



**2021/2022 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT**

25 MARCH 2022

Virtual Sitting

*Sitting number 16 of the 2021/2022 Session
(pages 1155–1244)*

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

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****VIRTUAL SITTING****25 MARCH 2022****10:00 AM***Sitting Number 16 of the 2021/2022 Session**[Hon. Dennis P. Lister, Jr., Speaker in the Chair]***PRAYERS***[Prayers read by Ms. Kara Beale, Assistant Clerk]*

The Speaker: Thank you, Ms. Beale.
Members, the House is now in session.

CONFIRMATION OF MINUTES*[Minutes of 16, 18 March 2022]*

The Speaker: The Minutes from the 16th of March and the 18th of March have been circulated. Are there any amendments, corrections needed?

There are none. The Minutes will be confirmed as printed.

The Minutes of the 21st of March have been deferred.

*[Minutes of 16 and 18 March 2022 confirmed]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

The Speaker: The only announcement I would like to make this morning is that later on in the proceedings of the day . . . it is not listed on the Order Paper, but I am going to ask the indulgence of the House.

There is a Member who wishes to make a personal explanation at the appropriate time. And I have agreed to allow that to take place.

At that time I will call on the Member to make their personal explanation.

MESSAGES FROM THE SENATE

The Speaker: There are none.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: There are two papers this morning both in the name of the Minister of Health. Minister, would you like to put your papers at this time?

**BERMUDA HOSPITALS BOARD
ANNUAL REPORT 2015/16****BERMUDA HEALTH COUNCIL
ANNUAL REPORT 2019/2020**

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

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Hospitals Board Annual Report 2015/16, and the Bermuda Health Council Annual Report 2019/2020. Thank you.

The Speaker: Thank you.

PETITIONS

The Speaker: There are none.

**STATEMENTS BY MINISTERS AND
JUNIOR MINISTERS**

The Speaker: We have three Statements this morning. The first is in the name of the Premier and Minister of Finance.

Premier, would you like to put your Statement forward?

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

The Speaker: Good morning.

**FAIRMONT SOUTHAMPTON HOTEL
REDEVELOPMENT—AN UPDATE**

Hon. E. David Burt: Mr. Speaker, in a Statement to this Honourable House on the 4th of February, I began this session by setting out for Honourable Members

that this year of 2022 is a critical year for tourism recovery.

Mr. Speaker in that Statement I referred to the development of the [Fairmont Southampton Hotel](#) in these terms: "As a Government we are keenly aware of what such a project represents to the economy in the short and long term and how it presents a singular opportunity to make a strong statement about Bermuda's tourism fortunes."

Mr. Speaker, since that Statement was made I have assumed responsibility for Finance, and in the intervening period the negotiations on the Government's support for this project have consumed countless hours daily, inclusive of weekends. These are challenging times, and as such this could never be an ordinary commercial arrangement.

Mr. Speaker, with the able assistance of a team of expert counsel and technical officers, the Government of Bermuda and Westend Properties Limited, the owners of the hotel site, have reached an agreement. That agreement has been set out in a Heads of Terms document, and I can further advise this Honourable House that the document has been approved by the Cabinet. Mr. Speaker, I can also advise this Honourable House that this agreement confirms the terms of the Bermuda Government's support for this vital project.

Mr. Speaker, there are some unique features to this agreement which were a result of difficult negotiations, but represent this Government's determination to fulfil its promises to the people of Bermuda.

Mr. Speaker, in the 2020 election this Government pledged that it would create a nation of owners. This agreement advances the objective and fulfils an election promise by making provision for Bermudians to directly invest in this hotel redevelopment. The terms and scope of this investment opportunity will shortly be announced in greater detail.

Mr. Speaker, it is time for a new paradigm that allows Bermudians to have the opportunity to invest in major local projects that enjoy government support, as Bermudians should not be mere spectators to overseas capital that enjoys returns supported by their tax dollars. The Government has listened to the concerns expressed by Bermudians who wonder why they do not have the opportunity to invest their own hard-earned money in government-supported projects in their country, and in this agreement we turn that desire into a reality.

Mr. Speaker, in the Progressive Labour Party Government's 2020 Platform we promised to (and I quote) "Create a national fund called The Bermuda Trust Fund that will benefit economically disadvantaged Bermudians to reduce generational income inequality." The Platform also indicated that "This fund will be seeded by economic investors in Bermuda who can invest directly into the Bermuda Trust Fund."

Mr. Speaker, I am extremely pleased to advise this Honourable House and the public that this

agreement provides for profit sharing from the hotel's operations. The Government will pledge the proceeds of this profit sharing to the Bermuda Trust Fund on behalf of the people of Bermuda. The Progressive Labour Party Government believes that if the Government supports projects of this nature on the people's behalf, then the only benefit to citizens cannot just be the opportunity to work in construction and hotel operations. There must be a lasting legacy and a benefit to future generations, and in this deal we are seeding that legacy.

Mr. Speaker, though this is a time for hope, the agreement we have reached is the end of the beginning. There is more work to be done. Both sides must now deliver on those conditions set out in the agreement, and the Government's first task is to set about crafting the legislative support required that will be brought to this Honourable House when we return.

Mr. Speaker, this agreement is, however, significant progress, and I am confident that this transaction will close next month as intended and construction will commence shortly thereafter. The project will create in excess of 600 direct jobs during the redevelopment phase of this iconic property, which will be welcomed news to Bermudians who are seeking employment. Following the re-opening of the hotel for guests, which is planned for the late summer of 2023, over 800 permanent jobs are to be created in what will be Bermuda's largest hotel. Bermuda is on the cusp of a signature development that will make a significant addition to the inventory of hotel beds, improve our fortunes in airlift and signal the return of large group business that we have not been able to attract due to this property's closure.

Mr. Speaker, this is an announcement that provides that hope to which I referred in last month's Budget Statement. That is this Government's commitment, Mr. Speaker, to bring hope to the people of Bermuda; hope for a brighter future as we move beyond this coronavirus pandemic. That hope is represented in concrete actions that we have delivered during this budget session and in the work that this Government will continue to do every day to deliver on the election platform which received overwhelming support from Bermuda's voters.

Mr. Speaker, it is my privilege, on behalf of this Bermuda Progressive Labour Party Government, to commend this Statement to this Honourable House.

Thank you, Mr. Speaker.

An Hon. Member: Hear, hear!

The Speaker: Thank you, Premier.

The next Statement on the Order Paper this morning is that in the name of the Deputy Premier.

Minister, would you like to put your Statement forward?

PROTECTION OF SHARKS AND THE GIANT MANTA RAY

Hon. Walter H. Roban: Good morning, Mr. Speaker, and good morning to the listening public.

Mr. Speaker, I rise today in this Honourable House on the Government's strategy to improve the [protection of sharks](#).

Mr. Speaker, let me first address the burning question that I am sure is on many people's minds, which is, Why? Why should we protect sharks? Well, sharks are apex predators, meaning they are on top of the marine food chain. They are essential to maintaining healthy marine ecosystems. Case in point, Mr. Speaker: As a result of the decline in shark numbers in the Atlantic Ocean around Bermuda, there is little control on the population of green turtles and their feeding behaviour on the Bermuda Platform. Green turtles have overgrazed Bermuda's seagrass beds, causing this important habitat to collapse. The disappearance of our seagrass habitat will not only impact our fisheries, as many of our commercial fish species begin their lives in seagrass beds, but it could also impact the quality of the surrounding water and reduce our resilience to climate change effects.

Mr. Speaker, Honourable Members may be aware that sharks have been heavily fished all over the world, and because of this many shark species are threatened and on the decline globally. A number of sharks are endangered to the point of being on the verge of extinction for several reasons, including the following:

- Slow reproductive rate. It takes sharks a long time to reach sexual maturity and reproduce, and the typical female shark produces few offspring per mating cycle. As a result, once a population is threatened, it can take a long time to recover.
- Targeted fisheries. Some species of sharks are targeted by commercial and recreational fisheries, which can result in overfishing. Many shark species have been harvested commercially for their meat, liver and cartilage, as well as their fins. Local shark fishing is largely restricted to sharks used in traditional shark hash, dusky and gummy sharks, and for lobster bait.
- Shark finning. While the shark meat is not always considered valuable, many species are prized for their fins, which are used to make shark fin soup and traditional medicines. Finning is a cruel practice in which a shark's fins are lopped off and the live shark is then tossed back into the sea to die. Shark finning is currently illegal in Bermuda under the Fisheries Regulations 2010.
- By-catch. Sharks are often unintentionally caught in the nets of commercial fishermen along with the fish they meant to catch.

Sharks require forward momentum to breathe. When trapped in a net, they often die. Bermuda does not allow the use of these types of nets; however, there are some limited bycatch methods allowed, such as hook and line.

Mr. Speaker, in February 2020 at the Thirteenth Session of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), a decision was taken to include the oceanic whitetip shark on Appendix I of the Convention CMS. This Appendix covers endangered migratory species. The giant manta ray was also added to Appendix I of the CMS in 2011. Appendix II of the CMS, which covers migratory species that have an unfavourable conservation status, includes a number of other sharks that are found in Bermuda waters, namely, bigeye thresher, porbeagle, silky, shortfin mako and hammerhead sharks. Restrictions on fishing for all of these shark species have also been put in place by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Bermuda is party to these conventions and is thus required to implement the increased shark protections.

Mr. Speaker, at least 20 species of sharks have been found in local waters. A number of these species have only been observed occasionally, and the majority are considered by the International Union for the Conservation of Nature (IUCN) to be endangered, vulnerable to extinction or close to being threatened with extinction. Due to research conducted in Bermuda, we know the most about Galapagos sharks, known locally as duskies, and tiger sharks. Some of our tiger sharks travel to the Bahamas in the winter before returning here again when the waters warm up. Nurse sharks are found inshore and are one of the most docile sharks around. Unfortunately, they are very rare these days. We also occasionally see bigeye thresher sharks and great and scalloped hammerheads close to shore. Lemon sharks and reef sharks have also been found in shallow water.

In deep water, particularly around the Bermuda Platform, we find the six-gill shark as deep as 6,000 feet and up to 16 feet in length, as well as the gummy shark, also known as the smooth dogfish. The gummy shark is not purely a deep-water shark, though, as it is often found right off the rocks, too. These sharks have flat teeth, much like [our] molars, designed for crushing their normal prey—crustaceans like lobsters, crabs and molluscs. Gulper shark, spiny dogfish and small-tooth sand tiger shark have also been caught in deep water.

Offshore in the oceanic waters we find shortfin makos, blue sharks, silky and oceanic whitetips, as well as the whale shark, which is the largest fish in the ocean, maxing out at [around] 60 feet long. Surprisingly, this giant primarily eats microscopic plankton. The whale shark is currently protected as a Level 1 species under the Protected Species Act 2003. A sand tiger shark was also found on Argus Bank. Last

but not least, the great white shark has been seen occasionally well offshore in winter and early spring, as it prefers deep, cool water.

Mr. Speaker, sharks in Bermuda have not been targeted on an industrial level by local commercial fisherman. We do have a relatively small-scale traditional shark fishery providing shark hash. Current legislation already affords these sharks some level of protection, such as a prohibition on finning of sharks at sea, the requirement for a licence to use fixed shark fishing lines and lines with more than five hooks. That said, Bermuda can and needs to do more to protect these important species.

Mr. Speaker, going forward, all sharks except for the Galapagos, gummy and six-gill sharks are protected under the new legislation. These exemptions were given for cultural reasons and to allow for existing commercial fishing interests to continue at a well-managed level. It should be noted that the Galapagos shark is listed as being of *Least Concern* by the IUCN, and smooth dogfish and six-gill shark are listed as *Near Threatened*. Species are considered threatened and in need of the strictest protections when IUCN lists them as critically endangered, endangered or vulnerable.

Mr. Speaker, recreational fishermen will not be permitted to take sharks, and commercial fishermen will be required to obtain a special licence to take the permitted sharks. These licences will have terms and conditions attached, such as catch limits.

Mr. Speaker, in regard to the giant manta ray, I can confirm that in Bermuda there is no fishing for this gentle and beautiful giant of the deep sea. Further, we should make sure there is not any in the future and so ensure its protection while in our waters as a protected species under the Protected Species Act 2003.

Mr. Speaker, in closing, the protections outlined in the Fisheries (Protected Species) Amendment Order 2022, the Fisheries Amendment Regulations 2022 and the Protected Species Notice of Intention 2022 show Bermuda's commitment to the global effort to protect important vulnerable migratory species and will also facilitate better monitoring and management of species that are actively fished and live closer to the shore. In regard to the mandatory consultation period for the proposed addition of the giant manta ray to the Protected Species Act, the public has until April 10, 2022, to provide comments to the Director of the Department of Environment and Natural Resources on the Protected Species Notice of Intention.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

Members, the final Statement this morning is that of the Minister of Education.

Minister, would you like to present your Statement at this time?

Hon. Diallo V. S. Rabain: Yes, Mr. Speaker, and good morning to colleagues and the listening public.

The Speaker: Good morning.

UPDATE ON SCHOOL COVID-19 PHASES LIVING SAFELY WITH COVID-19 IN SCHOOLS

Hon. Diallo V. S. Rabain: Mr. Speaker, in early 2020, the full impact of [COVID-19](#) on our country could not have been foretold. The global pandemic brought on by the COVID-19 virus forced us to shelter in place while learning and schooling as we knew it would not be the same. In short order, our Island home went from moving along with everyday life to one where the effects of a global pandemic disrupted our lives in ways never previously imagined.

Mr. Speaker, from an education perspective, with schools closed we were forced virtually overnight into remote learning. While remote learning by itself will never be an adequate substitute for the richness of face-to-face learning, it was all we and other education systems worldwide had. The ugly face of inequalities, which often lie within our shores hidden, became glaringly apparent. Some of us had the luxury of Internet-capable devices and access to the Internet, critical components of remote learning; and others did not. And whether working with printed material that had to be collected from schools or delivered by mail, or utilising the technological solutions put in place, all parents and families grappled with the newness of managing and supporting their child's learning. And they did so while also juggling their employment and the uncertainty of navigating a global pandemic. It would be true to say the educational setbacks were felt much harder for some than others.

Mr. Speaker, this Government was determined to get our children and young people back in the classrooms as quickly and safely as possible. This was not only the morally correct thing to do to close any growing or potential learning gaps but also [was necessary] because the Island needed to begin to recover and move forward from the effects of the pandemic. As a result of the pandemic, tens of millions of dollars have had to be found to support Bermudians who could not work. So, yes, getting our children back to school for September 2020 was a high priority.

Mr. Speaker, at the start of the new school year in 2020, Bermuda achieved what countries 100 times our size could not. We opened our school buildings for in-class learning. This was not without its challenges, as we were still learning about the best ways to fight COVID-19, and like the rest of the world, we were learning about the best mitigation strategies to keep our young people safe while engaged with in-person learning. I am proud to say that this Government has never wavered in its commitment to protecting the safety and health of our learners and our educators.

Mr. Speaker, throughout 2020 and 2021, we have learned a lot about this virus and the best ways to prevent contracting it. A variety of strategies to help avoid unnecessary exposure have served us well with vaccinations and home antigen tests, more recently supplementing mask-wearing, social distancing, and hand sanitising. While a vocal minority will differ in their thoughts, these tried and true methods of avoiding unnecessary exposure are effective. They have been proven to work to limit us from infection. Our colleagues from the Ministry of Health have often reminded us of the Swiss cheese model. No single intervention or mitigation strategy is perfect at preventing exposure to COVID-19, as they all have holes, but having multiple layers of interventions in place increases our chances of success. This is equally applicable in school settings.

Mr. Speaker, we now find ourselves in 2022, and as we move towards living safely with COVID-19 as a nation, we must balance our desire—some may even say impatience—to relax all COVID-19 restrictions. However, within education, we must never forget our ultimate goal; and that is keeping our students safely in school for in-class learning. It is appropriate to remind ourselves of the global evidence around this. It has been established that a young person is more likely to meet the learning and well-being outcomes they desire and need to succeed in the world if they have an opportunity to engage in high-quality instruction in social learning settings. That is, they are engaged with in-school learning. Our policies must and will always start with this in mind as we seek to balance between this and living safely with COVID-19.

Mr. Speaker, I get it; honestly, I do. I get the emails, I get the social media posts, the private Facebook campaigns, the pressure put on Honourable Members by their constituents, the daily newspaper's gratuitous allowance of letters to the editor and the occasional reporter-led stories. Still, as Minister of Education, I remain committed to the ultimate goal that all of us should strive for, and that is, to keep our students in the classroom. Something, unfortunately [that] doesn't seem to be the first thing mentioned in the spaces I just mentioned previously.

Mr. Speaker, some insist that all COVID-19 mitigation strategies in schools be removed completely and immediately. This would fly in the face of what we know will help us achieve our ultimate desire, and that is, keeping our students in the classroom. I remind colleagues and the listening public that a positive COVID-19 test result will lead to a period of quarantine. A student or teacher who tests positive must quarantine, regardless of their age, whether they are from a public or private school, from the Back of Town or Fairylands, Black or White, live in multigenerational households or not, or any combination of these. I do, however, acknowledge that we must find ways to

move into a space that gives our schools a feeling, a greater sense, of normalcy.

Movement in this direction, Mr. Speaker, will not come without risks, and those risks must be balanced. If too many teachers are out simultaneously, schools will be forced to close. If the spread of COVID-19 amongst children increases, we will begin to see further learning losses. We do not want to go backward with students in and out of the classroom due to increased positive cases. This is unacceptable and should be unacceptable to my colleagues in this House and the listening public.

Mr. Speaker I think it is also important to remind honourable colleagues and the listening public that the majority of positive cases of students are a result of their activities outside of school. We desire to detect positive cases before they enter the school via screening programmes. We also want to protect staff and students from being exposed to COVID-19 in school by the use of mitigation policies and isolation of any person found to be positive. I am thankful for a study that was forwarded to me last night from the American Academy of Pediatrics titled "School Masking Policies and Secondary SARS-CoV-2 Transmission." In the March 2022 publishing of the study, the findings were that secondary infections (and those are infections that come from people who are already positive) in school districts with optional mask-wearing policies are 3.6 times higher than in districts with [mandated] mask-wearing policies.

So, Mr. Speaker, far too often I received messages from a vocal minority that wishes to compare COVID-19 restrictions to a relaxation in bars, restaurants, football games, parties and events, et cetera. We also hear the threats from a particular segment of our community of the financial impact the Island will feel if they decide to move away from the Island or send their children to boarding school if we do not drop COVID-19 restrictions in school immediately. Unfortunately, even members in this House and the other place are repeating these messages. Just yesterday, Senator Ben Smith, when referring to the COVID-19 guidelines in schools, said in the other place that *people are going to restaurants where they can remove their masks and sit, eat and drink*. And he followed up by saying that *there is an economic impact as more people are making decisions to find another method of education and sending their children away earlier*.

Mr. Speaker, I remind colleagues and the listening public that going into a restaurant to eat or attending a party or function and going maskless is optional. You are putting yourself at risk of exposure, but you accept that risk. You turn up positive, quarantine for five to seven days and work from home remotely (for those who are fortunate [enough] to have jobs that can allow them to work remotely). As I have gone to great pains to get us to recognise, we want our children in school, and going to school is not an option. I

urge those who continue to compare a school to a restaurant, a bar, a club, or a concert—please stop doing that. It is simply an apples-to-oranges comparison.

Mr. Speaker, our children are too precious [for us] to deliberately expose them to COVID-19 because we can now eat at a restaurant without a mask on. When speaking of economic impact, what about the economic impact on families who cannot afford to be home on quarantine because a child was exposed unnecessarily? For once I would like people to stop, think and understand that we are here to govern for everyone, not just to speak certain people's desires and needs.

Mr. Speaker, this morning schools were advised of the relaxation of some COVID-19-related restrictions. These modifications will permit the optional removal of masks within classrooms and school grounds, the mixing of bubbles, parents and visitors on school grounds, sports days and other things, effectively returning to the kinds of formative experiences we want all young people to have while at school. These relaxations, however, come with a great and shared responsibility, a responsibility that all staff, parents, learners and the community must accept to prevent exposure that can result in catching COVID-19. It is everyone's responsibility to positively demonstrate and continue the behaviours that we know reduce the spread of COVID-19.

Mr. Speaker, these revised guidelines consider school populations' usage of the at-home screening programmes or the saliva screening programme. We must have effective measures in place to allow the detection of any COVID-19-positive staff or student as soon as possible. School families that have high adherence to the screening policies will enjoy fewer restrictions than those who do not. While current mask-wearing for those who have very high participation rates will be changed to optional in most circumstances, it is still recommended that, to increase [one's] ability to avoid exposure, people make personal choices to wear [masks] as often as possible. There needs to be a shift from government-mandated safety measures to personal responsibility for yourself and those around you.

Mr. Speaker, I want to thank the members of the Education Emergency Measures Committee (EEMC). They have provided feedback to help evolve the 2021/22 COVID-19 Phases for School Protocols, the document that was released this morning. Some proposals find themselves in the document; others do not. However, I want to clarify to colleagues and the listening public that this revised guideline document is the sole responsibility of the Ministry of Education and can and will be changed as necessary to continue to protect our children and keep them in the school buildings. As a result, I fully understand and accept, even if others do not or refuse to [do so], that the relaxation of mask-wearing will most likely lead to more COVID-19-

positives in our school system, which can lead to more students missing critical in-class learning.

Mr. Speaker, regardless of the changes in the restrictions, we must continue to do everything we can to slow the spread of the virus as, despite the thoughts of some, we are still in a pandemic. That means wearing a mask, physically distancing and practising hand sanitising. I will continue to urge that we take all of the precautions possible to avoid exposure. This Government is committed to finding ways to balance keeping our children in school for in-class learning while learning to live safely with COVID-19.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, this brings us to a close of the Statements this morning. We will move on.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: Members have indicated that they have questions this morning for the Statements that were given this morning. The first is the Premier's.

Premier, you have questions from the Opposition Leader, who has indicated he would like to put a question to you.

Opposition Leader, would you like to put your question at this time?

QUESTION 1: FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT—AN UPDATE

Hon. N. H. Cole Simons: Thank you, Mr. Speaker. (I will put my camera on.)

I am delighted that they have reached an agreement. Can the Premier confirm what economic or financial support the developer's request of our Government?

The Speaker: Premier.

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

Mr. Speaker, as I indicated in my Statement, this is the end of the beginning. We are moving to closing of this particular transaction over the next few weeks. The one thing I do not wish to do is negotiate the terms of the closing transaction in public. But I will confirm to the Honourable Member, as it is widely known and understood, that as he said in his Budget Reply [and as] I said in my Budget Statement, there will be a support in the form of a guarantee. There are other matters which will be contained therein. And the specifics of those matters will be tabled in this House in the normal time. Once the guarantee is confirmed,

this will be tabled in this House based on the Government Loans Act.

And it is important to also remind Honourable Members, Mr. Speaker, that this Government has signalled that there will be a special Act of Parliament that will be brought to this House when we return where the details of the full financial commitments of the Government of Bermuda will be fully spelled out.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Hon. N. H. Cole Simons: The Premier mentioned guarantee. Does he have any idea as to the scale of the guarantee at this point in time?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I am happy to confirm to the Honourable Member that the guarantee figure has not been finalised.

As to the terms of the arrangement that have been reached [this] means that it has not yet been confirmed. When it is confirmed, after closing, Mr. Speaker, that matter will be tabled in this House as per the Government Loans Act as is required.

The Speaker: Second supplementary?

Hon. N. H. Cole Simons: My second question?

The Speaker: Second question or supp.

Mr. L. Craig Cannonier: Supplementary to that question, first question.

The Speaker: Okay.
Supplementary?

SUPPLEMENTARY

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

Considering the answer that the Premier gave, I am just curious. With the support of a guarantee I was trying to understand, then, how are the local investors . . . are they secured by this guarantee? Or . . . ?

Hon. E. David Burt: Mr. Speaker, I will refer to my Statement. The Statement says that the terms and scope of the investment opportunity for local investors will shortly be announced in greater detail.

The Speaker: Okay.
Supplementary?

None, Opposition Leader, do you want to put a second question?

Hon. N. H. Cole Simons: Yes.

The Speaker: Put your second question.

QUESTION 2: FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT—AN UPDATE

Hon. N. H. Cole Simons: Can the Minister of Finance confirm whether the financing is totally in place for this project?

[Crosstalk]

Hon. E. David Burt: Sorry, Mr. Speaker. I will wait for your calling, my apologies.

The Speaker: Go ahead, Premier.

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

Mr. Speaker, I can confirm that the deal is fully funded. That has been a requirement from the Government from the beginning. I can confirm that there is significant outside capital that is coming to the transaction.

The estimated amount is \$220 million. The deal is fully funded, and, yes, the funding commitments are in place. It has been certainly difficult to make sure that all of those arrangements remain in place, due to the uncertainty that is around. But yes, those funding commitments do remain in place, and the Government is progressing toward closing the transaction with Westend Properties.

The Speaker: Supplementary?

Hon. N. H. Cole Simons: Can the Premier provide details on the source of funding?

SUPPLEMENTARY

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, it would not be for me to provide details of the sources of funding. There is institutional capital.

The one thing I am not going to start to do is to breach confidentiality of the sources of funding for persons. But I can say they are major institutional investors in hotel development properties around the world that are based in the United States of America.

Hon. N. H. Cole Simons: Thank you, Premier.

The Speaker: Supplementary?

Mr. L. Craig Cannonier: Supplementary.

The Speaker: Yes.

SUPPLEMENTARIES

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

I am just curious. Did the Premier say that the local investor would be announced?

The Speaker: Premier.

Hon. E. David Burt: I am happy to do that, Mr. Speaker. I will just refer to my Statement if I could. Again, as I said, Mr. Speaker, in the 2020 election, this Government pledged it will create a nation of owners. This agreement advances the objective and fulfils the election promise by making provision for Bermudians to directly invest in this hotel development. The terms and scope of this investment opportunity will shortly be announced in greater detail.

The Speaker: Okay.
Supplementary?

Mr. L. Craig Cannonier: Yes, but, Mr. Speaker, that says *the terms would be announced*. Did not the Premier earlier . . . I thought he just said that he would announce the *investors*.

The Speaker: All right. Okay.
Opposition Leader, do you have a third question?

Hon. N. H. Cole Simons: No, I do not.

The Speaker: Okay. So you have finished your questions?

Hon. N. H. Cole Simons: I am finished; thank you.

The Speaker: Okay.
MP Cannonier, you had indicated you had your own questions as well. Would you like to put your questions now?

Mr. L. Craig Cannonier: Thank you, Mr. Speaker.
My questions came up in supplementaries. Our Leader pre-empted me.

The Speaker: Okay. All right.
So, Premier, those are the only questions for you this morning.

We will move on to the next Statement, the Statement from the Minister of Home Affairs, Deputy Premier. There were questions from MP Pearman.

MP Pearman, would you like to put your question now?

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

The Speaker: Go right ahead.

QUESTION 1: PROTECTION OF SHARKS AND THE GIANT MANTA RAY

Mr. Scott Pearman: Thank you, Honourable Minister and Deputy Premier.

Just a couple of questions arising from page 6 of your Statement, which is where you discussed the continued permitted fishing of certain sharks for the local commercial fishermen.

My first question is in relation to the top paragraph on page six where you identified the Galapagos sharks, smooth dogfish and six-gill sharks, are still going to be allowed for commercial fisheries. There could be an exemption from the prohibition. Did you consider excluding smooth dogfish and six-gill sharks as they are a Near Threatened species, Honourable Minister?

The Speaker: Minister.

Hon. Walter H. Roban: Thank you.

They would have been considered, but as you can tell, they are less of an endangered species. But also, as you saw at the top, it said these exemptions were given for cultural reasons to allow for the continued commercial fishing. These are the varieties that are typically used to make the shark hash and other relevant delicacies that we use here. So that is why they were allowed to be kept on.

But as you also know, in my Statement I said the fishing of these sharks will be regulated and there will be [a requirement for] a level of licensing by commercial fishermen upon my permission for them to fish. And obviously, they will have to follow certain guidelines.

The Speaker: Supplementary?

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

The Speaker: Supplementary.

SUPPLEMENTARIES

Mr. Scott Pearman: Thank you, Honourable Minister.
So the commercial fishermen who will be required to obtain special licences to take permitted sharks, those licences will be in relation to those three types of sharks, yes? Galapagos, smooth dogfish and six-gill sharks?

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: Supplementary?

The Speaker: Yes.

Mr. Scott Pearman: Will there be a fee for that licence?

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: Further supplementary, Mr. Speaker.

The Speaker: Those are your two supplementaries.

[Crosstalk]

The Speaker: You can put a second question.

QUESTION 2: PROTECTION OF SHARKS AND THE GIANT MANTA RAY

Mr. Scott Pearman: I will put a second question.

In terms of the catch limits that you refer to in the second paragraph, have you got details of the catch limits and how much those will be in relation to each type of shark?

Hon. Walter H. Roban: Not at this time, but they will certainly be made public and known to the relevant commercial fishermen when they are set.

The Speaker: First supplementary?

Mr. Scott Pearman: No, that is fine. Thank you, Mr. Speaker. Those are my questions.

The Speaker: Okay.
Thank you, Members.

Hon. N. H. Cole Simons: I have a question on that, Mr. Speaker.

The Speaker: Supplementary?

Hon. N. H. Cole Simons: No, my question.

The Speaker: Oh, your question. Yes, I did note that you had questions. Go ahead. Put your question.

QUESTION 1: PROTECTION OF SHARKS AND THE GIANT MANTA RAY

Hon. N. H. Cole Simons: Mr. Minister, can you provide whether there will be an education campaign for the community? We have a lot of recreational fishermen out here. And can you give details on the educational campaign?

Hon. Walter H. Roban: The answer is yes. And that will be put together by the department. Obviously, our first line of education will be with our commercial fish-

ermen, who are very much familiar with these issues. And these matters have been discussed with the Commercial Fisheries Council and the Marine Resource Board. But yes. As with all other matters pertaining to fishery, there will be an educational campaign put together.

The Speaker: Supplementary?

Hon. N. H. Cole Simons: Yes.

The Speaker: Put your supplementary.

SUPPLEMENTARIES

Hon. N. H. Cole Simons: In regard to recreational fishermen, i.e., the weekend warriors, you know, when you go fishing it is what jumps on your line that you bring in. And so how are we going to address these issues if a recreational fisherman [accidentally] catches the shark? I mean, they are not intentionally breaking the law. They bring this shark to the surface, and either they bring it in or they release it. Now, if you are in a rowboat and a shark gets on your line, guess what you are going to try to do? Kill the bugger or drown the bugger. And that does not help the intention here. How are we going to address those circumstances?

The Speaker: Minister.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

That is where education will come in as you requested. My answer before—a robust education programme will be put together to educate everyone around these matters.

Hon. N. H. Cole Simons: I accept the education part. But I am concerned that we will make recreational fishermen criminals if they catch a shark unintentionally. And the same applies to people who are fishing off of the rocks.

The Speaker: Put your question, Opposition Leader.

Hon. N. H. Cole Simons: The question is, How are we going to ensure that these recreational fishermen, other than education, are not charged for catching these sharks if they are fishing off of the rocks or fishing in a boat by themselves and one other—not a commercial one? I know it is education, but the fish will come to shore and they will be killed. And so how are we going to deal with that? And how are we going to ensure that those in recreation will not be charged?

The Speaker: Thank you.
Minister.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

The Honourable Member seemed to put two questions in there, but I will answer one; that is all I can do. Education is key. There was no mention in my Statement about penalties for possible . . . for somebody who might unintentionally catch one of these sharks, one of the prohibited shark varieties. But we will look at what we can do around penalties if that is what is required. But certainly education is the best possible tool to the community around what the issues are around the protection of species that can assist those who may have an interest in fishing to know what they should look out for and how they should deal with these situations if they arise.

Hon. N. H. Cole Simons: Might I ask a supplemental?

The Speaker: Yes.

Hon. N. H. Cole Simons: [The Honourable Minister] said there will be a special licence. How much will that licence fee be?

Hon. Walter H. Roban: Mr. Speaker, that question was already asked.

Hon. N. H. Cole Simons: But it was not answered.

Hon. Walter H. Roban: I did give an answer.

Hon. N. H. Cole Simons: Oh? How much?

The Speaker: For clarification, just restate it, Minister. I did not note it myself.

Hon. N. H. Cole Simons: Yes. He is counting in his head.

Hon. Walter H. Roban: Fifty-five dollars, Mr. Speaker.

Hon. N. H. Cole Simons: Thank you very much.

The Speaker: No further questions?

Hon. N. H. Cole Simons: No further questions.

The Speaker: Thank you.

Minister, those were the last questions for you. Thank you for your participation, Members.

Minister of Education, we have questions for you as well.

Hon. Diallo V. S. Rabain: We expect it, Mr. Speaker.

The Speaker: Okay. MP Jackson has a question for you, and other Members [do as well].

MP Jackson, would you like to put your questions?

QUESTION 1: UPDATE ON SCHOOL COVID PHASES—LIVING SAFELY WITH COVID IN SCHOOLS

Ms. Susan Jackson: Good morning, Mr. Speaker. And good morning, Minister.

Hon. Diallo V. S. Rabain: Good morning.

Ms. Susan Jackson: So we approach this with cautious optimism. And I do have just a couple of questions referencing page 6, the top paragraph, where it sort of begins to spell out how the mask-wearing will become optional. So I would like to ask the Minister in the first instance, will the optional feature be allowed based on uploaded screening results into a system?

The Speaker: Minister.

Hon. Diallo V. S. Rabain: The purpose of the different categories that we have come up with is one category, you will have to demonstrate. If you can demonstrate that 80 per cent of students and 80 per cent of staff are uploading their results and offloading their results, then you fall into the category with the least number of restrictions. If you are below 80 per cent for any of those categories, then you fall into the category that has a bit more restrictions.

The Speaker: Supplementary?

SUPPLEMENTARIES

Ms. Susan Jackson: Yes, I believe there is—

The Speaker: Put your supplementary.

Ms. Susan Jackson: Thank you.

So just going to the actual testing and uploading into the site, for those parents who may not be able to upload test results for whatever reason, whether economic or technologically limited, are they going to be penalised if they are not uploading test results?

Hon. Diallo V. S. Rabain: We have not had any parents say that they were unable to or did not have the means to. If you are referring to the public school system, it is accessible from any device that connects to the Internet. So a telephone can do it. Or as we did previously, there is an option for you to actually call the school and get that information to them. If you are referring to the private school system, I do not know what they have in place to take into account persons who may not have technology to upload to them.

But I can say that it is not something that any parent has actually asked for in the public school system, not to my knowledge. So my assumption is the

persons who are participating have the means to connect and upload the results.

But like everything else, there would be a processing place for anyone who found themselves unable to upload their results for whatever reason.

The Speaker: All right.

Second supplementary?

Ms. Susan Jackson: Yes, I believe so.

I just wanted to make sure. I know that the testing has been going on for some time now. But I just wanted to ask the Minister if he is receiving any feedback on the costs of the [antigen] tests. Or please remind me if the schools are giving these out for free in the public school system.

Hon. Diallo V. S. Rabain: In the public school system they are distributed to all parents and staff who sign up for the programme, at no cost to themselves.

The Speaker: Second question?

Ms. Susan Jackson: Yes.

The Speaker: Put your second question.

QUESTION 2: UPDATE ON SCHOOL COVID PHASES—LIVING SAFELY WITH COVID IN SCHOOLS

Ms. Susan Jackson: I want to clarify maybe for the listening audience as well, but this is basically incentive-based, right? So the more parents test their students, the more they get the results into the system, the faster the school has a chance to get to an optional mask-wearing environment?

Hon. Diallo V. S. Rabain: To answer that question, as I mentioned in the Statement, if we move to an optional masking environment, the data are clear. Incidences of secondary passing-on of COVID-19 go up. We have to have things in place that catch positive students before they enter into the building. And the only way we can do that is with adequate screening programmes.

So if you want to call it “incentive,” that is what you could call it. What I call it is our doing our due diligence to be very, very careful to ensure that if we are going to relax the mitigations we have to stop the spread of COVID-19 within our building, we have to then do something on the other end to ensure that we are doing everything possible to prevent positive students from coming into the building. So that is why the most lenient categories are tied to high usage of the screening programme. Because that is the one method we have to ensure or to give us a high comfort level that we are going to catch persons before they come into the building positive for COVID-19.

The Speaker: Supplementary?

Ms. Susan Jackson: I am just processing what was said. I believe that I am okay with that.

I have a third question, though, Mr. Speaker.

The Speaker: Put your third question.

QUESTION 3: UPDATE ON SCHOOL COVID PHASES—LIVING SAFELY WITH COVID IN SCHOOLS

Ms. Susan Jackson: My third question is still on page 6 and [relates to] the Education Emergency Measures Committee [EEMC]. I just wanted to ask whether the union is still actively participating and that they have been a part of the development of these guidelines?

Hon. Diallo V. S. Rabain: All three unions that we have collective bargaining agreements with are invited to the EEMC meetings. And they are free to attend and submit their comments as necessary. We did receive comments from all of the unions except the BIU [Bermuda Industrial Union], in this particular instance, who cover our custodians. But all of this documentation gets distributed to everyone to send in their comments. So yes, they are still involved.

The Speaker: Supplementary?

Ms. Susan Jackson: Yes, Mr. Speaker. I remembered my previous question, so I will tie it in to this.

The Speaker: Go ahead.

SUPPLEMENTARY

Ms. Susan Jackson: So in the guidelines then, let us put the optional mask-wearing aside. But within the guidelines, can the Minister please confirm that we are able to have students get back into some activities such as sports days, field trips and some mixing of bubbles? Those more social activities will now be relaxed whether children are wearing a mask or not. But will those activities start to resume?

Hon. Diallo V. S. Rabain: Prior to these revised guidelines that we have now, some of those things [could] occur. But they were limited to mask-wearing and such. So yes, as we move forward there are a lot more things that were somewhat limited that will now be much more open. So yes, as I mentioned in the Statement, there will be sports days, parents can visit the schools. Field trips, mixing of bubbles and the like are all included in that. The use of certain layout, movement between classrooms are all covered in the new guidelines.

However, I will consistently put forth that it is optional, but I recommend that you wear your mask

when you find yourself in close proximity such as our children being in the classrooms for hours on end only three feet away from each other.

The Speaker: Any further supplementary?

Ms. Susan Jackson: I do not have any further supplementary. Thank you very much, Minister and you, Mr. Speaker.

The Speaker: Thank you. Thank you, Member.

Minister, you also have questions from another Member.

MP Dunkley, would you like to put your questions at this point?

QUESTION 1: UPDATE ON SCHOOL COVID PHASES—LIVING SAFELY WITH COVID IN SCHOOLS

Hon. Michael H. Dunkley: Yes. Good morning, Mr. Speaker. Good morning, colleagues. My colleague has done a good job with the questions.

But one question to the Honourable Minister, and we certainly support the changes with cautious optimism. And yes, the key is personal responsibility. Minister, will you table in the House the memo or the notification in detail on how you notified our school system this morning of the changes that can take place?

Hon. Diallo V. S. Rabain: That is an interesting question because I had never actually done that before. What happens, MP Dunkley, is a cover letter and a copy of the regulations are always sent to all [public] schools, all private schools, all system leaders within the Department of Education. That letter was sent out. It was supposed to have gone out by nine o'clock this morning. I cannot confirm what time it actually did go out. But they should have that in their hands as we speak.

The purpose of that is [that] we have a policy of informing our stakeholders of changes prior to going to the general public. That is how we always do it because we want them to be hearing from us first before they are hearing from, you know, a reporter or a parent or someone who called and said, *I heard something; what's going on?*

I have never tabled that. It is public. It is a public document. The regulations can be found on the MOE [Ministry of Education] website. I have asked for that to be updated no later than noon. So they will be on at noon because I wanted our school leaders, our private schools and the like to have sight of this and digest it and figure out how they are going to send it out to their stakeholders or their constituents prior to the general public and the press having it and then asking questions.

As I said, at noon everybody here is free to hop on the MOE website and download a copy of it. I will have a copy of it sent out to all MPs if that is advisable. I will send it to the House and have them send it out. But the letter that was sent out, I guess I can have that forwarded as well. If that is what you are asking for, I can have that cover letter forwarded as well.

The Speaker: Supplementary?

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

The Speaker: Supplementary.

Hon. Michael H. Dunkley: Supplementary just for clarification. Yes, that is what I am asking for and just so we have a full understanding of what is proposed and what will take place. That is all. Just for the information of the Honourable Members of the House.

I thank the Minister for his understanding.

Hon. Diallo V. S. Rabain: Okay. Sure, sure.

The Speaker: Further question, or are you complete?

Hon. Michael H. Dunkley: No. I am satisfied, Mr. Speaker. Thank you.

The Speaker: Thank you.

Hon. Diallo V. S. Rabain: Thank you, colleagues.

The Speaker: Members, that brings us to a close of the questions for this morning.

An Hon. Member: I had a supplementary.

The Speaker: Hello?

That brings us to a close for the questions here this morning. We will move on.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Does any Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: Yes, I do, Mr. Speaker.

An Hon. Member: Yes, Mr. Speaker.

The Speaker: I hear MP Simmons-Wade. You have your three minutes.

Mrs. Ianthia Simmons-Wade: Good morning everyone, and the listening audience.

I would like to send my congratulations to Christ Church in Devonshire and their congregation for their very, very successful feeding programme. This is their second anniversary.

This is their second anniversary. They started in March of 2020 at the start of the pandemic. The Premier and I actually had the opportunity to go there, I would say, maybe five or six months ago. It was very, very impressive and a very committed group of people. I would specifically like to congratulate the organiser, Julie Kempe; the Chef, Zahra Jabbar; the many volunteers and also the many, many donors that they have. This programme is currently four days a week. It is from 12:30 to 1:30, Monday, Wednesday, Friday and Saturday. And they serve 300 meals a day, which is in an hour and a half. To date they have served 135,000 meals. They don't advertise. They don't seek publicity. They quietly and consistently serve the people in need. So I extend our sincere congratulations on their second anniversary and their commitment to the people of Bermuda.

Thank you, Mr. Speaker.

[Crosstalk]

The Speaker: The Premier would like to be associated with that.

Thank you, MP—

Some Hon. Members: Mr. Speaker.

The Speaker: I think many Members would like to be associated with that.

Would any other Member like to make a contribution at this time?

Hon. Renee Ming: Yes, Mr. Speaker. Renee Ming.

The Speaker: Minister Ming, you have your three minutes.

Hon. Renee Ming: Awesome. Thank you very much.

Mr. Speaker, and the listening audience, I would like to extend condolences and prayers to the family of Leon "Spider" Blakeney. And I would also like to associate MP Swan with that and MP Lovitta Foggo as well. Mr. Blakeney was [97] years old and last year he celebrated his [97th] birthday and if you had seen the video, Mr. Speaker, he was dancing with the Gombeys who came down to attend his [97th] birthday. He was quite spritely. He was an avid cricket player and supporter. Somehow or the other he was reflecting and he moved to Bailey's Bay. He allowed himself to be converted at the County level, but for as many years he was in St. George's he did not allow himself to be converted from Somerset,—

The Speaker: Smart man.

Hon. Renee Ming: —so if I had to have one flaw with him it would have been because he was an avid St. Georgian but he supported the wrong team at Cup Match. But he has been married to Ms. Blakeney, Ms. Catherine, for I believe it is over 50 years, actually, maybe over 60 years. He will truly be missed around St. George's either at the bus stop or just trying to find out where the Gombeys are going to be. So I would just like for the—

[Inaudible interjections]

The Speaker: MP, I think you may actually been muted. There you go. You are back in.

Hon. Renee Ming: Is that for me or for someone else?

The Speaker: For you. Just finish up, you accidentally got muted when I was trying to knock off some background noises that were coming in from other people.

Hon. Renee Ming: Okay. I just finished the condolence message and prayers for the Blakeney family and that was all I had today, Mr. Speaker.

The Speaker: Thank you, Minister.

[Crosstalk]

Hon. E. David Burt: May I ask to associate with that as well?

The Speaker: Okay. Yes, Premier wants to be associated with that.

MP Swan, you have your three minutes.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I am going to follow right on that line and length, every pun intended for my dear friend, Leon "Spider" Blakeney, and the condolences sent out to his family, especially his lovely wife, Ms. Catherine Blakeney. And also she suffered a double whammy because within hours her brother also passed, who was also my friend from St. George's, Leon Tacklin. The Blakeney's, the Jones, all the families in St. George's who are associated with these families are reeling at this particular time—

The Speaker: MP Swan, your microphone is indicating that it is on, but we lost your audio.

MP?

I think he may have lost the connection because he doesn't even note that we are acknowledging him.

MP? MP Swan. MP Swan, I don't think he has even . . . he has lost our connection, Members. If he gets back, we will give him a second opportunity. I am going to have move on rather than have empty air-time.

Hon. N. H. Cole Simons: Mr. Speaker.

Some Hon. Members: Mr. Speaker.

The Speaker: I see MP Simmons sitting up there in the window for a period of time waiting to come in. So, MP Simmons, you can have your three minutes now.

[Crosstalk]

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

Mr. Speaker, I rise today to pay tribute to a young Bermudian who is beginning to start his career post-graduation and making waves in the world of film. The young Bermudian I am speaking to, and if I may declare my interest, Mr. Speaker, he is my son. Nasir Alah Lionel Edwards Simmons, who, over the past year, has won a number of awards in film. He began in 2021 with the Silver Award for Outstanding Achievement at the Virgin Spring Cinefest for his film *Tentacle Head*. He won Winner of Best Performance at the Experimental Dance and Music Film Fest in 2021. He was a semi-finalist at the Luleå International Film Festival 2021, and as an Official Selection for the London Lift-Off Festival and a nominee for the Golden Galaxy Award in 2022. I hope that my colleagues will join me in congratulating my young son for his achievements in film outside of Bermuda. Thank you, Mr. Speaker.

The Speaker: Thank you, Member. Congratulations to the young man.

The Opposition Leader had been trying to get in before. Opposition Leader, would you like to have your three minutes now?

Hon. N. H. Cole Simons: Thank you. I would like to associate myself with the comments made by the previous speaker in regard to his son. As you will know, I have been following the Honourable Minister's children for a number of years and I am delighted that he is doing well and I wish him all the very best.

I would also like to send condolences out to [the family of] Anesie Desing Johnson. He is a cousin who has lived in the States. The Honourable Deputy Speaker's cousin, as well. As you know, we are related by blood. He passed unexpectedly in the US, so I would like to send condolences to his family.

I would also like to send condolences to [the family of] Mr. Anthony Gaade. He was from the royal line in Dockyard [and] was 93 years old; a very kind gentleman with a social conscience. He had all the respect in the world for most people that he encountered. He was a true gentleman. He is survived by his wife, Gillian, and his three daughters.

I would also send condolences to the family of Alberto Bosch. He is the son of a well-known character who also has passed, Carlos Bosch, from the

Bacardi family. He is survived by his brother, Carlos, and his sister.

In addition, I would like to send condolences to the family of Ms. Nell Johnson. She was a member of St. Mark's Church. She lived in Warwick and she was a kind soul and always had a great, great smile on her face and enjoyed life even though she may have had some difficult times herself. She, in addition, was a fabulous florist and could design a bouquet of flowers like no one has seen before. She was always involved in the Rose Society.

So, again, I would like to send condolences to those families on behalf of the House and my family. Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

Some Hon. Members: Mr. Speaker.

The Speaker: MP from constituency 28, MP Lister, you were trying to get in, do you still want to speak?

Mr. Dennis Lister III: Mr. Speaker.

The Speaker: You have your three minutes.

Mr. Dennis Lister III: Mr. Speaker, good morning [to you] and to the listening audience.

Mr. Speaker, I would first like to associate with the congratulations given by MP Jamahl Simmons on behalf of his son. Mr. Speaker, I would also like to send congratulations to a number of my constituents. A lot of them since last week have celebrated birthdays. First, Ms. Ann Curtis of 11 Pearman's Hill, it was her birthday last week. Also, Ms. Tishae Davis of Sun Valley, celebrated her birthday also last week. And also, Mr. Steven Simons of 16 Spice Hill Road celebrated his 60th birthday on Sunday. And lastly, Ms. Muriel Nusem of 69 Spice Hill Road celebrated her 88th birthday. So I would like to send congratulations to all of those constituents.

And on a much sadder note, Mr. Speaker, I would also like to send condolences to the family of Ms. Maude Bassett, a constituent of mine who in a months' time would have been celebrating her 103rd birthday. But I would like to say that I had the privilege, along with the Premier, of joining her for her 100th birthday three years ago and got to be able to celebrate with a centenarian, Mr. Speaker. So on behalf [of the House] I would just like send condolences to the family of Maude Bassett. And thank you for the time, Mr. Speaker.

The Speaker: Thank you, MP.

MP Tyrrell, would you like to make a contribution at this time?

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker, and good morning colleagues.

The Speaker: Good morning.

Mr. Neville S. Tyrrell: Mr. Speaker, let me start off on a sad note and ask that condolences be sent to the family of Ms. Beatrice Harris, a constituent of mine of Lusher Hill East. Ms. Harris was a very lovely lady with an upbeat personality and will certainly be missed by all her family and friends. So I send condolences to her immediate family, especially her grandson, Daelan, who I know will certainly miss her.

Also at this time I would like to be associated with the condolences sent to [the family of] Mr. Spider Blakeney. He was a friend of our family as well, so I just want to be associated with that.

But on a happier note, Mr. Speaker, I have to date not given birthday greetings from the floor of the House, mainly because it is my usual practice to connect with my family, friends and constituents on a more personal basis when their birthdays come around. Today, however, I wish to make an exception and ask this House do send early birthday congratulations because this person is a constituent of mine and is very special not only to me, but to Bermudians in general. This gentleman is my neighbour, my family friend, and has been a strong defender of me as far back as when I was in football administration. Mr. Speaker, this gentleman has such a long sporting history that he is a legend in both football and cricket, but I would probably need much more than three minutes to do justice to his sporting feats. So I will just briefly say, *Happy 90th birthday on Tuesday to the best and most successful Cup Match captain. Happy birthday, Mr. Calvin "Bummy" Symonds. Your Loughlands family is safe. We love you.*

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Tyrrell.

Mr. Hubert (Kim) E. Swan: Mr. Speaker.

The Speaker: Mr. Swan, we had you earlier and we lost all of your audio. So we heard the beginning of your contributions and then we were not able to hear the rest of it. So we will allow you a second chance to see if we can get you completed this time.

Mr. Hubert (Kim) E. Swan: That is the second chance. I'm looking to get the Cup back and if I have to recall my 90-year-old skipper from the 1960s, I might have to do that too.

The Speaker: That just speaks to how bad that team must be if you have to go looking that far.

Mr. Hubert (Kim) E. Swan: No, I just need some good guys that's all.

The Speaker: We know that the cup will stay at Somerset, but don't use your three minutes.

Mr. Hubert (Kim) E. Swan: I am not going to let you cut into my three minutes, Mr. Speaker, because Leon "Spider" Blakeley and Leon Tacklin's family certainly, my condolences, as I said, go out to them. They were gentlemen many years my senior but they were my friends and I and many others up and down this country and around the world are moved by their passing but certainly appreciate their life that they have lived on this earth. I just wanted in my short time to express to the widow of Mr. Blakeley who has lost her brother and her husband on the same day—deepest, deepest condolences.

I would just like to be associated with Minister Ming's comments earlier going out to the Blakeney family out there in St. George's and around Bermuda and join in with Member Foggo in that, Mr. Speaker. Those are my remarks on condolences, Mr. Speaker.

The Speaker: Thank you, MP Swan.

Some Hon. Members: Mr. Speaker.

The Speaker: Any other . . . Deputy Speaker. How are you this morning? You have your three minutes, sir.

Hon. Derrick V. Burgess, Sr.: Yes, Mr. Speaker, I would like to also be associated with the remarks on Spider Blakeney. Spider Blakeney was a great cricketer. He still holds history, even though it is contrary to the constitution of the East End Counties. He played County Cup for both Flatts and Bailey's Bay. No one has ever done it before, and I don't think it will happen again because you can only play for one County Cup.

Also, I would like to be associated with the remarks concerning Sir Calvin "Bummy" Symonds. I said "Sir Calvin." I know when we mention that name during cricket season people in Somerset tremble, particularly around Cup Match time.

But, Mr. Speaker, I would like to give congratulations to Mr. Kenneth Eugene Smith, an entertainer who graced our hotels in Bermuda for many years. He celebrated his 100th birthday on Sunday, March 20. He is a very nice fellow. And I tell you, he has got a great, great grandson who is walking right in his footsteps. He plays music by ear and he goes 12 this week. Boy, I can't leave him out, but I will call Mr. Kenneth Eugene Smith, 100th born on Sunday and he is still looking good.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Some Hon. Members: Mr. Speaker.

The Speaker: I'm trying to catch the voice.

Mr. Jarion Richardson: MP Richardson, Mr. Speaker.

The Speaker: MP Richardson, Opposition Whip. You have the floor. You have your three minutes.

Mr. Jarion Richardson: Thank you, Mr. Speaker.

I would like the Honourable House to send condolences to Lori and Sam Talbot on the passing of their husband and father, Phillip Talbot, who was the owner and proprietor of MR Onions on Par-la-Ville Road. For some years he ran a family place that a lot of people went to and appreciated but unbeknownst to probably him or anybody else at that time he also created such a welcoming environment that he created a second family for a lot of people. As people came and went through Bermuda, as young Bermudians came home, as he trained Bermudians in the finer points of hospitality, he created a family that sticks together even to this day. And although many have gone in separate ways across the globe, or separate ways in Bermuda, he will always be remembered, and I just want to make sure that our condolences are extended to his family who gave everything to create a second wider family in Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Would any other Member like to make a contribution?

Any other Member?

Hon. E. David Burt: Mr. Speaker, my apologies.

The Speaker: Premier, you have your three minutes.

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

Mr. Speaker, I would certainly like to be associated with the remarks for Spider Blakeney, which you have indicated to be associated with earlier.

I would also like to be associated with the congratulatory message given by the Deputy Speaker to Mr. Kenneth Smith who I was able to join in Sleepy Hollow to wish him a happy 100th birthday. And, Mr. Speaker, at that event I did joke with the family of whom I know reasonably well that it is a crime punishable under the law to give false statements to officials of the Government of Bermuda. And it was clear that they were making false statements because there is no way that Mr. Kenneth Smith looks like he has lived on this earth for 100 years. He looks incredibly well, Mr. Speaker. He was even entertaining people, playing on the piano at his birthday party. And it was great to see so many members of his family out supporting an incredible Bermudian. So, Mr. Speaker, I certainly want to be associated on that.

As is tradition, I did go ahead and visit his household, but certainly it would be great if the House of Assembly could write a letter of congratulations for a fine Bermudian celebrating a wonderful milestone.

Thank you, very much, Mr. Speaker.

The Speaker: Thank you, Premier.

Does any other Member wish to be associated?

Are there any others who wish to make any comments at this time?

There are none.

Before we leave this section I would just like to be associated with the condolences that were expressed to the family of Maude Bassett in her 103rd year. MP Lister brought those condolences as Ms. Bassett was his constituent. But many years ago before she moved to that part of the Island, she was actually a neighbour of ours as I grew up in Somerset. She lived right across the fence from us. So my condolences go out to her family and we recognise the longevity of life that she brought and the impact that she had on many people as a former school teacher in our community.

With that said, we will move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

Members, as I had indicated at the start of this session earlier that a Member wishes to present a personal explanation and we are going to allow the MP Dickinson to present a personal explanation at this time.

MP.

PERSONAL EXPLANATION

FORMER FINANCE MINISTER'S STATEMENT ON RESIGNATION

Mr. Curtis L. Dickinson: Thank you, Mr. Speaker.

Mr. Speaker, on the 14th of February 2022, after having served for almost three years and three months as Bermuda's Minister of Finance, I resigned. Mr. Speaker, I did appreciate that my resignation would be received with surprise by many, and I understood that at some point in time I would be duty-bound to provide an explanation to the people of Bermuda on the reasoning for my decision. Today I will do so within the structure set out below.

I fully support the principle of Cabinet confidentiality. Members of Cabinet must be able to have full and frank discussion with colleagues so as to provide challenge and insight into the Government's policies of the day. In my remarks, I will remain within the confines of that confidentiality, and I take inspiration from the following guidelines which appear in the Ministerial Code of Conduct. In particular, section A, [General Principles which apply to Cabinet Ministers,] paragraph 1 which states:

"1. Ministers are expected to behave according to the highest standards of constitutional and personal conduct in the performance of their duties. In

particular, they must observe the following general principles of Ministerial conduct:

- i. Ministers must uphold the principle of Collective Responsibility.
- ii. The policy of Ministers must be consistent with the policy of Government as a whole. Every Minister is expected to support the Government's policy, and should resign if he finds himself unable to do so."

I also referenced section B, paragraph 4, [Collective Responsibility], which defines collective responsibility. It says:

"4.2 Collective Responsibility requires that Ministers should be able to express their views frankly in the expectation that they can debate freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy and confidentiality of opinions expressed in Cabinet and Cabinet Committees should be maintained."

Mr. Speaker, over the last several weeks I have sought to maintain a dignified silence on the subject of my resignation. I declined requests from the press and others to publicly comment on the reasons for my resignation, with a view of only doing so once sufficient time has passed for a new Minister of Finance to manage through major time-sensitive issues without contributing to additional distraction. My intention was that in due course, I would provide a statement speaking to the generalities of my reasons. Those reasons being:

1. That I would not compromise my principles in the execution of my duties as Minister of Finance.
2. That in our system of governance—the Westminster system—a Minister who cannot support the collective decisions of the Cabinet is duty-bound to resign.

Mr. Speaker, my original plan did not provide for me giving any further detail other than the reasons provided above but [I] did anticipate that I would release the content of my resignation letter, which I will now share with this Honourable House:

"Dear Premier,

"It has been an honour to serve as Bermuda's Minister of Finance for the last 39 months.

"The opportunity to perform this important role in Bermuda's government during a time of economic uncertainty, compounded by the challenges of a global pandemic, has been one of the high points of my professional career. Notwithstanding the challenges, meaningful progress has been made on key initiatives.

"My obligations as Minister of Finance require me to act as a fiduciary and to put the interests of the people of Bermuda first. For the majority of my tenure, we have worked together to deliver great value. Over the course of the last year, however, there has been a growing gap in our respective approaches on a number of key issues.

"Our country deserves a Minister of Finance who can work seamlessly with the Premier to advance its economic and fiscal interests; a Minister of Finance who can fully support the policy agenda that has been set. Regrettably, I no longer find myself able to fulfil that role. I hereby resign from my position as Minister of Finance.

"Thank you for the opportunity to serve. I now look forward to spending more time with my family and continuing to serve the people of Bermuda through Constituency 21.

"Yours sincerely,

"Curtis L. Dickinson"

The letter was intentionally general in its nature; my preference being to share the specific reasons for my decision directly with the Premier in our face-to-face meeting. Mr. Speaker, I do not intend to disclose the full content of those discussions as it would be inappropriate to do so. However, I do believe that it is appropriate to respond to several statements that have been made, with clarifying facts.

Mr. Speaker, it is no secret that the demands of work in the public sector can be incredibly taxing not only on the individual serving in the role, but also on their families. I would like to thank the Premier for acknowledging my family in his Statement announcing my resignation. I would also like to take this opportunity to address any suggestions in the community that matters with my family were among the reasons for my resignation. This suggestion is untrue.

The decisions to run as a candidate in the 2018 bye-elections and the subsequent 2020 General Election were not mine alone, as I sought and received the full support of my wife and our three children before any announcement of my candidacy. I undertook similar discussions on being invited to join the Cabinet and again received my family's full support. The decision to resign on a matter of principle, however, was my decision; a decision that enjoys the undiluted support of my family.

Mr. Speaker, the quantum of and form of the Government's support of the redevelopment of the Fairmont Southampton were the primary reasons behind my resignation.

Mr. Speaker, first and foremost, I want to make it abundantly clear that I was, and still am, supportive of a level of financial support for this project. There truly are numerous potential benefits of renovating and reopening a large, iconic hotel of this nature, especially at this time where economic recovery is vital. These include immediate and significant stimulus, construction and related economic activity, a large number of future hotel jobs, and a large increase in hotel room inventory, which could help support more visitor demand and airlift capacity over time.

However, Mr. Speaker, I was and continue to be unable to ignore the principles and judgment gained through my over 30 years of experience in investment and commercial banking. Mr. Speaker, I be-

lieve I am more than qualified to understand the numbers and negotiate in the best interests of Bermuda considering all of the factors, particularly in circumstances where the Government was ably assisted by professional advisers.

There has been significant confusion recently created in the public around whether the Government had entered into a guarantee commitment with the developers. It has been suggested that in 2019 the Government entered into a \$50 million guarantee with Westend Properties Limited/Gencom for the redevelopment of the Fairmont Southampton hotel. That is incorrect.

In December 2019, as part of the acquisition of the Fairmont Southampton, the Government entered into a Letter of Intent [LOI] with the developers which set out a number of conditions precedent that the developers would need to satisfy before the grant of any Government of Bermuda guarantee. An LOI is not a commitment. It is a non-binding agreement that sets out a series of terms from which the parties intend to negotiate into a more substantive and binding agreement. The LOI that I signed in December 2019 contained a number of terms that the developers would need to meet or agree with in advance of the provision of support from the Bermuda Government in the form of a guarantee on a portion of their contemplated financing.

As part of the negotiation of any final agreement, we would also require sufficient rights in the event of default. In any event, the developers did not meet the LOI conditions precedent, and the Letter of Intent expired on 31 December 2020. Since I resigned from the position of Minister of Finance, I have not been involved in the negotiation of the transaction with the developers and so, with the rest of this Honourable House, I will learn about what has been proposed or agreed as it is released to the public. There are a few thoughts about agreements of this nature, however, that I think it helpful to share as the Government considers this course of action.

It has been reported in the press that the Government may extend the period of concessions for hotel developments/redevelopments from beyond the maximum current term of 10 years. As a general matter, I do not support such extensions, as concessions are essentially the forfeiture of future government revenue. I believe the existing legislation which grants up to 10 years of relief is more than sufficient. Comparisons are commonly made to other jurisdictions in an effort to justify an expansion of the duration of concessions. However, these comparisons are usually incomplete and fail to capture the entirety of the dynamics of the Bermuda economic model or the specific financial returns profiles of the hotel owner/developer.

As contemplated in the 2019 Letter of Intent, the developers would have benefited from a reduced rate of interest on the debt that the Government was

contemplating providing a guarantee on. The combination of interest cost savings and tax concessions could deliver the developers significant savings in the millions of dollars. These projected savings should be quantified for the benefit of the public. Any increase in the concessions period would result in even greater savings and benefits to the developers. Additionally, the precedent would be set for similar grants of concessions for other hotel developments. This adds significantly to the true cost of the extension and should be fully understood.

Given the Government's current fiscal position, is it prudent to give future tax revenues to developers who by virtue of their own financial return projections would already be projected to earn multiples of their invested capital? Even if changes to existing tourism incentives are warranted, perhaps the analysis should be completed first for the industry at large rather than predicated on a single request. Otherwise, the overall cost could be astounding, and without the analysis I am unsure if it will be worth the rush.

It should also be fully understood that the Government carries the risk of the downside if the guarantees are called. It is an appropriate question to ask what direct upside the Government is due to receive. Certainly, the other capital providers—senior lenders, mezzanine lenders and equity providers (who in this case are the developers)—will have a clear expectation on their risk/return expectations. As the entity that bears ultimate responsibility on a significant amount of the capital at risk, the Government should have the same.

Each of the other capital providers will be able to point to some collateral which provides an added layer of security for their risk. It is no different where home-buyers buy a home. A bank will extend a mortgage but will secure its loan against the building in the event the mortgage payer defaults on their payments. Where the Government assumes an exposure of this size, it should be clear what that collateral is and what rights, in the event of default, the people of Bermuda have to exercise.

There are a number of key similarities between the Morgan's Point development and the planned redevelopment of the Fairmont Southampton. Both projects share the backing of an enthusiastic developer with a grand vision of the finished development. Both projects, while long on vision, were/are short on the capital required to fund their construction. In other words, both projects lack or lacked a fully funded capital structure which has necessitated the introduction of Bermuda Government-guaranteed capital. If the Government support is not structured correctly and the developers are unsuccessful, we could see the Government having to assume the responsibility for the repayment of any guaranteed debt.

[Crosstalk]

The Speaker: Member, your phone is on.
MP Lister, please turn your microphone off.

Mr. Curtis L. Dickinson: Of course, it has always been an option to reduce the size and scope of the development or for the developer to put additional capital into the project. Both are acceptable ways to address funding gaps and some indication of both or either would lend further support to the transaction. Funds paid in, however, should not be paid back out as fees to related parties, as that does not maintain the appropriate level of financial exposure for the developers. In deal parlance, that is called having “skin in the game.”

Consequently, I would suggest that a full breakdown, including total proposed foreign and domestic debt, be provided to this Honourable House.

Mr. Speaker, the best partnerships are built on a foundation of mutual trust and respect, and a commitment to collaboration in the pursuit of a mutually satisfactory outcome. Relationships are bilateral arrangements with give-and-take coming from both sides. The decision to delay fulfilment of the obligation to Fairmont employees made redundant because of the hotel's closure will remain a point of concern for me on the developers' willingness to honour their obligations. It is a matter of public record that the employees were only paid after the Bermuda Government stepped in to provide direct financial support to the employees and then supported the pursuit of a statutory demand to recoup those funds. This should be a cause of concern and results in an increased focus on ensuring that the necessary protections are put in place to protect the Government's and the people of Bermuda's interest.

As I have mentioned previously, the redevelopment of the Fairmont Southampton, in my view, is a national strategic initiative; one that requires that the Government be pragmatic in its approach to any support. However, the national strategic importance does not give justification to the abandonment of best principles. To be clear, I want to see the successful redevelopment and reopening of the Fairmont Southampton hotel. A redeveloped hotel will see investment in Bermuda's economy, the creation of construction jobs, the re-employment of many hospitality workers, and the return of paying guests; all told a positive impact on Bermuda's economy.

While as a general matter I do not support the provision of Government guarantees to private sector participants, in the case of this project, I can support the issuance of a Government guarantee, so long as it is necessary and the interests of the people of Bermuda are appropriately protected. The risks are so high and the record with guarantees to external projects so real that only a full and transparent examination of the protections by this Honourable House are warranted.

Mr. Speaker, I am hopeful that the points that I have just articulated are helpful to not only those now responsible for leading the negotiations on this project, but also to those who share the concerns about the Government's fiscal situation. It is my desire, as I am sure it is for all of the people of Bermuda, to see a project that is successful, not only for the developers, but also for the hotel's guests, employees, the Bermuda Government and, most importantly, the people of Bermuda.

Mr. Speaker, it has truly been an honour to serve as Minister of Finance for the last three-plus years. The opportunity to be of service to my country and be able to use the skills and experiences gained over my career in the private sector has been fulfilling. I would like to thank my family for their unstinting love and support. I would also like to express my profound thanks to the team in the Ministry of Finance; they have been first-class in the advice and counsel that they have provided me. This team continue to serve the country well.

I would like to thank my former Cabinet colleagues and wish them well in their stewardship of our country.

Many thanks to those who have reached out to offer support to me directly, or indirectly through family and friends. This has included, among others, members of the Progressive Labour Party, members of the broader Public Service, members of Bermuda's unions, and the domestic and international business communities. I appreciate your well wishes and your outreach has been a source of comfort during a very difficult decision.

And finally, Mr. Speaker, I would like to thank the constituents of constituency 21 [Pembroke South East] and constituency 25 [Warwick North East] for their ongoing support and trust in me to serve as their representative in this Honourable House. Mr. Speaker, in my almost four years of service in this Honourable House, I have yet to participate in the motion to adjourn. It is a reasonable assumption that I will not participate in that portion of the Order Paper this evening. I would, however, as I conclude this statement, like to make some observations on where we are as a country and how we move forward.

Mr. Speaker, Bermuda is facing a number of serious challenges. We as a community need to be working together to find ways to overcome these challenges. Over the course of the last four weeks, we have been engaged in a series of budget debates. Having now sat through four annual budget sessions, they have taken on a sameness; a Budget Statement is delivered, followed by a Budget Reply and then a series of debates that seemingly focus on what the other side has done wrong. If only these efforts were focused on solving Bermuda's problems rather than blaming the other side or the former administrations, we could possibly make real progress with our challenges.

Some would say the system is broken or it's just politics. I would ask, however, how is it helping the cause of the people of Bermuda? I am not so quick to accept that the system is broken, but instead ask, can we not do our jobs as leaders better? Many people are counting on us to do so in their best interest. There is no monopoly on good ideas on either side of the aisle.

It would be wonderful to see us working together for the benefit of the people that we all serve. Thank you.

The Speaker: Thank you, Honourable Member. Members, we will move on.

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

The Speaker: There are none.

INTRODUCTION OF BILLS GOVERNMENT BILLS

The Speaker: There is one Government Bill to be introduced today by the Deputy Premier.

Deputy, would you like to introduce your Bill at this time?

You are muted, Deputy.

FIRST READING

MARRIAGE AMENDMENT ACT 2022

Hon. Walter H. Roban: I wish, Mr. Speaker, to introduce the following Bill for its first reading so that it might be placed on the Order Paper for the next day of meeting, the Marriage Amendment Act 2022.

Thank you, Mr. Speaker.

The Speaker: Thank you.

The Speaker: There are no further Bills.
We will move on to Orders of the Day.

ORDERS OF THE DAY

The Speaker: The first Order on the Order Paper for today is the consideration of the Gaming (Designated Site) Order 2022 in the name of the Premier and Minister of Finance.

Minister.

Hon. E. David Burt: Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: Are you waiting for me, Mr. Speaker?

The Speaker: Yes.

Hon. E. David Burt: My apologies, Mr. Speaker. I was just running up from downstairs.

The Speaker: Got a little exercise, eh?

Hon. E. David Burt: A little bit. I'm trying to, Mr. Speaker.

The Speaker: Okay.

Hon. E. David Burt: Mr. Speaker, I would like consideration be given to the draft Order entitled the Gaming (Designated Site) Order 2022 proposed to be made by the Minister responsible for gaming in the exercise of powers conferred under section 4(1) of the Gaming Act 2014.

The Speaker: Are there any objections to that, Members?

No objections.

Continue, Premier.

DRAFT ORDER

GAMING (DESIGNATED SITE) ORDER 2022

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

Mr. Speaker, the [Order](#) before this Honourable House is very short and comprises only two clauses; however, Mr. Speaker, this measure is another building block to be laid in the all-hands restoration effort in support of tourism in Bermuda.

Mr. Speaker, Honourable Members will be aware that this Order is made by the Minister responsible for gaming, under the provisions of section 4 of the Gaming Act 2014. That section permits the Minister responsible for gaming, acting on the advice of the Gaming Commission to make and publish an order designating a site on which a casino may be located.

Mr. Speaker, the location of the site under this Order is set out in the Schedule and is better and well known to the public as the Fairmont Southampton. So, of course, some still refer to it as the Fairmont Southampton Princess, Mr. Speaker. Earlier today, Mr. Speaker, I signalled that the Government had reached agreement with the new owners of the Fairmont Southampton for the development of that critical property.

Mr. Speaker, the casino is a critical part of the redevelopment of that hotel. From a tourism perspective, marketability is enhanced by the addition of a

gaming component and a full-service resort hotel must have all the elements required to justify its price points. The casino, Mr. Speaker, is as important as the beach club, the pool and the restaurants. Its availability to guests is another means by which to enhance their experience. Casinos enhance the attraction of group business for Bermuda's largest conference hotel, which is certainly important as it returns to group business, and casinos also support increased bed nights in our shoulder and off-season in conjunction with those large groups.

Mr. Speaker, I can advise this Honourable House that an order in respect of the site had been prepared in 2017 under the previous administration, but it was not advanced in the Legislature. The Gaming Commission has confirmed that all necessary conditions under the application process have been met and therefore their advice is that this order can properly be made.

Mr. Speaker, I am therefore pleased to commend this Order for the support of this Honourable House and welcome the support of Honourable Members as we work together to support the return of the Fairmont Southampton and the 800 jobs that will be created in Bermuda when this hotel reopens.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister, Premier.

Would any other Member like to make a contribution?

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

The Speaker: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: Mr. Speaker, I will start by stating that we in the Opposition have no objection to this Order. We expected it and if it enhances our product offering then that is the least that we can do.

But I do have a question, Mr. Speaker. My question is, When is this Government going to deliver on gaming? We have been on this roadmap for 10 to 15 years, Mr. Speaker, and to date we do not have gaming. We have the St. Regis which has a provisional licence. We have Hamilton Princess that has a provisional licence. And like Southampton Princess, they want to enhance their attraction. They want to increase their bed nights. And they want to improve their product offering. And yet we still cannot bring gaming to a completion in this country.

Can the Minister of Finance let this country know when gaming will be delivered? If he is so committed to tourism and getting our tourism product up to scratch so that we can have more bed nights, more people coming to Bermuda and to improve our product offering, he should have a target date for the delivery of gaming. And to date, we have not seen it.

We do not know what it is, and our hotels which have provisional licences are just as frustrated

in that they have invested capital and they cannot deliver the level of service that they expect for their five-star jurisdictions. Enough is enough. Ten years is way too long to deliver a gaming industry in a jurisdiction of our size. Let's get it done.

Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

Does any other Member wish to make a contribution at this time?

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

The Speaker: MP Swan, you have the floor.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I would like to first declare my interest. I have spent my entire life in the hospitality industry. My family, I am here at a family function right now, unfortunately a funeral. I have been here looking at my 90-year-old uncle who told me that when his grandmother's property right there on that same Fairmont Southampton Princess property was compulsorily acquired to make way for what became an iconic hotel, the Southampton Princess hotel. So I understand that.

I do not want tomorrow's headline to be, Where is gaming? Because we all know that the Opposition can come out with a predetermined headline and the *Royal Gazette* picks it up. I just want to say that it is important, Mr. Speaker, for the [number] of jobs that will be created that we are in a position where we can start looking forward to the future with a date certain in 2023 when the Fairmont will be open, when the Southampton Princess will be reopen. And I think that is an important point that need not to be missed on anyone, notwithstanding the jobs that will be created in the immediate term, notwithstanding the climate that we climbed through over the last two years, to no one's fault but a pandemic that has grapple this entire world.

The reality is that we need jobs and we need them now. And, yes, if the Opposition could have waived a magic wand during their tenure when they ushered in the St. Regis . . . and I am not faulting them for that, we have St. Regis there. I am sure they would have put that in place so that when they opened, when they gave them the deal that the gaming licence would have been afforded at that particular time, Mr. Speaker.

But we all know, and the Opposition Leader would know better than me because that is his profession in banking, that even a country boy like me could have his mother's account shut down for compliance. There is a different climate in this world today when you have to deal with banking matters internationally.

And when you have to deal with them in a jurisdiction that relies on its reputation, it has to certainly measure twice and cut once. It certainly has to dot its i's and cross its t's, especially in this climate of finan-

cial compliance. We have seen in my lifetime in this Legislature, Mr. Speaker, we have seen the BMA grow from a small organisation to a very big worldly one. Why? Because the world of compliance is the way we have to go.

So, you know, you can't just come here and look for headline grabbers. We have to look for solutions and a way forward. And the way forward is that we all in this country, Opposition and Government need to be rowing in the same direction to get us all on a good foot, in a good space, in a good place to go take this country forward economically, Mr. Speaker. And let us not wake up tomorrow morning and not see anything less than we are moving in the right direction, being able to have some hotel beds of a significant enough quantity so that airlines can start planning their future and groups can start planning to come to this country in the way they used to do with IBM and *Time* magazine, coming to the country, playing the golf courses, going to the restaurants, which afforded the international company businesses to grow and to come to this country because they had an infrastructure that served them well.

And we are going to get the Orange Route coming to St. George's with the ferry from Dockyard and maybe we will get the Belmont Ferry going more and . . . daylong because we will have more people in the country, Mr. Speaker. That is what we need to start focusing on.

And I am here to say, Mr. Speaker, as one who hangs his hat on the tourism industry, *Well Done!* to be in this place. And yes, we have got some work to do. Let us do it together. Help us in any way you can. Criticise us when you must, but not because you have to.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Swan.

Does any other Member wish to make a contribution at this time?

Any other Member?

Mr. L. Craig Cannonier: Mr. Speaker.

The Speaker: Yes, MP Cannonier, you have the floor.

Mr. L. Craig Cannonier: Yes, thank you, Mr. Speaker.

I just wanted to say that I am glad to hear the news that we are moving forward with this particular piece of legislation to ensure that Southampton Princess has the opportunity like the rest of the hotels that are already existing and those possibly in the future have opportunities where they can increase their revenue and also increase the lot in the pot of the Government.

I take to heart [what] the former speaker, the Honourable Kim Swan, from constituency 2 [said], as he mentioned about us working together. But let me

say this here, it becomes extremely difficult when we get conflicting information being put out by the same Members of the party. One minute a guarantee is in place and another minute a guarantee is not in place. It is clear as mud. Then we hear commitments that, okay, we are going to have this licence in place by next year. And then the next year comes and you are asked the same question, *Well, what is going to happen?* And we have no direction on exactly what is going to happen.

We are spending all this time, quite frankly, on Southampton Princess and we are spending all of this time on what might be—what “might be” in the future—when the existing (“what is”) hotels that have been trying to get a licence and get going is not being given the amount of time and attention that it should be given to and this Government should be flexible enough and if it has the intellectual capital as it says, regardless of COVID-19, we should be moving ahead with this legislation.

All throughout COVID-19 we were getting legislation done. So the question begs, why is it that we are spending all this time moving forward on something that might be when we have existing people who are paying their taxes, who are adding to the coffers of government right now, why aren't they being given the attention so that they can have their licence now? There is nothing wrong with that.

This is good, critical criticism. These are questions that should be answered. But when we get the answers back . . . for instance, a classic example, again, clear as mud. This morning we heard a statement that says that this Southampton Princess is going to provide 600 jobs. We now hear the Premier within an half an hour, 40 or 45 minutes, or so, we now hear it is going to be 800 jobs. So which one is it?

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

The Speaker: Point of order.

Hon. E. David Burt: If I may clarify for the Honourable Member.

The Speaker: Yes.

POINT OF ORDER

Hon. E. David Burt: The statement that was submitted to the House of Assembly has 600 jobs for construction and it listed 600 jobs as the number also for the operation of the hotel. That was sent to the Speaker. I delivered the correct version. But when I spoke that it was 800 jobs for operation, the two number interspersed. So that is just a clarification. It was not something that was intended to mislead. I sent it to the Speaker. I did apologise when I read it to the House. I read the correct number for the second one

and the updated Statement was sent to the Speaker to make sure it was replaced.

I do apologise for the confusion, MP Cannonier.

The Speaker: Thank you.

MP, continue.

Mr. L. Craig Cannonier: Well, I think it just continues to add to the complexity and the challenges that people are having.

I accept the apology and I recognise that these things can happen. But this is not the first time that this has happened. I mean, we have just gone through the Budget Debate and we saw the complete debacle. And one of the particular Ministries where . . . you know, completely, lost about 15 minutes because of reading the wrong things and the wrong numbers. I don't know what is going on, but I am in support ensuring that this gaming gets done.

But what I am appealing to the Premier is, Premier, we need these hotels, who have these provisional type licences trying to get things done. We need that attention to be given. There has not been a statement yet on the progress of what is going to happen to St. Regis, Hamilton Princess, and the likes, who are sitting there waiting to get going.

We have missed the first boat when it came to gaming. We missed the second boat. We are missing the third boat. And according to the Tourism Authority, we have missed the boat—period, just about—when it comes to this whole issue of gaming. So we have got to get moving here. And all I am asking the Premier to do, as the Minister of Tourism, is to get going on these licences for the existing hotels. They are sitting in waiting. We are talking to them; just like he is talking to them. And we are sitting here saying, *Well, what is going on?* Everyone is saying, *What is going on?*

So it would be nice for the next Statement that he gives on Tourism to give us an update on exactly where we are with gaming for these other hotels. Not on something that might be. And I know that this has to be done because it is probably the terms of the agreement to have this in place for this new up and coming hotel that is going to provide jobs.

I guess my real question at the end of the day is, What are real numbers that we are going to generate for jobs? What is the actual commitment to the number of jobs that is going to be put out there? We are hearing about construction. That's all good. We know about that. It is going to provide jobs just like we as an administration created jobs in other hotel projects. So what exactly is going to be those numbers?

And what is going to be the scope of what is going to be built up there and what can we expect that is going to be new, that is going to create some hope around this whole idea of gaming? Because right now even with the Statement that has just been given, there is no hope in this project coming up. So we need

to see something happening. And again, we are hearing conflicting information on how to finance it and the likes. It would be good that we get some statements from the Premier, as the Minister of Tourism, on these other projects.

Let's get these things going. These people are already paying into the coffers of Government. Give them the dignity of getting things done for them and we can move on with Southampton Princess.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution at this time?

Any other Member?

There are none, Premier.

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

Mr. Speaker, I will just say this. The Honourable Shadow Minister of Finance and Leader of the Opposition knows full well that the Minister responsible for gaming cannot grant a gaming licence. And so when the Honourable Opposition Leader is asking for timelines, and wants me to put on the Statements inside of this House on something that I do not have responsibility for, recognising the negative impact that can have in the global regulatory landscape . . . the licensing of hotel casino operations is not a matter for the Government of Bermuda. It is a matter for the Bermuda Casino Gaming [Commission].

There were amendments that were made last year in this House which were the amendments which were necessary and required to make sure that banking of casino gaming proceeds can happen. Individual developers have said that this process is complete. I have seen the emails from the persons who have provisional licences that say that all of the matters regarding moving forward with banking are fine. But licensing is an issue for the Bermuda Casino Gaming Commission.

We will do everything that we can to go ahead and support that process. But what must be understood is that we have strict regulatory processes in place. That is what is necessary to make sure that we can protect our international ratings [so Bermuda can] continue to be a place for international business. And the Shadow Minister of Finance and Leader of the Opposition knows that full well.

Would I have loved to have seen a casino open already, Mr. Speaker? Absolutely. But we have made the legislative changes which are necessary, which were requested and which were asked for in order to make sure that matters are facilitated. [We] remember doing that when we were in this House in the winter session last year, Mr. Speaker.

To respond to MP Cannonier's questions, the number of jobs for the construction phase of the project is 650, and the number of jobs, full-time jobs that

are expected for full-time opening of the hotel is 800. Those are the job figures, Mr. Speaker.

I am grateful that the Opposition supports this matter moving forward and we look for to it progressing through this House and also the other place, Mr. Speaker.

So with that, I move that the said draft Order be approved and that a suitable message be sent to Her Excellency the Governor.

The Speaker: Are there any objections?

There are no objections.

The required documentation will be prepared and sent to the Governor.

[Motion carried: The Draft Order entitled, Gaming (Designated Site) Order 2022 was approved.]

The Speaker: Thank you, Members, for your contribution in that matter.

We now move on to the second Order for today which is consideration of the Electricity (Regulatory Authority Fees) Amendment Regulations 2022 in the name of the Minister of Home Affairs, the Deputy Premier.

Deputy Premier.

DRAFT REGULATIONS

ELECTRICITY (REGULATORY AUTHORITY FEES) AMENDMENT REGULATIONS 2022

Hon. Walter H. Roban: Yes. Again, good morning, Mr. Speaker, and good morning to the listening public and Members of the House.

With the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution I move that consideration be given to the draft Regulation entitled [Electricity \(Regulatory Authority Fees\) Amendment Regulations 2022](#), proposed to be made by the Minister responsible for Energy for the purpose of establishing Regulatory Authority fees for the electricity sector pursuant to the Electricity Act 2016 in exercise of the power conferred by section 44 of the Regulatory [Authority] Act 2011.

Mr. Speaker, I am pleased to present the Electricity (Regulatory Authority Fees) Amendment Regulations 2022 for consideration in this Honourable House in accordance with section 44 of the Regulatory [Authority] Act 2011.

Mr. Speaker, these fees are part of the funds which finance the activities of the Regulatory Authority of Bermuda. These fees apply to each licensee who provide services to customers according to the terms and conditions required by the supply or transmission distribution and retail licences. The fees noted in this amendment pertain to the application of a transfer of licence which is reduced from \$25,000 to \$2,400. The

reduced fee in line with the analogous fee of the electronic communication sector.

Mr. Speaker, the fee comprises a portion of the funds collected by and for the use of the Regulatory Authority. These fees provide the necessary funds to the Regulatory Authority to fulfil its statutory obligations under the Regulatory Authority Act 2011 and the Electricity Act 2016, and include conducting market studies, imposing remedies, enforcing regulations and protecting consumers.

Mr. Speaker, in closing, all other fees proposed to remain the same as last years. The slight reduction is in adherence to section 44 of the Regulatory Authority Act 2011 which requires the fees to be reviewed annually. If these new regulations are not made, the fees would increase by the Consumer Price Index under section 44(14) of the Act. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. L. Craig Cannonier: Yes, Mr. Speaker.

The Speaker: MP Cannonier, you have the floor.

Mr. L. Craig Cannonier: Thank you, very much, Minister.

Understanding that under licence in the 2016 Act, a licence is being described "as a valid licence granted by the Authority." I am still trying to understand the explanation of licence transfer or assignment. With that assignment, what exactly . . . what other ground are we covering here when we say "or assignment"?

And I was not quite clear from the explanation just now if that was qualified clearly enough for the public to understand and for ourselves.

Additionally, as the Minister did mention in the Electricity (Regulatory Authority Fees) Regulations 2021, we see the licence transfer fee of \$25,000. It still was not clear also on how we have reduced it to \$2,400, and an explanation as to how that is happening. That is a huge difference and I was hoping that the Minister would be able to elaborate a bit more on how we got to \$2,400 in this case.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Cannonier.

Does any other Member wish to make a contribution at this time?

None.

Minister.

Hon. Walter H. Roban: Yes, thank you for the question.

There were two questions presented by the Honourable Member about assignments as well as

transfer. Those sort of processes happen with application to the particular . . . to the Authority such as we recently (not too long ago) had a change in control of the utility, a couple of years ago, from Ascendant to Algonquin. So that would have been a part of the process. But that process has to be done through application to the Regulatory Authority and this would have been the fee that would have been attached to that application.

Fee levels are set according to assessment of the earnings and revenue of each licence provider. So this adjustment would have been made in relation to that. There was clearly, due to the pandemic, reductions in revenues to the licence for transmission distribution and retailer and the Regulatory Authority would have assessed its fees on the basis of the change in that. And this is done across licence sectors.

I think I have answered both questions, Mr. Speaker.

The Speaker: Yes. Okay.
Continue on.

Hon. Walter H. Roban: With that, Mr. Speaker, I move that the draft Regulations be approved and that a suitable message be sent to her Excellency the Governor.

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

The appropriate documentation will be done and the letter sent to the Governor.

[Motion carried: Draft Regulations entitled the Electricity (Regulatory Authority Fees) Amendment Regulations 2022 were considered by the whole House and approved.]

The Speaker: Thank you, Members, for your participation in that matter.

We will now move on to the third item on the Order Paper today which is consideration of the Electronic Communications (Regulatory Authority Fees) Regulations 2022, again in the name of the Minister of Home Affairs, Deputy Premier.
Minister.

DRAFT REGULATIONS

ELECTRONIC COMMUNICATIONS (REGULATORY AUTHORITY FEES) REGULATIONS 2022

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

With the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution I move that consideration be given to the draft Regulation entitled Electronic Communications (Regulatory [Authority] Fees) Regulations 2022, proposed to be made by the Minister responsible for Telecommu-

nications in exercise of the power conferred by sections 6 and 11 of the—

[Inaudible interjections]

The Speaker: Any objections?

There are none, continue on Minister.

Hon. Walter H. Roban: Okay. I heard some background noise, Mr. Speaker, I was not sure what was being said.

The Speaker: Continue on.

Hon. Walter H. Roban: —exercise of the power conferred by sections 6 and 11 of the Electronic Communications Act 2011 as read by section 44 of the Regulatory [Authority] Act 2011.

Mr. Speaker, I am pleased to present the [Electronic Communications \(Regulatory Authority Fees\) Regulations 2022](#) for consideration in this Honourable House in sections 6 and 11 of the Electronic Communications Act 2011 and in accordance with section 44 of the Regulatory Authority Act 2011.

Mr. Speaker, these fees are what in part fund the activities of the Regulatory Authority of Bermuda. These fees apply to each carrier to provide services to customers according to the terms and conditions required in their individual communications operating licences. The fees are calculated on the basis of relevant turnover of which a percentage is assessed. The percentage proposed for the coming year is 1.65 per cent, a decrease of 0.05 per cent over last year's fees. This slight reduction is in response to the actual needs of the Regulatory Authority in regulating the electronic communications sector and to pass the savings back to the sector, recognising these are more challenging times.

Mr. Speaker, the fee comprises a portion of the funds collected by and for the use of the Regulatory Authority. These fees provide the necessary funds to all the Regulatory Authority to fulfil its statutory obligations under the Regulatory Authority Act 2011 and Electronic Communications Act 2011 among which are to conduct market studies to impose remedies, to enforce regulations, and to protect consumers.

Mr. Speaker, the other difference proposed in this year's regulations is the reduction to zero dollars for the application to use non-identity frequency spectrum from last year's \$500. This slight reduction is proposed to increase the interest in underutilised spectrum and anticipates a greater vibrancy in services provided to the Bermuda market.

In closing, all other fees are proposed to remain the same as last year's. These slight reductions are in response to section 44 of the Regulatory Authority Act 2011 which requires fees to be reviewed annually. If these new regulations are not made, the

fees would increase by the Consumer Price Index under section 44(14) of the Act.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. Scott Pearman: Yes, Mr. Speaker. MP Pearman.

The Speaker: MP Pearman. You have the floor.

Mr. Scott Pearman: Thank you, Mr. Speaker. And thank you, Honourable Minister and Deputy Premier.

What we have before the House this morning, as the Minister has just explained, are the Electronic Communications (Regulatory Authority Fees) Regulations 2022. And as with these fee changes, it is always helpful to compare them against the previous year which was the same regulations of 2021.

My question for the Honourable Minister in reply would be this: It appears from the brief that he has just presented to the House and from reading the Regulations, that there are merely two changes being implemented, as I understand it. The first is in Schedule 1, and as the Honourable Minister indicated in his brief, there is a reduction in the licensee's fee. The fee is linked to the licensee's relevant turnover, and it is an annual turnover it would appear from the text in Schedule 1. And the reduction is from 1.70 per cent to 1.65 per cent. So it is a slighter marginal reduction.

The Honourable Minister explained the reduction with reference to the "needs of the Regulatory Authority" (quote/end quote). So I invite the Honourable Minister perhaps to give a little bit more meat to the bone there. It is not entirely clear why it is relevant to the needs of the Regulatory Authority to reduce the licensee's fee against the licensee's relevant turnover.

So perhaps if he could just explain a little bit more. Was this at the request of the licensee? Why is it in the needs of the Authority to be reducing this fee? I am not suggesting it is not. It would just be a little bit helpful to the Honourable House to know a little bit more about why this fee reduction is actually occurring because the "needs of the Regulatory Authority" is a little bit vague.

The second change that appears to be happening by reason of these regulations, again, when contrasted with the 2021 Regulations is in Schedule 2. We heard a little bit more about that and that was the application fee for non-identity spectrum applications. And that fee was previously \$500. It is being reduced to zero dollars, to nil dollars. We understand from the Minister's brief to the House that this was because he was trying to encourage applications. So I am just curious, Were there any applications for non-identity spectrum permits (if they are permits) or licences (if they are licences)? Were there any applications? Is it

the absence of any applications that is triggering the reduction in fee?

So with those two or three questions to the Minister, those are the observations on behalf of the Opposition. Thank you, Mr. Speaker. And thank you, Honourable Minister and Deputy Premier.

The Speaker: Thank you.

Does any other Member wish to make a contribution?

Any other Member?

There is no other Member, Minister.

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

There seemed to be two questions there, actual questions from the Honourable Member. As it relates to the percentage proposed for the coming year, that has been reduced by 0.05 per cent.

One thing I think the Honourable Member perhaps does not appreciate, or perhaps the Member does, but I am happy to explain it. Each year the regulator produces a work plan which outlines the work and objective it has for each year. That work plan is circulated for consultation to the licensed [electronic] providers as well. So they get an opportunity to comment on the objectives of the regulator for the year and both sectors. So, they do get comment on their performance and their work and what they are planning to do. They, [the Regulatory Authority] also clearly assess the performance and are required by law to get information on the financial performance of each sector licensee as well. If the revenue for that sector goes down, that should also be factored into the assessment that they do for their own operations.

The regulator need only raise fees or raise revenue for the work that needs to be done. So, if there is not a need to automatically always get more money from the sector, they will not do so. They have to justify their operations and their revenue targets as well. So in keeping with what has been the overall performance of the industry for the period, their adjustment [is] down in light of the greater picture of everyone has had to take a hit as a result of COVID-19 and the change of the economic environment. [As] the providers [also took an economic hit] the Regulatory Authority makes the appropriate adjustment accordingly. Because they need only raise enough revenue so that it can effectively perform its statutory requirements. So that is the rationale from which these fees operate and its assessment has been assessed down to reflect that.

I do not know if there was another question. I think that really was the chief question of the Honourable Member. He mentioned something about the spectrum and he said that this was more clear.

Mr. Scott Pearman: Point of clarification, Mr. Speaker.

The Speaker: Point of clarification. We will take a point of clarification.

Hon. Walter H. Roban: Yes, I will take it.

POINT OF CLARIFICATION

Mr. Scott Pearman: Yes, thank you, Honourable Minister.

The second question was just whether there had been applications in relation to the \$500 fee that was reduced to zero.

Hon. Walter H. Roban: If there had been . . . I couldn't quite hear the question, Mr. Speaker.

The Speaker: MP, could you just repeat your question?

Hon. Walter H. Roban: It is a bit muddled.

Mr. Scott Pearman: Yes, I am sorry. The question was, Had there been applications? I know you are dropping the fee, the Schedule 2 fee. Had there been applications?

Hon. Walter H. Roban: Yes.

Mr. Scott Pearman: Notwithstanding the fee drop?

Hon. Walter H. Roban: There had been . . . no, you said there had been applications for that level of spectrum? Is that what you are asking?

Mr. Scott Pearman: Yes. Yes, that is my question.

Hon. Walter H. Roban: Yes, yes. And I think if you remember what I said in the Statement, it is a spectrum of less demand. There are other areas of spectrum that are in higher demand. But this is the directed toward the frequencies that are in less demand so that we can promote some usage of those bands. And we hope as the telecommunications industry has seen some growth in . . . particularly we have had some additional licences issued over the last few years that we will look to kind of push people toward using the less demand spectrum, as we anticipate there will be growth in telecommunications.

Mr. Scott Pearman: I am grateful for the clarification. Thank you, Honourable Minister.
Thank you, Mr. Speaker.

The Speaker: Thank you, Member.
Minister, continue.

Hon. Walter H. Roban: Thank you, Mr. Speaker.

With that said, I move that the said draft Regulation be approved and that a suitable message be sent to Her Excellency the Governor.

The Speaker: Are there any objections?

There are none.

The appropriate documentation will be done and forwarded to the Governor.

[Motion carried: Draft Regulations entitled the Electronic Communications (Regulatory Authority Fees) Regulations 2022 were approved.]

The Speaker: With that said, Members, that brings us to a close to the third item for today.

Members, the fourth item is probably one of the lengthiest . . . or probably will be a lengthy item for today. And I am looking at the clock and there is probably about seven or eight minutes left until this period is recessed for lunch. I am going to make the suggestion that we break for lunch now and come back at two o'clock so we can go uninterrupted into the presentation for that matter which I assume will be a lengthy presentation.

Are there any objections to that?

Hon. E. David Burt: No, Mr. Speaker.

Mr. Speaker, I move that this Honourable House do now adjourn until 2:00 pm after lunch (if I may).

The Speaker: Thank you.

Members, the House now stands adjourned until 2:00 pm.

Thank you, Members, for your participation this morning and we will see you at 2:00 pm.

The House is adjourned until 2:00.

Proceedings suspended at 12:22 pm

Proceedings resumed at 2:00 pm

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

The Speaker: Good afternoon, Members. It is now two o'clock. I trust everyone enjoyed their lunch. We are now about to resume the session for today.

When we broke this morning we had completed the first three items on the Order Paper, and we were about to start the fourth item, which is the second reading of the Cannabis Licensing Act 2022. However, there is a section that I need to read before we start this.

So, Minister, are you ready?

Hon. Walter H. Roban: Yes, Mr. Speaker. Can you see me?

The Speaker: I hear you; but I do not see you right now.

Hon. Walter H. Roban: Okay, just a second.

The Speaker: Are you in the Cabinet Chamber?
Yes, okay, now we—

Hon. Walter H. Roban: Okay. Can you see me?

The Speaker: Turn it back on. It was on, it was just not facing you; it was facing the other person. It's on now; we see you now.

Hon. Walter H. Roban: Okay.

The Speaker: Just before I turn the floor over to you again, let me say . . . and this is a formality that has to be done with a Bill of this nature that has been to the other Chamber and sent back. So let me just put the proper perspective on it before we start.

Please be advised that the Cannabis Licensing Bill attached is identical to the Bill that was not passed in the Senate in accordance with ¹section 38 of the Bermuda Constitution, save for the change of the year from 2021 to 2022.

Minister, would you like to introduce your Bill now?

Hon. Walter H. Roban: Thank you, Mr. Speaker. And just for the public's information, I am bringing this Bill on behalf of the Attorney General, the Honourable Kathy Lynn Simmons, the Minister of Legal Affairs and Constitutional Reform. I am carrying this Bill on her behalf today.

So that the listening public is aware, this Bill remains within her Ministry and responsibility. But I am carrying it on her behalf and on behalf of the Government.

Mr. Speaker, I move that the Bill entitled the Cannabis Licensing Act 2022 be now read a second time.

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

BILL

SECOND READING

CANNABIS LICENSING ACT 2022

Hon. Walter H. Roban: And just to reiterate your point, Mr. Speaker, that this is a section 38 process that we are following, and this is the same Bill that would have been tabled in the previous [Meeting] and it is being brought back according to that section [of

the Constitution]. It is the same Bill, other than the date change as you described, and to remind people that this is a licensing Bill that creates the Authority and the regime that will govern the Authority. And some of the other matters, some of which would have been raised in the previous debate, will be satisfied through regulations which will come later and they are being shaped. But they can only be shaped and done following the passage of this legislation.

So, Mr. Speaker, I rise today in this Honourable House to take up the Bill entitled the Cannabis Licensing Act 2022, and move that it be now read a second time.

I wish I could say . . . and, Mr. Speaker, I will say that I am seeking to emulate the voice of the eloquent Attorney General. So I hope I do her justice in the presentation of this brief.

I wish I could say that I am pleased, as I would usually do, that we are debating this much-needed reform Bill. However, Mr. Speaker, Honourable Members will recall passing this Bill on 9 February 2021. The Bill was then defeated in another place on 3 March 2021 by a vote of five ayes to six nays. Opposition Senators and Independent Senators voted together against the Bill.

The structural limitations of the parliamentary process which would allow an unelected body of the Upper House to strike down legislation passed by democratically elected Members of this Honourable House are now clearly in stark view. In legalise, that is called a "democratic deficit." All modern societies in the Westminster tradition are reforming laws to close democratic deficits and to put decision-making closer to the people and in the hands of actors with the people's agency. The democratically expressed will of the people of this country must be paramount and pursued even though the process and balance of power is flawed.

I can go on about the reasons why the other place was written into our 1968 Constitution Order, but then I would be accused of agitating the house on the Hill and their handlers who sit on another continent. Needless to say, Mr. Speaker, despite its detractors, this Bill remains legally sound, and the underlying policy is unassailable if the Bill is taken as a whole for what it is and what the regulated cannabis framework will become once it is fully implemented. It is no longer feasible for us as a country to bury our heads in the sand on the issue of cannabis reform. The drug problem will not magically disappear if this Bill does not become law. It is absolutely derelict for us as a society, for all that we know about the health, social and economic costs of the illicit cannabis market and drug addiction, to leave cannabis in the hands of criminal elements.

That is the stark reality of the status quo.

Collectively, we have to know and understand this reality. Drug interdiction and law enforcement still disproportionately target one segment of society. That

¹ Restriction on powers of Senate as to other public bills

too is indisputable. For all the nay-sayers in this Honourable House, and in the other place, there have been no substantive suggestions for amendments to the Bill for enhancement where they believe it could be improved. It is intellectually lazy for parliamentarians to vote the whole Bill down without actually debating the provisions in the Bill or being counted one by one on the record for their position on why the clauses of the Bill are not supported or why the Bill should not become law.

Mr. Speaker, on this occasion, some 12 months later, this Bill is again before us. We have the opportunity to showcase to the public and to those watching from afar that this Honourable House will not be suppressed, repressed, or oppressed as the Government advances its election platform and Throne Speech initiatives.

Mr. Speaker, with that said, the statement made in this Honourable House during the original debate on this Bill still pertains. For the record, I will now deliver the same speech with only modifications necessary to make it up to date.

Mr. Speaker, the Cannabis Licensing Act 2022 ushers in a new regulatory regime, licensing all activities involved directly or ancillary to the cultivation, import, export, production, sale, supply, use or transport of cannabis or medicinal cannabis or products derived from cannabis or medicinal cannabis in Bermuda. The Bill establishes the Cannabis Licensing Authority to be the statutory regulator to oversee the issuance of licences, inspection, compliance and enforcement of the cannabis licensing regime.

The Authority will also make recommendations to the Minister responsible for Drug Prevention on related policy issues and the administration of the Act. Provisions in the Bill will permit lawful activities relating to the cannabis plant, medicinal cannabis, cannabis products and cannabis-infused food products.

Mr. Speaker, this Honourable House has before it today a multi-faceted and transformative Bill of significant national importance. Before I detail the schematics of the Bill, allow me to put on record the full policy context and the Government's objectives of a regulated cannabis regime.

Liberalising Bermuda's cannabis laws is certainly long overdue. This is undeniable in a society and a world awakening to an inflection point in discussions about [systemic] racialised disparities and inequities within institutions, laws and policies, Bermuda's own peaceful Black Lives Matter demonstration in 2020 when this Bill was being drafted show that 7,000 people took to the streets amidst a backdrop of a global pandemic and physical distancing rules to demand better. This is a historic marker for the ages that transformative change by Government is necessary when tackling issues of Black disparity.

Mr. Speaker, we can all remember a time when Bermudian society was not always so even-

tempered when demanding rights for marginalised groups. Bermuda's civil uprisings of the 1960s and 1970s cannot be recounted without acknowledging that cannabis prohibition laws were used as one of the many tools by the Colonial Government and police to quell Black disquiet and to systemically criminalise Blacks on the front lines of the racial progress movements.

Many of our own families, if not some of the very Members who have served in this Honourable House, were directly impacted by the historic stain of colonialism and the oppression of a White oligarchy. If Black lives truly matter, Mr. Speaker, we should not hasten to recognise, deconstruct and reform laws, institutions, and systems that have racialised and [have been] harmful to Blacks. Crises are often the precursor to revolutionary change. And we are in an unprecedented economic crisis demanding radical new thinking. Increasingly, cannabis legalisation is not that radical at all.

Mr. Speaker, our 49-year-old Misuse of Drugs Act 1972 is a carbon copy of the Misuse of Drugs Act of 1971 in the United Kingdom. Strict drug controls which were duplicated across the British Empire based on an imperfect Nixon-era war on drugs originated out of the United States with its specific use of marijuana enforcement laws to demonise and criminalise Blacks and Latinos in their country. The great Reverend Dr. Martin Luther King, [Jr.], in his 1963 Letter from the Birmingham Jail gifted humanity with his perspective: "I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law."

The unjust colonial legacy of our local laws has not been fully dismantled after generations of Black Bermudians being incarcerated for minor cannabis infractions. As the entry point to our reforms, cannabis prohibition laws, designed to help society feel safe and secure, have undoubtedly had enduring damaging social, economic and health effects upon our small community. The impact of the enforcement of cannabis laws in Bermuda is disproportionately borne by Black Bermudians.

These costs of prohibition controls are no longer justifiable by modern standards and contemporary science. Criminalising cannabis, primarily through enforcement of personal use offences in the Misuse of Drugs Act 1972, is ineffective, costly, and represents poor public policy in contemporary anti-colonial and antiracist theories. Evidence of the tangible human cost hides in plain sight within our justice system: inequities and disparities based on race and police stops and arrest data, drug-related crime rates, prosecutions for cannabis offences, and our prison population. Black males are over-represented in all relevant metrics, even though it is proven Blacks are not more

prone to drug use, or cannabis use, specifically, than any other racial group.

Collateral consequences cause separation and breakdown of families and personalised trauma within families affected by cannabis enforcement. Cannabis users and persons convicted of cannabis offences are endlessly excluded from jobs, housing and travel.

Mr. Speaker, to underscore this point, a clear thread recognising the very same racialised social disparities and the social economic impact is woven through the findings of the Clark Report of 1978, the Pitt Report of 1978, the Gurr Report of 1984, the Archibald Report of 1986, the National Drug Strategy Proposal of 1991, and the Tumin Report of 1992, among others. Looking back at the recommendations in these seminal reports demonstrates that our society must collectively confront, interrogate, and dialogue with our past using today's knowledge, respectful of the aspirations of future generations.

It is undeniable that cannabis use is part of Bermuda's culture, despite it being unlawful to trade, share or even to use. Cannabis use is common at social and football matches and, certainly, at Cup Match and other large public events. Essentially, unlawful use happens in plain sight for police officers who are unable to effectively enforce cannabis laws at such events.

The illegal market in cannabis is estimated to be valued at between \$6 million and \$6.5 million. This puts tremendous strain on public resources through enforcement, criminal justice, and the health system. Mr. Speaker, the drug data supporting the Government policy is captured in the Bermuda Drug Information Network 2018 Annual Report [BerDIN]. I will highlight some of the salient figures.

In the reporting year 2017, some 71,160 grams of cannabis were seized—plants, resins, seeds and edibles. This accounted for 84.5 per cent of all drug seizures by weight. Criminal trials for cannabis possession were at 56 with a total of 18 trials for cannabis possession with intent to supply. Contrastingly, convictions for cannabis offences were reported as follows: possession, 47 convictions; intent to supply, 10 convictions; importation, 14 convictions; and cultivation, 2 convictions. Only 11 per cent of all total drug arrests in 2017 were for importation offences.

For the fiscal year of 2017/18 a total estimate of \$9 million was spent on drug treatment; \$770,000 on drug prevention; and \$5.7 million spent on drug enforcement and interdiction. Historically, the cumulative government spending for drug use issues is approximately \$15.5 million per year. Cannabis enforcement is overly represented in the drain on these government resources.

Further, Mr. Speaker, when analysing the prison population in 2017, at least 94 trials for cannabis offences were initiated. Most of those accused would have spent some time in custody, either on re-

mand or after conviction. The annual cost of housing a prisoner is recorded at \$70,000 per year or \$5,800 per month. It is also noteworthy that the recorded primary drug for those seeking treatment in order of prevalence were: opioids, cocaine, and cannabis. Yet, the order of prevalence reverses once persons are incarcerated, with cannabis overtaking cocaine and opioids. This suggests the accessibility of cannabis contraband within the prison population.

Mr. Speaker, the status quo has not been effective at deterring illegal consumption and trade in cannabis by any matrix. When faced with the paradox of these truths, how does a society progress from cannabis prohibition to legislation? Thinking of it as a continuum, the stages of cannabis laws reform are: total prohibition, decriminalisation, regulated medicinal cannabis, partial legislation via a strict licensing regime, legalisation with a light touch regulation, and full legalisation without regulation.

Currently, Bermuda has partial decriminalisation of cannabis as persons are permitted to possess 7 grams of cannabis without criminal penalty since December 2017. Hemp and CBD formulations are also legalised in Bermuda since November 2019. The legal definition of hemp is purposefully defined to include cannabis which contains concentrations of not more than 1 per cent THC. Further, approved medicinal cannabis pharmaceuticals like Marinol, Cesamet and Sativex are lawfully available for prescription in Bermuda.

Other formulations of cannabis for medicinal purposes can be authorised for patients under a licence by the Minister responsible for the Misuse of Drugs Act 1972. Globally medicinal cannabis is regulated or authorised by law in all of North America, most of South America, Western Europe, Australia, and New Zealand.

Mr. Speaker, this Government's efforts to take the next logical steps to establish a regulated medicinal cannabis regime were curtailed after public feedback was largely indifferent. Public consultation overwhelmingly showed the public thought the cost, complexity, and proposed bureaucracy outweighed any likely benefits for limited patients who would participate, or for attracting prospective entrepreneurs and investors. The overarching call was for bolder steps toward legalisation of cannabis.

The Government took a deeper look at how far cannabis reforms could go. Raising the decriminalisation amount to above 7 grams of cannabis, similar to Portugal's model of wholesale decriminalisation, was not a feasible option for Bermuda's size and limited resources. Therefore, a balancing exercise acknowledged that full legalisation of cannabis without a robust regulatory framework might have the unintended consequence of increasing cannabis abuse and could negatively impact Bermuda's pristine reputation. Inadequate regulation would neither dissuade cannabis use nor eliminate the illegal cannabis mar-

ket, nor [would it] prevent the known health risks and associated social harms.

Mr. Speaker, the Government's conclusion was that we need a regulated cannabis regime tailored to Bermuda which would improve public health and safety and which is not unjustifiably punitive. Opening up entrepreneur opportunities for all in the post COVID-19 economic recovery, including for persons convicted of minor cannabis offences, became a necessary consideration. Soft-touch regulation was ruled out because it could not achieve the needed protections for vulnerable groups and would not satisfy our national commitment to maintaining our favourable assessment in the mutual evaluation report by the Caribbean Financial Action Taskforce (CFATF) for our effective anti-money laundering framework.

Mr. Speaker, the Government is mindful to ensure that reforms effectively curtail the persistence of the illegal cannabis market of unknown quality and potency and that the inherent exploitation within criminal enterprise would fade over time. The longer cannabis use remains criminalised, cannabis users would largely be out of reach of prevention and risk reduction protocols and treatment services without also being caught up in the criminal justice system.

Mr. Speaker, scientific advances and attitudes about cannabis now indicate that the health risks of using cannabis are lower than that of alcohol and tobacco. Dependence potential of cannabis is moderate to low and on par with that of caffeine. However, local cannabis use data places cannabis and alcohol side by side as drugs of choice in Bermuda. Reported lifetime consumption rates are at 78.7 per cent for alcohol, 76.5 per cent for cannabis, and 70.4 per cent for tobacco.

There is no escaping that alcohol and cannabis are cultural staples in a country where almost 99 per cent of people admit to taking drugs in their lifetime. Law and policy models around cannabis interventions globally are shifting focus towards identifying persons at high risk, modifying risk factors and risky behaviour, and modelling responsible use—the same as for alcohol—instead of outdated criminality focused models.

Mr. Speaker, the cannabis policy follows the leading science that signals that health risks for cannabis users are heightened for adolescents, persons with mental health challenges or a family history of such, individuals with cardiovascular problems, and pregnant women. These high-risk factors can be worsened by initial cannabis use in early adulthood, near daily cannabis use, smoking cannabis plant material, and by consuming cannabis with excessively high THC levels. Because illegal cannabis is of unknown quality or could be laced with other more harmful chemicals or drugs, available data suggests that contamination of street cannabis could be an aggravating factor.

The Cannabis Licensing Bill provisions effectively address each of these perspectives. An objective of the Bill is to restrict access for young persons and discourage inducements to use cannabis, specifically [by] persons under 21 [who] are not permitted to consume or use cannabis under the Bill. It will, therefore, be an offence to supply or sell cannabis to a person under the age of 21 years of age. I am going to repeat that, Mr. Speaker, so that people can hear that: It will, therefore, be an offence to supply or sell cannabis to a person under the age of 21 years of age.

Licensees will also have a duty to ensure that persons under 21 are not employed by retail shops and do not gain access to retail shops and that cannabis or cannabis products from retail shops are not procured for persons under 21. Applicable offences and penalties are included in the Bill with fines for non-compliance [being] between \$8,000 and \$40,000.

Mr. Speaker, examples of other safeguards provided in the Bill are such that the Minister may, by order, exclude harmful strains of cannabis from the licensing regime. Availability of cannabis is being curtailed to approved premises meeting strict guidelines, and clearly prescribed packaging and design are required. Supply chains will need the approval of the Authority to keep out criminal elements, and mechanisms for policies and resources and enhancing education, prevention, and treatment for at-risk groups are also included. Strict security requirements for licensed facilities and conditions on licences will be imposed by the Authority.

Mr. Speaker, public education campaigns and outreach will be promptly executed so that young persons and the general public understand the known dangers of cannabis in the same manner as we educate on the dangers of alcohol and tobacco. The Department of National Drug Control and the Authority will be tasked with collaborating to design and deliver effective, targeted, prevention campaigns, improving understanding of drug abuse, and the development of the best possible responses to it.

The intended messaging will emphasise responsible adult use and will be sufficiently nuanced so as not to demonise positive uses of cannabis. Public messaging ought to coincide and reinforce other community-wide values exemplified by parents and family members, educational institutions, and society generally. In addition, the messaging will promote responsible attitudes and beliefs which will provide young people with the tools to decide on the most healthy course of action in regard to the use of potentially addictive substances. Research shows that educational programmes focusing on learning how to manage emotions and stress do better in addressing the root causes of addiction and dissuading young people away from using addictive substances rather than direct programmes focusing exclusively on drug abstinence.

Mr. Speaker, licensed cannabis activities within the Bill's licensing regime are ultimately designed to allow adults to access regulated, quality-controlled cannabis plant material, medicinal cannabis, cannabis products and cannabis-infused food products for medicinal and personal use. The licence categories are as follows:

- a tier 1 cultivation licence, to allow for the growing, harvesting, drying, trimming or curing of cannabis for adult personal use;
- a tier 2 cultivation licence, to allow for the growing, harvesting, drying, trimming, curing or packaging of cannabis for medicinal cannabis for commercial purposes;
- a cannabis retail shop licence, to allow for the operation of a cannabis retail shop for the sale of cannabis or the sale and consumption of cannabis;
- an import licence, to allow for the cannabis and medicinal cannabis planting material for cultivation from any country from which it is lawful to do so;
- a tier 1 manufacturing licence, to allow for activities relating to the processing of edible cannabis;
- a tier 2 manufacturing licence, to allow for the manufacturing of cannabis products or medicinal cannabis products;
- an export licence, to allow for the export of locally cultivated cannabis to a country in which it is lawful to do so;
- a research licence, to allow for the conduct of scientific research relating to the development of medicinal cannabis;
- a transport licence, to allow for the transport of cannabis or medicinal cannabis in Bermuda; and
- a cannabis event licence, to allow for the sale and supply of cannabis at authorised private or public events of an infrequent, but temporary, nature.

Mr. Speaker, collectively, the proposed Bill creates strict national regulation of cannabis to be enforced by the Authority and police, each empowered under the Bill to control and regulate cannabis within the framework. HM Customs Department Officers retain their role and powers for protecting our borders from drug trafficking. I want to repeat that as well: HM Customs Department Officers retain their role and powers for protecting our borders from drug trafficking. Ongoing cooperation between agencies will continue under the Bill and is essential for the integrity of the regime.

Mr. Speaker, another dimension of the Bill is that the associated licence fees are designed to avoid a situation of *champagne for the few instead of water for all*—to borrow an African expression from Thomas Sankara. It is a priority of this Government to prioritise economic access to the licensing regime for all seg-

ments of our society. Licensing fees are accessible and affordable, ranging from \$500 for a tier 1 cultivation licence, \$500 for a transport licence, and \$750 for a private cannabis event [licence]. On the higher end of the licensing regime, entrepreneurs can opt for retail shop licences and research licences at \$10,000 or a tier 2 commercial cultivation licence for \$6,000.

Mr. Speaker, the Bill presented is the culmination of a comprehensive social justice reform project which includes extensive consultation and stakeholder engagement from entities and experts across health, law enforcement, finance and justice. The final iteration of the initiative began during the previous legislative term, with the Government renewing its promise for cannabis reform in the 2020 Speech from the Throne. The policy behind the Bill was informed by a substantive public consultation throughout the policy development phases and included the presentation of an illustrated draft Bill. The final public consultation exercise closed on July 3, [2020], with over 500 comments made by approximately 150 members of the public, stakeholders, and affected entities.

The public consultation not only showed large numbers of supportive comments and ideas for improvement, it showed there is an over-whelming appetite for changes to our cannabis laws and that the populace generally accepts that cannabis should be available lawfully under a licensed regime. The public feedback can be chiefly described as supporting the licensing system. Most contributors gave views and insights into particular provisions or shared their individual opinions for or against the different policy options being pursued. There were less than a handful of persons holding against a regulated cannabis regime as proposed.

Most opposing attitudes offered explanations and suggestions. Certainly, all contributions were constructive, thoughtful, and valuable. Mr. Speaker, not surprisingly the quality of some consultation submissions uncovered substantial local cannabis expertise waiting in the shadows and margins of society to take root. It is anticipated that our homegrown experts are readying themselves to start their local cannabis operations.

Mr. Speaker, on 2 December 2020 the UN Commission on Narcotic Drugs decided by 27 votes to 25, with one abstention, to delete cannabis and cannabis resin from Schedule IV of the 1961 Single Convention on Narcotic Drugs, the listing of the most harmful [psychotropic] drugs. The UK Government voted in favour of this change.

Mr. Speaker, with this change by the United Nations' oversight bodies they radically removed some of the structural hurdles in emerging cannabis industries globally. It effectively allows for greater national competence for signatories to enact legislation to allow increased medicinal, scientific and industrial uses of cannabis without falling afoul of the three major international narcotics conventions. The reclassifi-

cation of cannabis was resulted from World Health Organization [WHO] recommendations, recognising therapeutic and treatment benefits of cannabis, further indicating that it is not liable to produce ill effects similar to other drugs in Schedule IV, such as heroin, fentanyl and opioids.

Mr. Speaker, the Government is aware that United Nations Treaties oversight body, the International Narcotics Control Board (INCB), has articulated the limitation that domestic laws of cannabis can only be allowed for medicinal, scientific, and industrial purposes. The Bill [before us] goes to permit lawful uses of cannabis for personal adult use and other licensed activities. In doing so, the Bill's provisions will exceed the prescribed limits of the various narcotics conventions. I want to repeat that as well: In doing so, the Bill's provisions will exceed the prescribed limits of the various narcotics conventions.

The Government of Bermuda is pursuing all diplomatic and legal options to deliver on its promise to our people, fully cognisant of the UK's role to ensure compliance with International Narcotics Conventions extended to Bermuda. However, Bermuda, as a small overseas territory of the UK, democratically desires for social, cultural, and public health reasons to chart its own distinct course in the difficult area of cannabis reform, while adhering to international law to the greatest extent possible.

Mr. Speaker, Bermuda is a non-state party to the Narcotics Conventions; the conventions are extended to us by the United Kingdom Government. International law requires that territorial application of treaty obligations of signatory state parties requires the consent of the territory government. The UK Government and Government House have confirmed support for Bermuda's policy and legislation only so far as it does not contravene the UK's international obligations. To be clear, the Governor has indicated that she will be unable to assent to any legislation that contravenes our international obligations.

Mr. Speaker, it is worth noting that the UK are already entangled in a diplomatic stalemate with the British Virgin Islands because of Her Majesty's Government's refusal to assent to two cannabis related Bills. The BVI's Cannabis Licensing Act, 2020, would open up commercial opportunities related to medicinal cannabis in the territory. Also, the BVI's Drugs (Prevention of Misuse) Amendment Act, 2020, would decriminalise possession of small amounts of cannabis and erase some previous convictions. It is reported that the UK is withholding assent because they were not consulted during the Bill's development and to secure a Memorandum of Understanding granting the UK Government a binding role in the territory's licensing authority.

Mr. Speaker, the Government of Bermuda has consulted with the UK Government and Government House during our law's development. I will say that again, Mr. Speaker: the Government of Bermuda has

consulted with the UK Government and Government House during our law's development. As previously stated, Bermuda has already passed laws to decriminalise small amounts of cannabis, and medicinal cannabis is already available under our existing law. Should the UK Government take the same approach for Bermuda as they have in the BVI, the Government of Bermuda will have to reconsider the terms of its consent to the Narcotics Convention.

Mr. Speaker, the mutuality of Bermuda's relationship with the UK requires the UK Government to support the democratic aspirations of Bermuda by representing our interests in the international arena, insulating Bermuda from any potential INCB [International Narcotics Control Board] sanctions. Even though we are officially represented by the UK Government at the international level, Bermuda's own voice on issues which affect our political, economic or financial interests must be represented. This was a position framed as far back as the tenure of Sir Edward Trenton Richards, Bermuda's first Black Government Leader from 1971 to 1973, and then Premier from 1973 to 1975.

Mr. Speaker, let us be clear, Bermuda is met with a dilemma—continue to wait for the INCB and other state parties to catch up to modern attitudes on cannabis and miss the opportunity to deliver a real change and economic opportunities for our people, or to meet the potential international challenges head on. The road to progress is never perfect. Progress comes at a cost. The legendary US Congressman John Lewis, best known for his lockstep advocacy alongside Dr. Martin Luther King, Jr., powerfully tweeted in June 2018: "Never . . . be afraid to make some noise and get in good trouble, necessary trouble." Defending Bermuda's democratic policy position on cannabis on the international front is the type of "trouble" this Government is not afraid to make.

Mr. Speaker, Bermuda can be confident that the pathway to a regulated cannabis legal framework has been trail-blazed by Canada and 36 states within the United States of America. Other jurisdictions further afield, like Uruguay, have a completely regulated cannabis sector with Mexico's legal cannabis industry expected to come on line by the end of 2021. Remarkably, Mexico's legalisation was driven by a Supreme Court ruling that cannabis use falls under constitutionally protected modes of individual self-expression and that country's desire to eradicate drug cartels.

Canada and the USA [by] enacting domestic laws permitting personal adult use of cannabis and creating regulatory frameworks for cannabis industry are in the position of respectful non-compliance in regard to the International Narcotics Conventions. Notwithstanding, neither country has been subject to any sanction by the INCB despite Canada being called an international rebel and the INCB declaring its legislative regime to be weakening the drug treaty framework.

Respectfully, it would be disingenuous for the INCB to take a hardline approach against Bermuda's cannabis laws in the face of two G7 state parties to the conventions notoriously in non-compliance with their treaty obligations.

Mr. Speaker, the cannabis policy and laws emanating from the Americas and Caribbean region are more coherent with local views and culture. Prevailing views in these regions, like those in Bermuda, recognise that contemporary science and risk-based harm reduction strategies are far more effective at preventing cannabis misuse and illegal trades in cannabis than a prohibition only approach advocated by the INCB. The cannabis laws from the model jurisdictions informing this Bill are sensibly consistent with the overall objective and purpose of the narcotics conventions, that is, to be concerned with the health and welfare of mankind. This is per recital to the 1961 Single Convention on Narcotic Drugs.

This Government believes that a regulated cannabis industry, even one which permits responsible adult use, has greater likelihood of safeguarding the health and welfare of our population than the status quo, systems that criminalise users and continue to proliferate despite all the best law enforcement efforts.

Mr. Speaker, I expect this Bill will receive bipartisan support. Let me explain why. Despite the rainbow coalition of candidates run by the One Bermuda Alliance in the 2020 election, they collectively failed to address cannabis reforms or even examine the impact of drug enforcement or drug use in their election platform. Fanciful buzz headings in their platform, such as, "equitable wealth creation," "restorative justice," and "social contract," they remained silent on the subject of cannabis reforms and without any substantive discussion or critique of the Government's policy intentions.

At the time of the election cannabis reforms had been widely reported on, two public consultation exercises had been completed, and two illustrative Bills have been laid in the legislature for public and parliamentary scrutiny. In fact, cannabis is referenced only once in the OBA's 2020 party platform and there is no reference to drug policy generally. I dare you to search.

And what, you ask, was the singular cannabis issue the opposition party was focused on? I quote, "Re-examining cannabis growing legislation to ensure that any [legalisation] would provide real entrepreneurial opportunities." The failure to engage meaningfully on cannabis reform in the OBA's platform, we contend, was trailed by their silence on cannabis reforms in the Opposition's Reply to the Throne Speech under the new party leader, who sits as the Honourable Member for constituency 8.

Mr. Speaker, if I may, let me also cast our memories back to 2014. That was when the Honourable Member from constituency 10 held the portfolio of

Minister of National Security. In January of that year the Honourable Member is on record "rubbishing" the PLP Opposition's proposals to decriminalise small amounts of cannabis. He spoke publicly calling decriminalisation reckless and that he would "refuse to believe that this is supported by the people of Bermuda." Yet, by November the OBA had changed tack proposing policies to allow for approved medicinal cannabis pharmaceuticals and giving wider police discretion to caution first-time cannabis possession offenders in his 2014 Throne Speech.

Also, that same year, the OBA Government commissioned and supported a comprehensive analysis of cannabis reform in Bermuda by a group called the Cannabis Reform Collaborative. That group's findings and recommendations, published in April 2014 in a 137-page report, by and large captures the policies of this Government's cannabis reforms, including the social justice and social equity underpinnings to cannabis reforms. One month after that report's publication, the Honourable Member was appointed Premier, retaining the portfolio of National Security.

So, what exactly did the OBA do while in government to advance cannabis reforms? Did they shelve the report? Was it simply an exercise to placate or garner Black support? We do not know.

I leave it to the Opposition Members to explain their party's half-baked position on cannabis and inertia on implementing the substantive reforms recommended in 2014 report they commissioned. They can choose to rise today, bang their pots and pans in a display of white lash against the Bill or, if their conscience allows . . . But in reality the Opposition have no real standing to oppose the policy changes in this Bill because they [gave] no input during its development and they repeatedly failed to deliver on meaningful cannabis reform during their term in Government.

Whatever the OBA's position today, Mr. Speaker, they never had the public trust to advance credible reforms on cannabis. Incontestably, it is the PLP Government who possessed the legitimacy and audacity to progress cannabis reforms on a resounding mandate by the people of this country.

Mr. Speaker, political dynamics aside, cannabis has already gone main stream. Industries are emerging and growing steadily in all of our gateway neighbours. We have fixed our gaze towards Canada's and the USA's example. We are bold enough to chart our own course to create economic opportunities for our citizens. The Bill presented opens the door for a viable, vibrant and equitable cannabis industry in Bermuda. There will not be large monopolies dominating the industry. Let me say that again: There will not be large monopolies dominating the industry. We have designed a framework that encourages entry to the business for small and medium-sized entrepreneurs as well as large companies.

Overall, the Bill accomplishes an agile regulatory framework for cannabis in Bermuda that can grow in line with the evolutionary needs of local industry and can be further adapted as cannabis regulatory models emerge globally.

Mr. Speaker, constructing an entirely new regulated industry is not altogether unlike building a house. This Bill represents the tent, foundation, walls and roof needed to shore up the cannabis industry in Bermuda. The legislation cannot possibly, at this stage, capture every eventuality, answer every technical challenge the industry may face, or be tailored to match the myriad of business proposals [imagined].

And as we know, Mr. Speaker, from the legislative process, that is how most legislation starts and it is followed by regulations that create the technical specifics around how the Bill should operate. So we know that is how legislation works.

Continuing with the same metaphor, the expert tradesperson, such as industry experts, entrepreneurs, investors, the banking industry, the Office of the National Anti-Money Laundering Committee, and the Authority will be able to influence the future design of added specifics within the existing licensing regime. Each of these stakeholder groups will have the benefit of the clear regulatory framework of the Bill to inform their due diligence and risk analysis before participating or discharging their operational mandate with regard to the cannabis market. With their expertise, they will have the best understanding of the potential risks associated with any ambiguities in the licensing regime; identify ways of improving security issues, safeguards, and dynamics from within the specific areas they operate.

Thus, Mr. Speaker, regulation-making powers are included within the legislation, allowing the Minister responsible to make specific and general regulations to enhance the regulated licensing regime. Additionally, the principal Act can be amended by regulation to include future development. By modelling our framework on the Canadian model, Bermuda can also rely on Canada's experience with regard to maintaining its high anti-money laundering rating, notwithstanding its legalised cannabis industry. Applying the Canadian lessons will ensure that our Mutual Evaluation Report by the Caribbean Financial Action Task Force (CFATF) continues to demonstrate our effective anti-money laundering compliance.

Mr. Speaker, the totality of the proposed legislation provide a better effective regulatory control framework for cannabis to displace the illicit market, protect the youth and vulnerable persons, and finally, redress legacy harms afflicting Black families. It provides fair and equitable access to participate in the proposed market at a time when the economy and families are suffering and searching for new economic activities and opportunities. The passage of this Bill and the future implementation will deliver the greatest good for the greatest number.

With those remarks, Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you, Minister.

Does anyone else wish to make a contribution?

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

The Speaker: MP Pearman, you have the floor.

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

Mr. Speaker, I was going to say that this is *déjà vu* all over again. The same Bill that we saw a year ago, last February, is back again with very few, if any, changes. What has changed is only the year on the face of the Bill. What has also changed, of course, is that we do not have the Attorney General presenting the speech today to the Honourable House, although we had a very similar, if not verbatim, speech presented by the Honourable Deputy Premier.

So, here we are. *Déjà vu*; nothing has changed. And unfortunately that gives the impression that the Government is not listening because there are severe problems with this Bill that could and, respectfully, should have been addressed in the intervening period, problems that have been highlighted by those in the third sector, problems that have been highlighted by the Opposition, problems that have been highlighted by the Bermudian people.

And it is a shame that efforts have not been taken to try to get more people on board so that what is being passed today, and in all probability it will be passed because the Government has the votes, could be a Bill that far more people could support on our Island.

Mr. Speaker, getting to the heart of the matter, this is a difficult issue. And it is made more difficult by the fact that this Bill is not just about the legalisation of cannabis. Indeed, the legalisation of cannabis is not really foursquare at the front of the Bill. At the front of the Bill is a licensing regime. It is about process. It is about how it will happen. And the Opposition OBA respectfully suggests that the process that is being proposed is a bad one. We believe this to be a bad Bill.

Mr. Speaker, as we are in *déjà vu* land, if I could ask your leave just to read from the Hansard a very brief passage from what I said on the last occasion, it is this:

²"If you are a believer in the prohibition against cannabis, if you believe that drug use and abuse erodes the very fabric of our society, then this Bill is not for you. Because this Bill will legalise can-

² *Official Hansard Report*, 19 February 2021, page 419

nabis and, in all probability, it will lead to increased drug use.”

Alternatively, “[i]f you are a believer in decriminalisation of cannabis, if you believe that it is wrong for people to be incarcerated or criminalised for cannabis use, then this Bill is also not for you. Cannabis is already decriminalised in Bermuda, it was decriminalised” (by way of a Bill) “in 2017. This Bill does nothing to alter that. Decriminalisation” (of up to 7 grams) “has already happened.

“If you are a believer in full [legalisation] of cannabis, if you believe that adults should have the freedom of choice to use cannabis where and when they wish, then this Bill is also not for you, because this Bill is not about freedom of choice.”

Mr. Speaker, I repeat what I said then because it remains true now. Nothing has changed. And, yes, it is a difficult issue and we respectfully suggest that this Bill is not the answer. As I said, at its heart this Bill is about licensing. And licensing is about who controls flows and ultimately about money. It is about who controls manufacture, importation. It is about control of [cannabis] use. And I say that because not all Bermudians may appreciate that what we are debating today is about that. Most Bermudians, quite understandably will see this Bill as simply an up/down choice on the use of cannabis in Bermuda permitted by the law.

As Bermudians we are divided on this issue. And it helps us on the Hill here to appreciate that we are divided because it is not so simple as to attack the opposite viewpoint as being mere sophistry. People have genuinely and authentically held disagreements about this issue and they are not wrong to do so. On the one hand, Mr. Speaker, there is the issue of civil liberties. And I would emphasise that this Bill is not about the people’s plants, it is about corporate cannabis. It is about the mechanisms, the control of cannabis. And those who believe that this is really just the liberalisation across the Island that will allow them to do whatever they want to do will be severely mistaken.

As to personal liberties, I believe the best approach in life is on the basis that, within reason, adults should be able to do what they want to do. And we are supportive of the idea of personal liberty. And lawmakers must always step back and take a look at whether any law we pass here is unduly limiting on personal freedoms. Where there is a tug of war between citizen and state, at least for my part, I tend to side with the individual.

The Opposition very much agrees that it is unhelpful to punish people criminally for cannabis use. And during the presentation to this Honourable House the Honourable Deputy Premier said this (as I read from the Hansard): “So, what exactly did the OBA do while in government to advance cannabis reforms?” Well, that question, Mr. Speaker, may be rhetorical. But let me answer it.

When they were in Government . . . and I was not in that Government, I arrived after the fact and I am late to the scene. But the OBA tabled a Bill in 2017 to decriminalise the use of cannabis up to 7 grams and it passed the House in May of 2017. So that is what they did. It never got to the Senate because there was an election in July 2017. So, that is what they did and that is the position. And the position remains the same, that the OBA is supportive of the concept of decriminalisation. And for those who want to take a look and point out the 7 gram amount, well that is a legitimate conversation that could be had.

So, I think you should know if you support this legislation . . . you should be aware that this Bill is not changing the 7 gram limit under the 2017 Act unless you pay for a licence. Likewise, to grow marijuana at home will *require* a licence. The Bill provides for an application fee of \$250 and a licence fee of \$500. But if you want to smoke in your own home, this Bill has serious issues.

And for those who have not paid attention, I would like them to look at the clauses of the Bill. I will not read out the clauses because I did that last time and I was told off for doing so in a debate. But look at the clauses that limit what you can grow in your own home. Look at the clauses that prescribe who can enter your home to inspect, to take photos, to establish the boundaries of your property. This legislation is not free and easy. If you are out there standing on the hill advocating for personal liberties, this Bill is not for you.

Looked at carefully, this Bill does not enhance personal freedoms. You cannot, for example, smoke in unlicensed places. This is a not a Bill that when it passes will allow you to smoke on the beach or as you walk down the street. And as was pointed out by a number of speakers when this Bill came before the House last time, this Bill does not address the US stop list in any way.

It also, Mr. Speaker, seeks to regulate the strength of the licensed cannabis that will be sold. And that begs the question, what will happen to those who wish a stronger strain of weed? What will happen to those who are under 25 years old and may wish to smoke? Well, the answer as we all must appreciate is that the black market will be there and it will thrive.

Likewise, we see this Bill prohibiting anyone working in a new shop if they are under the age of 21. So, if a bar down anywhere in town were to add as part of their product cannabis sales, they would actually have to get rid of anyone working for them under the age of 21. So, it could be a job reduction. So, that is looked at through the lens of personal freedoms and civil liberties, Mr. Speaker. And that is important, because, as I say, when it comes between the citizen and the state, more often than not it is best to come down on the side of the citizen because he or she often needs your help.

But we as parliamentarians cannot just look at it through the lens of the individual. We cannot just say, *This is what I would do*, because that is not our role. Our role is broader than that. We have to look at what is best for society as a whole. And let me turn then, Mr. Speaker, to those who have concerns about this Bill—and there are many. And those concerns are authentic and legitimate.

Mr. Speaker, it is uncontroversial and hard to ignore that drugs can do major damage and do [inflict] major damage to human beings. I spoke last year in the debate and I will mention it briefly again. I have witnessed first-hand in my own family the problems of addiction. I have family members who are no longer alive today because of addiction. Personally, for me, Mr. Speaker, the most disappointing part of this Bill . . . and this may surprise you, but the most disappointing part of this Bill is the lack of funding for counselling for those who encounter problems with drug use. Because there are those who encounter problems with drug use, just as there are those who encounter problems with alcohol use. There are people in need of treatment Island wide.

Mr. Speaker, I am not going to get into the argument about whether cannabis is physically or psychologically addictive. I am not going to get into the argument about whether cannabis is a gateway drug. I very much appreciate that there are some out there who can make arguments that contend that it is not. And I will defer to the science on those rather concerning issues. But, Mr. Speaker, back to the Bill. I have said repeatedly it is not a good Bill, and that is a shame, because it should be and it could be. But why, Mr. Speaker, why no changes?

Mr. Speaker, when the Cannabis Bill was defeated last year in the Senate, the OBA and I personally highlighted the absence of any funding to combat addiction issues. And I am very sad to say that nothing has changed. This Government has had a year to think about this. Why do we not see any changes, Mr. Speaker?

Another concerning issue, Mr. Speaker, is that this Government seems very excited about picking a fight with Government House and the United Kingdom. As we know, the United Kingdom is a signatory to the UN [Single] Convention on Narcotic Drugs and it is unfortunate that we would come to loggerheads with the United Kingdom at a time when the United Kingdom has been so gracious to us, providing Bermuda with COVID-19 vaccines free of charge and ahead of much of the rest of the world.

Mr. Speaker, just so that we are clear—because in debates people tend to try to vilify the position of those opposite them and sometimes to mischaracterise that position—this Opposition continues to support decriminalisation and very much believes that cannabis use should not mean criminal charges. It is not sensible public policy to lock up people for smoking marijuana. It fills our jails unnecessarily with

those people who should not be in jail and the OBA believes that.

Likewise, the OBA was proud to introduce legislation in respect to medical marijuana, and we believe that medical marijuana should continue to be available for those in need. And there is some science around that, and it has seemed to be helpful to treat certain ailments, and that is a good thing that it is available.

But again, we are looking not at philosophical arguments, but at this Bill. And whether this Bill is a good Bill or a bad Bill depends upon what it seeks to do and, as I said, it must be viewed through the lens of society as a whole. We, the Opposition, see no evidence that this licensing Bill will reduce drug-related crimes and death in Bermuda. We do not believe it will reduce the suffering of our families who are caught up intentionally or unintentionally in black market trade, because we believe black market trade will continue.

Ultimately, Mr. Speaker, and forgive me for repeating what was said last year, but this really is not a Bill that solves the problems of anyone and it certainly does not solve Bermuda's very serious and significant problems.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Pearman.

Would any other Member like to make a contribution at this time?

Mr. Jamahl S. Simmons: Yes, Mr. Speaker.

The Speaker: MP Simmons, you have the floor.

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

One of the things that I have grown accustomed to hearing from the public is that there are many politicians who do not listen. And I want to thank the Minister filling in the breach for the Honourable and Learned Attorney General, in taking great pain, great pain and in great detail, explaining how the Government came to take the position it did. And I think that when we look at the constraints we labour under, many of the things that they would love to see on their wish list were not achievable to be able to move forward with this.

Now, having said that, I think (and I will speak to this a little bit more) this is something that must be allowed to continue to grow and evolve as the country grows and evolves and as this regulated marketplace evolves. But, Mr. Speaker, you know, I am going to speak to a couple of issues when I talk about where the Opposition has not been. They have been a little disingenuous. And let me give you an example, Mr. Speaker.

The Honourable and Learned Member, my good friend who just took his seat, speaks of why this Bill does not include the stop list, or something on the stop list. Mr. Speaker, for those who are not aware,

and perhaps the Honourable and Learned Member is unaware, the Bermuda Government does not regulate the United States stop list. The Bermuda Government does not inform the United States stop list. The Bermuda Government does not run the United States stop list. So, if the Honourable and Learned Member has a solution that can be done with the wave of a pen by Parliament, I would ask and challenge him to put a motion down or an amendment that would allow it to be a part of this Bill, because I would love to see that.

And I hope that this is something that they have in their back pocket and they have prepared for, because if there is a solution that could be done by this Parliament, then I want to hear it and I would welcome it and so would many of my constituents who have laboured under the US stop list.

But Mr. Speaker, the Honourable Minister took great pain to explain how we came to the answer we came to. And one of the things I think that is important, and we all learned this in elementary school, is to show your work. And the Honourable Minister via the Attorney General's brief showed our work in terms of how we got to where we came to. It is not perfect. Very few [pieces of] legislation presented by either party are perfect. But I think that we sometimes, for political expediency or cynicism, make perfection the enemy of the good.

Now, Mr. Speaker, for me there are several issues that I think we as a Government must remain vigilant about as we move forward with this. I think, first, we have to recognise that there are economic disparities in this country. There are economic disparities based on race, and going forward we have to ensure that the economic beneficiaries of this new market and this new potential economic pillar reflect the diversity and the richness of diversity of Bermuda the way other industries simply have not. And do not.

Mr. Speaker, second, we must also ensure that we do all we can to ensure that those who are in the grey economy currently (the economy outside the law) have a pathway to legitimacy. We know the analogy is often given about the Kennedys and bootlegging, the Kennedy family in the United States and bootlegging during the Prohibition Era and how they were able to transition from bootleggers to legitimacy and eventually to the family representing the presidency. And it is my hope that we will be able to see some greatness occur in that space as well.

Mr. Speaker, I want to read a quote with your indulgence from the America's Cup Economic Report, and it speaks partly to the first point that I made in reference to diversity.

The Speaker: Go ahead, Member.

Mr. Jamahl S. Simmons: The America's Cup Economic Review stated, and I quote, "Of the businesses pursuing or planning to pursue an opportunity, 64 per

cent were owned by individuals describing themselves as White, 16 per cent as Black."

Mr. Speaker, I am not reading that to pick on the OBA or to pick on the America's Cup, because it is reflective of how our economy works. Whites benefit, Blacks are lucky to get a piece of the pie. And so, Mr. Speaker, that model . . . you see it in our boardrooms, you see it across our society. And so, part of the thing that I think the potential, the exciting potential, of getting this up and running is changing and shaking that paradigm forever, even if it is just in this one corner of the economy, making sure that we build a foundation that will benefit those who have been excluded or barely made space for previously. That is critical.

Mr. Speaker, if a cannabis regulated market 20 years from now looks like the boardrooms of Bermuda today, looks like the business ownership of Bermuda today, looks like wealth and privilege and power in Bermuda today, then we have failed. And that is the standard by which I will view success going forward in terms of what this looks like. And it is not because *I do not like White people*, and *Oh, no, we shouldn't let people make money*. It is because in the words of the founder of the United Bermuda Party, Sir Henry Tucker, *those who have been denied the most should benefit the most*.

Mr. Speaker, I also want to speak to, as I mentioned earlier, the people in the grey economy. We need to make sure that issues such as banking for those who wish to transition is not an obstacle, financing is not an obstacle. And I have many people who say to me, *Well Jamahl, you know, we should not spoon feed people*. We gleefully and enthusiastically spoon feed billionaires and millionaires all the time for the benefit of our economy and no one has a problem with that. Why not have as much enthusiasm and excitement and passion for providing a pathway to economic success for our people as some of us do for opening up the immigration floodgates for Pathways to Status? I think it is just the right thing to do.

Mr. Speaker, today represents change—imperfect change, but we are imperfect people. I believe that if we listen and we continue to evolve and tweak as needed, one of the great things about Parliament is that we can come back and change legislation. Based on my discussion with the Attorney General previously and with the Minister acting in her behalf today we have come forward with the best we can do now to move progress. We have not let perfection be the enemy of good. But, Mr. Speaker, we not only must make change today, but this change must resonate and transform throughout our economy going forward in all the days ahead.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution?

Any other?

Ms. Susan E. Jackson: Mr. Speaker, I would like to say a few words.

The Speaker: MP Jackson, you have the floor.

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

I have spent some time over the past year just reading through, listening to folks and trying to get a feel for how this legislation is going to work within our community. And I am going to begin by stating at least what I would like to see this legislation do if it is going to do anything, and that is, as stated in the legislation, either bring some equal economic opportunity to people who maybe have not been able to have it before, or want to grow that economic opportunity, and also the Government's social responsibility to the people of Bermuda.

So, Mr. Speaker, when I think about the equal economic opportunity, I read through this legislation and as I was reading it, and as I was reflecting on the people that I have been listening to that have an interest in this legislation, it felt like the two might not marry. And the reason I am saying that, Mr. Speaker, is that as I was reading through this legislation, I came up with about 30 different rules and steps and hurdles that people need to overcome in order to receive a licence, apply for a licence, and then be able to maintain it. And given the fact that there are a number of people within our community who have a genuine passion for cultivating cannabis and for those that do enjoy it, I believe that it takes talent. From what I understand it is not easy. And so, there is a desire to almost demonstrate their art. But this legislation in a number of ways has the potential to kind of dilute that passion.

The reason why I am saying that is because of all of the framework that is around this legislation. And Mr. Speaker, I am not going to list them all, but you have to fill out forms, you have to pay money, you have got to wait [a period of] time for responses, you have got to spend money and protect your property, you have got to come up with security cameras, you have got to buy surveillance equipment. You do not get to choose the seedlings or the seeds that you plant because those will be regulated. You have to go to training programmes. You have to collect data and you have to document that data. You have got to say how much you have grown, how much you have sold. You can get inspected. Your property can get inspected at any time. You are not allowed to share your crop and you have to follow all kinds of rules and guidelines. And it goes on and on and on, Mr. Speaker.

I am just curious who this legislation is actually speaking to, because when I take a look at this, this sounds like someone who already has some pretty structured business-minded think already, and I really do not feel like this has much to do with the person who simply wants to cultivate a crop, come up with a beautiful harvest and be able to share it with their

friends at the cost of, you know, however much 7 grams or less would cost. So I am just curious what or who the Government is actually speaking to, that they think that folks are actually going to go through all of that in order to cultivate and share, whether selling or otherwise with their friends and intimate customers.

Mr. Speaker, I am a little lost for words because I am just, again, trying to figure out exactly who we are creating this legislative framework or licensing framework for. And there are a number of people out there who were of the opinion in February of 2019 that a licence would be similar to going in . . . yes, maybe you have to fill out an application form with your name and certain details, identify yourself and pay your \$250 for the application fee. And if that application fee was approved that you would pay another \$500 and you would get a licence and you could take that licence home or wherever it is you were going to create your crop of cannabis and that would be the end of it.

But that is not the case, Mr. Speaker! Even if you want a tier 1 total \$750 licence there are a number of long-winded, expensive, sometimes complicated, time-consuming, distracting hurdles that people have to go through in order to maintain that licence and follow the rules, follow the law. Otherwise, you are going to get in all kinds of trouble! And it looks to me as though some of that trouble could be quite severe. So, again, I just am curious exactly who this legislation is really designed for.

Mr. Speaker, my other side is the social responsibility. And I believe that many of us are very much aware of the medical traumas around the use or misuse of drugs in our young people. So, I am not going to go down that road. But what I am going to do, Mr. Speaker, is just highlight the misconception that some of our young adults in particular have.

And it brings to mind my memories . . . it stayed in my head for so many years. It was Colonel Burch, and he was so genuine. He was heartbroken. He had put out a campaign, a call for firefighters. And he was so excited because all of these young men and women made application to join the Bermuda Fire Service and become firefighters. And then, Colonel Burch had to come back to the House of Assembly in distress with his head hanging low to say that of the multiples of people who had made application to become firefighters, only a handful (and if I remember correctly, it was like less than six, maybe even less than four) were actually qualified for the position. And it was not because of anything other than the fact that they had cannabis in their system and they failed the drug test.

Now, the Colonel did not say it was specifically cannabis, but we are going to make that general assumption, or guess. And he may have said that it was cannabis, but the point that I am making, Mr. Speaker, is that our young people are not aware, and it is our social responsibility to let them know what the genuine consequences are of having cannabis in their

system and being able to perform certain jobs or being employed in places where they could be randomly tested. Because that is demoralising!

If you think on the one hand . . . because they are not going to understand or read through 60 pages of licensing and commercialised cannabis. All they are going to hear is the headline that says it is okay for them to smoke it. But if we do not have a really solid communication and message to the community that, you know what, even with decriminalisation—you can have your 7 grams, you can go off in private and you can consume your cannabis—be aware of the fact (which is the part that I believe the One Bermuda Alliance was trying to get across before) that if you are going to smoke it may deter you from having particular jobs that you want to apply for. It may impact your ability to earn money through a job. It may have implications to your mental and physical well-being. It could be dangerous if you are driving and you are under the influence, and these kinds of conversations. Yes, there is a line in there within the legislation that may say, *“Oh yeah, by the way, we will do a little bit of education over here,”* but this is a real social responsibility!

And especially, Mr. Speaker, if we are looking at the fact that we are now going to have children who will be born into an environment where their parents may have candies in the cupboard that have cannabis within them, that their parents may be more open to social environments where there is cannabis being consumed. So the child is not going to understand where to draw the line between what the child can do and what it cannot do. And that kind of education needs to take place, and we need to be able to put some investment into the education of our young people.

So, it is not even so much about, you know, *Yes, absolutely when you are 21 you can make a decision about whether you are going to consume it*, in much the same way as we might look at some of the other drugs that have since been legalised, such as alcohol and tobacco and the like, nicotine. But what I am saying is that if a child is being born and raised in an environment where it is openly accepted, they have to know the difference. And they have to know the consequences, because it is very different for a young person to be exposed and for an adult to be exposed.

Mr. Speaker, I have a couple of questions that are for the Minister that are just general and one of them is going back to the actual licensing. I am asking this in the general debate because I just absolutely could not really find a place for it within a question that I could ask in Committee. And that [question] is that I am wondering about sort of the insurance of all of this, because we definitely have had the conversations about the fact that there will continue to be a black market.

There will be people that will not see the sense of getting involved in this licensing, regulated environment, and they will continue to find their supply of cannabis. They will continue to supply it to their market and they will continue to earn money from it, whether we are doing this or not. And so, there could be a situation where there are lines that are crossed as far as crops are concerned. We have already had situations with night farming, so I would imagine some night farming could exist in this space, too. We also have the threat of severe weather, hurricanes. There could be fire. There could be a number of things that could happen within this industry.

And yes, maybe this is . . . and I might be answering this myself as I say it. Maybe this is something that is in the Regulations, but who is going to insure the products that are and the equipment is being created in this space? Because insurance coverage, I would imagine, is going to be similar to the banking. Which is my next question.

Where are these folks who are involved in the industry going to take their money? Because certainly this Island is so small that there is no way that anybody is going to be able to have any banking transaction without it being very clear that this is coming from a business where many banks have little to no appetite in receiving the funds from. So, if the Minister might be able to give some information on whether over the past year we have been able to figure out how to bank the money that would come in from the proceeds, whether it is within the legal framework, basically, or not at this stage.

And my final question around these sorts of nuts and bolts of it, Mr. Speaker, is there is a line in this legislation that speaks to the Authority's remaining revenues being deposited into the Consolidated Fund. This led me again to wonder if that is going to create any risk for the Government or the Ministry of Finance. If there is identification that there may be funds within the Government coffers, which the banks have little to no appetite for, how would we manage any threats around the Consolidated Fund and the compliance of the Bermuda Government with this industry becoming one of which revenue is generated and deposited into our Consolidated Fund?

Mr. Speaker, I am going to end. I am not a lawyer. I do not even want to go there, but the Minister did ask about a solution. I do not quite know how it all works, but it seems to me that the solution might be to take page 28 which lays out how the Misuse of Drugs Act [1972] will simply delete all of the terminology of cannabis as a controlled drug. So, I do not understand why we could not have done away with all that we are talking about today and simply have made an amendment to the Misuse of Drugs Act and deleted the words “cannabis” “cannabinoids” “cannabis and cannabis resin”, whatever, and be done with it. Then the Government could have created a framework for the development of business for cannabis products as

a going business and then people would create their businesses and they could use this framework because it is not half-bad, Mr. Speaker. And then they would simply pay their taxes just like any other business. I do not see what the problem would be.

Now, there is one question that I have and that is around the offensives within this legislation. So, there was a bit of a piece about the US stop list and this legislation does not do anything to stop that. So, the Minister might be able to clarify [this] for me. Let's say a person is caught with more than 7 grams, maybe they have got the 20 grams and it is considered to be that this person was trying to supply, that they were trying to sell cannabis. Under the Misuse of Drugs Act they would get in trouble right now. They would get fined. They would go to court. And if the United States Consulate sees this they could put them on the stop list or something to that effect.

In this Cannabis Licensing Act there are really, really strict penalties for the offence that begins with if you don't have a licence—period—then you are creating an offence and you will be in lots of trouble. My question is, Would that offence be that a person does not have a licence? Or would that offence be that they were trying to supply cannabis? Can that be clarified? Because that makes a big difference; right?

If on paper a person gets caught with a big bag of weed and they are trying to sell it and they get busted and they get charged with not having a licence, they are still going to get prison time, they are still going to have a huge fine, but at least the crime is that they were unlicensed to [do] whatever. And I am asking the Minister if he might be able to tell me what exactly the offence would be called and whether it is a title that now will keep people off the stop list because it is some generic offence, or whether it still would have the drug-related supply piece in there which would keep the person on the stop list.

So, Mr. Speaker, I am going to end. I believe that if the Government is unable to make this work . . . and passing this legislation is the easy part. And that has taken a year. *Passing this legislation is the easy part.* This is an emotional piece. You are tapping into people's passions. And if they feel that you have betrayed them, it is going to be nasty. What is that . . . measure two, three times before you cut? You definitely want to make sure of that in this case. Because whether this legislation is unintentionally misleading a market of people who just want to go on about their business, that mean no harm, and this betrays them, we have got an issue, Mr. Speaker.

And worse yet, and I am going to go so far [to say], Mr. Speaker, if this piece of legislation is going to be used as an emotional carrot to get people riled up thinking that the United Kingdom is against them, and just by reference to the term "cannabis" people are going to get emotional and riled up, if this Government is going to use people who are just trying to live their lives and get them emotional and use them for some-

thing else, we are in really big trouble. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution at this time?

Any other Member?

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

The Speaker: Deputy Speaker, you have the floor.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, the last time this Bill was brought to the House I did not support it, and I do not support it now. And the reason that I gave then is the reason that I am still with, and it really does not matter too much to me what adults do in the privacy of their confines. But my problem will always be, How do we protect our children? That is always going to be a pet peeve of mine because if we cannot protect them, then I will always have a problem.

The argument might be, *Well, we can't protect them against alcohol.* And yes, that's probably true. But why add one more to this? Mr. Speaker, now I support the decriminalisation of weed because it would seem . . . no, it wouldn't seem, it is. It is a fact that there is only one segment of the population that is always, 98 per cent of the time, targeted. That is not a racist statement; it is a fact.

But, Mr. Speaker, I have some questions here. Now, in the Bill if a policeman can come [to you], if you have more than 7 grams of weed, or cannabis, or whatever you want to call it, the policeman can take it. My question is, even though they are allowed to have 7 grams, if they had 20 grams does the policemen take 13 grams from that person and say, *You can keep 7 [grams]* (because 7 grams is legal)? That needs to be cleared up.

The other issue is about employees and prospective employees. There are some requirements in certain industries that you take a drug test whilst applying for a job. And if you fail the drug test most times you will not be hired. Once you put this Act that goes into place, that requirement, that stipulation, must come out of the application form for all jobs. Because if we are saying that one can have 7 grams, it means that Joe Blow can have a smoke before he leaves home, wherever he is going, and obviously it stays in his system for "X" number of days or weeks, or whatever you want to call it. Then you really can't penalise him because it is legal to have the 7 grams. I need that to be cleared up, Mr. Speaker.

Now, Mr. Speaker, this concerns me because not many years ago, when I was much younger, I had some friends that when they got paid, they would take out their drug money first before they even took money home to their momma. And that is always going to be a concern of mine. I do not have to say much on

that because my party knows, the Government knows that I have been against this from the start for the reasons that I stipulated. How do we protect our children? And that is where I will always be.

And if they can assure me a way how they can do that, then my stance can probably change. But until such time, I am not there.

Again, let me repeat. I support the decriminalisation of weed. And I will repeat, because most times it only affects in a negative way one segment of our community. Thank you, Mr. Speaker, for those few words.

The Speaker: Thank you, Deputy Speaker.

Does any other Member wish to make a contribution at this time?

Any other Member?

No other Member?

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Minister Furbert?

Hon. Tinee Furbert: Yes, Mr. Speaker.

Let me see if I can fix my . . .

The Speaker: We see you, yes.

Hon. Tinee Furbert: Okay. Thank you, Mr. Speaker.

I want to have the opportunity to speak to this legislation. Yes, it has been here before and so like another Member has mentioned, there may not be anything new to this legislation, but what I want to take the opportunity to do is to stress the importance of safeguarding our children.

Again, when reflecting and reading through this Bill, Mr. Speaker, I do believe the intention of that which it is supposed to do in regard to regulation of cannabis that it is a well-written Bill. And it does cover many bases. And actually, as I was going through many questions that still pop up in my mind were answered. But I do not want to discount the fact that we still have a responsibility to safeguard our children.

The National Drug Commission puts out a lot of statistics in regard to substance abuse in Bermuda. And what we do know is that when . . . one of the studies that they released, Mr. Speaker, was that with the use of marijuana at a very young age, and I will just use what we have in this Bill, under the age of 21, drug use under that age . . . if marijuana is used it tends to be a drug of choice that people will use for their lifetime. I am not saying everybody, because some people may experiment and stuff, but the drug of choice of being marijuana is when someone uses it [while they are] young [then] that is the drug that someone will continue to use for a lifetime.

So I think with this legislation, you know, questions going back and forth in regard to what is the age in which we should be safeguarding children, we

chose to go with a very conservative route at the age of 21. And we have spoken about this before in regard to what marijuana can do to a child's brain under the age of 21. And so we still have an obligation, Mr. Speaker. Even with this regulation of marijuana, we still have an obligation to make sure that our children are safe. It does concern me that with the normalisation . . . and it is already normalised whether it is regulated or not because talking to young people, Mr. Speaker, I have asked them, *How accessible is it to get marijuana?* And they say, *If we want to use it, we will use it.* And that is just how accessible it is in Bermuda right now with this regulation or without it.

So as adults, Bermuda, we have a huge, huge job to do in protecting our children. Any government, any adult, any parent, any guardian—we have a huge job to do in protecting our children [from] any substance.

With this legislation, Mr. Speaker, and the regulations around it, we now as a community have something to go by to hold our Government to account. There are many things within this Bill, Mr. Speaker, that have positive things in it in regard to the use of drugs. And I can think of the Minister's ability to apply how they are going to spend the proceeds from this. And one of the areas of concern in our community is mental health. So the Minister can choose to use whatever proceeds from this to strengthen our substance abuse programmes or to strengthen treatment around mental health.

The other thing I would like to speak to, Mr. Speaker, is making sure that our children, again, are protected. And I believe there is a piece in the legislation . . . I know there is a piece in the legislation that speaks to having facilities which will sell cannabis [shall] be 1,000 feet [*sic*] from I believe it is schools and churches. And while we will not be able to safeguard our children totally, I am sure . . . we have so many churches and schools in our country that it would be difficult for retail to be throughout our Island [if] those protections are in place. But like I said before, the access for substances right now, in regard to our children, is there already. Sorry, I said 1,000 feet, I meant 100 feet, Mr. Speaker. It is not 1,000 feet; it is 100 feet.

There is also a hefty fine, Mr. Speaker, in regard to the sale of cannabis to anyone who is under the age of 21. And I want the public to be reminded of what that fine is, and it is \$10,000. So when we talk about how we all can get in trouble, that is a hefty fine to have to pay if you are caught selling marijuana or cannabis to someone who is under the age of 21. And this is what that regulation structure does. It provides some protection for our children who are under the age in our community.

I raised my concerns with my colleagues in regard to this legislation and possibly moving toward targeting younger persons, because we will still have an area of marijuana sale that is not regulated. It

would possibly be moved to a younger demographic and so that is concerning to me. But I believe that this legislation does have sufficient safeguards in it for the protection of our children. We are not going to be able to protect everything, Mr. Speaker, but it does have sufficient protections in there.

And most of all, Mr. Speaker, the protections will actually not just come from this legislation. It will come from us as adults in making sure that we are protecting our children from any substance in any particular . . . in this case it would be cannabis. So I just wanted to state . . . I wanted to speak to that, Mr. Speaker. It is all of our responsibility in making sure that we are safeguarding children [from] any substance.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister Furbert.

Does any other Member wish to make a contribution?

Any other Member.

Hon. Diallo V. S. Rabain: Mr. Speaker.

The Speaker: Minister of Education.

Hon. Diallo V. S. Rabain: Yes, Mr. Speaker.

Thank you, Mr. Speaker. Thank you, Deputy [Premier] for chairing this in the absence of the Attorney General.

Mr. Speaker, I was moved to speak [to] some of the words that I did hear coming from this. We have in front of us a Bill that is going to put a regime in place to regulate the sale of cannabis. When talking about cannabis, depending on where you sit, it can be an emotive topic for a couple of reasons. I do take into account what my very good friend from down there in constituency 5, Brother [MP] Burgess, had to say about this. It was actually [the Honourable Derrick Burgess] who spoke that made me want to get on and actually speak to this Bill today.

I do appreciate the words of Minister Furbert because we do . . . we do and I take heart to that. We have to be responsible for our children. We have to be responsible for making sure that they make the right choices. We cannot . . . all we can do is teach them the way they should go and put them out into the world and hope that they follow those rules and the things that we give them to make their lives much more impactful for themselves.

I look at this regulation. It is a bold move for the Government. It is a progressive move for the Government. It is something that the rest of the world [is going] and is moving [toward] and so I . . . I . . . when I look at it from that perspective, you know, we have just gone through a week of receiving emails from Members in this House who sit on the other side about mask-wearing in schools. And the arguments

being used is that they are doing it all over the world, why aren't we doing it here?

We bring a piece of legislation about the regulation of the cannabis industry which is being done all over the world, but for some reason it is not good enough for here. We hear all sorts of nonsensical rationale. That is the only way I can [say] it. And it makes me wonder, and I will use the term our learned friend uses quite often when he is here debating, the OBA Member who did go first, Mr. Scott Pearman, who said *Why doth protest too much?* And the types of protestations that we hear.

We can go back to the last debate and a Member from the other side who does not sit in the other House any more had a statement that went along the lines, *I don't know any drug dealer who could afford a licence*. We now hear MP Jackson, saying almost the same line, *I don't know anyone who will be able to do this. I don't know anyone who has the wherewithal . . .* and you know essentially along those lines. I am paraphrasing what she said, but why is it that the One Bermuda Alliance keeps referring to persons . . . and I will leave it up to them for them to actually talk about who they are talking about who does not have the ability to run a business in Bermuda—a cottage industry business like manufacturing and distributing cannabis legally. Why is that an issue?

Ms. Susan E. Jackson: Point of order. Either one.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

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

The Minister might be unintentionally misleading the House. I am not saying it [as] whether they have an ability to run a business, but the desire to want to get into running a business. That some folks simple want to manage and produce their craft and be able to have a simple exchange of goods for funds, or however they wish to do it. But they are not interested in the bureaucracy of government.

The Speaker: Thank you.

Continue, Minister.

Hon. Diallo V. S. Rabain: Thank you. Thank you for that interjection.

I am glad you clarified that, because what I did say about the former Member is correct.

We can also go back to a very . . . and we are still . . . personally I am still trying to figure out what the meaning of that was. There was an interview that MP Dunkley did a few years ago when the Progressive Labour Party was in Opposition and brought the Bill to decriminalise. And he curiously said, *What would decriminalising that amount do to the market?*

And to this day I am still trying to figure out what the “market” is that is being referred to.

But I just want the Bermuda public to understand that this is an entrepreneurial opportunity, one that will be supported by the Government to help those persons who might not have the wherewithal or may not have all the business acumen to get into this market. If you read this Bill it also talks about creating opportunities for persons who may have been disadvantaged by unfair cannabis laws in the past. We do not all have to be rocket scientists to figure out who that particular segment of society might . . . not might, but is. So, this is an opportunity for someone out there who might be into illegal distribution to become legitimate. Why wouldn't we want that?

We also hear arguments about the stop list. Why do we keep talking about the stop list when we know that this is the sole remit of the American Government? The One Bermuda Alliance was a Government from 2012 to 2017. I do not recall there being any movement on the stop list at that point. But all of a sudden now it is back to this level of importance. But we do know that it was this Government that brought in decriminalisation of 7 [grams] of marijuana. So the fact that someone may happen to have a spliff on them, gets caught, it has to go through court, and somehow ends up on that stop list, [now] that will not happen. Let us hang our hat at least on that. And say, *You know something? Job well done. Job well done, guys.* People will not be penalised for small, trivial amounts of cannabis.

But getting back to the Bill. The Bill is solid. It has the potential to create employment. It has the potential to create an industry that is currently illegal and underground. It has the ability to improve what we currently have in Bermuda. Yes, there are going to be issues as we move on. Yes, there are going to be things that need to be worked out, just like we have with anything that is new. We cannot run and hide and not want to progress into the unknown because we are afraid— afraid of change, afraid of things being different, afraid of not being in control of an industry. We cannot use those as excuses to hold the Bermudian public back anymore.

Those days died when the UBP died. And they were only resurrected briefly between 2012 and 2017. But they will never resurrect themselves again. Those ways of thinking are gone. Get used to it. Get on board and let's move Bermuda forward and stop trying to keep us in these archaic ways.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution at this time?

Mr. Anthony Richardson: Yes, Mr. Speaker.

The Speaker: MP Richardson?

Mr. Anthony Richardson: Yes. Good evening, Mr. Speaker, and to my colleagues and also those in the listening audience.

My comments are going to be brief I think, as normal, and more so speak to the need or the encouragement for both parents and those younger persons to exercise a degree of caution.

What I am mindful of is the legislation giving an unintended sense that using marijuana is now something that is going to be very, very easy to do because there will still be certain consequences.

But I will say at the start that the beauty of being on the Government team and going through caucus and listening to Members in the constituencies, and others, is that we are able to actually share ideas. And the one thing that I am comforted with is that the Minister and others have ensured that there are certain guidelines in place, or guardrails, if you will, to make sure that it is not an easy opportunity now for persons to go ahead and get involved in drugs.

Now what am I talking about? On example is as persons spoke about earlier. The idea that the usage age was not going to be 18, which many persons thought of because normally at 18 you can go into the Regiment and do other legal things. But the guardrail I was referring to, one of the guardrails, is that the age will be moved up to 21. And again, as I think Minister Furbert spoke to earlier, one of the rationales is to do with actual brain function and mental development in that the thought was that at the younger age of 18, the brain is still not yet fully developed. And so the caution or the action of using the age of 21 will certainly mitigate against that.

On a more broad level, one of my comments, if not concerns, is whether or not we fully accept that the use of marijuana is actually a cultural reality for Bermudians. For good or for bad, many persons do believe that the use of alcohol is actually a part of our culture and therefore our response and reaction and acceptance of that is very different than if it was not perceived as being part of our culture. And so I do know of course that there are some persons that I know, some of my friends actually, who are what I want to term *lifelong users* of marijuana. And they do it and in some cases, just in their minds, it is for relaxation. And so I am happy I suppose that we have gotten to a stage where there are some levels of usage whereby you are not deemed to be contravening the law, because some of them really use it for relaxation purposes. It does not cause them to commit crimes or otherwise, and it would be a shame if what they deem to be relaxation results in them having a criminal conviction.

And on that line, one of the major impacts on Black persons more disproportionately is the whole idea of the stop list. MP Jackson spoke about that a little bit earlier. And as far as I am aware, we do not know exactly what informs the stop list because there have been occasions whereby persons have been to

court, it has not been reported in the press, but yet they still end up on the stop list. And there are some other cases whereby persons might not even be convicted, they are arrested and then there will be a court case, and they are found not guilty but still end up on the stop list. And so I am not aware of anybody that can speak to us factually in terms of just exactly what transpires in order to get on the stop list.

So, given the actual impact of being on the stop list, I would again say that they have to be very, very cautious and also recognise that the US laws are different from the Bermuda laws. And even if we make this legal it may not result in persons not getting on the stop list. And so again my theme is for everybody to exercise caution and understand what the potential impact is going to be through the use of cannabis or marijuana.

To MP Burgess's point, again, the concern is that if you choose to use marijuana and you come to me to be employed and I have a policy whereby those persons who are deemed to be using cannabis cannot be hired then you are going to have a challenge because I am not going to hire you. And I do not know if a law can be enacted which says that you can no longer have an antidrug policy in the workplace because absent that we will be introducing some additional challenges.

Part of my learning, again as being part of the caucus, has been a discussion in terms of, Is it physiologically true that marijuana is a gateway drug? And based upon discussions and other research that I have done I do not know that it is conclusive that marijuana is in fact a gateway drug. So is it true that you start with marijuana and then progress . . . because some persons of course will use marijuana. And I think as MP Furbert said, they may use that for life and just stay with marijuana. And so in that context it is not consistent that using marijuana is in fact a gateway drug.

The last point I will make is actually going back to what a former speaker talked about, what I want to call a "red herring." And that is, Has the PLP chosen this route for marijuana in order to pick a fight with the UK? I think that . . . no I won't say that. To make the comment that the PLP will pick this as a route to pick a fight with the UK is really beyond the pale, as they would say. I want to say it is ridiculous; I won't go that far.

Let's not be unrealistic. The Government does put together a platform and then . . . as the Premier always reinforces, the goal is to ensure that we achieve what is in the platform because that is what the election was won on and that is the promise to the people and we work toward . . . and so that would be the reason why we are pursuing this as opposed to any intention to cause a fight with the UK Government.

My final comment will be that the move to decriminalise marijuana is definitely something that I

support. As I said earlier, there are persons who would use marijuana purely for their own recreational purposes and it does not cause them in any way to be antisocial or otherwise. And it would be very . . . well, it has been in the past, certainly, very concerning whereby people may have small amounts of marijuana, get caught and then get convicted and their lives are impacted almost irreversibly, such that we have persons who might be age 50 or older who still cannot travel because they were caught with very, very minor amounts of marijuana at a young age.

So, again, I will end where I started which is to say that I understand that there are certain guidelines and guardrails included to minimise the impact on younger people. But I would still offer that everybody needs to be cautious if they start to think that now it is going to be easier to use marijuana because the potential impacts might be significant and life-lasting.

So with those comments, Mr. Speaker, I will say thank you.

The Speaker: Thank you, Member.

Would any other Member like to make a contribution at this time?

Mr. L. Craig Cannonier: Mr. Speaker.

The Speaker: MP Cannonier.

Mr. L. Craig Cannonier: Yes.

The Speaker: You have the floor.

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

I believe what I would like to do . . . so much has already been said in the first debate. And many of these issues probably do not need to be rehashed considering the fact that this Bill has not changed in any way, shape or form. There are some highlights that I believe I would like to take a look at.

I wanted to correct the former Member, the Minister of Education, when he spoke that the OBA did not do anything (or something to that effect), about the decriminalisation of cannabis. That is not true. If he recalls, the Bill was brought to the House. It was passed in the House. It did not ascend to the Senate. In between going to the Senate, an election was called and so of course—

Hon. Diallo V. S. Rabain: Point of order, Mr. Speaker.

The Speaker: Point of order. We will do your point of order.

POINT OF ORDER

[Misleading]

Hon. Diallo V. S. Rabain: Yes, Mr. Speaker, I do appreciate what the Honourable Member is saying but I think that he is misleading the House. What I did say was that I did not believe the One Bermuda Alliance did anything about the American stop list. I did not say anything else. All I said was the stop list.

The Speaker: Thank you.

Mr. L. Craig Cannonier: As a matter of clarification, let's just say that it was brought to the House. We will check the Hansard just to ensure what he did say. But the [decriminalisation] of marijuana was brought to this House in 2017 by the One Bermuda Alliance.

This Bill, Mr. Speaker, is quite extensive. Quite frankly, a lot of work has gone into this Bill. I do not think there is anyone who can really debate the work that has gone into putting this Bill together. It is quite extensive. If you were to put another product to this, I don't know, flowers, or sugar, for that matter, there would be a resounding by everyone, *Let's push this through*, because the actual Bill itself is quite extensive. Albeit there are one or two areas that we thought would have been looked into within the last year because it was brought up and suggestions were brought up last year. And you have heard some of those already spoken to.

But the fact that it is cannabis, which continues to be a hotly debated topic, and our people are, despite the fact that the substantive Minister has said that this particular product, cannabis, is widely used amongst the Island not only is it, to her point, widely used, it is also widely debated as well as to whether or not it should be legalised.

I do believe that in looking at the stakeholders as we have done, and taking a second round in trying to understand better where we need to be positioned, I would like to bring to the House by [way of] one of the stakeholders who is in the field of rehabilitation two concerns that they have with cannabis in this legislation.

One of those concerns is this, Mr. Speaker, as I read it. *It will send a message to our already struggling addictive youth population that smoking weed is a norm in society and should be embraced. We are on the precipice with this attitude for many young, uneducated and unskilled youth as we speak. Many have found it difficult to hold a job due to their weed addiction.*

And then the more pressing one, I think, the second one is, *We have no strong track record for managing the sale of alcohol to minors. We expect the problems to increase with greater access to cannabis.*

So the challenge that we have is . . . that we don't have [whether] it is OBA [or] PLP is that we do not have a good track record already of managing or being able to curtail the illicit use of drugs, including cannabis, not even to the fact of alcohol that should not be consumed by those under a certain age. And

so we are having challenges dealing with the social ills of this. We know that many of these NGOs are not being funded and the likes to help the situation in any demonstrable way. We need to find a way to deal with the current issue that we have, and that there are many out there who are already afflicted with the ills of the early use of marijuana, cannabis, and we need to address it now.

Now, I recognise that in the Bill, I believe it is on page 9 where the Minister says that the Minister will be addressing the issues of earmarking monies toward helping and assisting with rehab and these kinds of things. But it draws me to what the Honourable substantive Minister said last year. Again, and I was looking at the Hansard, she said: ³"It is undeniable that cannabis use is part of Bermuda's culture, despite it being unlawful to trade, share or even to use. Cannabis use is common at social and football matches and, certainly, at Cup Match and other large public events. Essentially, unlawful use happens in plain sight for police officers who are unable to effectively enforce cannabis laws at such events."

Now my concern is, *Okay. This is already happening. We are already there where it is in plain sight. We can go to these social events and we are policing it now.* I have no idea from this Bill as to how we are going to be able to police it going forward. There is just no means to be able to do that.

And then the Minister also speaks to the fact that the industry is worth about \$6 million. Well, let's think about this. Okay, it is worth \$6 million. Any practical person is going to look at that and say, *Well, yes.* And there are going to be people who are going to legitimately get involved in the cannabis industry. But there certainly is going to still be many who will be buying, who will be selling, who will be importing unlawfully into the Island. Out of that \$6 million is it going to be a million dollars' worth that is going to be in the black market, [or] \$2 million dollars? We actually do not know but it could be substantial.

So what are we doing? Really, if we cannot police Cup Match to stop it from happening, what are we doing? Because people are still going to get arrested. If this legislation is going to put something in place that is going to regulate it and allow us to be able to afford to arrest people, what is going to happen at Cup Match then? Are we going to arrest people at Cup Match? I hardly think so. Not going to happen. Because it is already a norm. So, if we do arrest, essentially what we are doing is putting people on the stop list.

So the measures that are in this Bill that allow for all of this regulation to take place still at the end of the day when you go through the regulation you still can be arrested and put on the stop list. So I am still trying to understand throughout this Bill how are we

³ *Official Hansard Report*, 19 February 2021, page 414

going to balance off the cost of dealing with our social issues—which we are not addressing now . . . we are going to put bureaucracy in place, and this bureaucracy is essentially going to cost. This is more expense for the Government to put in place. How are we going to manage this? And what are the police saying about being able to manage this new Bill that is going to be put in place?

And all of these new regulations and supposedly all of these people who are going to take it up and quite frankly become legitimate importers . . . I don't think it is going to happen in practicality, because we are already not policing it. And putting bureaucracy in place, heads that are going to sit around a table and try and figure out what they are going to do about it, it is not going to happen.

The revenue right now is only \$6 million. And what Government gains from whatever tax there is going to be, because we still don't know what kind of tax or what percentage it is going to be or if it is going to be a fixed amount or whatever the case may be, we are still not sure exactly what we are going to gain from this \$6 million. I would dare say, looking at the numbers the bureaucracy that we are creating is going to cost more than what the revenues are going to be from establishing this business. And these are just some of the practical looks of this here. I am not arguing the fact that we want to open this up.

I heard it mentioned that we want to allow for people who have been disadvantaged in the past and we want to educate them and we want to teach them how to grow cannabis and do all of these things here, all noble in their approach, because the Bill is a noble Bill in its approach. But in practical application I am not sure it is going to be the end-all that it is touting to be. Or that the people we are saying are going to benefit from this actually will benefit from this.

I said it once before and I will say it again. I have not seen a business model, not many that have come before the table with the number of people that we have in Bermuda that substantiates a new industry like this here. I just don't see it. Is it creating direct investment from abroad into the country? I am not sure that it actually is. And that has not been substantiated at all through this Bill or in the covered introduction to this Bill that this is going to drive money into the country that is foreign direct investment into the country.

We do not have enough people to exchange Bermuda dollars now to support new business, or to support new industry. Because all we are doing is taking from one and giving to the other. There are not enough numbers here. So how is this Bill in any way going to affect or shape the way that we get foreign direct investment into this country that will keep this industry alive? Because the only thing that is going to keep it alive is money coming in. The Bermuda dollars that we are spending amongst ourselves is in no way near enough. It will not happen. And it will not support

this new industry that we are looking to get people into. It is just not going to do it.

And one of the major expenses to this here, obviously, is going to be how it is grown, whether it is outside or if it is indoors, that is going to be a demonstrable amount of cost in getting the right lighting and the likes. There are so many people who have been looking at this who thought it was a good idea. But now that they are looking at it and they are looking at the effects abroad and what is happening, this is going to be a real challenge.

So the Government is going to have to be toe-by-toe, day-by-day, minute-by-minute monitoring this so that it can be a success. But based on where we are right now, the model financially does not work.

Now, if this is a Bill to socially empower people, which is what we are hearing, well, ok, fine. I get that part of that. But people are still not going to come off of the proverbial stop list and we are recognising that it is beyond us. This Bill will create more people to get on the stop list, quite frankly, because of all of the bureaucracy.

So decriminalising it . . . and I have been vacillating back and forth as to where we go with this thing. At the end of the day, as my former colleague said, on page 28 the answer is right there. Cannabis is no longer a controlled drug under the Misuse of Drugs Act 1972. And if we put that to the test, then I think that we will allow private industry to take its course. Government will still get its fees, just like it does from cigarettes (which used to be banned) and alcohol (which used to be banned). And now, if we take the same concept, because it is already before us, if you just take the provisions there in the Act of 1972 then we can make it. Take it off of the Misuse of Drugs Act and let private industry do what it does best. Those who want to get involved, get involved. Those who can make it happen, let them make it happen. But putting bureaucracy around this thing is not solving the matter at all.

It is just creating more complications to an industry that is, quite frankly, very complicated even now in the black market because it is coming in. And right now with the criminalisation . . . Listen, you can have 7 grams on you. No one is going to touch you. But the person who is importing it can get locked up. It is hypocrisy. At the end of the day that is hypocrisy. So we just need to simply just hold to this under the Misuse of Drugs Act. Take it off the list and then we allow business to thrive. And if that is the intent of trying to push this industry then to me that seems the easier more plausible route to take, rather than creating more expense.

The Government has expense now that it cannot afford. So we simply need to look at that and make sure that in practical . . . although the Bill makes sense in all of its clauses, this is not going to work. I think that is the concern that we have, many of us on

this side, and some on the PLP side as well. There are major, major concerns with this here.

If we cannot come up with ways to be able to manage our young people now and to educate them . . . I mean, we said that we were going to put sugar tax in place and the proceeds of that was going to go toward promoting health. That has not happened. What makes the Government believe that the public is going to believe in the fact that we are going to earmark money for the safety and security of our people when it is not happening now from the proceeds of this here?

And so these are the things that I am hoping that this Government will address and give some answers to, because it gets complicated. And it gets a bit difficult. There has been over many, many decades . . . and I have said this before. There was talk about the fact that there were others not like . . . or the persuasion of myself and most of the PLP (99 per cent of PLP MPs) that profited from the sale of cannabis—or drugs, period, quite frankly. But let's just be honest here. There are many Blacks who profited from the sale of cannabis. Many of us who are of the Black persuasion have profited, have gained, have bought houses and bought cars from the proceeds of selling cannabis, importing it and selling it. And to this date we have nothing demonstrable other than non-profit organisations who are trying to fix the social ills that have come from that. So, yes, we want to empower Blacks, but we need to take responsibility as a people and recognise that we have sometimes been our worst enemy.

And I would say, Mr. Speaker, that out of the 36 of us in the House of Assembly, I am sure that at least one or two of us are users. And we know it is illegal. Statistics will say that. The Statistics will probably say that maybe some of us, one or two of us, might have even been importers of it, selling it, out of the 36. So let's just be frank here about what it is that we exactly are trying to do and let's be transparent.

So if it is about empowering Blacks, say how it is going to empower Blacks. Say how . . . and then speak to how we are disadvantaging other people who might be White in the middle class who want to do something or get into this field. I mean if we are going to go after reparations, then maybe there is another route of doing it. Of everybody in Bermuda, we should be putting legislation in place that allows for all to thrive in this Island.

And if we need to go back and look at reparations from whoever it is because of some of the ills of the past, I don't believe that this particular Bill is the brunt to be taking forward. Because that is not what we should be doing here when we bring legislation to the House.

Are we interested to hear . . . unfortunately the substantive Minister is not in his seat. I will be interested to hear a little more about how we are going to empower Blacks through this particular Bill. And I

am not talking about people who think they are Black, but they are not Black; I am talking about Black people.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Cannonier.

Does any other Member wish to make a contribution?

There are none other.

Minister, would you like to—

Hon. N. H. Cole Simons: Mr. Speaker.

The Speaker: Oh, Opposition Leader.

Hon. N. H. Cole Simons: Thank you, Mr. Speaker.

A lot has been stated this afternoon about the direction of the cannabis industry in this country. And as was said by my colleague . . . let me turn my camera on. Sorry. As was said by my colleague, the infrastructure that they have put in place is interesting, it is thorough, and we cannot deny the work that has gone into this piece of legislation.

Mr. Speaker, what I find most interesting, and my colleague spoke about it, is the amendment to the Misuse of Drugs Act 1972, which is imbedded in the legislation, removes cannabis as a controlled product. So if cannabis is removed as a controlled drug, and can be treated like cigarettes or alcohol, then what was the motivation of all of this legislation we have here today? Because anybody would be able to operate in a free market. And just as you tax cigarettes and alcohol, you may find a way to tax cannabis.

And so it is interesting to see how far they have gone in relaxing and at the end of the day this legislation will remove cannabis as a controlled drug based on what we have in this legislation. So if I want to smoke some weed at home, I can smoke weed at home. If I want to go to my friend's house and smoke weed, I can do that as well because it is no longer a controlled drug under the Misuse of Drugs Act 1972. And so it is quite puzzling, quite frankly.

Now, as we said, there is a lot of work to put in place a framework that will support the cannabis industry. And, Mr. Speaker, if we are talking about an industry that we are promoting to empower young Black people, young White people, at what cost are we developing this industry? Mr. Speaker, I am going to say what I said last year, we as parliamentarians are here for the present and the future, and the future being our young people. I am going on record to align myself with the comments made by my cousin, the Honourable Derrick Burgess, asking how we are going to protect our children, and Minister Tinee Furbert's concern about safeguarding our children.

Mr. Speaker, we are here today to promote the cannabis industry with a framework, with new legislation, with guidelines in farming and cultivation, and institutionalising the sale. I take the view, Mr. Speaker,

of let's be very, very honest with ourselves. I reckon that 90 per cent of the people in our Chambers today have children. As parents would you prefer your child to work in a cannabis industry or another profession?

I know, personally, I would not want my grandson to be working in the cannabis industry. And I am 90 per cent certain that if having a choice no MP in this House would encourage their children to get into the cannabis industry. So let's be honest with ourselves and Bermuda, why are we promoting this when we would not have it for our own families? And that is the hypocrisy of it all, Mr. Speaker.

Would you want your grandchild or your sons to say to you at 12 or 13 years old, *Poppa (or Daddy), I want to have a career in the cannabis industry*. What would you do? Knowing the associated risks, the impact that it has on individuals and the impact that it has on our families and the impact that it has on our homes, would you encourage them to get in that industry? So why are we encouraging it today?

And as I said, we are not just making legislation for today; we are making legislation for the future. And if we are making legislation for the future, we are making legislation for our children and our grandchildren. So this is where the hypocrisy comes in.

I think, if I had to make a choice, I would lean toward just the removal under the Misuse of Drugs Act that is embedded deeply, deeply, deeply in this legislation. Because as was said by my colleagues, if I want to cultivate cannabis in my garden, then there are at least 20 conditions that are a prerequisite for me to have a garden that has four plants in it. And is it worth the hassle? And so we are trying to help the small man. And then if I start a small business [with] cannabis and get a licence, I think 2 or B, and I want to sell, then the question becomes how much capital do I have to get into this business? The licences in total are around \$750.

But in addition you will either have to buy property or equipment to grow cannabis. And is a young person going to get financing from the banks to enter this new industry that has been authorised by the Government? Are they going to get financing from the [Bermuda] Economic Development Corporation for cannabis? These are the people we are trying to support according to the PLP Minister.

And in so supporting, are they going to ensure that they have access to capital to start up in this business? Is the [Bermuda] Economic Development Corporation going to go the banks and say *We would support Minister Simmons' child to have a cannabis business in Bermuda*. Is the Bermuda Economic Development Corporation prepared to make that representation to our banks, to our lending institutions? Because the people they perceive and want to help and want to empower need capital. And where are they going to get capital from to enter an industry that is in essence shunned upon by most financial institutions

in this country? So will the Government provide these budding entrepreneurs with capital?

So that leads me back to what I said in the last debate, Mr. Speaker, and that is the issue of banking. I think my colleague, Ms. Jackson, brought it up. And I think someone else brought it up. Last year the Premier said that they were working on solutions for a banking perspective. And I hope that he is able to bring that information to the House today in regard to the banking element of this budding industry.

I met with a few bankers, and I declare my interest, and their position has been clear and consistent. Their position is that the correspondent banks and most of our banks in Bermuda use federally chartered correspondent banks, i.e., their banking charters are issued by the Federal Government. And as you know, Mr. Speaker, the US Federal Government still deems cannabis to be illegal in the country even though state-by-state it may vary. So, as long as we have that issue unresolved with our correspondent banks that are licensed by the US Federal Government the three largest banks in this country will probably not be able to transact US currency from the cannabis industry.

Now, people may say, Mr. Speaker, *What about Bermuda dollars?* So, we have a new industry. We have employees to pay. And we have small farmers who may be trading with a small vendor's licence and they want to bank their money. This is . . . I am not going to say a no-no. What I will say is that this is going to be an interesting challenge for the banks. Because you know how we Bermudians are, we will bring our Bermuda dollars from our salaries, or from our earnings from our cannabis business, and put them into our local banks, be that [Bermuda] Commercial Bank, Bank of Butterfield, HSBC, Clarien, and so on and so forth, and we deposit Bermuda dollars.

Now that may work. That may work; but the challenge occurs when our Bermudians or account holders who earned their money from cannabis purchase US currency, and then there is a bleed from Bermuda to the US. And that is where the problem begins. And that is where the licences of our banks will be compromised, because the moment that this trader or that employee receives its salary from a cannabis company, be it the cannabis retail store or the cannabis café house and converts it to US [dollars], they are violating US laws. And so it is more complex than one could have imagined, and it is my understanding that the three biggest banks have not had this issue resolved yet. And it is a no-go at this point in time because of correspondent banks.

They may have used a state bank for the correspondent bank, a state bank that has authorised cannabis industry, like Colorado. And so there are some dynamics going on. And if the Premier and the Attorney General are serious about this industry, then they have to find solutions for this industry if it is to thrive, because you cannot have people working there

and not bank their salaries or not realise income from their investment and not put it in our banks to pay for [their] mortgage, to pay for the credit cards, and so on and so forth.

The Premier said last year that he would find a solution to this. I would like to hear what the Premier has to say about that solution.

Mr. Speaker, the other interesting issue that I found quite revealing was the issue of importation and export of cannabis. In particular, I am talking about cannabis plants, cannabis derivatives, not necessarily oils but plants in particular. You can export leaves, you can export dry leaves, you can export seeds. This would have to go through our Department of [Environment] and Natural [Resources], in other words to our Plant Pathology Lab at the Botanical Gardens under the leadership or guidance of Ms. Terry Lynn Thompson. And the question becomes, What involvement have they had in this legislation?

I know, having been the Minister, that when we export plants we have to issue a Phytosanitary Certificate, I think that is the proper name. And when we import plants, we have to have certificates and that [Plant Pathology] lab will authorise the entrance of those plants or buds or seeds into this country. And so what is the infrastructure in place to address that issue? Especially if some of the larger producers want to export or import plants, seeds or derivatives of the plants. So I would like for the Minister to address that issue, because I take the view that the Plant Pathology Lab (I think it comes under the Minister who is presenting the Bill today), and I think that needs to be examined and addressed. And it was not addressed in the Minister's presentation.

The other issue that bothers me, and it goes back to small business versus black market versus commercial market. Now, let's look at our schools. A lot has been said about various testing or various . . . what is the word I am looking for? Each year they do a survey of young people and these young people, and some of the questions pertain to drugs and young people's involvement in drugs. And so we know that the infrastructure that is being placed by this legislation applies to adults 21 years old and above. They are not allowed to sell to anybody below the age of 21. And nobody under the age 21 should be involved in this industry.

But, Mr. Speaker, we know that our young people participate in the use of cannabis. And so if they cannot get it from this new infrastructure we are putting in place, where do they go? They go back to the black market. They go to the black market which is unprotected, it is unregulated and their industry will continue to thrive. And so we will have two parallel industries: The black market, and the current institutionalised market that we are using to support a new industry in this country.

Mr. Speaker, there are some who say that the cannabis black market will thrive because they do not

have the infrastructure that is required under this proposed legislation, the cost of operation will be much less, and as a consequence the cost of cannabis will be far cheaper than the cannabis purchased through this new institutionalised commercial industry here in this country. And so we do not see the black market diminishing because of this new infrastructure.

To me, this infrastructure would be for adults, some professional people in this country, some working-class people in this country who want to make sure that they are on the right side of the law and yet they can enjoy their pastime of having a joint whenever they want. And so I am concerned that the black market will subsume some of the small business people who enter this industry that we are putting together today because they do not have the capital and the black market has more capital and so they can draw the small businessman into the black market net.

And we know what happens to black markets, the associated crime and in some cases loss of lives because of turf wars and so on and so forth. And that has not been addressed in this issue. We know that we have social problems in this country because of drugs, and I do not see this legislation addressing some of those social problems.

Mr. Speaker, I know that I am, like the rest of Bermuda, getting very, very tired of the PLP Government looking in the rear-view mirror and blaming the OBA for what they did and did not do for the four years they were in power. Mr. Speaker, this PLP Government has been in power for 20-plus years. They have positioned themselves to run this country, and if they wanted to bring this cannabis industry forward as they are today they could have done so long ago. It is like the gaming industry, long ago, with or without the regulator. They could have delivered. And so just stop saying *the OBA did this; the OBA didn't do that*. We were four years in—four years.

As our colleague said, we presented some options in addressing this industry in the four years that we were there. We went and tried and basically decriminalised it. As I said publicly, as my party said publicly, we support the decriminalisation of the use of less than 7 grams of cannabis, and we support medicinal marijuana, and that position we do [support] unequivocally.

Mr. Speaker, I take the view, and some of my colleagues in the party and outside of the party take the view, that it is irresponsible to pass economic empowerment legislation under the aegis of improving the economy and creating jobs and fostering entrepreneurship when the by-product is increased hospitalisation as has been proved in other countries, increased road accidents as in Bermuda and other countries, increased social and educational achievement challenges faced by our students and young people. And it is just irresponsible, Mr. Speaker.

So, with those brief comments . . . Oh, I know. I have one more thing I would like to address.

The other issue and someone mentioned the issue of drug testing in the workplace. Again, with the removal of cannabis under controlled drugs in the Misuse of Drugs Act 1972, how is this going to impact employees of companies that are known to drug test their employees? Will they be compromised if they smoke weed under this legislation whereby cannabis is no longer a controlled drug? How is the Government going to address that challenge in the workplace?

Mr. Speaker, on those comments I think I have made my contribution. And I will end with the way I began. We are creating a new industry. We have put together (and I will just admit) a good infrastructure for this new industry. But would we encourage our children and grandchildren to get into the cannabis industry when there are so many other careers that they can embark upon that can be just as lucrative and will not have the risks?

And quite frankly the market for cannabis is not that grand. I mean you have heard the Minister in his opening remarks say \$6.2 to \$6.5 million. That is not a large sum of money for an entire industry. And so, again, Is this the type of industry that you would encourage your child or grandchild to [enter]? I would say 90 per cent of us would not encourage our children to enter this industry. And so we need not be so hypocritical that it may not be good enough for our families but it is good enough for other people's families.

Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

Would any other Member like to make a contribution at this time?

No other Member?

Hon. E. David Burt: Mr. Speaker.

The Speaker: Premier.

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

Mr. Speaker, let me start from the beginning recognising that this is the second time that this Honourable House will be doing a second reading of the Cannabis Licensing Act, and the only change is that the last time it went around it was the Cannabis Licensing Act 2021. And this time, of course, Mr. Speaker, it is the Cannabis Licensing Act 2022.

But I want to pick up where the Shadow Minister of Finance and the Opposition Leader left off and ended, because his party has come out and said that they do not support this Bill. However, his statement just now said that we are creating a new industry. And for an Opposition who in his Budget Reply said that the Government must get on with the job of creating additional economic activity in this country, if there is something that can create additional economic activity

in this country that is in line with where many jurisdictions are going, where many US states, many countries in the European Union, we know many countries globally [are going], the question is why would we not?

And it harkens back to . . . I remember the conversations talked about, *Why our [slow] progress in gaming?* And there is a lot of people who say that we are behind the boat in gaming. And there are many people who also say that we are behind the boat on cannabis regulation. And I think that it is important that as leaders of the country we must be honest with the people of whom we serve. I do not think that you can say that you stand for economic growth. I don't think as a Shadow Attorney General that you [can] say that you want to support freedom of choice while at the same point in time saying that we do not want you to do this or we don't want you to that.

And I think that it is important, Mr. Speaker, that we recognise what it is that we are speaking [about]. Because the regulation of cannabis does not in any way, shape or form support or oppose persons' use. That is for people to make a choice. What we have to understand and recognise is that people will make the choice anyhow. So how do you make it so that it is less accessible for children, safer and also something that brings a degree of persons out of the shadows to at least be able to be contributing to pensions in this country, to be contributing to social insurance in this country, to be contributing to things that work?

Now, I have to pick up on this because it is vital and important. And, Mr. Speaker, I will admit that I have had a few meetings with ministerial colleagues so I have not been able to tune in to the entirety of the debate; however, I do have some notes which have been shared by the Deputy Premier who is leading this debate today. And he is leading this debate today in the place of the Honourable Attorney General. And her team has done an incredible job over the past three years on this particular issue, Mr. Speaker, addressing the concerns of which have been raised by the community, addressing the concerns of which have been raised by Members of the Legislature and addressing and making sure that we put in place responsible legislation that can withstand international scrutiny.

And I think that it is important because I know that it is the Opposition's role to try to poke holes and call it this and call it that and it this and all the rest. But here is one place where they fall short, Mr. Speaker. Because it is important to remember, note and understand that one of the principles of this Bill, one of the principles when it comes to restorative justice in this country is enshrined in legislation of this Bill. Because this Bill, Mr. Speaker, makes it very clear that the cannabis industry falls under the Human Rights Act, section 6A. And that means that this is a special pro-

gramme, Mr. Speaker. And people may ask, *What is a special programme under the Human Rights Act, section 6A?* A special programme is that it is designed to assist a group of persons to receive equal economic opportunity.

So when there is this whole thing about a corporate cannabis and this and all the rest, the Government has stated on record [its] policy that the first licences will go to those persons who have been disenfranchised by policies that we know [are] racial in their effect. That is what economic justice is about. And so it is difficult for me to understand how, if we are talking about righting past wrongs, if we are talking about broadening the economic pie, if we are talking about making sure that we make economic justice a reality in this country, there is opposition to creating a new industry ensuring that persons who are disadvantaged have access to this industry enshrined in statutes and making sure that the protections are there for the children in our society. That is what this thing is doing, Mr. Speaker. Now, I will accept just like any piece of legislation that comes to this House, it is not perfect. It is difficult when you have a multiple-clause Act that everything is exactly as you want it.

But here is the truth, Mr. Speaker. The Attorney General is very diligent in her approach. And very diligent when it comes to ensuring that laws are made correctly and advice is done correctly. And the history of that has been borne out by this Government. Let's look. When it came to the legal challenge and the legal matters with the Lahey case, we saw what happened under the Attorney General's leadership. When it came to the challenge regarding the Government's quarantine policy, the Government was victorious because we made good law. When it came to the challenge of the Domestic Partnership Act the Government was victorious because we made good law! And when it came to the challenge when it came to the Corporation of Hamilton, the Government was victorious because we made good law!

This, Mr. Speaker, is good law. Some persons may like it; some persons may not like it. But here is what it does, Mr. Speaker. It fulfils our promise to the electorate. And it was blessed by the electorate because it was inside of our election manifesto, and it was clear in the direction of which we went. And there was significant consultation from the initial stage of the Bill, the initial draft, [and] other items to make sure they were added in to ensure that this could be as broad-based an opportunity as possible.

And so, Mr. Speaker, it saddens me that after a general economic debate where we said we must work together to promote, to improve, to grow our economy, to create additional opportunities, to create additional revenue, to create additional things, that we do not have the support of the Opposition.

And it is a very interesting point, Mr. Speaker, because the Honourable Member from constituency

20 said, and I quote, *Passing this legislation has taken a year. Why is that? Wow!*

If the Opposition would have not been obstructionists, we would not have been debating this legislation again in this Honourable House. Now, I accept that it did not pass the other place with opposition from the Opposition and also the Governor's Senators. I accept that. But I cannot understand why there are complaints insofar as how long it has taken to go, while the Opposition was set to obstruct.

So, I will send a message to the Honourable Leader of the Opposition during this, and I will say that this matter will go the other place again. And if they are serious about collaboration, they should draw up some amendments—if they are serious about collaboration. If philosophically they believe that the laws should stay as they are, that the electorate who is demanding a change in our approach to Cabinet policy of this country, that is around the approach that other countries are taking, if they do not support that, then they should just tell the electorate that we believe that everything is fine as it is. But you can't have it both ways. You can't rail against something that has been put forward without presenting an alternative.

So we will see when this Bill goes to another place whether or not the Opposition will actually table amendments, whether or not they are serious or whether or not they want to obstruct. Because obstruction, Mr. Speaker, is precisely what the people of this country do not want. They want us to move forward and to advance on issues.

And as Leader of this Government, Mr. Speaker, one thing that you know that I hold sacrosanct is our election manifesto. These matters were placed before the electorate and were blessed by the electorate. And it is the responsibility and the obligation of the Government of Bermuda to execute it.

And Mr. Speaker, I must say that it is highly unlikely and unusual in Westminster systems of government that Senators or persons who are in another place in the Upper House of the Legislature, will vote against Government legislation that has been blessed by the public at a general election. It is almost unheard of.

So, it remains to be seen if the approach is going to be the same, Mr. Speaker, then the people will see it for what it is. The people will recognise that there is a party who listens to the electorate. A party that has tailored their policy so they can pass legal scrutiny locally, legal scrutiny internationally and can actually move the dial versus a party that wishes to obstruct additional economic opportunity in this country. So the record will reflect when this is done where the One Bermuda Alliance stands, Mr. Speaker.

Now, I will say, Mr. Speaker, that I understand that there have been some questions in regard to banking. And as the Minister responsible for Finance, and also the Minister responsible for the National Anti-Money Laundering Committee I can state that this is

certainly a challenging issue. It is a challenging issue in banking when it comes to FinTech and a lot of different other activities. We know that the Bermuda Monetary Authority has made some progress in this area.

We know that the Bermuda Monetary Authority already has a notice which allows certain lawful cannabis proceeds and capital from overseas be regulated in Bermuda. That is a start. And we have to make sure that further work happens with the Bermuda Monetary Authority and also further amendments to the Proceeds of Crime Act which may happen to ensure that when this business becomes regulated, that it is not considered an unlawful activity in regard to the Proceeds of Crime [Act]. So it will certainly be unlawful if someone is doing it outside of the law, but if someone is doing it inside of the law then it is not unlawful activity, Mr. Speaker. And so I think that it is important that we certainly recognise that.

And this is not something that is unusual because it there have been similar amendments that are already exist, a perfect example would be in Jersey in the Channel Islands where they have made those similar types of changes to their Acts to comply to ensure that there is not the (I would say) inherent opposition to banking due to the fact that these matters are considered proceeds of crime with the Proceeds of Crime Act. And so once we move these things into the legal sphere, under a regulated regime, those changes and processes can happen. Now, it is different in the United States where they have things on a federal basis, but we can recognise that in Canada it is of course a different situation where from the Federal Government side they have regulated it.

And so, Mr. Speaker, I have to close on an overall space that the leadership is incredibly difficult. And when you as a Government have been chosen to lead, you must be able to stand for your principles and deliver on the promises of which you have made to the electorate, despite the opposition of which you may face. Yes, Mr. Speaker, this Bill will pass this Honourable House today because it is a Government Bill that is supported by our caucus, that is supported by our central committee, and which is part of our election manifesto. And though it does not have unanimous support, it will pass and it will go to another place. And the question is, what will happen then?

It is my hope that there is an open approach to this by the Opposition. But it is not my expectation, Mr. Speaker. It is my hope that the person of this country who may believe that this law isn't perfect but recognises the law for what it is—a step forward in the right direction underneath a very strict international regime—will accept it for the progress of which it represents, and they will accept the balance that the Government has intended to strike. Because when I hear the Shadow Minister talk about, *Oh, for those people who think that this means that you are going to*

be able to smoke on the street, it doesn't happen. It was not supposed to, Mr. Speaker.

Again, this is regulation. It is not, do anything you want. Which, by the way, the One Bermuda Alliance does not support. So I do not even understand why strawman arguments are raised, Mr. Speaker.

This is a good Bill. It is good law. It has been well researched. It has been refined. It has been subject to numerous rounds of consultation, an open consultative process where numerous things were submitted by numerous groups and numerous amendments and numerous changes were made to ensure that it reflects the uniqueness of the country of which we are in Bermuda.

But I end here. As leaders who are elected to carry out a mandate, it is the responsibility of us to be responsive to the concerns and the desires of the people who vote for us, Mr. Speaker. Change in approach to cannabis policy enjoys majority support across this country. And it is incumbent upon this Government and this Honourable House who represent those persons that we execute on their wishes. That is what we will do today. And it is important that we carry that forward in all types of items.

This is a sea change. This is different. It is uncomfortable for many. I have had conversations out of my own family where it is uncomfortable. But we have to recognise that we have to treat these situations differently to ensure that we have better outcomes for our economy, better outcomes for our healthcare, better outcomes for our children and better outcomes for the citizens of this country, Mr. Speaker. And that is what this Bill represents as it is a step forward in the place to make a regulated cannabis regime in Bermuda that can withstand scrutiny.

So, as I close, Mr. Speaker, I want to thank the Deputy Premier for covering for the Attorney General today. As I indicated, the Attorney General is not able to be here today. But what is vital and important is that the work that has been done is good work and I look forward to it passing in this Honourable House today and I look forward to a debate in the other place. And I would hope that the Opposition would look to moderate its approach and be on the side of progress and be on the side of additional economic activity in this country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

Are there any further speakers?
Minister.

Hon. Walter H. Roban: Thank you, Mr. Speaker. And I certainly thank [Members] for the fullness of the participation that we have seen on this Bill. Clearly, irrespective of the fact that it is the second reading of a second reading, Members felt certainly emboldened to speak fully to it again. And that is always good for the process, if not certainly to remind the public of their

stances to be consistent with those positions but to ensure that every Bill that comes to this House, irrespective of what form, has a full and robust treatment.

I will move to answer some of the questions that I believe appeared during the discussions. The Honourable Premier did speak to the banking issue and that continues to be a work in progress. I think we are all mindful that this is a very delicate and carefully worked process. We as a jurisdiction, irrespective of what we are seeking to achieve, want to ensure that we abide by NAMLC and CFATF requirements around banking, around financial services. And we will make sure that whatever decisions come around the banking piece, which is still being worked on, will achieve what is needed without damaging our reputation as a jurisdiction.

The Premier did mention some of the details up to date around that, but that continues to be worked on. And so once those issues are fully fleshed out and dealt with around this matter, obviously other jurisdictions have found solutions for their issues around the banking piece and we will work out ours that will fit our [situation].

There was quite a bit raised concerning the issue of our children, Mr. Speaker, and I do not want it to be minimised or understated that clearly the perception of the vulnerable is very crucial here in whatever is done. Just as with other controlled substances that are regulated, the protection of the vulnerable from being exposed to alcohol abuse or even abuse by other regulated drugs and medication is very crucial in how things are handled. Just as an institution or organisation that wishes to serve alcohol, a highly regulated industry in our community, there is very rigid regulation on the sale, distribution and handling of alcohol. Certainly, that care and attention will have to be even more paramount within this proposed framework.

So there are a number of issues around the protection of children that were raised and one of the questions was will the Cannabis Licensing Act expose children to cannabis? The illicit market in Bermuda already unfortunately exposes our children to cannabis and that is a problem, clearly. And we have to continue to work at that. But the Cannabis Licensing Bill creates a more effective control in prohibiting the access of cannabis products to children.

And certainly the age limit is 21 for involvement with a licensed cannabis industry. A young person found with cannabis will be automatically diverted to the appropriate treatment and education process. But as it is prohibited now for children to have contact with controlled substances, it will continue to be. We do not promote or lawfully want children to be consuming alcohol or any other controlled substance. That is in the law, and that will continue with this [Bill].

How are young people and other vulnerable people going to be protected? The age limit of 21 is set for obtaining a licence to using and consuming of

cannabis. And I think we all know that there are certain scientific studies that already state that exposing children to cannabis in any way at a young age is damaging to their development. That is already understood scientifically. So it is clear that we accept that as a conclusion and that pervades through what we are trying to do.

And they are not even allowed under the proposed licensing to enter a cannabis shop. So people cannot just walk in with their child in some future possible establishment that might be selling cannabis products, and buy. Children are not supposed to be exposed to that environment.

Young persons found in possession of cannabis will be diverted to the appropriate programme to deal with that. I think there is an effort, Mr. Speaker . . . I think one of the philosophies and premises that was operated on is that we are trying to remove the criminalisation of people's involvement in handling the cannabis because of the history of that. So the Cannabis Authority will be able to direct a portion of whatever revenue it does propose to [receive] to dealing with and supporting the funding of addiction [treatment] and training. Effective public education campaigns will have to be and are a part of the mandate of the Authority and they will work with other agencies, whether they be the police, the Department of National Drug Control and other non-governmental agencies to support diverting young people away from addictive substances, and certainly a no-tolerance level of that. So those are some of the answers that relate to that.

There were some other questions or comments raised, Mr. Speaker, that I would like to make sure that are responded to. I am going to do this in two parts. One Member had a very strange, odd question and which seemed to assert that people who are in jobs that put them in control of health and safety and the care of people, which would include teachers and other people, somehow there is a problem that they have to be exposed to perhaps random testing of their possible use of controlled substances, and how that is actually a burden and it is a problem or is demoralising. Well, I would think, Mr. Speaker, that we would want to make sure we would want to know that those people who are involved with activities, occupations and work that puts them involved with the care and safety and protection of people are not being influenced by substances, whether it be alcohol or cannabis or some of the other drugs that have been mentioned here that we know, opioids, or other things that pervade or society.

Do you want to go under the surgeon's knife when your surgeon has had a smoke of weed? Or had a drink or sip of alcohol that might have put them over the limit prior to that operation? Or do you want a bus driver or a truck driver or somebody driving a truck with toxic substances like petrol or things that could be flammable driving or operating machinery or operating a vehicle when they may have been under the

influence and there is no way to monitor or like arrest that if it might happen?

I doubt that anybody in this House would agree that we should be flexible on that. So the comment about the demoralisation was a little bizarre. I think people who are in occupations which put our citizens under their responsibility know their obligations. And unfortunately, obviously people are human, and things do happen. But I think everybody who goes into those sorts of occupations, Mr. Speaker, know what the responsibilities are.

There seemed to be some comments, Mr. Speaker, about if we just delete cannabis from the Misuse of Drugs Act that this will fix the problem and creating all the bureaucracy is actually more of a problem than it is worth, and that [deletion] is the real fix to it all. Well, that is very interesting, Mr. Speaker, because if we look at what we are doing here, this Bill is about creating a regulatory framework for the cannabis industry, for a proposed cannabis industry to develop a cannabis industry. It is not legalisation of cannabis and its use outside of a regulated framework in any way.

So, we could do what the Honourable Members of the Opposition say. But how does that progress anything? Because it does not create the real framework where that substance is now being totally made legal and can be handled responsibly. If we accept that it should be handled responsibly.

Now, Mr. Speaker, I think it has been widely referenced that there are a number of countries that have already gone down this road that we are going. In the Caribbean and in Latin America, Europe and elsewhere, they all have regulated frameworks to manage this substance, this plant substance now that they have decriminalised it, or they have made it . . . liberalised its handling in their community. So where we can look to see what has been done already, every jurisdiction has an Authority.

[We can] go back to as far as places like the Netherlands which has a long history of relaxing certain practices around substances, Mr. Speaker. They have an Authority in their country, as does Uruguay, as does Portugal, as does Jamaica, as does St. Vincent, as does Canada. They have Authorities that manage the handling, the whole process around . . . now that they have decriminalised the handling of the substance, they create a legal framework that it can be managed responsibly in the community, and [manage] its usage.

So that is where we are going. This is not bureaucracy; this is proper management that we are looking to deploy with this legislation. A Cannabis Licensing Act to create a Cannabis Licensing Authority.

There were concerns expressed about what we are doing will encourage more usage. Well, I am not so certain of that. And there is no evidence to suggest that it does, that people who aren't using now are going to use it because they can go to a shop and

buy it. I don't believe that necessarily equates. I think some of our Members, Mr. Speaker, must also remember, because there was a suggestion I think by the Honourable Opposition Leader that seemed to propose that nearly everybody in this House would not want to encourage their son or daughter to get into a cannabis-related business. Well, I can assure you, Mr. Speaker, that the Honourable Member does not speak for me. I don't believe he actually is in a position to actually speak for anybody in this House other than himself.

I believe that (1) that is inaccurate and (2) the very purpose of this Bill as we have reiterated repeatedly is to enfranchise those who have not had opportunities in the past who have found themselves persecuted by the rigid laws and policies that have existed around the handling of cannabis now since 1972, at least, in this country. And the people who have found themselves [in this] demographic are going to actually be the first people to have the opportunity. Some of those might be relatives of ours.

So, I can certainly say that I would be supportive of any young person who wanted to legitimately set up a proper licensed business under this regime, and operate legitimately and with a sound business model creating an opportunity for themselves. I think we have to get away from, you know, sometimes being very orthodox of what we think is right and wrong sometimes, because that does not necessarily empower people in ways that we want to. We say we want people to have new opportunities, but then we put a wall to what that opportunity should look like, in some cases, even if that opportunity can be developed, Mr. Speaker, in a legally proper framework, in a lawful way that is actually satisfying a demand in the community.

So I am not prepared to ascribe to the assertion by the Opposition Leader for myself because there may be young people in Bermuda who may want to venture as an entrepreneur into this avenue if they found a niche or a market or a product that they believe will be satisfied.

And let's not forget, Mr. Speaker, we have legitimate pharmacies now that are licensed by the appropriate authority that sell cannabis products now. So are you saying that this pharmacist who is a Bermudian should be ashamed of being involved with selling those cannabis-based products? I don't think that is what is being said. But I just wanted to make the point, Mr. Speaker, that I think we need to often rethink how we see things. If you are serious about expanding opportunity and growing business and developing new business, and if the idea, Mr. Speaker, is that we must think outside the box as a community if we are going to move forward into a new future, we have to embrace it in an honest and genuine way.

Mr. Speaker, my last comment will be . . . you know, it has been very clear what this legislation was developed for. It is to create a cannabis licensing

framework. And I heard a number of comments from Honourable Members, including the Member who [spoke] after me about things that were not in the Bill. Well, the fact of the matter is that this licensing Bill will create the power so that the regulations that will create more specificity in many key areas will be created. Until this licensing framework is put in place, this licensing regime and framework and the authority that will have the capacity and the resources to draw up the detailed regulation, Mr. Speaker, cannot happen. The Bill says that is what will happen.

So, Mr. Speaker, we all know how legislation works. And this is an opportunity to do something very different in the country that has not been done in the past. I am not going to go into the comments in relation to the stop list and all of that. I think that has already been pretty much answered. I think the Honourable Members again . . . we have to try our best, Mr. Speaker. We are all perhaps imperfect in this process that we have participated in the House, but disingenuous debate does not aid in the process for the benefit of the public or anybody.

When you raise things in a debate that you know have nothing to do with what the Bill actually is addressing and then you criticise the Government on those things that you say are missing, when you know very well that the Bill has nothing to do with that, that is called disingenuous debate in my view. Because I think we should all be genuine in what we present in the House, Mr. Speaker, towards sound argument.

And it is not that the Government likes to run away from its record or the issues that should be raised around debating legislation, Mr. Speaker. No that is not the case, because we want to ensure what we are doing . . . as the Honourable Premier said, this is part of a campaign promise that we promised to the electorate. This is a part of a process that we felt would aid in dealing with some of the issues that the country faces. This is something that we believe will create new opportunities.

And some of us who are a little older may not see that right now, but the reality of the fact is that there are a lot of people interested in this. Clearly, the process that the Honourable Attorney General and her Chambers, and the team in her Ministry went through, and I must applaud them, all of them, for the work that they have done on this, which has been meticulous and thorough, very clearly, which is why we have confidence bringing this Bill back again to start the process that we are looking to build here around the issue of cannabis and an industry that might be an opportunity for some people in Bermuda to do something [to help themselves] economically.

I believe this is a good first step. This legislation satisfies that important step for us and we will be back here in the House again doing more in this space, Mr. Speaker. That is how this process works because there is more regulation to be drawn up. There may be more amendments to deal with as we

get more details around the issues that may pertain and impact this. We will come back here to do more to address that, so that this framework can work for the people of Bermuda, for whom it is designed to work.

So, Mr. Speaker, with that, I move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy Speaker.

House in Committee at 5:40 pm

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

COMMITTEE ON BILL

CANNABIS LICENSING ACT 2022

The Chairman: Thank you, Mr. Speaker.

Honourable Member, we are now in Committee of the whole House for further consideration of the Bill entitled [Cannabis Licensing Act 2022](#).

Minister Roban, you have the floor.

Hon. Walter H. Roban: Thank you, Mr. Chairman.

Mr. Chairman, I would like to begin with a clause-by-clause presentation of the Bill entitled the Cannabis Licensing Act 2022.

Clause 1 provides the title of the Bill.

The Chairman: One second.

Hon. Walter H. Roban: I'm sorry, Mr. Chairman. I would like to move a certain set of clauses first. Sorry.

The Chairman: Yes, if you can give us the numbers.

Hon. Walter H. Roban: I would like to move clauses 1 through 20.

The Chairman: Clauses 1 through 20?

Hon. Walter H. Roban: Is that satisfactory, Mr. Chairman?

The Chairman: Yes. Continue.

Hon. Walter H. Roban: Thank you, Mr. Chairman.

So, I move clauses 1 through 20.

Clause 1 provides the title of the Bill.

Clause 2 provides for the interpretation of terms used in the Bill.

Clause 3 provides that, unless expressed, the Act does not apply to hemp, the regulation of which will be provided in other legislation.

Clause 4 provides that the cannabis industry provided in the Act will be regarded as a special programme for the purposes of section 6A of the Human Rights Act 1981. It additionally provides that a special

programme is one that assists a person or group of persons to achieve equal economic opportunity in the cannabis industry.

Clause 5 provides for the protection from criminal liability under the Act for a person who is authorised to conduct an activity under the Act only if that activity is conducted in strict accordance with the Act or any regulations.

Clause 6 provides that the Minister may, by order subject to the negative resolution procedure, restrict certain strains of cannabis or medicinal cannabis from being sold, supplied, cultivated, imported or manufactured. Before making any order to restrict a strain or strains the Minister must consult with the Authority and the Department of National Drug Control. Strains may be restricted in the interest of public health with public education measures placed to raise awareness on any potential health risk of the restricted strain.

Clause 7 provides the establishment of the Cannabis Licensing Authority ["the Authority"] with the primary function of regulating Bermuda's cannabis industry as well as advising the Minister on any matter relating to cannabis and the cannabis industry.

Clause 8 provides for the functions of the Authority including receiving applications, granting and refusing licences, and the distribution of educational materials and organising training programmes. In addition, the Authority is able to perform any other function the Minister assigns which can include the establishing and monitoring of AML safeguards in the cannabis industry.

Clause 9 provides that the Minister may, after consultation with the Chairman of the Authority, give the Authority directions on the policy that is to be followed by the Authority in its functions.

Clause 10 provides for the appointment of the Executive Director of the Authority who will be responsible for the day-to-day management of the Authority.

Clause 11 provides for the functions of the Executive Director including assigning personnel and implementing operational policies and procedures in relation to the function of the Authority and the delegation of those functions.

Clause 12 provides that the Executive Director, on consultation with the Minister, will establish the qualifications of staff for the offices of the Authority and shall advise the Minister on appointments made to fill those offices.

Clause 13 provides that every person having an official duty or employed in the administration of the Act must treat all information as confidential.

Clause 14 protects a member or employee or agent of the Authority from liability [for] an act done under the Act in respect of any act done in good faith.

Clause 15 provides for the sums of funds and resources of the Authority with the expenses of the Authority including the remuneration of members, em-

ployees and agents being paid out of the funds of the Authority.

Clause 16 provides the Authority must submit expenditure budget estimates annually to the Minister for approval.

Clause 17 provides that the Authority will cause statements of its financial affairs to be maintained and prepare a statement of accounts each financial year.

Clause 18 provides for the tabling of annual reports and accounts of the Authority.

Clause 19 provides that a person must be licensed to carry on an activity in the cannabis industry as provided in the Act.

Clause 20 provides that, to be eligible for a licence, the applicant must (a) be over 21 years of age and possess Bermudian status, if an individual, or (b) be incorporated under the laws of Bermuda, if a body corporate.

Thank you, Mr. Chairman. Those are clauses 1 through 20.

The Chairman: Yes. Are there any further speakers to clauses 1 through 20?

Mr. Scott Pearman: Thank you, Mr. Chairman. MP Pearman.

The Chairman: Sounds like Mr. Pearman.

Mr. Scott Pearman: Yes, sir, Mr. Chairman.

The Chairman: You have the floor, Honourable Member.

Mr. Scott Pearman: Mr. Chairman, I have already posed questions to this Bill previously on 19 February 2021, which can be seen from the Hansard at pages 473 to 491. I have no further questions.

I know someone on my side does have a question on clauses 1 through 20. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Pearman.
Any further speakers?

[No audible reply]

The Chairman: One of your colleagues, Mr. Pearson, wanted to ask a question?

Mr. Scott Pearman: Yes, Mr. Chairman, it is the Opposition Leader. He might be on mute.

The Chairman: Mr. Simons.

Hon. N. H. Cole Simons: I am okay now.

On page 9, expenditure budget item (4). It says, "The Authority shall not without the Minister's

approval spend in total in any financial year more than the total amount of expenditure approved by the Minister for that financial year.”

The Chairman: What clause is that, Mr. Simons?

Hon. N. H. Cole Simons: [Clause] 16(4), page 9.

The Chairman: Okay.

Hon. N. H. Cole Simons: So what are the consequences if the Authority spends more than approved by the Minister?

The Chairman: Minister.

Hon. Walter H. Roban: Mr. Chairman, certainly it is very clear that this is an unlawful act. And there would clearly be a need to work out the appropriate sanctions for that. This is not uncommon, as you know, Mr. Chairman, in that for other authorities approval is needed from the Minister. And my own reflection on my own responsibility is that the Authority cannot have approval for expenditure until it is signed off by an appropriate Minister, or the Minister responsible.

The Chairman: Thank you, Minister.

Any further questions on clauses 1 through 20?

Hon. N. H. Cole Simons: No.

The Chairman: Okay, there appear to be none.

Minister, do you want to move clauses 1 through 20 for approval?

Hon. Walter H. Roban: I so move clauses 1 through 20 for approval, Mr. Chairman.

The Chairman: It has been moved that clauses 1 through 20 be approved.

Are there any objections to that?

There appear to be none, approved.

[Motion carried: Clauses 1 through 20 passed.]

The Chairman: Continue, Minister.

Hon. Walter H. Roban: Mr. Chairman, with your permission I would like to move forward with clauses 21 through 40.

The Chairman: Continue.

Hon. Walter H. Roban: Thank you, Mr. Chairman.

Clause 21 provides the types of licences obtainable under the Act including that those licences are not transferable. These licences include—

- a) a tier 1 cultivation licence;

- b) a tier 2 cultivation licence;
- c) cannabis retail shop licence;
- d) an import licence;
- e) a tier 1 manufacturing licence;
- f) a tier 2 manufacturing licence;
- g) an export licence;
- h) a research licence; and
- i) a transport licence.

Clause 22 provides for a cannabis event licence and how a person is able to apply for that licence. It also provides that a cannabis event may be a public or private event that is infrequent or temporary, where there is either intent for profit or no intent for profit from the sale or supply of cannabis only to invited guests over 21 years of age.

Clause 23 provides for the inspection of a premises the subject of a licence application prior to the grant of a licence. An inspector will have the power to enter the premises to conduct inspections, including taking photographs of the premises and walking around the premises to establish the boundaries.

Clause 24 provides for requirements, Mr. Chairman, of the application for a licence. The applicant must submit a \$250 non-refundable application fee along with the completed application form, valid identification as proof of age and a current criminal record check from the Bermuda Police Service.

Clause 25 gives the Authority the power to decide to grant or refuse a licence application.

Clause 26 provides that a person with a criminal conviction for a drug or other offence may apply for a licence provided that the conviction is disclosed during the application process. The application of a person with a criminal conviction may be granted if the Authority is satisfied the applicant will be compliant with the requirements of the Act and any regulations but does not require the Authority to grant the licence.

Clause 27, Mr. Chairman, provides that the Authority will notify an applicant, in writing, of his approval of an application.

Clause 28 provides the terms and conditions applicable to each licence. The absolute terms and conditions of licences include that an applicant must not employ a person under 21 years of age, the display of a licence in a conspicuous place and inspector's ability to enter a licensed premise to inspect and monitor activity.

Clause 29, Mr. Chairman, provides the grounds on which the Authority may decide to refuse to grant a licence including not being satisfied on reasonable grounds of the suitability of the location, premises or proposed security measures or that the required application fee has not been paid.

Clause 30 provides that a licence may be varied, in writing, on the Authority's initiative or on application by the licensee.

Clause 31 provides the way in which a licensee is able to apply for the variation of a licence.

Clause 32 provides for the duration of a licence which will be valid for a period of two years from the date of issue and may be renewed with the prescribed licence fee paid annually.

Clause 33 provides for the application for the renewal of a licence to be made in writing, to be in a form determined by the Authority and accompanied by the prescribed fee.

Clause 34, Mr. Chairman, gives the Authority the power to revoke, in writing, a licence in certain circumstances such as the breach of a condition of a licence or the licensee has engaged in conduct that is an offence under the Misuse of Drugs Act [1972], the Pharmacy and Poisons Act [1979], the Criminal Justice (International Co-operation) (Bermuda) Act 1994 or the Proceeds of Crime Act 1997.

Clause 35 provides that a person aggrieved by a decision of the Authority may appeal to the Magistrate's Court within 21 days of the date on which any notice from the Authority takes effect.

Clause 36 provides that a licensee may surrender a licence by giving notice in writing of the intention to do so with the surrender of the licence taking effect on a date approved by the Authority.

Clause 37 provides that where there is a theft of cannabis in his possession, the licensee must provide a written report to the Authority and report the theft to an inspector.

Clause 38 provides for the authorisation of analysts to analyse any cannabis or medicinal cannabis substance, product or sample of any substance, product purporting to be a cannabis or medicinal cannabis.

Clause 39 provides that an inspector may submit for analysis any cannabis substance or product or medicinal cannabis substance or product taken by that inspector to an authorised analyst for analysis.

Clause 40 provides that a certificate of an authorised analyst may be used in any proceedings for an offence under the Act.

Thank you, Mr. Chairman, that is my presentation on clauses 21 through 40.

The Chairman: Thank you, Minister Roban.
Are there any further speakers?

Mr. Scott Pearman: Mr. Chairman, MP Pearman.

The Chairman: Mr. Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Chairman.

Again, as before, this Bill went through Committee so we have posed questions on these [clauses]. I have no further questions—

The Chairman: Thank you, Mr. Chairman.

Mr. Scott Pearman:] —beyond those already asked. Thank you, Mr. Chairman.

The Chairman: Any further speakers?

There appear to be none. Minister, do you want to move clauses 21 through 40?

Hon. Walter H. Roban: I so move clauses 21 through 40 for approval, Mr. Chairman.

The Chairman: It has been moved that clauses 21 through 40 be approved.

Are there any objections to that?

There appear to be none, approved.

[Motion carried: Clauses 21 through 40 passed.]

The Chairman: Continue, Minister.

Hon. Walter H. Roban: Mr. Chairman, I wish to now present clauses 41 through 56, and the appropriate Schedules.

The Chairman: Continue.

Hon. Walter H. Roban: Thank you, Mr. Chairman.

Clause 41 empowers the Authority to designate inspectors to obtain information as required in regulating and enforcing Bermuda's cannabis industry.

Clause 42 provides for inspectors to obtain a warrant from a magistrate for suspected withheld information that the inspector wishes to obtain.

Clause 43 creates the offence and penalties for a person or body corporate conducting an activity under the Act without a licence.

Clause 44 provides for various offences under the Act including engaging in the use of cannabis in a public place except at a licensed [cannabis] retail shop or at a cannabis event, the sale or supply of cannabis to a person under 21 years of age, the possession of cannabis that is more than 7 grams in a public place unless authorised under a licence, and handling cannabis with intent to supply whether by him or another person without the relevant licence that permits supply.

Clause 45 provides that if an offence committed by a body corporate is proved to be committed with the consent of or attributable to neglect on the part of any director, manager or other officer, the officer and the body corporate will be liable to be proceeded against.

Clause 46 provides that where there is the failure of a convicted person to pay a fine imposed by the court, the court has the power to immediately revoke the person's licence.

Clause 47 gives a police officer of any rank the power to seize an amount of cannabis equal to or more than 7 grams from a person in possession of it in a public place without the relevant licence under the Act to do so.

Clause 48 provides that 20 grams is the statutory amount deemed for supply where a person is charged with an offence relating to cannabis and supply is an element of the offence.

Clause 49 provides for consecutive sentencing for offences involving cannabis and offences relating to violence or use of weapons.

Clause 50 provides for the defence of lack of knowledge for the offences provided in section 44(1) of the Act, including a) engaging in the use of cannabis in a public place except at a licensed cannabis retail shop or cannabis event; b) the sale or supply of cannabis to a person under 21 years of age; c) possession of cannabis that is more than 7 grams in a public place unless authorised under a licence; and d) handling cannabis with intent to supply whether by him or another person without the relevant licence that permits supply.

Clause 51 provides that the Minister [will] carry out a review of the Act within two years of the Act coming into operation and submit a report to the Legislature within 12 months after submitting the review.

Clause 52 empowers the Minister to make regulations and includes a general regulation-making power which enables regulations to be made as required in the cannabis industry including any required AML measures and regulations for the safe custody, storage and security of all locally cultivated cannabis or medicinal cannabis.

Clause 53 provides that the Authority may, with the approval of the Minister, issue guidance on the regulation of cannabis and medical cannabis.

Clause 54 provides amendments to the Misuse of Drugs Act 1972 to remove cannabis as a controlled drug and amends that Act to remove the definitions for “cannabis,” and “cannabis resin”; by removing the statutory amount of cannabis deemed to be for supply; and by removing the statutory thresholds in Schedule 8 with reference to all to be referred to in the Act.

Clause 55 provides consequential amendments to the Government Authorities (Fees) Act 1971 and the Pharmacy and Poisons Act 1979.

Clause 56 provides for the commencement of the Act, that it will be on a date appointed by the Minister by notice in the *Gazette*.

Schedule 1 provides for the constitution of the Cannabis Licensing Authority and the procedures the Authority must follow.

Schedule 2 provides the application fee and the fees applicable to licences under the Act.

Schedule 3 provides additional licensing requirements for cultivation licences, manufacturing licences, importation licences, export licences, research licences and transport licences, as well as additional terms and conditions for each licence.

Schedule 4 provides additional licensing and operational requirements for cannabis retail shops, including permitted hours, conduct in retail shops and

police powers. It also provides offences for allowing the sale of cannabis and entry into a cannabis retail shop to a person under 21 years of age. Procuring cannabis for a person under 21 years of age is also an offence.

Thank you, Mr. Chairman, that is my presentation on clauses 41 through 56 and the related Schedules.

The Chairman: Thank you, Minister.

Are there any further speakers?

Hon. N. H. Cole Simons: Yes, Mr. Chairman.

The Chairman: Honourable Cole Simons, you have the floor.

Hon. N. H. Cole Simons: I would like direct the Minister to [clause 51], review of the Act. He indicated that he would submit a report to both Houses of the Legislature. Can the Minister confirm that this report will contain details on the social impact, the criminal impact, the economic benefit and impact, the health impact, and any . . . let me stop there, I can't read my handwriting.

The Chairman: You ought to get some glasses.

Hon. N. H. Cole Simons: Okay. I have other questions.

On regulation number 52—

Hon. Walter H. Roban: Sorry, was that clause 52, Mr. Chairman?

The Chairman: It could be that, yes.

Hon. N. H. Cole Simons: Yes, clause 52[(2)](j), and it speaks to “regulating and controlling the advertising by any person of cannabis, including the form and content of advertisements;” and my question is: As this is an industry for Bermuda, will the advertising campaign be part of our national tourism strategy as prescribed and defined and used by the Bermuda Tourism Authority? And will the advertising campaign be used for airlines, cruise ships? And will they be used overseas or is this strictly a local campaign?

The Chairman: Is that all, Mr. Simons?

Hon. N. H. Cole Simons: Then I go to item 54, page 28, the consequential amendments, number 55.

The Chairman: I'm sorry?

Hon. N. H. Cole Simons: Cannabis Licensing Authority established by section 6 of the Cannabis Licensing Act . . . should that not be 2022 instead of 2020? I am just asking.

Hon. Walter H. Roban: Yes. The answer is yes. That should be a process that the Honourable Attorney General's Chambers uses to amend these matters. I think we did initially ensure, as you know, Honourable Member, that this Bill was just by virtue of its tabling, that is the only amendment that was being made to bring it back. So that can run right to this as well.

Hon. N. H. Cole Simons: Okay.

Hon. Walter H. Roban: No need to go through a process with that. This is a minor amendment that the Attorney General's Chambers can make.

Hon. N. H. Cole Simons: Right.

You can answer those questions while I go through the rest of the legislation, if you do not mind.

The Chairman: Minister.

Hon. Walter H. Roban: Yes. Thank you, Mr. Chairman.

Sorry, Mr. Chairman, I jumped ahead of you on the previous matter—

The Chairman: No, that's fine.

Hon. Walter H. Roban: Okay, in relation to [clause 52] where the Honourable Member asked a question about advertising. Those are issues that will be worked out by the Authority between the Cannabis Licensing Authority and the Tourism Authority. Any objectives about how we might link our industry to our promotion as a visitor destination will be worked out between the two respective authorities once that is established and they establish their relationship. So I would leave that to the Authority to work out with the BTA as to within their respective interests and responsibilities.

Going forward, your other [question] was on clause 54? Was it 54, Member? Or 55?

The Chairman: [Clause 54].

Hon. Walter H. Roban: Sorry, could the Honourable Member repeat his question for my benefit on clause 54?

Hon. N. H. Cole Simons: What page is it on?

Hon. Walter H. Roban: Page 28. We also have [clause] 55 on page 28.

Hon. N. H. Cole Simons: I have to go back to it. Hang on. I'm checking to see what else I have.

Hon. Walter H. Roban: Your comment on [clause] 55 was on [page] 28, but you had something on [clause] 54?

Hon. N. H. Cole Simons: No, I did not.

Hon. Walter H. Roban: Okay, all right. Well, those were the two clauses that the questions were on, Mr. Chairman, unless the Honourable Member has more questions.

Hon. N. H. Cole Simons: Yes, I do.

The Chairman: Continue.

Hon. N. H. Cole Simons: Page 39, under Import Licence, and that is [Schedule 3 paragraph] 10(b), "name and address of the exporter in the country of export."

My question is, Who does the assessment of the exporter to ensure that we are dealing with a reputable organisation and that they are a partner that this country would want to do business with? And do we show the KYC or have files on the exporter, KYC and AML documents? Are they required to be held by the Authority in the event that they are expected to ensure that exporters are vetted and assessed to ensure that they are quality organisations?

The Chairman: Minister?

Hon. Walter H. Roban: Mr. Chairman, may I answer?

The Chairman: Yes, most certainly.

Hon. Walter H. Roban: Thank you, Mr. Chairman.

One thing that we have identified, Mr. Chairman, is that we will only be able to export to other countries that the law will allow us to do so. So, every country that has set up a cannabis industry has an authority itself. Just as in other industries, the Honourable Member should appreciate that with banking or insurance, we correspond with the like authority in the country to confirm the reputable licence standing of that party who it is being exported to so they can receive these goods, that they can handle these goods. And certainly any financial information that is needed to confirm that they are reputable can be extracted from the authority and validated. Certainly if the licensee in Bermuda has it then they can provide it to us. But we can confirm it with the reputable authority in the other jurisdiction.

One thing that is clearly stated in the presentation of this Bill is that we would only be dealing with other persons in jurisdictions where there is permission to export as well. We are not going to be exporting to countries or jurisdictions that do not allow exports. And all jurisdictions thus far have their own corresponding authority that will be similar to ours that we can deal with to confirm those details.

The Chairman: Are there any further questions?

Hon. N. H. Cole Simons: Yes, page 48, Terms and conditions.

Hon. Walter H. Roban: Which clause, Mr. Chairman?

Hon. N. H. Cole Simons: [Schedule 4 paragraph] 8(f) and (g).

Hon. Walter H. Roban: Yes.

Hon. N. H. Cole Simons: It says at (g) “the maximum amount of cannabis that can be sold to a patron in a transaction is 7 grams of dried cannabis or an equivalent amount.”

Is there a time limit tied to the frequency of sale, i.e., I go to a cannabis coffee shop. I have 7 grams. I go out and come back in 30 minutes and buy another 7 grams. Is that permissible or not? Is there any time constraint associated with this?

The Chairman: Minister.

Hon. Walter H. Roban: That is not a question I can answer now. Those are procedures and that will be part of the regulatory process as drawn up by the authority. Obviously, I understand the scenario that the Honourable Member is describing, someone could go to a coffee shop, somebody might go to another entity and buy 7 grams somewhere else. That sort of behaviour I am not sure is possible to regulate. But certainly, that will be something—

Hon. N. H. Cole Simons: [INAUDIBLE]

Hon. Walter H. Roban: May I just finish, Mr. Chairman?

Hon. N. H. Cole Simons: Go ahead.

The Chairman: Yes, continue.

Hon. Walter H. Roban: Certainly, there may be a way to sort of track that a person does not buy here, if the authority chooses to regulate that sort of behaviour, there may be a way to track the purchase and sale to people within a certain time, but we would leave those decisions up to the authority to shape in conjunction with the relevant parties. That is the job of the authority. That specific detail of operation or behaviour should be sort of shaped by the authority itself in its responsibilities at this point.

The Chairman: Any further questions, Mr. Simons?

Hon. N. H. Cole Simons: Thank you, I think those are my questions.

The Chairman: Any further speakers?
There appear to be none.

Minister, do you want to move these clauses first?

Hon. Walter H. Roban: Thank you, Mr. Chairman.
With that, I move clauses 41 through 56.

The Chairman: It has been moved that clauses 41 through 56 be approved.
Are there any objections to that?
There appear to be none, approved.

[Motion carried: Clauses 41 through 56 passed.]

Hon. Walter H. Roban: Mr. Chairman, I would now like to move Schedules 1 through 4.

The Chairman: It has been moved that Schedules 1 through 4 be approved.
Are there any objections to that?
There appear to be none, approved.

[Motion carried: Schedules 1 through 4 passed.]

Hon. Walter H. Roban: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.
Are there any objections to that?
There appear to be none, approved.

Hon. Walter H. Roban: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Are there any objections to that?

Mr. Scott Pearman: Yes, Mr. Chairman. The Opposition asks that you call for names.

The Chairman: There appear to be none.

Ms. Susan E. Jackson: Yes, Mr. Chairman, call for names.

The Chairman: The Bill will be reported to the House as printed.

Mr. Scott Pearman: Names please.

Ms. Susan E. Jackson: Names.

Mr. Scott Pearman: Call for names, please, Mr. Chairman.

The Chairman: What is that?

Mr. Scott Pearman: We are calling for names on the vote, please, Mr. Chairman.

The Chairman: I did not hear you.

Mr. Scott Pearman: Well, we are all here calling; I'm sure you heard us.

The Chairman: Now, if I say I did not hear you, I did not hear you. Don't tell me you sure I heard you. Please don't do that.

Mr. Scott Pearman: Whether you heard us or not, we are calling for names.

Ms. Susan E. Jackson: We are calling for names.

The Chairman: Okay.

The Clerk: If they are calling for names, everyone has to have their video on because I need to see you, based on the amendment to the Standing Orders. If we are meeting virtually, we should be seeing your face, based on a report on Friday, 22 May 2020. So everyone please turn on your cameras and I will be calling names.

We will wait two minutes, per the Standing Orders. It is now 6:15. At 6:17 I will call names.

[Pause]

The Clerk: Will everyone please turn on your camera?

Okay, we are doing a vote on the second reading of the Cannabis Licensing Act 2022. This is for the approval of the Bill after second reading in Committee. Okay, I will call names.

DIVISION

[Cannabis Licensing Act 2022]

Ayes: 18

Hon. E. David Burt
Ms. Crystal Caesar
Mr. Vance Campbell
Ms. Lovitta F. Foggo
Hon. Tinee Furbert
Hon. Jason Hayward
Mr. Dennis Lister III
Hon. Diallo V. S. Rabain
Hon. Walter H. Roban
Hon. W. Lawrence Scott
Mr. Jamahl S. Simmons
Mr. Scott Simmons
Mrs. Ianthia Simmons-Wade
Mr. Hubert (Kim) E. Swan
Mr. Neville S. Tyrrell
Mr. Jason Wade
Mr. Michael A. Weeks
Hon. Kim N. Wilson

Nays: 6

Mr. L. Craig Cannonier
Hon. M. H. Dunkley
Ms. Susan E. Jackson
Mr. Scott Pearman
Mr. Jarion Richardson
Hon. N. H. C. Simons

Absent: 10

Mr. Jache Adams
Lt. Col. Hon. David A. Burch
Mr. Wayne Caines
Hon. Zane J. S. De Silva
Mr. Curtis L. Dickinson
Mr. Christopher Famous
Hon. Wayne L. Furbert
Hon. Renee Ming
Mr. Anthony Richardson
Hon. Kathy Lynn Simmons

The Clerk: Okay, the Ayes have it, 18 to 6.
Mr. Chairman.

The Chairman: Thank you, Mrs. Wolffe.

The Clerk: You're welcome.

The Chairman: The Bill has been approved, 18 to 6.
And it will be reported to the House as approved.

[Motion carried by a majority on division: The Cannabis Licensing Act 2022 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 6:24 pm

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

REPORT OF COMMITTEE

CANNABIS LICENSING ACT 2022

The Speaker: Thank you, Chairman, Deputy Speaker.

Members, are there any objections to the Bill entitled the Cannabis Licensing Act 2022 being reported to the House as printed?

[No audible reply]

The Speaker: The Bill has been reported as printed.

For clarity on this matter, because I have had inquiries made to me by Members this afternoon, the clarity is that this Bill now goes back to the Senate and no matter what the outcome in the Senate, if the vote is the same as it was before, the Bill will still proceed on to the Governor. Okay? I hope that provides some clarity to those who were asking questions regarding the process for this Bill.

Thank you, Members.

We will now move on to the next item on the Order Paper for today, which is the second reading of the Children Amendment Act 2022 in the name of the Minister of Social Development.

Minister.

Hon. Tinee Furbert: Mr. Speaker, I am pleased to present the Bill titled the Children Amendment Act 2022, which was tabled in this Honourable House on 18 March 2022.

Mr. Speaker, the purpose of the Bill is to modernise—

The Speaker: Just introduce the Bill first and then I have to ask if there are any objections.

Hon. Tinee Furbert: Sorry about that.

The Speaker: Just introduce it by its title.

Hon. Tinee Furbert: Mr. Speaker, on the Government's recommendation I present the Bill titled the Children Amendment Act 2022 be now read the second time.

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

Hon. Tinee Furbert: Thank you, Mr. Speaker.

BILL

SECOND READING

CHILDREN AMENDMENT ACT 2022

Hon. Tinee Furbert: Mr. Speaker, I am pleased to present the Bill entitled the Children Amendment Act 2022, which was tabled in this Honourable House on 18 March 2022.

Mr. Speaker, the purpose of the Bill is to modernise the law and to introduce new and revised provisions under the Children Act of 1998, the principal Act, which are long overdue. The amendment will ensure that a new body, namely the Children In-Care Advisory Council is established to replace the existing Child Care Placement Board. The new Children In-Care Advisory Council membership is designed to include persons with skill sets in specific areas such as medical, legal and educational fields, and a Standing Committee is established to provide a forum that guarantees children in-care who are capable of forming their own view [and] have a voice on matters related to their own social development and well-being.

Mr. Speaker, the additional responsibilities of the Council will include inquiring into and reporting on any matter referred by the Minister, informing the Minister of and making recommendations on matters relating to the social development and well-being of children in-care; promoting and protecting the rights of children in-care, and considering the effect of any legislation, Government policies, programme or standard may have on children in-care and making recommendations to the Minister; and raising public awareness

of and encouraging community interests in issues affecting children in-care.

Mr. Speaker, additionally, the Department of Child and Family Services intends to introduce a non-statutory youth panel for children in-care to sit on. The youth panel will have the opportunity to present their thoughts and/or concerns to the new Standing Committee on the Advisory Council which will be referred to as the Advisory Council Committee.

Mr. Speaker, the Advisory Council Committee will be established under clause 4 of the Bill and will introduce a new section 12B in the principal Act ultimately assuring that there will be a legislative provision in place to take into consideration the voice of children in-care. This application of the law would allow the intent of Articles 12 and 13 of the UN Convention on the Rights of the Child to be enshrined in the principal Act.

Article 12 of the Convention says:

"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

"2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

"Article 13 of the Convention states:

"1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

"2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

"(a) For respect of the rights or reputations of others; or

"(b) For the protection of national security or of public order (ordre public), or of public health or morals."

Additionally, Mr. Speaker, currently section 12(2) of the principal Act provides limited information about the composition of the Board in comparison to other legislation.

Clause 5 of the Bill enhances the principal Act by inserting the Fourth Schedule and introduces vital information concerning Children In-Care Advisory Council such as the composition of the Council, membership is to include, but not be limited to, persons with certain skill sets, such as medical, legal, and educational fields.

Mr. Speaker, I must take this opportunity to highlight that persons who were former children in-care with the Director of Child and Family Services will

have the opportunity to serve as members of Council. It was key to ensure this specific provision was in place as these individuals will bring a unique perspective to the Council with their own experiences as a child in-care.

The Director of Child and Family Services and up to three other public officers of the Department of Child and Family Services designated by the Director shall be ex officio members with no voting powers. Mr. Speaker, this provision will allow for the Council to work collaboratively with the Department of Child and Family Services to ensure the voice of a child is clearly heard and considered when decisions are being made about their social development and well-being.

The remaining provisions ensure that Council membership reflects a gender balance. The term of the office a member can hold, which is not to exceed three years, addresses vacancy in membership, form of the Council, powers conferred by the Minister to declare the office of a member vacant, provisions for re-appoint and resignations and authority for the Council to regulate its own procedures.

Mr. Speaker, to provide some context to this new amendment it is important to note that the Children Act of 1998 was designed to benefit all children in Bermuda, regardless if they are in care of their parents, guardians or the Director of Child and Family Services. The purpose of the Children Act 1998 is to protect children from harm, promote the integrity of the family, provide protection for the rights of children amongst persons who have regular contact with children, and to ensure the welfare of children. With that understanding, the legislative amendments being introduced by this Bill, the Children Amendment Act 2022, will provide important enhancements to the Children Act 1998.

Mr. Speaker, I would like to take this opportunity to remind Honourable Members and the public of the 2020 Speech from the Throne delivered on November 6, 2020, which states, "The seed of the 'new liberty' will be planted in the Island's vulnerable children. The outdated Child Care Placement Board will be replaced by a Children's Commission, whose remit will be to advocate for the children in care, promoting best practice policy, programmes and service responses to meet their needs."

For your reference and for public information, Mr. Speaker, a child in-care is one who is placed in the care of the Director by the courts of Bermuda. The courts are able to exercise their powers to make either a care order or an interim care order under section 25 and section 32 of the Children Act [1998].

Overall, Mr. Speaker, this Bill confirms the Government's commitment to planting the seed of new liberty by upholding the best interests and well-being of children in-care so that they can exercise their right to be heard on matters affecting their own social development and well-being while in care. This

is truly an innovative legislative change which will empower our most vulnerable children.

Finally, Mr. Speaker, it should be noted that extensive research was conducted on various children's commissions in various jurisdictions, namely, Malta, England, Jersey and Jamaica. The analysis conducted by the Ministry of Social Development in conjunction with the Department of Child and Family Services indicates that a majority of children's commissions in other jurisdictions are independent of parliament and government, are not specific to children in-care, and have commissioners that are appointed in full-time posts with support staff.

Locally, Mr. Speaker, the Ministry engaged in consultation with non-profit agencies and committees that work with, or for the betterment of, children in our community. I am pleased to notify Honourable Members and the public that responses were submitted by the following agencies and committees: Bar Council Sub-committee that focuses on family law, Coalition for the Protection of Children, Family Centre, Inter Agency Committee for Children and Family, and Saving Children and Revealing Secrets (SCARS). The comments received by these organisations were in depth and informative and taken into consideration in drafting this Bill.

Mr. Speaker, representatives from these organisations were also invited to attend a follow-up meeting that gave me an opportunity to update them on the process and inform them that the body would be established to replace the Child Care Placement Board and that it would not be called a Children's Commission, but would be designated to achieve the same aims and protections. During this meeting I received positive feedback regarding the direction the Ministry was taking.

I would also like to take this opportunity to thank the representatives of the Bar Council Sub-Committee that focuses on family law, the Coalition for the Protection of Children, the Family Centre, the Inter Agency Committee for Children and Family, and SCARS, for taking the time to submit in depth submissions and for participating in the virtual meetings.

Mr. Speaker, to ensure the Ministry consulted with the general public I provided an invitation for the public to make submissions on their views on the proposed Children's Commission by way of *Royal Gazette* articles published on 23 August 2021, entitled "Children's Commission submissions can still be made." I can report that this Ministry did not receive any submissions from the public.

Mr. Speaker, I would like to take this opportunity to thank the Director of Child and Family Services and his technical team, the team at the Attorney General's Chambers, and the Permanent Secretary's technical staff at the Ministry of Social Development Headquarters for their continuous dedication to ensure that this Bill materialised.

Mr. Speaker, in closing, this Government has remained steadfast in its commitment to our most vulnerable children to ensure that they too feel empowered by knowing that they have the right to have their voices heard on matters impacting their social development and well-being while in care of the Director of Child and Family Services. The provisions in this Bill will enhance the Children Act 1998 and ensure that it continues to comply with international Conventions.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Would any other Member care to make a contribution at this time?

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

The Speaker: MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Speaker and thank you Honourable Minister.

The Opposition is supportive of the Children Amendment Act 2022. And we thank the Honourable Minister for her presentation to this Honourable House. We do not really have all that much to say on it, although I do have two or three questions for the Minister which, hopefully, she can address.

As we understand it, this is reviewing the Children Act 1998, the principal Act, and the former Child Care Placement Board will be replaced with a Children In-Care Advisory Council. So the Board is now to become a Council. The Council is to have more responsibility. In addition, three members of the Council will form a Standing Committee which Committee will include the Chair of the Council and two others from the Advisory Council.

The question that we have on this, just a couple, children in-care obviously means a child in respect of whom a care order has been made. So we were wondering whether or not the children who are in the transitional living phase, a sort of post-care order phase, who may or may not be subject to a care order, whether they would fall under the remit of the Council, notwithstanding the absence of a care order and notwithstanding the fact that they would not technically be children in-care as defined in the legislation, although we would think of them in a normal way as being children in-care.

So perhaps the Honourable Minister could just clarify that point.

I note that on page two of the Bill . . . actually, I will ask that in Committee. The only other point that we would be grateful for commentary on is under clause [4] [new section] 12B(3). That is where it makes a responsibility upon the Standing Committee to provide for children in-care who are capable of forming their own views to be heard on matters relating to their social development and well-being, by way

of a forum heard from time to time as the Committee considers appropriate. We would be grateful to hear from the Honourable Minister what exactly that means in practice.

One way of reading that could be that the Committee will hold a forum every now and again. Another way of reading that is the Committee will be responsible for meeting with children in-care or at least all of those capable of forming their own views on a regular basis as part of the function of the Committee. So we would be grateful for what the Honourable Minister has in mind there.

Thank you, Mr. Speaker. We are supportive of this Bill and it is nice to see steps being taken by this Minister in respect of care for our children within the historic inadequacies under multiple governments.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution?

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker, I would.

The Speaker: MP Simmons-Wade, you have the floor.

Mrs. Ianthia Simmons-Wade: Yes, Mr. Speaker.

I will start off by saying that how a society treats its vulnerable, its children and its seniors is always a measure of humanity. This Children Amendment Act is in line with the Government's pledge to review and modernise legislation. Like the Minister said, this is definitely long overdue.

I will highlight the two most significant aspects of this Act, which is the Child In-Care Advisory Board and also the Standing Committee for the non-statutory Youth Panel.

First of all, I applaud the Minister for giving children a voice by being included in this panel. I also applaud the Minister for including a wide range of people with various skill sets on the panel. And, most importantly, having an opportunity for individuals who were previously in care to sit on this particular Committee.

Right now, there are 76 children in care. Of the 76, three are overseas and 12 children are in residential care facilities. I take this opportunity to commend the Director of Child and Family Services, Mr. Mabury and his team for their work. I also commend all of the third sector agencies that work with our children as well.

Mr. Speaker, too often I hear people saying that children in-care come from single-[parent] homes. I actually take exception because I am a single parent. Children in-care from two-parent households, they also come from single-parent households. Very often there are so many different issues why children end

up in care. The fortunate thing is that by having Child and Family Services and also with this amendment to the Children Act there is somewhere for people to go and there is a voice for the children. Very often what happens is the voice ends up being in the newspaper, or on the radio, or with the parent saying something. At least this affords the opportunity for them to be able to speak.

Mr. Speaker, all of us as parents are committed to doing our best for our children. There is no rulebook for parenting. The bottom line is that sometimes things don't work, and you need help and you need assistance. That is why we have the Children Amendment Act, that is why we have the Department of Child and Family Services, and that is why we have the Ministry of Social Development and Seniors.

Mr. Speaker, I digress a bit. Forty years ago I had the opportunity to work at Paget Island when I was in university. This was the first time I had the exposure to the number of children who were in care. I almost felt like I had lived in a whole other world because these children were hidden, they were behind closed doors, and most of the time you did not know they were there. The fortunate thing now is that we have ministries and we have teams, we have Child and Family Services that work with these children and there is a greater public awareness.

Mr. Speaker, I commend the Minister for bringing this amendment to the Children Act because it does not just relate to children in-care, it relates to all of our children. Thank you, Minister.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution at this time?

No other.

Minister.

Hon. Tinee Furbert: Thank you, Mr. Speaker.

I want to thank Honourable Members who have spoken for their support of this Bill. This Bill does not come without a lot of sweat and tears to be able to ensure that we were having the voices of children represented, particularly children in-care.

We grow up thinking, or knowing, or hearing that children must be seen and not heard. And particularly in this age of technology, they would have access to all sorts of information. If they have smart phones, smart devices, even in school they have the opportunity to have access to technology that sometimes they are learning information and getting information before their guardians, their parents, can even get to them. So they are able to form views on many issues which face us as individuals. We felt that it was very important to ensure that this could happen by way of a youth forum in the Act.

To answer the question in regard to children who transition out of care and whether or not the

Council would apply to them, the Children Act is applicable to children who are under the age of 18. So persons who age out are 18 years and older. This does not mean that they will not have a way to be able to [voice their viewpoints], particularly [if they are those] who are choosing to take advantage of transitional living programmes. So there will be a mechanism in place for them to still share their views. So that will not be taken away.

And then to explain the terminology or the language around "from time to time." The Chairman actually makes that decision, Mr. Speaker. What I would expect as a Minister is that the Chairman would exercise that opportunity to be able to allow the children in-care to speak up about views. So whatever the Chairman feels necessary, I would say at least once or twice a year; it could be more, but the Chairman does exercise that right. If they do not exercise that right, then this legislation that we are passing today would be in vain. So that will be encouraged, actually.

I just want to thank my honourable colleagues for their questions, and thank my colleagues for their support, and that is it, Mr. Speaker.

The Speaker: Okay. Would you like to move us to Committee?

Hon. Tinee Furbert: I move that the Bill be committed.

The Speaker: Deputy Speaker.

House in Committee at 6:48

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

COMMITTEE ON BILL

CHILDREN AMENDMENT ACT 2022

The Chairman: Thank you, Mr. Speaker.

Honourable Members, we are now in Committee of the whole House for further consideration of a Bill titled [Children Amendment Act 2022](#).

Minister Tinee Furbert, you have the floor.

Hon. Tinee Furbert: Thank you, Mr. Chairman.

I would like to move clauses 1 through 8.

The Chairman: Continue, Minister.

Hon. Tinee Furbert: Clause 1 is self-explanatory.

Clause 2 deletes the definition of "Board" and inserts a definition for "Children In-Care Advisory Council," "Advisory Council," and "Advisory Council Committee."

Clause 3 repeals section 12 of the principal Act.

Clause 4 inserts a new section 12A and section 12B. Section 12A establishes the Children In-Care Advisory Council with additional responsibilities that includes advising and making recommendations to the Minister on matters relating to the social development and well-being of children in-care, promoting and protecting the rights of children in-care, and considering the effect legislation, Government policies and programmes may have upon children in-care and making recommendations to the Minister. Section 12A also provides for fees to be paid to Council members, and defines “children in-care” and “matters relating to the social development and well-being of children in-care.” Section 12B establishes a Standing Committee of the Advisory Council to be known as the “Advisory Council Committee.” The Standing Committee will be responsible for providing children in-care with a forum by which they may be heard on matters relating to their social development and well-being. Fees are to be paid to members of the Committee, and the Committee must observe policies and procedures adopted by the Council in the performance of its responsibilities.

Clause 5 inserts a Fourth Schedule to the principal Act which, among other things, sets out the constitution of the Children In-Care Advisory Council, and specifies the qualifications of persons who may be appointed to the Council by the Minister.

Clause 6 makes consequential amendments to the Government Authorities (Fees) Act 1971 by deleting the reference to the “Child Care Placement Board” and inserting the “Children In-Care Advisory Council” and the “Advisory Council Committee.”

Clause 7 provides for termination of the appointment of members to the Child Care Placement Board on the day this Act comes into operation, and for any outstanding matters of the Board to be continued and determined by the Children In-Care Advisory Council.

Clause 8 provides for this Act to come into operation by notice published in the *Gazette*.

The Chairman: Thank you, Minister.

Are there any further speakers?

Mr. Scott Pearman: Thank you, Mr. Chairman. MP Pearman.

The Chairman: Honourable Member Pearman, you have the floor.

Mr. Scott Pearman: Thank you, very much.

Minister, the question that I had was on page 1 of the Bill, clause 2. And it was a matter raised in the debate, which was this idea of a definition of a child in-care, and whether it is limited only to those children who have care orders, or whether it would extend to children in transitional living. I am sorry, it is [clause 4, new section 12A] subsection (5), page 2. So it is

clause 4, all the way down at subsection (5) and it has the definition of children in-care. And it says, “means children in respect of whom a care order has been made . . .” I am not sure I caught your answer in the debate, but I just pose the question again. Thank you.

The Chairman: Minister.

Hon. Tinee Furbert: Mr. Chairman, if I am understanding the question correctly, he is asking for clarification for what children in-care means. So, again, it would be a child who has a care order, or a child who has an interim care order. This, again, applies to persons who are under the age of 18.

So a person who is a young adult, who is 18, will not . . . this will not apply to [them] because they are now 18, they are now considered an adult.

The question from what I heard before was around whether or not this would apply if they are taking advantage of the transitional living programme and I had mentioned prior that there will be avenues in place where if there were any concerns a young adult needed to voice their concerns, that there would be opportunities to do so.

Thank you, Mr. Chairman.

The Chairman: Thank you, Minister.

Any further comments, or questions?

Mr. Scott Pearman: Yes, thank you, Mr. Chairman. MP Pearman.

The Chairman: Mr. Pearman, continue.

Mr. Scott Pearman: Yes, still under clause 4 of the Bill, and still at page 2, there is a reference to the fees paid to the members of the Advisory Council. Is there a separate fee for the three people who are on the Standing Committee?

Hon. Tinee Furbert: Thank you, Honourable Member, for that question. No, there is not a separate fee. Are you speaking to the actual amount? No, it is not different.

Mr. Scott Pearman: Thank you, Mr. Chairman, a further question.

The Chairman: Yes, continue.

Mr. Scott Pearman: Thank you.

Still under clause 4, but this time over at page 3 of the Bill, starting at the bottom of page 2 where it is talking about the Advisory Council and the insertion of [section] 12B, going over the page to subsection (3), and it was the matter we were discussing in debate. I apologise again if I did not hear your answer. But I was just looking for some clarity on this forum that this Standing Committee is going to hold with

children who are capable of forming their own views to be heard. Could you just explain what “forum” is meant to mean in that context? Thank you so much.

Hon. Tinee Furbert: Mr. Chairman, the forum would be expressed in having two members of the Advisory Council as well as the Chairman. And then not less than two children in-care who would be able to provide views to the Advisory Council. This format was chosen so that children do not feel intimidated by having the actual whole Council. They would feel more comfortable by having fewer persons to speak to and share their views. But it does not mean that it just has to be two. It can definitely be more than two children to form a forum, who would have the opportunity to express those views.

The Chairman: Any further comments?

Mr. Scott Pearman: Yes, I have a question on that same point.

The Chairman: Mm-hmm.

Mr. Scott Pearman: So just to drill down on that again, does that mean that the Standing Committee will initiate these forums? Or does the child in-care initiate it? Like, practically, how is it going to work?

Hon. Tinee Furbert: Sure. Mr. Chairman, the Chairman of that Standing Committee or Advisory Council will initiate these forums.

Mr. Scott Pearman: Thank you, Mr. Chairman. Thank you, Honourable Minister. I have no further questions from me.

The Chairman: Any Members have any further comments?

There appear to be none.

Minister, do you want to move your clauses?

Hon. Tinee Furbert: Yes, thank you, Mr. Chairman.
I move that the preamble be approved.

The Chairman: You move the clauses first, then the Schedules and then the preamble last. You have clauses 1 through 8.

Hon. Tinee Furbert: I move that clauses 1 through 8 be approved.

The Chairman: It has been moved that clauses 1 through 8 be approved.

Is there any objection to that?

There appear to be none. Approved.

[Motion carried: Clauses 1 through 8 passed.]

The Chairman: Move the Schedule.

Hon. Tinee Furbert: I move that the Schedule be approved.

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

Are there any objections?

There appear to be none. Approved.

[Motion carried: Schedule passed.]

Hon. Tinee Furbert: I move that the preamble be approved.

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

Are there any objections to that?

There appear to be none. Approved.

Hon. Tinee Furbert: 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.

Are there any objections to that?

There appear to be none. The Bill will be reported to the House.

[Motion carried: The Children Amendment Act 2022 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 6:59

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

REPORT OF COMMITTEE

CHILDREN AMENDMENT ACT 2022

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled the Children Amendment Act 2022 being reported to the House as printed?

There are none. It has been reported as printed.

Members, that brings us to a close of the items on the Order Paper for discussion today. We will now go back and do the third readings. The first third reading is by the Premier for his Bill titled the Gaming Designated Site Act . . . order. No, that was an order. Okay, no we just have the Cannabis and the Children Acts. All of the others were orders or regulations.

So, Deputy Premier, are you going to do the third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Walter H. Roban: Thank you, Mr. Speaker. Can you see me?

The Speaker: Yes.

Hon. Walter H. Roban: Okay, great. I'm just making sure.

I move that Standing Order [21] be suspended to enable me to move the Bill titled Cannabis Licensing Act 2022 be now read a third time by its title only.

The Speaker: Are there any objections?
No?

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****CANNABIS LICENSING ACT 2022**

Hon. Walter H. Roban: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.
Thank you, Minister.

[Motion carried: The Cannabis Licensing Act 2022 was given a third reading and passed.]

The Speaker: Minister Furbert, would you like to do your third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Tinee Furbert: I move that Standing Order 21 be suspended to enable me to move the Bill titled Children Amendment Act 2022 be now read a third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****CHILDREN AMENDMENT ACT 2022**

Hon. Tinee Furbert: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.
Thank you.

[Motion carried: The Children Amendment Act 2022 was given a third reading and passed.]

The Speaker: Thank you, Members for your contribution today.
Premier, or Deputy Premier.

ADJOURNMENT

Hon. E. David Burt: I am here, Mr. Speaker.

I am certainly due to speak, Mr. Speaker. But I move that this Honourable House do now adjourn until the date of 6 May 2022. However, Mr. Speaker, I know that we have not had an opportunity to speak today. There may be a need to recall the House earlier in order to pass special legislation for the Fairmont Southampton property. But at this point in time I would like to move that the House do now adjourn until 6 May 2022, until you and I have the opportunity to speak, Mr. Speaker.

The Speaker: Thank you.
Would any Member wish to speak on that motion to adjourn?
There are none—

Hon. E. David Burt: Mr. Speaker, I am sure there are Members who are going to speak on my side.

The Speaker: No one is moving, Premier.
Members, would anyone wish to speak on the motion to adjourn before I close the House?

Hon. E. David Burt: Well, Mr. Speaker, I know that I will be speaking.

The Speaker: You are going to speak?

Hon. E. David Burt: I will be.

The Speaker: Go ahead and speak, Premier, no one is moving.

Mr. Wayne Caines: I will move to avoid the gavel going down.

The Speaker: Mr. Caines.

GANG VIOLENCE INCREASING

Mr. Wayne Caines: I obviously do not want the gavel to go down, Mr. Speaker, so I will speak.

Mr. Speaker, I have been troubled, and my heart is heavy at the increased gang violence in our community. Last week, Thursday, I had the occasion

to go down to constituency 14 and speak with two mothers who were totally blindsided and totally upset with issues of violence that were taking place in the community. My heart was heavy as I went into the One Way Deepdale area and I talked to the residents. They shared with me that they were tired, that they were overcome, that their kids were not able to play in their yards, and they were really, really concerned about the violence. And I reflected on the challenge.

We stayed in their living room and we talked, and I listened to them and we shared together. They spoke about how in years past the neighbourhood was the place for everyone to congregate. The interesting thing, Mr. Speaker, that One Way Deepdale, as you know, Mr. Speaker, is about 800 metres from my parents' house where I grew up, right off of Happy Valley. So, not only is this a challenge for our constituency, for me and my leadership, this is a challenge for my family as well.

I looked around and they lamented the young men who were doing antisocial behaviour in their neighbourhood. I walked through the house, Mr. Speaker, and the homeowner showed me a wall where the bullets were in the wall. She showed me the area where the assailants came through the bushes whilst their children played very closely next door. And the community was upset.

Last night about 20 people in the neighbourhood gathered, the Commissioner of Police was there. Members of the community were there. And everyone came together. It was a collective notification that the community has had enough. The community banded together with prayers from Ms. Smith of Evening Light Church. She and her husband, Brother Burrows played out loud for the community.

And they said that this is something that not only the police (and the Commissioner of Police was there) have increased their patrols in the neighbourhood, they have assigned a liaison officer. The community realises that they have to work together, and at that moment we organised a community watch, at that moment we put together a WhatsApp group, at that moment we realised that we could not go up the hill and scream and shout at the young men because those young men were part of the community as well. And if they go off the hill without a plan, without jobs, without them understanding their important place within our community, they would simply take that antisocial behaviour somewhere else. And we realised that as a community we had to work for these young men, not only [to make them] see that their activity is wrong, but [for them] to see that this community has a place for them as well.

So, yes, we want the violence to stop. Yes, we want the police to continue to do what they are doing. We support the work of the Gang Violence Coordinator and his team. But the community realised that not only do we have a responsibility to do our neighbourhood watches to make sure our ring camer-

as are working, to hold the police accountable, for the police to increase their patrols in our community, and they are. But as a community, we have to work with these young men to see that they have a place in our community to see that there has to be another way for them to find and make a living.

And I am not saying that they should not be held accountable for their bad actions and that when the police have them for those actions, that they should not face the consequences of the court. That is not what I am saying. I am saying that we have to have a community-based approach. I am saying that the residents have shown that they are angry, that they are upset, that they cannot continue this way of life.

I just want to affirm, Mr. Speaker, that cries of the residents of One Way Deepdale, that together as a community we will get through it. But we will hold the men accountable. Not only have we been down [there] this week and weeks prior, we will continue to work with them to give them examples, to give them hope, to tell the young men that are sitting next to the street that we will enrol them and help them in the GED programme at the Hamilton Seventh-day Adventist Church as promised, so that they can come out and get a productive opportunity in our community.

Yes, the gang violence must stop. Yes, the shooting must stop. But we will work with the young men in the part of our community to make sure that they have other opportunities. We will make sure that the community feels safer, that kids can play safely, and we will continue to work together, Mr. Speaker, to bury this scourge of gang violence, to hold our young men accountable, but also to make sure that we give our seniors in that neighbourhood the opportunity to know that they are loved and that they will be protected by this Government.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution at this time?

Mr. Neville S. Tyrrell: Yes, Mr. Speaker.

The Speaker: MP Tyrrell.

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker. I'm just trying to get my camera on.

The Speaker: Wait for your camera to come on . . . there you go. You have your 20 minutes.

GANG VIOLENCE INCREASING

Mr. Neville S. Tyrrell: Thank you very much; I probably will not need 20 minutes, but thanks for the opportunity.

Very briefly, there are a few things that appear to now be the norm in our communities [which] are sort of worrying me. That is the line I am going to take this evening. My subject surrounds increased violence and a lack of kindness to each other.

Mr. Speaker, I was about to describe the increase of violence as unprovoked violence. But I am not close enough to it to have it all described as unprovoked. So, I will not go down that line.

Mr. Speaker, we have recently seen played out violence that has touched our sporting activities. In one instance we have had two young men in the Under 15 Football Division draw knives on each other, which was described as a self-defence option—yes, Mr. Speaker, under 15, who appear to have been taught that violence is a first option.

The other instance that comes close to affecting a student activity was when we had two young men on a bike deliberately showing up at a well-known community sports club with a gun and opening up, [shooting the gun] on unsuspecting patrons enjoying themselves. Mr. Speaker, we all remember working men's clubs being respected in our communities. And that sort of violent activity would not have been tolerated.

Mr. Speaker, these shooting incidents are happening much too often, and appear to be carried out by persons who mainly look like me. And I will openly state that these acts are out of order and must stop and be stopped by all means, by any means necessary.

Mr. Speaker, violence is not new to us in Bermuda. It has been with mankind since time immemorial. However, this level of violence that we are now experiencing is so unbelievable. I do understand that some people still believe in an eye for an eye. But that is, in my estimation, barbaric.

Mr. Speaker, as a former administrator in football for many years, I can personally state that any issues on the football field were easily and quietly resolved and settled as the players were walking off the field, or over a drink on the sidelines, or in at a bar before leaving for home. Mr. Speaker, I would hope and pray that we could get back to those days of leaving football frustrations on the field, shake hands at the end of the play and, if time allows, have a beer and celebrate life! This foolishness of violence has to stop.

ROAD RAGE

Mr. Neville S. Tyrrell: Mr. Speaker, let me just change gears here for a second and say that we have also noted high incidences of daily road rage that often escalates into verbal and sometimes physical exchanges between road users. I must say that in my driving experiences these incidences are mostly caused by cycle riders riding dangerously and using what they now consider as their right to use the

dreaded third lane. Mr. Speaker, that third lane on our narrow roads is nothing but dangerous and really should be discouraged.

Mr. Speaker, I spoke on this floor some months ago about road rage that I had seen and experienced. Let me give a recent experience that I had personally. I was attempting to enter the main road on South Road from Rocklands where I live. And as is my practice, I eased into position to turn left. In other words, coming into town. I looked right. I looked left. I looked right again before easing out. All looked clear to me to enter the main road, and I quickly moved out.

Mr. Speaker, lo and behold, a bike rider came up behind me blowing his horn and shouting at me. Now, because he must have been travelling at a high speed, and that is just my estimation, I accidentally came out in front of him, so, my bad. I realised my mistake. I acknowledged him with a wave in my rear-view mirror. I expected it all to be over. The rider came up alongside of me gesturing and spouting comments that I cannot repeat here, as it would be unparliamentary language. I immediately apologised, but the rider shouted at me again and then rode off.

Mr. Speaker, I have intentionally taken the pain of relating that experience of road rage for two reasons: One, I am hoping that our law-abiding road users will learn from my experience and be extra cautious when attempting to enter onto the main road from blind or hidden driveways. The other reason is just as important to me as the first, is to show how behaviours, especially from a small group of our youth, has changed and can quickly lead to violence, which could have happened in my instance. The rider who looked, to me, younger than my youngest child could have quickly noted that I was not one of his peer group. He would have seen my grey beard and he could have shown a little more respect to his elder.

Mr. Speaker, I see that as another un-Bermudian trait. And, Bermuda, we need to do better. And hopefully we can do better. In fact, let me say that with the news that we heard today about Fairmont Southampton . . . I would hope that some of these young men can probably get jobs there. Maybe some of this antisocial behaviour can be reduced.

Mr. Speaker, I am going to end here and say this propensity for violence, this increasing violence and lack of respect is so not Bermuda; and it is not the Bermuda that I was brought up in. Again, I am going to encourage us to be a little kinder to each other. I do not have all of the answers, Mr. Speaker, or solutions to these things. I heard my colleague Brother [MP] Caines say some things. And I certainly support that. But, as I said, they concern me. But I will commit myself, as a Member of this Honourable House to be a part of the solution.

I got that off my chest, Mr. Speaker. Thank you for your time.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution this evening?

Mr. Christopher Famous: Mr. Speaker.

The Speaker: Yes, sounds like my friend from Devonshire.

Mr. Christopher Famous: Are you seeing me clearly, Mr. Speaker?

The Speaker: MP Famous, I see you in that red sign, yes, with little blue stripes on it, is it? Go right ahead.

Mr. Christopher Famous: My video might kick out. But I just wanted you to see that I am properly dressed.

The Speaker: Yes.

FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT

Mr. Christopher Famous: Mr. Speaker, let me follow on from Honourable Wayne Caines, and Honourable Neville Tyrrell.

I applaud MP Caines in doing what he has to do, not as a politician, not as a CEO, but as a Black man in a Black community showing leadership.

Mr. Speaker, I grew up on the other side of Deepdale, Pond Hill. And not far from the homestead of which my father was born, five minutes' drive either way, I could count at least 10 different murder spots where young men—men younger than me—have been murdered. And some of the men were from the community, and some of the men were not from the community. Irrespective, Bermuda is one community.

And often it is said that politicians [INAUDIBLE] not every single time because he was a faithful Sabbath keeper. But many times when I called him to come out and help me with some of these young men, with community clean-ups to be proactive in engaging with them, he was right there by my side. Two of these young men come from Deepdale, or they come from Devonshire, but they live in Deepdale. And two of these young men are (how can I say it) always excited to see MP Caines because he sits down with them, and he keeps it real with the challenges we face as Black men in this country.

Moving on to MP Tyrrell. I am ashamed that he had to experience that. But this is the reality in the Bermuda in which we live. And all we can do is be kinder to each other whether it is being in this House or taking young men under our wings, as he has done with me, and showing them the way, Mr. Speaker.

Mr. Speaker, let me move on to another subject. There is a saying, one monkey don't stop the circus, Mr. Speaker.

Mr. Speaker, I have sat down over the last year and heard endless questions being asked: *What is up with Fairmont Southampton? When is this deal going to close?* We know it is important to the economy. Whether it is the civic groups, business groups, unionised groups—they have all made it crystal clear how important this is to the economy, not just the economy as a macro. But it is important to get our people, our Black Bermudian men, back to work.

Mr. Speaker, it is not often that the OBA, the BIU, the PLP, the BTA and other entities are on the exact same page. And we have watched over the last few weeks where each one of those entities have put out statements saying how important it is to get the Fairmont Southampton deal up and running. Today the Honourable Premier brought a Statement to the House to say that we are at the end of the beginning. The stage has been set for the construction to start and for the hotel to reopen, Mr. Speaker. Along the way, hundreds of people will be working.

Now, I understand somebody who has 30 years of financial [experience] having due diligence or need for due diligence. I understand. We all understand the country is in a precarious position because of failed—let me repeat that word, failed—guarantees by the OBA, Mr. Speaker. But I also understand there are nearly 1,000 people out of work who worked at Fairmont Southampton. We keep telling them, *Well, we are waiting for some more due diligence*. That does not put food on the table, Mr. Speaker. The construction industry needs a boost. This will do it, Mr. Speaker.

And I am quite sure the Honourable Premier, being the meticulous person that he is, will cross every t and dot every i. So, I say to those who are on the sidelines chirping, one monkey does not stop the circus, Mr. Speaker.

Mr. Speaker, I am going to move on. Through technology I am able to speak in your House from the Island of Jamaica. Mr. Speaker, a few days ago people who happened to be called “royal” happened to be in Jamaica and they got with up a big speech saying, *Oh, slavery was abhorrent* (whatever the word is). *Slavery was bad. I wish it never happened. Now it is time to move on.*

Mr. Speaker, that person follows the trait of the father who said the same thing a few months ago in Barbados. And that father followed the trait of his former Prime Minister, David Cameron, who said the same thing in 2015. The irony, Mr. Speaker is that the children of those who were enslaved will never see a dime from the British Government, will never see a dime from the French Government, will never see a dime from the Spanish Government and they will never see a dime from the Dutch Government.

But guess what, Mr. Speaker? People in Ukraine who are fleeing from another dictator are now getting a lot of money from those same countries. What is the distinct difference, Mr. Speaker? Did we

not have 400 years of subjugation of people invading us and burning down our houses? Did we not have our civilians killed by our oppressor? It is the same thing, Mr. Speaker. But yet, we are never going to see a dime. Why is that, Mr. Speaker? I think we know the answer.

Mr. Speaker, I am going to close here and say to the Honourable House—both sides—thank you for supporting the Fairmont Southampton Princess because 800 workers are going to be employed and one ⁴monkey cannot stop the show.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Honourable Member wish to make a contribution?

Hon. E. David Burt: Mr. Speaker, I believe one of the other Members was going to speak.

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

The Speaker: Deputy Speaker.

GANG VIOLENCE INCREASING

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

Mr. Speaker, I am going [where] MP Caines, MP Tyrrell, and MP Famous were, on gang violence. We probably need . . . not probably; I think we need a commission of inquiry into gang violence. And I think we should ask the chief occupant of the largest house on Langton Hill to appoint a commission of inquiry and for the UK to foot the bill. And the reason why I say that (for the UK to foot the bill) is because it is my opinion that they are responsible for the stage we are at in gang violence.

Let me repeat and let me remind people that it was in 2008 that the then Premier, Dr. Brown, went to Government House on two separate occasions and asked for assistance, and he was turned down. I will repeat this again to you. They can call it whatever they want. If it was another segment of this country killing each other, we would have had that assistance. That commission would have been granted. So, I am asking that the Governor appoint a commission of inquiry into gang violence and for the UK to pay for it.

FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT

Hon. Derrick V. Burgess, Sr.: On the Southampton Princess deal, I support the Premier in getting this deal across the line with Southampton Princess. One would have you think that the Premier stood by himself. He has a legal team there, a financial team to

see that all the i's and t's and all that are crossed and dotted. So, I applaud them.

Mr. Speaker, it has been too long that this deal has not been solved. I think it [has been] almost two years. When we talk about a hotel, that has roughly about 25 per cent of the country's beds, hotel closed . . . Not only that, Mr. Speaker. We have 700-plus workers that are normally employed at Southampton Princess, and I think it would be more than normal because they will have other amenities there to be staffed, Mr. Speaker.

Not only that, Mr. Speaker. When we look at the benefits to this country for Southampton Princess—we have Bermudian entertainers, taxi drivers, ferry service workers, buses, tour boats, restaurants, our farmers, local wholesalers, rental agencies, and the list goes on, that will benefit from the Princess being opened.

Let me say this, Mr. Speaker. In negotiations, you never get all that you want. But you must get something that is workable. In my honest opinion, I believe that we will get something that we never got before. And as far as concessions, Mr. Speaker, we are in a competition. We are in a competition. We have some countries giving 25-year concessions. We are going to increase it around 10 to 15, Mr. Speaker.

People seem to think that there are investors lined up to come to Bermuda to invest in a hotel. That is not so. And, Mr. Speaker, when we have someone who wants to invest over \$200 million in Southampton Princess to make it a continued five star-plus hotel, we have to take that on. And I am not saying take it on at any cost. I know the Premier would not do that. No.

So, Mr. Speaker, when we look at other arrangements that have been made with two other hotels—some of these hotels have work permits, carte blanche, just work permits, not even categories designated. I do not think this is going to happen with the Southampton P project, Mr. Speaker.

So, I applaud the Premier and his team for bringing this one across the line because you can hold out all you want to say, *I want all this. I want this and that*. Again, in negotiations, you very seldom get 100 per cent of what you want. And you have to be reminded, when you are at the negotiating table, you are not there by yourself. There are two teams. So, one has to . . . you are juggling.

So, that project, that Southampton P has no comparison to Morgan's Point. With Morgan's Point you had nothing, and they were given a \$150-plus million guarantee. There was nothing there. Princess has a hotel there, property in excess of value of probably \$250 million. There is an asset already there and we have peak investors that want to improve it. Yes.

So, Mr. Speaker, I applaud it because very shortly we are going to have at least 700, probably 600 people up there working to bring it into the shape that it is proposed. And also, when it is finished it will have its 700-plus workers and all the amenities that

⁴ [See Speaker's comments at page 1243](#)

have to be serviced and all the other agencies (when I say agencies—taxi drivers and everybody else) that will benefit from [the hotel].

Just imagine if that hotel stayed closed for another year. Can you imagine the financial assistance that we would have to pay? We would have to borrow money to pay these people. We would be short of payroll tax. [With the renovation] we will be getting payroll tax. So, there are some revenues; there are some benefits to the Government and consequently to the people of Bermuda, Mr. Speaker. So, there is no time to be criticising the Premier and the Government for this deal.

As the Premier has said already, everything will be presented to the public. There is nothing done under the table. And again, it is not the Premier negotiating by himself. He has a team that advises him. So, I applaud the team and I applaud the Premier for bringing this one, again, across the line.

Thank you, Mr. Premier, and congratulations to the team. Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Does any other Member wish to make a comment this evening?

Some Hon. Members: Mr. Speaker.

The Speaker: MP Richardson.

Mr. Anthony Richardson: I yield to MP Weeks.

The Speaker: MP Weeks.

Mr. Michael A. Weeks: Yes, Mr. Speaker. Good evening to you and to my colleagues.

The Speaker: Good evening.

GANG VIOLENCE INCREASING

Mr. Michael A. Weeks: Mr. Speaker, it would be hard for me not to speak on the issue of gang violence, much like MP Caines and MP Tyrrell and MP Famous.

You know, we have been in the midst of this scourge for now almost 15, 16 years since the murders picked up. I was reminded when MP Famous spoke about looking around in Friswell's Hill and he could count 10 spots where either shootings or murders took place, Mr. Speaker. And I concur, because he was raised in Friswell's Hill and I was down in Pig's Field behind St. Monica's Mission. And when I was elected as the MP for the area, Mr. Speaker, I was shell-shocked, because the shootings and murders started right around the same time. I came here in 2009. The murders started in 2007, 2008.

I remember one time sitting up, after about the third or fourth murder in about four or five months, sitting up St. Monica's. The police wanted to talk. The

news reporters wanted to ask questions. And I was walking around, just trying to get away, Mr. Speaker, trying to collect my thoughts. And no matter which way I walked, I walked into a church.

And it just hit me. You know what I'm saying? It was bigger . . . I said these incidents were bigger than the politicians, bigger than the police. And much like what my colleagues before me said this evening, it is a community issue. So, I remember getting the churches together, and one of the benefits of it was they were not all of the same denomination. And we called it One Community Unified. Unfortunately, over the years it has kind of died off. And I am hoping that, with the energy and impetus of what I am hearing from my colleagues, we can revisit it because of what MP Caines has done on One Way Deepdale is commendable. You know like, we have to go where the problems are, the issues are. You know? And whatever it takes we need to do it, Mr. Speaker.

A lot of times when we talk about gang violence, there is a side conversation as to what compensation the Gang Violence [Reduction] Coordinators are receiving. In my humble opinion, Mr. Speaker, they are not receiving enough. Their job, led by Bishop Bean and his team, is not for public consumption. They work where nobody else goes. They are behind these scenes. They need a bigger team. They need resources. We have to go beyond lip service, Mr. Speaker. You know, we want things fixed. We want things corrected. A lot of us, though, want to know how it is fixed and corrected.

We need some people to get down and dirty, Mr. Speaker. Yes, help those who want jobs to get jobs. Help those who want to get high school diplomas to get high school diplomas. You know, we have to help those families that are afraid to speak up. Because when, like most of us . . . because this is not just a Pembroke issue. Most of us are only doing doorstep canvassing. You hear these horror stories about what is happening in the neighbourhoods and what people know, but they can't speak about it because of fear. We need to address all of that, Mr. Speaker.

You know, MP Burgess said earlier about what the former Premier had done. Somebody should be held accountable for that because as long as it is not in certain neighbourhoods, it is fine. I am saying that to say, Mr. Speaker, as an aside I remember in 2011, maybe 2012, there was a shooting at the foot of Trimmingham Hill at the roundabout. I do not know if you may or may not remember, Mr. Speaker. There were some guys that were working for Parks, and they were in the middle of the roundabout, cutting the grass and fixing up the roundabout, as is normally done.

Why I am bringing this up is because the person that they tried to get, escaped. I got a call as an MP from some people who do not look like us, some Front Street business[men], and they wanted to have

a meeting with me. And I met with them, and we had a frank conversation, Mr. Speaker. And I will tell you how the conversation went. One of the guys told me, he said, *Look, Minister (at the time) Weeks. As long as there are shootings in Back of Town (and he was honest and frank), we were fine. But when that shooting happened the other day, he said, on Trimmingham Hill, that brought it close to home.* So, they had offered to do whatever was necessary to help us address the increase in crime and shootings and murders.

Fortunately, Mr. Speaker . . . actually as I am talking, I remember it was in 2012 because as we were having further follow-up meetings to see what could be done, there was an election, and we lost the election. And hence, those talks went by the wayside. So, there are some people on the other side of town that are willing to help.

We might shake the trees, Mr. Speaker, and get everybody involved—those who look like me and those who do not look like me. This is a Bermuda problem. Sometimes when we talk about community, we think about the Black community, but this is a Bermuda problem. Front Street, Court Street, Midletown, Tucker's Town—nobody is going to escape the scourge. So, we have to appeal to others that do not look like us who may have the funds and the resources to help out.

Do not wait until it comes to your back door, Mr. Speaker. You know, there are those of us who are not only MPs in those areas, we live and come from those areas. I can tell a story just like what MP Tyrrell just said about road rage, but I am not going to waste your time, Mr. Speaker. Because what the MP said was definitely an example of what I also have experienced. And it just leaves you with your mouth open. And the more you apologise, the more disrespect is thrown at you.

So, our community is on fire—on fire, spiritually. You know, some things need to be addressed. We have to reach out. We have to get together, roll up our sleeves, Mr. Speaker. You know, some things that we have to do are not going to be pretty. But if we want to take back our neighbourhoods one street corner at a time, we are going to do that. You know, if we are serious, we have to come together regardless of our complexion or our denomination or our political motive. We have to come together to save our country, Mr. Speaker.

And with that, I will say thank you. Have a great evening, Mr. Speaker.

The Speaker: Thank you, MP.

Would any other Member wish to make a contribution tonight?

Mr. Anthony Richardson: Yes. Good evening, Mr. Speaker.

The Speaker: MP Richardson, you have the floor.

Mr. Anthony Richardson: Thank you. Give me a few seconds please to get properly situated.

The Speaker: Okay, we see you and we hear you. You are good to go.

FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT

Mr. Anthony Richardson: Okay. Well, Mr. Speaker, for me this has been a, I want to say, very interesting parliamentary session. And I want to thank all of my colleagues for making it that way.

From my perspective the session started with what I would call a bang. And that was with the notice to all of us that the Honourable Curtis Dickinson had resigned as the Minister of Finance. And, interestingly enough, it ended on that same note today when he spoke and gave us some more details and some more comments in terms of why he resigned.

In between that time, I would say that for me, I spent the most time examining the Budget, looking at the Budget Statements, looking at the Budget Reply and all those kinds of things to make sure I was pretty much informed. And one of the lessons learned for sure also was with respect to the overall Government guarantees in that when I first saw the guarantee for the Hospitals Board I was like, *hey, what is happening there?* But when I checked into it, like everyone else, I found out the reasons why. And I am saying all of this because the budget process is actually a unique time to learn about different things if we take the time to do so.

Before I continue on, I will give you a short story. You all know that I am an accountant and I have been trained for about 30 years or whatever the case may be. One day when I worked for Government and I was in a meeting with the PS for Public Works and I made the comment, *What sense does it make to build a bus shelter when only one or two people are going to use it?* And the response was, *Well, Anthony, you do not understand. Because the one or two people who use that bus shelter need to have shelter if it is raining or just generally bad weather or to keep them safe while they are waiting for the bus.*

So, what is the point? The point is that in some cases, certainly in the political arena, the pure consideration of finance is not the basis upon which decisions can be made. Sometimes we have to be more practical. So, lessons learned.

First off, as we all know, the PLP went to the polls, and they had a platform. And the Premier always reminds us that the platform is probably one of the most critical documents because that is the basis upon which the electorate cast their vote, and they expect you to deliver on what you promised. So, promises have been made, and now we must move forward to deliver on those promises.

One of the biggest things was to ensure that we are able to create opportunity. And in terms of opportunity, there must be some level of hope. And clearly, what the Premier announced today does deliver that hope to at least 600 people and probably (600 times three), maybe almost 2,000 people on the basis that each of those workers is more than likely going to have a family that will then appreciate that mommy, daddy, partner, whoever they are, are now able to bring home funds to cover the needs. And that then creates hope. And just imagine, Mr. Speaker, the impact that has on younger children, for example, whose parents might not be working right now, and they cannot get what they need. And now, once the hotel gets up and running, the parents are able to go ahead to work and start to provide what those children need. So, that is a significant impact of the proposed renovations at the hotel.

Now, Mr. Speaker, I, like many others, do not know any of the details, but I continue to be hopeful, excited and waiting with anticipation to find out those details. Because what we do know so far is that the Premier talked about the fact that there will be an opportunity for Bermudians to invest in the project. Now, that is exciting in and of itself. The next thing, though, is we need to be prepared to actually respond to the opportunity to invest. And thereafter be able to participate in what we all expect to be the success of the new Fairmont Southampton. We cannot sit back and grumble and complain and let the opportunity pass us by because that, of course, would not make any real sense.

Mr. Speaker, I also look forward to the details around the guarantee. One of the lessons I learned during this whole process was to take more time and understand the details. And what I mean by that was that there were many comments made about Morgan's Point, and then there started to be comments in terms of Morgan's Point versus the Fairmont Southampton. The Premier has been very clear that the Morgan's Point project—and then the guarantee—was fundamentally wrong because the Government ultimately guaranteed the entire project. Based upon that understanding and explanation, based upon that basic level of, I want to say, trust in the Premier in his role as Premier and Minister of Finance, based upon the knowledge that those who owned Fairmont Hampton also owned Tucker's Point and they have made a good run at that, based upon the fact there is a significant and continuing team of civil servants who have provided assistance, based upon the fact that there are numerous financial professionals that are part of the process, and, indeed, based upon the fact that the Honourable Curtis Dickinson laid the foundation for the negotiations, to me all of those things add up as a good series of circumstances and encourage me again to look forward to those details. Clearly, some things might have adjusted, but again, knowing on

balance all of those who were involved, I look forward to what is a good outcome.

I will also say, Mr. Speaker, that a lesson I learned a long time ago, indeed, during negotiations, is that the best agreement is an agreement where no one is completely happy. And so, we know based upon the public statements that the negotiations took quite a while. They have been going on for several months and given that it did not happen very quickly, clearly, each side would have done their best to get their best deal for themselves. And so, I come back to the fact that I look forward to having the discussion in the House when we actually go through some of the details once that is brought to the House.

I will underscore what has been said, by, I think, it was MP Famous a little earlier that I have also been excited because I have had opportunity to speak to MP Cole Simons in his role as Opposition Leader and Shadow Minister of Finance, and he has asserted that he supports the Government in principle. Yes, again, details need to be forthcoming. I spoke to Mr. Chris Furbert in his capacity as the President of the BIU. He also asserts his support. And I have spoken to many people in the community, actually, in terms of those who will potentially provide services to the hotel and others. They, too, are excited. So, I just look forward again . . . I know I am repeating myself because I want to emphasise the fact that I am excited. That is the word, I am excited because we are now able to look forward with increased hope. I think the Premier said that the deal will be sorted out or finalised in the next month, and so, we can look forward to what will transpire at that stage.

Mr. Speaker, I will also declare my interest in terms of I do work in the hospitality sector, and I am engaged in many opportunities with people who can share their experiences with us, having come to Bermuda. And I can tell you that they are excited to come to Bermuda. They, too, look forward to what will happen as we move forward, because it will give them a chance to come back to Bermuda, bring their friends, bring their families and experience what is Bermuda's natural beauty in terms of our physical surroundings, but also to experience our people, because, Mr. Speaker, as you know, we are a unique people. Our mannerisms, our natural friendliness is actually unique, and it does leave a lasting impression on our guests.

In that regard, Mr. Speaker, I will go back to the fact that certainly, when I was coming through, working in the hotels was actually one of those rites of passage. And so, during the summertime you worked what I want to call crazy hours, but you were able to interact with our guests, and it gave you a different level of appreciation of providing service.

I have said before that service and servitude are very different things. So let's not get confused with those two. But certainly, as you went through that rite of passage, you learned what it was to provide ser-

vice, what is expected, and as long as those persons received what they considered to be value for money or a valuable service, they did not mind paying. And we have to get back to that also, Mr. Speaker, get to know that people are paying relatively high prices to come to Bermuda and they do not mind if they perceive that they have gotten good value for money.

Mr. Speaker, another lesson that I learned really at the behest of the Honourable Curtis Dickinson was when he spoke about the idea of “negative carry” some time ago, because Bermuda had been borrowing money for quite a while in order to ensure there were funds to put into the Sinking Fund. And he explained it in terms of negative carry, meaning that you are borrowing money to put aside to pay debt, but you are paying interest on that actual money which did not make any sense or was not practical. But that is now where I go back to the idea of the bus shelter, that sometimes the pure financial consideration is not the overriding factor. And in this instance in terms of the Sinking Fund, the lesson learned is that even though it is actually correct that you are borrowing money to put aside and it is costing you money, it does create that level of discipline.

And so, as we go forward, I am looking forward to the Premier in his role as Minister of Finance in terms of how we are going to make some adjustments to ensure Bermuda gets back on the, what I want to call now, the road to recovery.

Mr. Speaker, there is clearly lots of work to be done, and to go back to my continuing analogy about being on a boat, or [it is damaged by] the dock and the boat develops a leak, we are going to require all hands on deck. And if I reflect on some of the comments made today, I think more and more of us are understanding that. And I am looking forward to us really getting together, and it may be that the project of the Fairmont Southampton is going to be that concrete example where we come together, and yes, we will examine it in detail and we will have some conversations about that, but ultimately, [it will be] where we fully support what is going on.

And by doing so, Mr. Speaker, it will set the correct tone for the community in that they will realise that the leaders of the country are able to work together for the common good, and then they, too, will follow on in doing so. And some may not understand, but that sense of leading together for the greater common good will have an impact on what was talked about earlier about the increasing violence in the community. And so, we as leaders can set the tone and the positive fallout will be a reduced level of violence in the community.

Mr. Speaker, I am going to make one or two further comments before I close, and one of those is that there is the developing narrative, I want to say, sometimes repeated, which I think has no substance, and that is that the PLP are responsible for so much

of Bermuda’s current ills because they have been the Government for 20 of the past 25 years.

Now, that actual statement is factual. However, Mr. Speaker, for those that keep on saying that, they need to remember what about the other 375 years? The PLP and the philosophy of the PLP was not responsible for the foundations of Bermuda in its current context. And so, to keep on saying that the PLP has been in Government for the past 20 of 25 years with the intention of saying that we are responsible for everything now, actually makes no sense. And I, Mr. Speaker, will say now that I will push back every time someone says that because, clearly, they are not being completely honest with themselves and the general public.

Mr. Speaker, I will also say going back to the actual proposed Southampton Princess that I am looking forward to it also because the Premier has indicated that there is going to be the ability of a Bermuda Trust Fund to be involved which would allow for some of the funds of the success of the hotel to be put into the Trust Fund. And ultimately, I want to say I am excited because the proposed plan appears to reflect what I think has been missing in the past, and that is that if the Government puts in place guarantees and concessions, it is going to reduce the risk of the project, and as a reward the Government or us as the people of Bermuda should benefit in the future success. And so, to the extent that the agreement allows for the Government and us as Bermuda to participate in the future success, that is actually a tremendous achievement. A tremendous achievement! And we should all applaud that. And to the extent that we do not understand, let’s ask questions so they can be answered, but that is truly a significant, significant achievement, and I look forward to those details.

Mr. Speaker, I am going to close with another short story that is this: I had a cousin and they wanted to buy a bike. [They] did not have the funds and could not go to the bank. They asked their family and for whatever reason the family said, *No, we don’t think so, because it is too much of a risk*. Thankfully, I was in a position whereby I could assist, and I did so, on the basis that I wanted to ensure that my cousin was able to understand what it was to be responsible and to repay the debt.

And so, against the backdrop of others in that person’s family actually telling me not to do it, I did it. The success was that they went through, they were consistent with their payments, and therefore, they understood the need to be responsible. This was many years ago now, and they have been responsible since then.

The reason I said that is because sometimes, as I said earlier, the pure financial considerations are not the basis upon which a decision is made. There are other factors that have to factor into it in order to ensure that the ultimate decision is made that is correct. And in this instance, I will say it one more time, I

am looking forward to the details because getting the Southampton Princess back on track means, based upon the Premier's estimate, 600 jobs during construction and probably 800 to 1,000 after construction, because, clearly, you can have all the persons that work in a hotel but there are also going to be those that have to do the rest of the management team, for example.

So, let's look forward to the idea of there being as many as 600 jobs starting soon for the life of the actual project, and then those who are going to be working in the hotel once it opens up again. And even more important than that, to be honest, it is the demonstration that Bermuda is now open again. It is going to have the trickle-down effect of more airlift and, ideally, we will also understand, Mr. Speaker, that those persons who are investing these amounts of money clearly see Bermuda in a positive light, and let that then encourages us all to have a much more positive outlook for Bermuda and to, I want to say ignore—

The Speaker: You have 50 seconds left, MP.

Mr. Anthony Richardson: Beg your pardon?

The Speaker: Fifty seconds on your time.

Mr. Anthony Richardson: Thank you.

So again, I will just end by saying *I am excited*, and I want all of Bermuda to get excited also as we look forward to what will be the future success of the Fairmont Southampton, and that we all have an opportunity to benefit directly and indirectly for what it signifies for Bermuda. So, thank you, Mr. Speaker.

The Speaker: Thank you, MP Richardson.

Does any other Member wish to make a contribution at this time?

Hon. W. Lawrence Scott: Mr. Speaker.

The Speaker: MP, Minister Scott, rather.

PLP GOVERNMENT PROVIDING AN ENVIRONMENT WHERE OPPORTUNITIES EXIST

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

Mr. Speaker, I would just like to pick up right where my colleague just left off talking about his excitement.

Now, I want to just start by saying that one thing that I learned very early in life is that you cannot control what others do to you. You cannot control what others think about you, and you cannot control what others say about you. But you can control how you respond. And I learned this by being a goalkeeper, Mr. Speaker. I might not be able to [save] every

shot. I might not be Aaron Ramsdale, but I do my job, I do it well, and I do it to the best of my ability, and I do not let, when I get scored on, affect how I handle the next play.

And Mr. Speaker, I share that in the context of not just with my athletic prowess that I have acquired over many years of non-competitive, recreational, non-professional . . . semi-professional athletics, but Mr. Speaker, I share that in what this country has gone through over the last few years. We cannot control COVID-19. We obviously cannot control what is going on in the Ukraine. All of these things or these two major geopolitical and global events have had a significant impact on Bermuda. But what we *can* control is how we respond. And this Government has responded in a manner that has gotten the world's attention.

I will start with COVID-19, for an instance. We became the template that other, I will even say, G8 nations followed. We had a template that others envied. People looked at us as the gold standard and that is due to the way that this Government handled adverse situations, how this Government took control of what they could and did not really assert themselves or worry too much about what they could not [control]. And so, Mr. Speaker, now that we are starting to move beyond the pandemic, learning to live with the pandemic or learning to safely live with the pandemic, Mr. Speaker, I think that it goes without saying although Bermuda is an Island and we are several hundred miles at sea and we may be another world, Mr. Speaker, we are not isolated. We are not insulated nor are we immune to global threats, to global events and to things that happen beyond our border.

And whilst there are other countries that have direct control of sanctions, have direct control of manufacturing and manufacturing levels and the like, we do not. And so, Mr. Speaker, what you have seen is this Government focus on its core. And the core is its people. We as a collective body—that would be the Premier, the Cabinet, the caucus and the legislative body—have protected our people as best as we can to weather the storm.

So, Mr. Speaker, I am excited today, not just because of what the Premier was able to announce with the Fairmont deal and I declare my interest—more hotel beds mean it is easier for us to inspire and motivate our traditional airlines to add seat capacity. But keep in mind that no matter what, at the height of our tourism boom we represent (“we” being Bermuda) 0.1 per cent of their seat capacity.

However, there have been questions, mainly by the Opposition. What is this PLP Government going to do to make Bermuda attractive? How is this PLP Government going to make Bermuda attractive? Is Bermuda still attractive to outward-inward investment, meaning do people believe in Bermuda's strength? Do people believe in Bermuda as a money-making jurisdiction? And Mr. Speaker, we have the

answer today, not just in Fairmont Southampton, but what I was able to announce is, although limited, that there is an application for an airline to be based here in Bermuda, keeping in mind that they are looking to base two planes here with each plane being worth \$100 million.

And it does not end there, because we are aware of a second air service provider that is now interested in basing aircraft here in Bermuda, with the proposed aircraft that they are looking to use being worth \$20 [million] to \$30 million. We are also aware that the airline that has submitted an application has already started hiring, has already advertised for Bermudian jobs and Bermudians to be at the forefront. And I am also aware that more job applications are on the way. Mr. Speaker, it does not stop there!

We are also aware from the Transportation Ministry of cruise partners that are looking to and have expressed an interest in investing in Bermuda, in looking at upgrading our tourism infrastructure, our transportation infrastructure so that they can look to increase or strengthen their partnership with Bermuda.

Mr. Speaker, you would be aware that any investment in infrastructure means investment in construction, which means investment in new job creation. And Mr. Speaker, I know a spoke a little while ago about what it takes for a government to create an environment where job creation is favourable. That is what we have been focused on, that is what you are seeing now. It is now more than just green shoots. You are now starting to see the roots and even the fruits of this Government's hard work. And so, anyone who questions whether Bermuda is still a place that people are looking at to invest in, the answer is yes, you have that.

And now, Mr. Speaker, it can even go further because what we are doing now, we are looking at airlines being based in Bermuda, increased investment from cruise partners, hotel development, job creation, career creation, Mr. Speaker. Looking right now at the Honourable Member and my colleague who just took his seat, [he] talked about the hospitality industry. Aviation is an extension, and this is my definition, aviation is an extension of hospitality.

I worked for an airline whose slogan at the time was *Returning Hospitality Back to Air Travel*. And so, Mr. Speaker, this Government has not just only seen us through and guided us through COVID-19, this Government has actually used that setback of COVID-19 as a setup for a comeback. And Mr. Speaker, it is not just the Ministry of Transportation that has had successes. You have seen successes in the Ministry of Economy and Labour. You have seen successes . . . I do not have enough time to talk about the successes that the Ministry of Health has had, that the Ministry of National Security has had. Every Ministry has had its success if not multiple successes over the course of the last two years, Mr. Speaker.

And so, therefore, the world is watching. And the world is now seeing that we are just as viable as anywhere else. And they are looking to not just set up bases here. They want to trade with us, Mr. Speaker. They want us to be a part of their distribution routes. So, the more places, the more times, the more jurisdictions that we can connect to Bermuda, it is called connecting the dots. The more dots that we connect, the greater our network, the stronger our network, the possibility and the likelihood of finding a way, a combination that can help lower the cost of living in some way, shape or form is more likely.

Mr. Speaker, I am excited because I believe that this is not just a one-off announcement of investment, of job creation, of new career developments. I believe that this is a trend. And you will start to see a trend of just positive news. Look at what has happened recently where, although we may not be insulated from the increase in gas prices, we are able to do something that can help reduce or keep the price as low as practical for as long as possible.

So, you see and I am hoping that I am painting that picture that we cannot control what happens to us, but we can control how we respond. And we are responding in a way that our credit ratings are not being downgraded. We are responding in a way where unemployment numbers should be going down in the future. We are responding in a way that provides an environment where job creation, entrepreneurship and small business ownership is favourable, Mr. Speaker.

We are providing an environment where opportunities that did not exist when I was young . . . and I am not that old, Mr. Speaker. Opportunities that did not exist just two, three decades ago exist now. Mr. Speaker. What I would not give . . . and I am being a bit biased, what I would not have given to have been able to have a career in aviation and be based here in Bermuda. To be able, instead of having to take those red-eye flights and do those maintenance flights and all of that and then ending up in crash pads and hotels . . . Mr. Speaker, it is amazing what is going on!

So, I pause right now because it is so easy to get caught up in the negativity that is going on. It is so easy to point fingers and say, *Government, what are you doing?* It is so easy to say, *Government why aren't you doing this? Why did you not do that earlier or sooner?* But Mr. Speaker, let's see how many people will be just as quick to highlight these green shoots, these roots and these fruits that are coming and have appeared based over the hard work of this PLP Government.

Mr. Speaker, I do not want to take up too much time, but I will reiterate that I would not be surprised that if in the future, and possibly the nearer future than not, you [will be] hearing more announcements about not just small investments but hundreds of millions of dollars' worth of investment in this country where you might be able to . . . I would not be surprised if we were to start to see job opportunities for

hundreds of Bermudians at a time coming down the pipeline. And I would not be surprised if more companies, more services and possibly stronger networks between not just Bermuda where we start to do more business with more jurisdictions that have individuals that look more like us and share our cultural dynamics and share our history.

And with that, Mr. Speaker, once again, this Government has taken a setback and turned it into a setup for a comeback.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution this evening?

Hon. Diallo V. S. Rabain: Mr. Speaker.

The Speaker: Minister of Education, you have the floor.

FAIRMONT SOUTHAMPTON HOTEL REDEVELOPMENT

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.

Mr. Speaker, governing is about philosophies, philosophies of what you consider to be important and sometimes it has to be more than just dollars and cents. That is an important part of governing, Mr. Speaker, but it is not the most important part of governing. The important part of governing is making decisions that are in the best interests of the citizens of the country in which you are governing.

Earlier today, the Honourable Premier made an announcement about moving forward with the Fairmont Southampton Hotel, Mr. Speaker. It is a momentous moment. It is a slog that has taken multiple years to get to, and we are finally seeing the light at the end of the tunnel. Is the deal perfect? I believe I can go back to my colleague MP Burgess who said, *Very few deals are perfect. It is all about give and take.*

When we are talking about developments in Bermuda, especially in the hospitality area, there is a certain level of risk that you have to be willing to put up [with] that may not make sense in the very beginning, but you have to weigh that against the positives that can come out of it. This is the largest hotel in Bermuda. It employs the most people in Bermuda. And getting a deal done for Fairmont Southampton was something that we simply had to put on the table and consider any and everything to make sure that we get something for which we can hold our heads high and say, *This is the best thing for Bermuda.* And I believe we have made it that far when I look at the details of that particular deal.

Kudos to the Minister of Finance and Premier and his team who diligently worked hours and hours per day. I know in talking to him . . . I would reach out

to him and ask him, *Are you okay?* because of the amount of time put into this. Trust me, Bermudian public. We have put something together that you will be proud of. We have learned from the mistakes of Morgan's Point and the airport. We know what the pitfalls can be. And we have done everything within our power to avoid that. We believe that we have something in hand that can get us to the Promised Land with minimal pain.

However, there has to be some pain, and there will be some pain. And we just have to come to grips with the fact that when we put deals like this together it is not going to be perfect. And it is not going to always be rosy, as some of us would like. And it is unfortunate that some of us are not able to see that and they keep looking for other things. But we are going to make it there, Mr. Speaker. I have every confidence that this hotel will open in 2023. It will employ the 600, 700 persons that were previously there. And it will be a renaissance of us coming out of the COVID-19 nightmare that we are in the process of emerging from.

So, with that, Mr. Speaker, I just want to put my full support behind the Premier and Minister of Finance for what he has done in moving us forward. Understand that at the end of the day it is a collective decision by the Cabinet and by the Progressive Labour Party. And we will forge ahead and get the job done and get our people back to work.

It bodes very well with our education plan. And we are talking about adding a signature school specifically for hospitality and those fields. It is perfect that if we are able to open a third signature school in the coming years that is focused on hospitality, we now have a hotel that is being built and properly put in place to take on these students as we look to ensure that our high school students not only go to school to learn what they do in a classroom, but [what] the requirements will be . . . And when we look at our graduation requirements, all of those students, whether they pick a minor or major in the signatures, will leave with experience in those fields, meaning that they will be working with professionals. There will be internships. They will be doing courses away from school. They will get all of that knowledge. It only makes sense for us to look at what our hospitality would look like while moving forward. And with this coming to fruition, it is a perfect time for us to start talking to those partners even more than we have been talking to them all of this time.

Mr. Speaker, I now want to shift to something else. I started by saying it is about priorities, it is about the philosophy of the Government. And, Mr. Speaker, the philosophy of this Government, and I am quoting my colleague who just spoke before me, MP Scott, is that we choose to focus on the people. We choose to give the people tools so they can better themselves and make a better life for themselves in Bermuda.

Early on, we heard the arguments when we were discussing the Cannabis Bill. I listened in on the Senate yesterday, and [they] were talking about the pension Bill, and I found the difference in philosophy to be stark—to be truly stark.

One example given yesterday in the other place was: What if someone takes out \$6,000 and because there is no schooling or any sort of education put in place they go and buy a bike. Why would they want to buy a bike? They should be put into classes that say, *This is not what you should be buying with your pension money*. But, Mr. Speaker, what if they need a bike to get to their employment so they can make more money to put into their pension fund? See, this is what I mean when I talk about the difference in philosophy and thinking. If you have not walked in those shoes, Mr. Speaker, if you have not represented and walked in constituencies where people cannot get to work, that is the type of conversations you have amongst yourselves.

When I spoke earlier in the same session, when they said [there is an] economic impact on Bermuda caused by persons sending their children off to boarding school, what about the economic impact of a household that cannot go to work and make any money because they are now stuck at home looking after their children because their children are in quarantine because we are not wearing masks in school anymore, and they have been exposed and have become positive? Mr. Speaker, it is about philosophies. It is about the way we think. I am not saying that one is more than the other; but what I am saying is that we have to think of all sides and not just one when we talk about decisions and making the decisions.

But this Government, Mr. Speaker . . . today I was very happy to attend a photographic opportunity where once again, in 2022, the Government of Bermuda was issuing funds to our Workmen's Clubs and other clubs in Bermuda for capital development and monies from the [Consolidated Fund]. This happened twice last year as well. These monies are used to improve the infrastructure of our clubs. And guess what happens when we give money to improve infrastructure? People go to work, because people are now building, they are being constructive. And we are providing opportunities for people to have jobs even if it may be for a short time. Something is better than nothing. What do they say? A half a loaf is better than no loaf.

So, when we look at that \$175,000 that was given out today, we look last year at the \$223,000 that was given out in one bout, and another \$37,000 that was given out, these are real monies that are being put to good use. And I bring that up, Mr. Speaker, because early on my colleagues were talking about the violence situation that we have in Bermuda. And I do believe that some of these things and some of these clubs, which are neighbourhood clubs that have suffered just like everything else and have suffered vivid-

ly since 2017 (and I will get to that, Mr. Speaker), we are now providing them with avenues to become the clubs in their neighbourhoods that can offer those positive programmes for our children to attend, for our elders to attend.

I declare my interest, Mr. Speaker, as an executive for Harrington Workmen's Club. I long for the days when we have that club back to where it was before, where we had positive community events in the upper hall, where we had the Christmas party for the neighbourhood children. We had the kite-making for the neighbourhood children. We had the annual Easter [egg] hunt and Good Friday things for the children, the back-to-school events, the barbeques over at Jobson's Bay. Those are the types of things that our clubs were able to offer when they were up and running and fully operational. And these types of funds will not only help provide employment opportunities but they will help us get back to some of those community events that are sorely lacking in our community.

Mr. Speaker, I was a member in that other place, in the Senate, from 2011 to 2016. I was a Government Senator, and I was the Opposition Leader in the Senate. And I remember—

The Speaker: Still refer to it by “the other place.”

Hon. Diallo V. S. Rabain: The other place. All right. When I occupied the other place I remember, Mr. Speaker, when the One Bermuda Alliance became the Government, and they changed the rules around the Consolidated Fund. The purpose of the Consolidated Fund was to give back to neighbourhoods that had been affected by the actual crimes that the monies were being confiscated from. That was the sole purpose of it. It was changed, Mr. Speaker, to allow those funds to be used for any and everything else. And I remember the week [after] it was changed the first payment went to a yachting summer camp run out the Great Sound from the Yacht club, from the Dinghy Club.

Mr. Speaker, I can recall when Minister Caines, in one of the first Ministerial Statements he gave in September 2017, said that the Consolidated Fund had been drained to nothing. It had been drained to nothing, Mr. Speaker. And all of the persons who had been expecting—all of the clubs and community services—had to be told there was no money left. What was that money used for, Mr. Speaker? [It was used for] a lawsuit against a former PLP Premier; a failed lawsuit against a former PLP Premier.

Mr. Speaker, it is about philosophies and what it is that we want to do. Would the people of Bermuda have benefited from a lawsuit against a former PLP Premier, or would the people of Bermuda have benefited from the funds being taken from the very entities that are helping to put the difficulties in our neighbour-

hoods and giving it back to those neighbourhoods so they could say, *Listen, here are some good things that you could be doing with those funds?* It is just a difference of philosophies, Mr. Speaker. It is about looking out for each and every person in this country and not a select few, Mr. Speaker.

So, with that, Mr. Speaker, I will take my seat. And thank you for the time that I was given to speak. And again, I want to thank the Premier for his Statement this morning, giving us an update on Fairmont Southampton and what is going on there. And I look forward to the development of that hotel and to it coming back on with the employment opportunities that it does bring. Thank you, Mr. Speaker

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution this evening?

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

The Speaker: MP Swan. You have your 20 minutes.

NEED FOR A BIPARTISAN EFFORT TO HELP BERMUDA SUCCEED

Mr. Hubert (Kim) E. Swan: Thank you. You can give me a two-minute warning, but I do not plan to be that long.

The Speaker: I can give it to you now if you would like. You only want two minutes? That is fine.

Mr. Hubert (Kim) E. Swan: You're pretty good.

Mr. Speaker, I want to start off by reminding folks about the last time a Government had 30 seats in this Honourable House. It was following the 1985 snap election, which was called by the then Premier Sir John Swan, who got a mandate on February 3, 1983. After becoming the Premier (following Sir David Gibbons, who was both the Premier and the Finance Minister at that particular time), he went to the polls on February 3, 1983, and became the Premier elected after winning the Premiership internally against the late C. V. Jim Woolridge and the late Dr. Clarence James.

I put that in context, Mr. Speaker, because it was somewhat disturbing, once again, that a statesman in our country, someone who the previous former Government elevated to a national hero whilst they were still living, continues to weigh in on the political sphere. And I say it is unfortunate because I do not like being in this position where I have to take to task a national hero whilst they are still here and remind them of their service and their racket, Mr. Speaker.

But the latest headline in conjunction with the *Royal Gazette* . . . and I can say that maybe Sir John was taken out of context, but when you start speaking in the language that allows the *Royal Gazette* to put

out that there is dictatorship in Bermuda, that is concerning, Mr. Speaker. Dictatorships are the types of thing that we are dealing with in Ukraine, Mr. Speaker. Dictatorships are not the types of thing that I [would] ever support in my life, Mr. Speaker. I would never be a part of it.

And I take great exception that a gentleman who I love, who I followed, who I ran under would make a suggestion that a party that I support, that I represent, that I was elected twice under could be anything close to a dictatorship in this modern society. And in the context that Sir John would make—power corrupts and absolute power corrupts absolutely—in this modern context let me remind you that when he held 30 seats and the PLP [Opposition] held seven, the NLP (a breakaway) held two seats, and Stuart Hayward held one during that particular period, he also held a bank charter in this country, which he got whilst he was a Member of Parliament, of which he needed to send PLP Opposition to hold hands and allow him to get that bank charter, Mr. Speaker. The Premier that he replaced also held tremendous financial interest in this country. Both of them did. And I do not fault them; I glory in their spirits, Mr. Speaker.

But it is important in this modern context that a Progressive Labour Party Government of today, with our Members, has nowhere near the economic power that existed in the UBP, of which I was a Member, of which I grew up in and were the people that I walked around. And some of those people who I know very well and learned under, Mr. Speaker, had many interests percolating in this country, simultaneous to even being in Cabinet. And their holdings were large and many, Mr. Speaker.

One of the problems that we have in our modern democracy (and I am here speaking on the heels of several colleagues) is that you have a small Opposition who choose not to engage. But let me go back down memory lane a little bit because, yes, I learned whilst being UBP. Yes, I listened to the late Dame Lois Browne-Evans. And yes, I go down memory lane, and I wish I had more time on many occasions. But let me take us down memory lane when the PLP went down to the faithful seven. And you would know that two came from Somerset, two came from Southampton, two came from Pembroke and one from Devonshire, Mr. Speaker. The faithful seven.

They had a Senate team that would hold any Government to account—the late David Allen, Dame Jennifer Smith and Premier Alex Scott. Oh my, my, my, my, my! And L. Frederick Wade gave a speech, whilst being only seven. And I urge people to go back and look. It was called the Trick-or-treat Throne Speech Reply. Sir John called an election and Dame went back to Parliament on Halloween. The Trick-or-treat Reply. Oh mercy.

That is what Oppositions do.

And it is dangerous when people put out there . . . because there are people who laugh that off. And in the same way of when in Opposition it was easy to make people think that PLP caused the recession that came in 2008. It is easy to do that, Mr. Speaker. I know. One Honourable Member spoke of . . . And I remember, I served on BermudaFirst with Mr. Don Kramer and the Honourable Premier Ewart Brown at that particular time. And we held hands together and dealt with bringing on board industry of this country to gather collectively, to walk step in step through a difficult time.

That is the type of leadership we need coming in the bipartisan way in this country today. We do not see it. Why? Because the statesmen out there are too busy trying to play politics forgetting what they did when they were in politics, Mr. Speaker. And it bothers me greatly. And we need to rise above that. They need to rise above that as well.

I guess I am around to remind them of some of these things and of all the holdings that they held—all of them, at that particular time. I am just a little country politician. I only got into politics because I wanted to do good for my country. I only got into politics because of that, because as a young boy going to Berkeley I could look and see all those relatives from Somerset to St. George's that chose to serve, from the Ratterays to the Andersons to the Robertsons who were married into the Anderson family, even to the Swans that married into the Hudson family, to the Halls, to the Burrows, to the Mortons, all my relatives from St. Kitts. I just wanted to be like them and serve my country.

But it is going to take a bipartisan effort to help us walk step in step to success. And there will be a time for an Opposition. I'm sure the tide ebbs and flows. But sometimes it takes some responsible leadership on the other side—not being silent every week on the motion to adjourn as an Opposition. Because let me tell you this, a Backbencher, the Honourable Brother [MP] Caines, who spoke tonight as a former Minister . . . we have former Premiers and former National Security Ministers and former National Security Shadow Ministers that used to talk about Operation Ceasefire and how they would bring private sector money to the table to help us solve these problems. What is so different today than in 2012 or 2009 like Brother [MP] Weeks was talking about when these murders started really breaking loose?

We need that type of talk still. We need that type of financial support still. We know that many persons in the Opposition are closely knitted with international business and finance there. We need to do what is best for our country—not talk about it. Actions speak louder than words in this respect, Mr. Speaker.

Why would I have spoken previously and today to say how important it is to have this Fairmont Hotel, this Southampton Princess deal in a position where we can move forward? Well, let me remind

people what it meant to me to have Club Med close for 20-plus years, when I had a shop there, waiting for it to open and it did not open. And how one year turned into three, and how three turned into seven, [and] seven to 10, [and] 10 to 15, [and] 15 to 20 until Dr. Brown imploded it with the leadership of the Deputy Speaker, which paved the way for someone to come in. And then the global recession knocked the wind out of those sails. But it set it up for the next Government to come in and get a deal going. You know what it meant to me?

Somebody said, *What does it mean to you to have that hotel closed up there whilst you have a couple of shops?*

Well, I said, *I'll tell you what, three shirts on average per day, \$105.* Three shirts back then were about \$30, \$35. [For] 365 days times 10 years—\$383,000, just in a couple of simple sales every day. And for the persons who were looking for other big-ticket items, it cost them millions of dollars.

We cannot afford that for the Fairmont Southampton on the hill. Especially for those of us whose families sacrificed, back in the '60s, their hillside properties for the national interest, albeit seeing some of it going away to residences. But it means, Mr. Speaker, that we will have jobs in the construction phase—plenty of them. And we will have jobs when the hotels open in 2023. That is huge, because now airlines can plan to come to Bermuda in greater numbers. Persons can start marketing this country in a real way. And success breeds more success.

Let's throw away the bogeyman tactics that I see being played in modern-day Bermuda that I know all too well, Mr. Speaker, because a rise in tide will float everybody's boat higher. And let me remind my former UBP colleagues and friends that the most buoyant economy this country has ever endured took place between 2001 and 2007, not under the UBP Government, but under a PLP Government, the late C. Eugene Cox and others. And yes, Mr. Speaker, that can happen again.

Let me tell you this. I am just a grandson of a fisherman and a farmer, John Anderson. He spent a lot of time around him. He fished where the fish were. He did not go into Hind Grounds, although he went to court for it. His boat was near Hind Grounds. His lines might have been tied. He might have taken his lines in there, but there is nothing that says your lines cannot drift in there. But, Mr. Speaker, I say this—we have fish on the line that want to spend hundreds of millions of dollars in this Island. I am sure there are other countries that would like to eat our lunch right now.

But we need that deal and we need that property open, Mr. Speaker! And so, we need that. And I am praying that this deal matures and not only that, but that other deals like Ariel Sands, Lantana, Morgan's Point, Tudor Hill and other properties around Bermuda take shape as a consequence, Mr. Speaker.

Mr. Speaker, I just want to close by reminding folks that we are coming up on a very important holiday in our community. Many of us, Mr. Speaker, were raised in Christian homes, faith-based homes if they were not Christian, and we grew up respecting each other. The season that we are coming into embraces that. It embraces redemptive powers of the greatest order, Mr. Speaker. I think, Mr. Speaker, this country certainly needs a great deal of healing in our communities and in our families of the highest order. And I feel that we need to move heaven and earth.

I would challenge Government House, Mr. Speaker. They appointed a new Deputy Governor that comes to us from Moscow with some great diplomatic skills. The time has come for our colonial masters to see that our country needs some social intervention from them. They preside. They have a budget, not to be ceremonial. They control the police force. They control many important constitutional positions in this country. Show some compassion for the fact that . . . Dr. Brown, as was reminded, and I reminded folks as well on the radio . . . I remember when Dr. Brown wanted to go and bring some folks here from the US based on the gang activity, and it was turned down.

Mr. Speaker, maybe the UK Government, which wants to flex its muscles in its overseas territories, at least while it still has some jurisdiction in our country needs to show greater empathy to the plight that is causing our young people to kill each other in great numbers over the last 15 years. And I urge the Opposition to speak with the same passion on that subject as they once did when they were coming close to an election. Because that is what Oppositions are supposed to do—not sit quiet and wait for what is written in the headlines in the *Royal Gazette*, notwithstanding that the shareholders are likely to be the same Members as they were for many years. Many a director also sat in those holds and helped with the decision-making that came through the Opposition, whether or not it be under the current name or previous name.

So, with that, Mr. Speaker, I would urge this country to embrace that we are a democracy. That we have 30 seats, not because of anything less than we walk the hills and the people put us there. And maybe it is time not to think that the people need to vote for the brightest but for the people whom they trust. Because, Mr. Speaker, when I was UBP I got elected in an area that most people said was traditionally PLP at that particular time. Why? Because I did not adopt the same philosophy that was coming out. You had to get in touch with people and represent how they feel. That is what service-driven leadership is all about. It is not top-down. It is bottom-up.

I get my best advice from carpenters and plumbers and waiters and waitresses and retired folks who were waiters and waitresses. That is what we need to respect, Mr. Speaker. That when it is all said and done, Mr. Speaker, when the good lord calls my

name, every bit of riches I have amassed counts for nothing. And we are all people that bleed the same. We are all God's people, Mr. Speaker, and it is high time we embrace that in a real way in this country. We have every opportunity to be our brother's keeper. But we cannot just be—

The Speaker: You have a minute left, MP.

Mr. Hubert (Kim) E. Swan: And I appreciate that, Mr. Speaker. May you, Mr. Speaker, your family, this House and all the people of this country have a blessed Easter and remember that it is a season of redemption. And may it be one of great reflection. And may we come [INAUDIBLE]

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution at this time?

Mrs. Ianthia Simmons-Wade: Yes, I do, Mr. Speaker.

The Speaker: MP Simmons-Wade.

NEED TO REACH OUT TO INDEPENDENT SENIORS LIVING ALONE

Mrs. Ianthia Simmons-Wade: Good night, Mr. Speaker.

This evening I take the opportunity as the Chair of the Ageing Well [Committee] to speak on behalf of a forgotten segment of our population. These are the independent seniors who are financially able, who are living at home alone. These people are your family, your friends, your neighbours. They have houses, they have money. In most cases, they have money for food. They have money for care. They have money. And because of this, very often, families just assume that they are okay.

But what I want to share with you, Mr. Speaker, is many of these people have food, but they eat little food. They have water, but they drink little water. They have money to go to the doctor, but they just do not go. They have showers and, Mr. Speaker, they do not get baths. In some cases, family members will organise care for the morning, for the afternoon. But guess what? They leave them home all day by themselves.

Mr. Speaker, tonight I am talking because over the past two or three weeks I have had so many calls from individuals who are concerned about their parents. But I have also seen on a number of occasions where people have gone missing. I am sure many of us have seen on the news, *Mr. Smith is missing. Have you seen him?* The first thing you think is, *Hmmm, he is only 60 or 70 years old. I wonder what is wrong.* In some cases, it is dementia. But why does it happen? Because the family leaves them home alone.

Mr. Speaker, even for the independent seniors, many of these individuals have money, have friends, have families, but they are isolated. They are home alone. There are no more seniors clubs. Grandchildren cannot come around because they may be positive. Their children are busy. So, they are home. They are isolated. And in many cases, these seniors are just too proud to ask for assistance.

So tonight, Mr. Speaker, I am encouraging everyone, do not wait until there is a fall. Do not wait until there is an accident. Do not wait until there is hospitalisation. Or, lo and behold, do not wait until there is death. Mr. Speaker, many of our senior relatives and our senior parents really need advocates. They need assistance with organising their health care. They need assistance with hospitalisation. They even need assistance to get services. Services are available for our seniors. And, in some cases, they are free. This segment of the population has money, but they do not have anyone to provide the assistance and the support so they can live independently alone.

Mr. Speaker, ideally, it is best to age at home. But the main issue with ageing at home—and I am speaking to those individuals in this House and to the public—you have to plan. You have to communicate with your family. You have to communicate with your friends. Because, very often, you just assume they are fine. But, Mr. Speaker, they are not fine. I receive calls from people who have children, and I ask, *Why do you not reach out to your children?* And in most cases, they say, *They are too busy. Or, I do not want them to know what my situation is, that I am kind of losing it.*

Mr. Speaker, we are all ageing. We are all ageing. By 2036, Mr. Speaker, 33 per cent of our population will be over the age of 65. Our Government is aware of the impact of a significantly ageing population. This was in the previous Throne Speech, that there would be a national senior strategy developed. The senior population is going to have an impact on long-term care. It is going to impact hospitalisation. It is going to impact pensions, transportation. It is going to impact every single Ministry. Needless to say, most of us will be in that category by 2036.

Mr. Speaker, the only thing I ask tonight from all of our Members is to please, please be your brother's keeper for that segment of the population, who you assume are okay because they have money, because they talk like they are independent. So, I am asking you to reach out to those individuals.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution this evening?

Hon. E. David Burt: Happy to do so, Mr. Speaker.

The Speaker: That sounds like the Premier.

Hon. E. David Burt: It does indeed, Mr. Speaker.

The Speaker: I would be happy to have you do it now too. How is that?

Hon. E. David Burt: Sorry?

The Speaker: I said I am happy to have you do it now. Go right ahead.

PLP GOVERNMENT DELIVERING ON ITS ELECTION MANIFESTO

Hon. E. David Burt: I am sure you are, Mr. Speaker. Good evening, Mr. Speaker.

Certainly, Mr. Speaker, as I begin my comments this evening, I certainly want to thank Honourable Members for their contributions on this motion to adjourn. When it started, there were pleas and discussions circulating from Members who were speaking about the challenge that we have with violence in our community. And I certainly welcome the contribution by Members on this particular topic, Mr. Speaker, because it is one that is important, and it is one that must engage the Government of Bermuda.

This matter is certainly led by the Minister of National Security, who coordinates this particular effort. And I know that she attended a meeting with MP Caines in his constituency, and that work certainly must continue. But there is no question, Mr. Speaker, that the incidents of violence which we are seeing are incredibly troubling, and it is vital and important that it is a community effort and a Government-wide effort to stop it. This Government has always said that we attack the root causes, and we need to continue to attack the root causes, Mr. Speaker.

And there is no doubt that one of the root causes is lack of economic opportunity. There is no doubt that one of the root causes, Mr. Speaker, is [a lack of] access to employment. And there is no doubt, Mr. Speaker, as we have seen our economy challenged by the coronavirus, that this Government must do everything that it can in its power to make sure we change the fortunes of this country.

So, Mr. Speaker, today is the end of a session certainly where this Government fulfilled more election promises that were made to the electorate and more Throne Speech pledges that were laid down. I will highlight some of the things, Mr. Speaker, because I think that it is important, as we end this session, that those things are known.

Certainly, in our Election Manifesto we pledged to eliminate payroll taxes for those making under \$48,000 a year, Mr. Speaker. And in this session, we have, once again, reduced those payroll taxes for workers to the lowest level in history. We had already reduced them to the lowest level in history, Mr. Speaker, and we reduced them even lower.

We extended key relief to certain sectors and also to our entertainers who are members of the Bermuda Entertainers Union, because they also play a very vital role in our community and in our cultural fabric.

Reduce the fees for private vehicle licences, Mr. Speaker. But first, fees do not go down typically. They go up. But in our desire to ensure that we provide relief, this was a step that this Government took.

We provided a further pension withdrawal to help those Bermudians who needed that help. And that, Mr. Speaker, is a recognition that the Government understands the challenges which are being faced, and [Government] wants to make sure that we can do whatever is possible in order to be responsible.

Lastly, Mr. Speaker, I announced that we freeze . . . I rejected a fuel price increase. And it is in line with the Government's promise to make sure that there was relief now and relief later. A controversial move, Mr. Speaker? Absolutely. But undoubtedly the right move while we examine and adjust to ensure that what is being paid at the pump is fair. And it is a very old system that goes back to 1979. Certainly, Mr. Speaker, something that is almost as old as me must be reviewed, and we will ensure that we review it.

We passed Children Care Legislation today, Mr. Speaker—something that has been piloted by the Honourable Minister for Social Development and Seniors, something that is near and dear to her heart, something that was in our election platform in our Throne Speech and something that we have delivered and achieved, Mr. Speaker. And that is something that is very important, because for the vulnerable in our community and to ensure that we have the best care for children in care, it is vital that we have the most modern structure.

And today, Mr. Speaker, we have fulfilled another election promise by passing, for the second time in this Honourable House, a Bill to regulate the importation, sale, cultivation and transportation of cannabis. Sound regulation, Mr. Speaker, entrepreneurial and ownership opportunities for Bermudians, recognising that there is a need for economic justice written inside of the legislation, Mr. Speaker. That is what the Government has accomplished in this session, in addition to a slew and a myriad of other Bills, Mr. Speaker.

So, it is important that we remember what we have done during this session to fulfil the promises on which the electorate elected us to make sure that we execute.

Mr. Speaker, in 2020 during that election the mantra of the Progressive Labour Party was, *Strong leadership for us*. And, Mr. Speaker, governing a country in a difficult time requires strong leadership to get things done. And that is just what we are doing, Mr. Speaker. We are making sure, as a Government, that we practice strong leadership in order to get things done. Earlier today, I was pleased and hon-

oured to submit to this Honourable House that we have reached an agreement with Westend Properties, Ltd. to redevelop the Fairmont Southampton. And anyone, Mr. Speaker, who would have seen the videos that were sent out, the press releases were all around since all local media outlets know and recognise what this development means.

Mr. Speaker, the Deputy Speaker spoke about it earlier, but somehow in some way, Mr. Speaker, there seems to be a conception that there is a slew of developers who are running to Bermuda to develop properties under our current regime. Nothing could be further from the truth, Mr. Speaker. And Bermuda has a knock on it Mr. Speaker. It has a knock on it in the tourism industry that it is not an easy place to invest. It is not an easy Government to deal with. It is not an easy place to get something done. And it also had a knock on it that the Collective Bargaining Agreement with the Bermuda Industrial Union limited operations flexibility, which made it difficult to make money in Bermuda in the tourism industry.

So, Mr. Speaker, what happens? I covered it in my Budget Statement. We have to make sure that we are competitive. And we will be competitive. We also have to make sure that our partners work along with us. And the Bermuda Industrial Union has come along with a new Collective Bargaining Agreement that has enabled over \$200 million of external financing to come into the country to support redevelopment of this project.

Now, Mr. Speaker, one of the things that you know that I hold very dear are the pledges that we make in our Election Manifesto. And on page six of the 2020 Election Manifesto, Mr. Speaker, it said the following, and I will ask permission to quote.

The Speaker: Go ahead.

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

"The Government will support the following major public and private sector business projects valued at over \$1 billion to provide employment in construction over the next five years."

And you know what number two on the list was, Mr. Speaker? It was the redevelopment of the Fairmont Southampton hotel. So, it is incumbent, Mr. Speaker, on this Government to keep its pledges to the people of this country. It is important for the Cabinet, as the ultimate decision body, to deliver for the people of this country. And it is the responsibility of Ministers to make sure that we deliver what we have set out in our Election Manifesto because that is a sacred contract between the Government and the people who put the Government in place, Mr. Speaker.

That is our job in this House. And it is important, Mr. Speaker, that we look at what this Government has accomplished. Look at what this Cabinet has accomplished on behalf of the people of this

country. As I said, Mr. Speaker, investment into Bermuda—significant investment into Bermuda . . . not only investment into Bermuda, but the ability and option for Bermudians, if they choose to do so, to invest in a project that has been supported by their Government. For far too long, Mr. Speaker, Bermudians have looked at and seen foreign capital being treated [better] than their own money inside of their own country, supported by the Government, and wondering why they themselves cannot have a piece of the pie.

You remember what happened during the airport Mr. Speaker. You were with me on December 2 outside of the Honourable House of which you now lead. You remember, Mr. Speaker. And the views back then were, *Why not us? Why is it that the Government is going to support and give a guarantee to overseas investors that are going to make this money? Why not us?*

We listened, Mr. Speaker, and we made sure that there is an opportunity for Bermudians to invest as well, if they choose so, because they should have the opportunity if we are going to extend that to overseas investors, Mr. Speaker.

In this, Mr. Speaker, we have recognised the principle that Bermudians deserve more than just the opportunities to work on a construction site and to work in a hotel. They rightfully deserve the opportunity to own, invest and be a part of that ownership culture that our 2020 platform promised, Mr. Speaker. And that is what we have delivered with a profit-sharing agreement, Mr. Speaker, that will accrue to the Bermuda Trust Fund—a platform promise. So, Mr. Speaker, I think it is important to note that the announcement earlier today, tying it back to the platform, ticks off three pledges:

- 1) redevelop the Fairmont Southampton hotel;
- 2) seed the Bermuda Trust Fund;
- 3) give Bermudians the opportunity to invest in projects in their own country.

Mr. Speaker, that is what we have accomplished.

Mr. Speaker, the most important thing that has resulted from this agreement is the hope and prospect of jobs—jobs in construction and jobs when the hotel opens. And the Deputy Speaker and the MP for constituency 11 and the MP from constituency 7 and the Honourable Minister of Transport and others have spoken to the fact of how important jobs are, how important this development is, Mr. Speaker.

So yes, leadership is about making the difficult choices to make sure that you can fulfil the objectives and dreams of your population. It is easy, Mr. Speaker, to say no. It is easy to walk away. It is easy to say let's [wait] for another day. But the people of Bermuda who need jobs, Mr. Speaker, cannot wait another day. They cannot wait for us to execute the pledges and promises that we have laid out to this Government, Mr. Speaker.

Strong leadership is what they voted for, and strong leadership is what this Government will deliver. We are making the difficult decisions to advance the interests of this country. But I can tell you what, Mr. Speaker. You know what is not difficult? What is not difficult, Mr. Speaker, is closing an agreement that will create jobs in this country—650 in construction and 800 when that hotel opens in 2023, Mr. Speaker.

You know what is not difficult, Mr. Speaker? Closing an agreement that will restore airlift to this country, Mr. Speaker. That is not difficult.

What is not difficult, Mr. Speaker? Closing an agreement that offers Bermudians the opportunity to invest, to be a part of that ownership society, to not be spectators on the side of the road, Mr. Speaker. And closing an agreement that offers the first profit sharing that will accrue to the people of this country, Mr. Speaker.

So yes, leadership is hard. But, Mr. Speaker, when I was sworn in as Premier of this country on July 19, 2017, I told the persons in attendance that I would work hard every single day to deliver for the people of this country, Mr. Speaker. And at this Cabinet Table, the Cabinet works hard every single day to deliver for the people of this country. In our caucus room, Mr. Speaker, we work hard every single day to make sure we deliver for the people of this country. We are going to continue on with the work, Mr. Speaker, because our platform promises must be executed. It was something that we were all elected on, and it is something that we must follow through with, Mr. Speaker,

So now, Mr. Speaker, as I move on. A week from now will be April 1. And most coronavirus restrictions in the country will be ended. That is something that the Government has announced, and that is something that we are progressing towards. But it is vital, Mr. Speaker, that all persons govern themselves in a responsible fashion. Just as the Government has adjusted its approach, it is important that we as citizens of this country make sure that we accept the personal responsibility to make sure that we are doing what is necessary to keep ourselves and our families safe, changed it for the adults.

The Minister of Education announced earlier the adjustments that will be made in schools, which I know will satisfy a great many parents and students throughout this country, Mr. Speaker. But it is vital that we remember that this virus is still real. And it is still causing people to lose their lives. It still represents a threat to our society, to our families.

Businesses will have the opportunity to make their own rules. Individuals will have the opportunity to govern themselves accordingly. And the Ministry of Health will make sure to issue guidance so persons know how to make sure that they can protect themselves as best as possible. But it is vital, Mr. Speaker, that over the next few weeks and months we all remember that the pandemic is not over. As a country,

we want to move beyond the pandemic, but the pandemic, Mr. Speaker, is not over.

So, we must be mindful. As we move on, let us remember that we have a responsibility to ourselves, to our families and to our community to all do our part to exercise that personal responsibility that will keep us safe.

Mr. Speaker, I know that we are set to discuss after the session, but certainly between now and the next time we meet, Mr. Speaker, there will be two holidays—Good Friday and Easter. And what I would like to do, Mr. Speaker, is to certainly . . . it would be welcomed [if] persons around the country [could] celebrate Good Friday in the way in which we used to celebrate Good Friday in community meetings throughout the country in community events. And of course, Easter Sunday is the holiest day for those persons who call themselves Christians and follow the Christian faith.

I would hope that we can honour our traditions in a safe and enjoyable way. I will pray for peace in our community and ensure that the Ministry of National Security works with its partners to ensure that we have a peaceful holiday weekend. But most importantly, Mr. Speaker, it is a time for us to begin to return to our traditions.

I wish to close this motion to adjourn, Mr. Speaker, by wishing all of those persons in Bermuda a very happy holiday when it comes, a blessed Good Friday and a blessed Easter holiday. As we are able to gather with our families again and celebrate our traditions again, let us do it in a way that brings out the best in us, that shares some of the themes which I shared a few weeks ago, Mr. Speaker—love and kindness inside of our community. Because that is what we need in order to execute, to restore hope inside of this country, Mr. Speaker.

So, with that, Mr. Speaker, I thank all the Honourable Members for their contributions. I thank the Ministers for the work in which they continue to do. I thank the Opposition for the vital role that they play inside of this Parliament. I thank all Honourable Members for holding the Government to account and making sure that we do our work as we are supposed to in this Honourable House. And I thank you, Mr. Speaker, for the work of which you continue to do. We have a responsibility to this country to lead, and we must take that responsibility seriously every single day.

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

SPEAKER REPRIMANDS MP FOR USING OFFENSIVE WORDS

The Speaker: Thank you, Premier.

Premier, it is a close of another sitting. And as you said, we will be upon the Easter/Good Friday period. And traditionally I would normally join in those warm remarks which you just said with regard to how we should spend it with family.

But it saddens me, Mr. Premier, that before I go into those remarks I have to address an incident that happened here in this House this evening.

The issue that drew comments from most people this evening is an issue that has two sides, two opinions, two viewpoints. And everybody in this House has the right to express their viewpoints for or against any issue that is brought to this House. That is what we are here for. It is a place of debate. And I think we are all mature enough as men and women to act like adults when we come to issues that we have a clear divide on, on how we represent ourselves and those who bring us here, who put us here to speak with respect toward each other.

Tonight's motion to adjourn started off with Members talking about the violence in the community and calling for a better way for people to handle differences. The first two speakers spoke to that and then the third speaker gave an example of how not to handle differences.

When we refer to a member in this House in an "animal" tone, monkey tones are not accepted. Had anyone else from the other side of the House referred to a Member in that way, we would have had uproar in this place tonight. So just because a Member sits on the same side as another Member does not give that Member the right to use tones and language that would not be accepted had it come from the other side.

That is unacceptable. Unacceptable. And I expect that Member, when we come back to this House, to come with an apology to the House. And I think I would also expect that Member to be big enough to apologise to the person in whose reference the comment was made.

Everybody has a right to an opinion in this House—everyone. And we have to be big enough . . . we have to show that as leaders we can do better, because we set the tone for the country. You talk about the violence out there. If they want to see us hacking each other in that way, how are we going to ask them to diminish their violence?

We have to set the tone in how we conduct ourselves here in these Chambers.

Everybody has a right to their opinion. Everybody has a right to address the opposite person as long as they do it on principle, as long as they do it on the issues. I actually called one of the Members who spoke tonight and commended them on how they addressed it, because they spoke to principles. They spoke to the issues. They never went personal. I think that is how this House should be conducted on all matters. Whether the person you are opposed to is on the other side of your political divide or a member of your own political party, it gives you no right to demean the approach to how you address that Member and the issue that you are opposed to.

We will not have it. We are closing tonight for a session. I want all Members to walk away from here

tonight thinking about how we are supposed to represent those who sent us in this House, how we are supposed to set tones for this country, how we, as leaders, will and must do better.

With that, enjoy the holiday season, Easter and Good Friday. And come back expecting to have better tones of how we address each other in this House.

Members, have a good night.

This session is closed.

[At 9:14 pm, the House stood adjourned until 10:00 am, Friday, 6 May 2022.]