REPORT OF COMMITTEE

PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2016

The Speaker: Honourable Members, the Proceeds of Crime Amendment (No. 3) Act 2016 has been read a second time and approved.

All other orders on the paper are carried over.
So I now will recognise first the Minister for Economic Development . . . and Premier, you will fill in for him?

SUSPENSION OF STANDING ORDER 21

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
I move that Standing Order 21 be suspended to enable me, on behalf of the Minister, to move that the Bill entitled the Motor Car Amendment (No. 2) 2016 be now read the third time by its title only.

The Speaker: Any objections to that?
Carry on, please.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

Hon. Michael H. Dunkley: Motor Car Amendment (No. 2) Act. I move that the Bill do now pass.

The Speaker: Thank you.

[Motion carried: The Motor Car Amendment (No. 2) Act 2016, was read a third time and passed.]

The Speaker: The Chair will now recognise the Attorney General.

SUSPENSION OF STANDING ORDER 21

Hon. Trevor G. Moniz: Thank you, Mr. Speaker.
I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Proceeds of Crime Amendment (No. 3) Act 2016 be now read the third time by its title only.

The Speaker: Okay. Thank you, Attorney General.
Any objections to that?

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2016

Hon. Trevor G. Moniz: Proceeds of Crime Amendment (No. 3) Act 2016. I move that the Bill do now pass.

The Speaker: Thank you.
Any objections to that?

So, the Proceeds of Crime Amendment (No. 3) Act 2016 is approved.

[Motion carried: The Proceeds of Crime Amendment (No. 3) Act 2016, was read a third time and passed.]

The Speaker: The Chair will now recognise the Honourable Premier.

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
I move we now adjourn to November 30, 2016.

The Speaker: Thank you.
Members, the House is adjourned to Wednesday, November 30, 2016.

[Gavel]

[At 5:35 pm, the House adjourned until 10:00 am, Wednesday, 30 November 2016.]



***HOUSE OF ASSEMBLY
BERMUDA***

TO: The Hon. M. H. Dunkley
Premier of Bermuda

FROM: Mr. Mr. W. H. Roban
Shadow Minister of National Security

DATE: November 14, 2016

PARLIAMENTARY QUESTIONS

- Q1. Will the Honourable Premier please inform this Honourable House what existing equipment of the Bermuda Fire and Rescue Service is not operational; and please cite its value, cost of repair and the reasons why the equipment is not operating?
- A1. One vehicle at the airport is out of service due to a data panel power distribution box. This vehicle is known as Red 3 and is part of our airport crash firefighting fleet. The vehicle being out of service does not put the airport capabilities at risk as there is sufficient redundancy to operate at the required levels to cover airport crash and fire suppression at the airport with the present operational vehicles. The part is on order and the cost of this part is \$6,321.89 shipping is \$400. The vehicle is a 2009 Rosenbauer bought for \$800,000. (replacement cost of approximately 1 million dollars.)
- A vehicle at the Hamilton Station has a damaged fire pump bearing which is being ordered. The vehicle out of service in Hamilton again does not have an impact on the day to day emergency operations as there is sufficient redundancy built into the fleet along with operational procedures. This vehicle is a 2006 Spartan bought for \$375,000.
- Q2. Will the Honourable Premier please inform this Honourable House why the government did not repair the Bermuda Fire Service ladder truck and what is the total approved figure (TAF) to complete the repairs?

- A2. This truck has been repaired and has already been put to use after the recent hurricane. The Bermuda Fire Service after recent talks with the manufacturer was able to negotiate with the company and had an expert on ladder trucks come to the island free of charge and worked with local staff to complete repairs at no cost to the country. The visiting mechanic did report that the Bermuda Fire and Rescue Service should make plans to purchase a new vehicle and retain this vehicle as a backup. The vehicle has only had its life extended with no guarantees. This vehicle is 18 years old and replacement cost has been estimated at \$1.3 million.
- Q3. Will the Honourable Premier please inform this Honourable House if the Bermuda Fire and Rescue Service has the proper equipment to address fires on seaborne vessels?
- A3. The Bermuda Fire and Rescue Service continue to train and maintain equipment that would assist in effectively managing incidents of fire on seaborne vessels that may be berthed at our ports. The island's tugs are equipped as well. They are fitted with firefighting monitors (nozzles). The Bermuda Fire Service has also engaged with a live run exercise with a cruise ship which involved an evacuation and a major fire. The cruise ships that come to the island have their own firefighting capabilities that we can support with firefighting crews as well as a High Volume Pump with a capacity of delivering 8,000 liters of water per minute. This pump would be used in the event that the ship's own fire pump fails.



***HOUSE OF ASSEMBLY
BERMUDA***

TO: The Hon. M. H. Dunkley
Premier of Bermuda

FROM: Mr. Mr. W. H. Roban
Shadow Minister of National Security

DATE: November 25, 2016

PARLIAMENTARY QUESTIONS

- Q1. Would the Honourable Premier please inform this Honourable House with the total number of CCTV Security Cameras that have been installed island-wide under the contract awarded to BAS-Serco as of 31st October, 2016?
- A1. As of 31st October 2016 there are 148 cameras installed on the government CCTV system across the island.
- Q2. Would the Honourable Premier please provide this Honourable House with information on the expenditure related to the contract awarded to BAS-Serco and any specific subcontractors related to the operation, maintenance and repair of the CCTV system as of 31st October, 2016?
- A2. As of 31st October 2016 the government has paid \$2,662,879.95 towards the contract. This includes contract payments, monitoring, and fibre connections. Additionally, the government has paid \$295,048.39 for capital upgrades to the systems that are not part of the contract. These include the Deepdale camera and wireless equipment to rectify non-line of sight cameras.

Additionally, the government has agreed to provide 9 cameras in the Town of St. George and 9 cameras in Dockyard. The total cost of this capital upgrade is \$239,493.91.

Q3. Would the Honourable Premier please provide this Honourable House with the list of all legal fees paid to attorneys or advisors related to the CCTV operation up to 31st October, 2016?

A3. No legal fees have been paid to attorneys or advisors related to the CCTV operation up to October 31st 2016.



Government of Bermuda

Ministry of Home Affairs
Office of the Minister

PARLIAMENTRY QUESTIONS

RESPONSES BY

The Hon. Patricia Gordon-Pamplin, JP, MP
Minister of Home Affairs

TO QUESTIONS TABLED BY

Mr. Diallo H. Rabain, JP, MP
Shadow Minister of Environment and Training

Due Date: November 23, 2016

1. Would the Honourable Minister please inform this Honourable House what categories of employment have the Government and the Department of Workforce Development identified as needed during the construction phases of the proposed New Airport Development, the proposed Hotel in St. Georges Development and the Proposed Hotel at Morgan's Point Development and how many unemployed people currently registered at the Department of Workforce Development fall within these categories?

ANSWER:

Categories of Employment provided to the Department for the New Airport Development Project are as follows (this is not an exhaustive list):

- Cement (Concrete) Finisher
- General Labour/Labour
- Drywall Taper
- Drywall Finisher/Plasterer
- Electrician
- Carpenter
- Equipment Operator – Dozer (Civil and Earthworks)
- Equipment Operator – Excavator (Civil and Earthworks)
- Equipment Operator – Tractor Loader Backhoe (Civil and Earthworks)

- Insulator
- Ironworker
- Mason
- Painter/Decorator
- Pipefitter/Welder
- Plumber
- Roofer
- Sheet Metal Worker
- Steel Worker
- Terrazo, Tile and marble setter
- Mechanical & Electrical Systems
- Telephone Network
- Communications
- Integrated Building Management System
- Passenger Processing Systems
- Network and Management Systems
- Passenger Boarding Bridges
- Elevators
- Escalators
- Baggage Handling System
- Irrigation Systems
- Security Systems

St. Regis Hotel or St. George's Development:

Discussions have not advanced to include skills and competencies or the development of a labour plan as the Plans for Development were only recently submitted to the Department of Planning for review and approval. The Department of Workforce Development will continue discussions during the first quarter of 2017.

The Ritz Carlton or Morgan's Point Development:

Whilst building has commenced the current Contractors have indicated that they have a full complement of staff. When the situation changes, there is an agreement to ensure that the Department of Workforce Development is the first point of contact to source the required talent and skills.

Honourable members should consider that project timelines may offer multiple opportunities or sustainable work for Bermudians in the future.

Unemployed people currently registered in the previous skills listing are as follows:

Occupational Category	Number of Persons Registered with Department of Workforce Development
Cement (Concrete) Finisher	See Masons
General Labourer	142
Drywall Taper	See Drywall Finisher/Plasterer
Drywall Finisher/Plasterer	3
Electrician	12
Carpenter	6
Equipment Operator – Dozer (Civil and Earthworks)	1
Equipment Operator – Excavator (Civil and Earthworks)	1
Equipment Operator – Tractor Loader Backhoe (Civil and Earthworks)	1
Insulator	2
Ironworker	2
Mason	10
Painter/Decorator	20
Pipefitter/Welder	2
Plumber	10
Roofer	See Masons & Carpenters
Sheet Metal Worker	0
Steel Worker	0
Terrazo, Tile and Marble Setter	1

Please note that persons registered have a responsibility to notify the Department of any changes in their employment status.

2. Would the Honourable Minister please inform this Honourable House what training programs have been identified by the Government and the Department of Workforce Development to train Bermudians in preparation for work during the construction and post-construction operations phase of the proposed New Airport Development; the proposed Hotel in St. Georges Development and the Proposed Hotel at Morgan's Point Development?

ANSWER:

The following training is being offered for all Development Projects:

Construction:

- National Certification for Electricians;
- National Certification for Welders;
- Security Guard Training;
- Ironworker Certification;
- Sprinkler Installation Technician;
- Electrical Inspector Training;
- Landscaping
- Health and Safety (OSHA or equivalent) Training;

“Safety will be an important responsibility of all workers on this site to ensure everyone, including direct employees, subcontractors and members of the public get home safely to their families each and every day.”

Post-construction:

Landscaping

Hospitality Programs (various) - Accredited by the American Culinary Federation

Please be advised that the Department of Workforce Development is collaborating with the Bermuda Hospitality Institute, Chamber of Commerce, Bermuda College and the Bermuda Tourism Authority to launch a new internationally certified waiter and bartending programme beginning January 2017. It is anticipated that there will be 45 people participating in this training between now and the end on this fiscal period. The programme will continue at the Bermuda College during their normal course schedule following this initial offering.

3. Would the Honourable Minister please inform this Honourable House how many work permits have been issued and how many persons are registered as unemployed with the Department of Workforce Development in the following categories for the years 2013, 2014, 2015 and between January 1, 2016 to Present:

- a) Masons
- b) Electricians
- c) Plumbers
- d) Carpenters
- e) Tilers
- f) Drywallers
- g) Welders
- h) Waiters

ANSWER:

The following table provides the number of work permits issued by the Department of Immigration in the job categories listed for the years 2013, 2014, 2015 and January 1, 2016 to present.

Occupational Category	Number of Work Permits Issued			
	2013	2014	2015	2016
Masons	104	85	158	228
Electricians	9	8	18	11
Plumbers	14	5	18	9
Carpenters	23	11	51	66
Tilers	3	2	5	2
Drywallers	0	2	6	6
Welders	1	2	5	7
Waiters	114	112	130	150

The following numbers of persons were registered as unemployed, having visited the Department of Workforce Development seeking employment in the following categories for the years 2013, 2014, 2015 and January 1, 2016 to present.

Occupational Category	Number of Persons Registered			
	2013	2014	2015	2016
Masons	31	18	5	1
Electricians	9	10	2	1
Plumbers	5	12	2	1
Carpenters	1	1	2	0
Tilers	2	1	0	0
Drywallers	0	0	3	0
Welders	1	2	0	0
Waiters	23	22	10	1

Please note that persons registered have a responsibility to notify the Department of any changes in their employment status.

**BERMUDA HOUSE OF ASSEMBLY
2016/17 SESSION**

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