



**2020/2021 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT**

19 MARCH 2021

Virtual Sitting

*Sitting number 14 of the 2020/2021 Session
(pages 1039–1148)*

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

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10:00 AM***Sitting Number 14 of the 2020/21 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

The Speaker: Members, we are about to start the session for today.

We now begin with our prayers.
Ms. Beale.

PRAYERS*[Prayers read by Ms. Kara Beale, Assistant Clerk]***CONFIRMATION OF MINUTES**

The Speaker: Today's session has now begun.

The Minutes of the 15th and the 17th of March have been deferred.

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

The Speaker: There are none.

MESSAGES FROM THE SENATE

The Speaker: There are none.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: We have a few communications this morning to be introduced by Ministers.

Premier, would you like to introduce yours first?

**INFORMATION COMMISSIONER'S OFFICE
ANNUAL REPORT 2020 AND
RECOMMENDATIONS ON THE IMPLEMENTATION
OF THE PATI ACT 2010**

Hon. E. David Burt: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Information Commis-

sioner's Office [Annual Report 2020](#) as required by section 58(1) of the Public Access to Information Act [PATI] Act and the Recommendations on the Implementation of the PATI Act 2010 as appended to this annual report as required by section 57(5) of the PATI Act.

The Speaker: Thank you.

BETTING FEES REGULATIONS 2021

Hon. E. David Burt: I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Betting Fees Regulations 2021, proposed to be made by the Minister responsible for Gaming in exercise of the power conferred by section 96 of the Betting Act 2021.

The Speaker: Thank you.

The next communications this morning are in the name of the Deputy Premier.

Deputy, would you like to make your presentations?

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

The Speaker: Go right ahead.

**ELECTRICITY (REGULATORY AUTHORITY FEES)
REGULATIONS 2021**

Hon. Walter H. Roban: Under Papers and Communications to the House this morning, Mr. Speaker, with the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Electricity (Regulatory Authority Fees) Regulations 2021, 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.

May I do the second one, Mr. Speaker?

The Speaker: Yes. Continue.

ELECTRONIC COMMUNICATIONS (REGULATORY AUTHORITY FEES) REGULATIONS 2021

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

With the Governor's recommendation and in accordance with section 36(3) of the Bermuda constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Electronic Communications (Regulatory Authority Fees) Regulations 2021, proposed to be made by the Minister responsible for Telecommunications in exercise of the powers conferred by sections 6 and 11 of the Electronic Communications Act 2011 as read by section 44 of the Regulatory Authority Act 2011.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

The next [papers] this morning are in the name of the Minister of Finance.

Minister of Finance.

Hon. Curtis L. Dickinson: Good morning, Mr. Speaker.

The Speaker: Good morning.

SUPPLEMENTARY ESTIMATE (NO. 1) 2019/20

SUPPLEMENTARY ESTIMATE (NO. 1) 2020/21

Hon. Curtis L. Dickinson: Mr. Speaker, pursuant to the powers conferred by section 96 of the Constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly Supplementary Estimate No. 1 for 2019/20 and the Supplementary Estimate No. 1 for 2020/21.

The Speaker: Thank you. Would you like to continue into the Government Fees?

GOVERNMENT FEES AMENDMENT (NO. 2) REGULATIONS 2021

Hon. Curtis L. Dickinson: Yes, sir.

Mr. Speaker, with the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly Government Fees Amendment (No. 2) Regulations 2021, proposed to be made by the Minister of Finance in exercise of the power conferred by section 2 of the Government Fees Act of 1965.

The Speaker: Thank you Minister.

Moving on with the Order Paper.

PETITIONS

The Speaker: There are no petitions.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: There are three Statements listed this morning. The first is in the name of the Premier.

Premier, would you like to present your Statement?

Hon. E. David Burt: I can, Mr. Speaker, if it pleases you.

The Speaker: Continue on.

UPDATE ON GAMING

Hon. E. David Burt: Thank you very much.

Mr. Speaker, the path to realising a properly regulated [gaming industry](#) for Bermuda has been a challenging one. Since the Green Paper on Gaming for Bermuda [was presented], too little discernible progress has been made to actually introduce gaming on a scale that supports tourism and adds to the product offerings for travellers to Bermuda. However, Mr. Speaker, I am pleased to advise this Honourable House of a further step in the process today. As is reflected on the Order Paper, I will introduce into the Legislature the Gaming (Transfer of Functions) Bill 2021, the Betting Bill 2021 and the Betting Fees Regulations 2021.

Mr. Speaker, Honourable Members will recall the intent for the Bermuda Casino Gaming Commission [the Commission] to assume responsibility for all forms of gaming in Bermuda, namely, casino gaming, betting, cruise ship casinos, lotteries and raffles, and finally, crown and anchor. This will also occasion a change in the name of the Commission, which will thereafter be known as the Bermuda Gaming Commission. The primary purpose of these proposals was to facilitate greater efficiency and certainty in how gaming is regulated in Bermuda. Additionally, Mr. Speaker, Honourable Members will recall the initiative for the modernisation of the regulatory framework for Bermuda's betting sector. The Bills to be tabled today accomplish those objectives and mark a significant step in providing the necessary framework for the regulation of gaming in Bermuda.

Gaming (Transfer of Functions) Bill 2021

Hon. E. David Burt: Mr. Speaker, the Gaming (Transfer of Functions) Bill is largely one of consequential amendments, meaning that it proposes changes to a raft of statutes primarily for the purpose of expanding the regulatory remit for the Commission. As stated, the Commission will be responsible for the regulation of casino gaming, betting, cruise ship casinos, lotteries and raffles, and crown and anchor. The Commission will also be permitted to collect all associated fees, levies and taxes resulting from these additional

economic sectors, save for the betting duty. Both the amount of the duty and the procedures for submission and collection of duty by the Tax Commissioner will remain as they currently are.

Betting Bill 2021

Hon. E. David Burt: The Betting Bill 2021 provides for a completely separate regulatory regime for the betting sector. The regulatory framework of the betting sector in Bermuda has not been refreshed since the enactment of the Betting Act 1975 and is now somewhat outdated. National and global circumstances and considerations have significantly changed since that time. Concepts such as due diligence and anti-money laundering standards were not fully developed in 1975. Given that Bermuda is a leading global financial centre, we must ensure that the regulation of our industries is commensurate with international best practices and standards and appropriate for our industry. The Betting Bill 2021 will repeal and replace the Betting Act 1975.

Mr. Speaker, the improvements to the betting regime are beneficial for Bermuda as they demonstrate our commitment to a modernised approach to regulation. The proposed statutory provisions contain key elements of a modern regulatory framework.

Mr. Speaker, extensive work was performed on the development of the appropriate underlying policy. There was wide-ranging consultation with local stakeholders including the following:

- current licensees;
- betting operators;
- Betting Licence Authority;
- National Anti-Money Laundering Committee;
- Financial Intelligence Agency; and
- Director of Public Prosecutions.

Mr. Speaker, we wish to extend our sincere thanks for the continued engagement of our stakeholders with the Commission in regard to betting sector-related initiatives.

Mr. Speaker, there was also consultation with international regulatory agencies and international consultants, and jurisdictional comparisons of statutory betting frameworks were conducted and considered—in particular, the provisions of the Bahamas, Jamaica and Cyprus, jurisdictions thought to have similarities to Bermuda.

Mr. Speaker, in addition to the Bills being tabled today, I am pleased to provide an update on the developments in the casino gaming sector and the work of the Commission.

Mr. Speaker, I can confirm to Honourable Members that the post of Chief Executive at the Commission was filled late in 2020 by Mr. Jean Major, who comes to the Commission with a wealth of experience as a regulator and has added a valued dimension of expertise to the operations of the Commission.

Mr. Speaker, earlier this year Hotelco Bermuda Holding Limited, known locally as St. Regis, entered the final stages of making an operational casino in Bermuda a reality. They are the holder of a provisional casino licence and have submitted a formal application for a casino licence. The statutorily required suitability review of the applicant is well underway by the Commission.

Mr. Speaker, the suitability review entails extensive due diligence in respect of every substantive aspect of the applicant's honesty and integrity, associates, ownership interests, governance, and operational and financial controls. This is to ensure that only *good characters* are permitted to enter the Bermuda market and to establish a healthy compliance culture. The results of the review will be submitted to the Board of the Commission for a final decision on the issuance of a casino licence in due course.

Mr. Speaker, in furtherance of establishing an operational casino in Bermuda, the Commission have initiated a number of necessary processes, the first being the approval process for gaming vendors who supply goods and services to the casino operator such as gaming machines and other gaming equipment. As of today, three gaming vendors have been approved by the Commission. Additionally, Mr. Speaker, the Commission have recently concluded a consultation process for the approval of gaming equipment technical specifications and standards of performance. These standards are compliant with Bermuda's statutory framework and reflect current international standards. The standards are expected to be formally approved and made publicly available by the Commission before the end of this month.

Finally, Mr. Speaker, the Problem Gaming Council [the Council] in close collaboration with the Commission team will continue to ensure that social responsibility remains a key pillar of casino gaming in Bermuda.

Mr. Speaker, in the midst of all that we as a Government and a community have to deal with owing to this pandemic, the introduction of these Bills today and the update on the considerable work of the Commission demonstrate this Government's commitment to continuing the work of opening and diversifying both our economy and tourism.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

The next Statement this morning is in the name of the Attorney General and Minister of Legal Affairs and Constitutional Reform.

Attorney General, would you like to present your Statement at this stage?

Hon. Kathy Lynn Simmons: Yes, Mr. Speaker. Good morning and thank you.

The Speaker: Good morning, and continue.

**CRIMINAL CODE AMENDMENT
(NON-CONSENSUAL SHARING OF
INTIMATE IMAGES) ACT 2021**

Hon. Kathy Lynn Simmons: Mr. Speaker, I am pleased to table in this Honourable House the Bill entitled the [Criminal Code Amendment \(Non-Consensual Sharing of Intimate Images\) Act 2021](#). This Bill introduces criminal offences and penalties relating to the non-consensual sharing, or threat of sharing, intimate images and prohibited visual recordings, as well as the offences of observing or making recordings in breach of a person's privacy.

Mr. Speaker, in our 21st century world, a new form of technology-facilitated abuse has emerged that is commonly known as "revenge porn." Revenge porn typically occurs when someone shares, or makes threats to share, intimate images of a person without the person's consent. Increasingly, intimate images are being recorded and stored on our smartphones. This means that in an instant an intimate image can be uploaded to a social media platform and forwarded or broadcast at the swipe of a finger with little concern about the long-standing consequences or harm to the person captured in the image. In no time at all, an intimate image uploaded to the internet can *trend* or become *viral* in an instant and is exceedingly difficult to remove permanently from the Internet.

Sadly, Mr. Speaker, weaponizing intimate images created under the trusting sanctity of a romantic relationship can be used as a tool to inflict revenge when the relationship breaks down. Even though the intimate images may have been obtained in a consensual context, the parties are unlikely to have consented for the intimate images to be shared with third parties outside of the relationship. Oftentimes, the associated threats may be to distribute the intimate images to a specific person or persons to cause the maximum harm to the recorded person. Intimate images can also be distributed without any forewarning threats.

Mr. Speaker, in today's digital world, non-consensual distribution of intimate images can take the simple form of images sent to friends and family of the recorded person, the end result being to expose, humiliate, embarrass or cause reputational damage to the recorded person. Undoubtedly, the stress and trauma imposed on the victims to such acts, and their families, can be far-reaching. In the gravest cases, affected persons have contemplated, attempted or committed suicide because of the associated distress and embarrassment. In some circumstances the threat to distribute intimate images is intended to cause alarm to other affected individuals, not only harm to the person recorded in the intimate image. Whatever the likely or intended harm, once intimate images have been shared digitally without consent, it is difficult or impossible to contain them from spreading like wildfire.

Mr. Speaker, although minimal protections exist addressing the distribution of obscene or indecent images under provisions of the Telecommunications Act 1986, there is a glaring gap in the existing law because the prevailing offences do not sufficiently address intimate images and prohibited visual recordings within the context of revenge porn. There are also no criminal provisions in the existing law that deal specifically with the threat to distribute such images.

We have surveyed other jurisdictions, including Canada, the UK and Australia, who have each introduced specific criminal offences prohibiting the non-consensual distribution, or threatened distribution, of intimate images. The approaches of Canada and Queensland, Australia, to such offences were considered in detail when formulating the policy. Accordingly, Queensland's approach is primarily modelled in the Bill being tabled today, as their Criminal Code amendments were considered most appropriate for Bermuda. Queensland's criminal law prohibits the distribution, without consent, of an intimate image of another person in a manner that would cause distress reasonably arising in all of the circumstances. The legislative wording is adopted in this Bill.

Mr. Speaker, you have heard me use the terms "intimate image" and "prohibited visual recording." These two terms are germane to the legislative interpretation of the proposed amendments to the Criminal Code Act 1907 and are defined in the Bill. The term "intimate image" includes intimate images that have been digitally altered. Digital alteration can be done to an image to depict intimate sexual activity or private body parts. And digital alteration can also apply when intimate sexual activity or private body parts are obscured if the person in the image is still depicted in a sexual way. The term "prohibited visual recording" is also defined in the Bill to deal with circumstances where the recording is made in circumstances where a reasonable adult would expect to be afforded privacy.

Mr. Speaker, the relevant offences proposed within the Bill for inclusion in the Criminal Code Act 1907 are as follows:

- observations or recordings in breach of privacy;
- distributing intimate images;
- distributing prohibited visual recordings; and
- threats to distribute intimate images or prohibited visual recordings.

Mr. Speaker, to operate as an appropriate deterrent and to ensure that the seriousness of the offences is understood by the public, the penalties for all offences are up to three years on summary conviction and up to five years on indictment.

Mr. Speaker, victims of the crimes being created are likely to want to have a remedy in law that can help stop the distribution of the offending images and have them deleted altogether. In this regard, provisions are made in the Bill to allow the court to make

a *rectification order* ordering the removal, retraction recovery, deletion or destruction of any offending images after a successful prosecution.

In closing, Mr. Speaker, this Bill deals only with the criminal aspects of this issue. It achieves this by creating relevant offences and proportionate penalties, ensuring that offenders can be successfully prosecuted and dissuading offending behaviour.

It is important to note that the criminal law alone is sometimes a harsh instrument to address contemporary social issues. Deterring the offending behaviour and effective punishment must also be augmented with a more holistic societal approach encompassing civil law remedies, public awareness campaigns, education and other communitywide efforts to raise awareness about the associated dangers of recording intimate images. Individually and collectively we have a responsibility to be vigilant and discerning about our conduct in digital and online spaces. The assistance of the wider community is paramount to protecting our youth, especially as they navigate their maturation in a digital social media age.

It is anticipated, Mr. Speaker, that this new law will directly protect victims of revenge porn and others whose privacy would be violated by misuse of intimate images and private recordings. It will indirectly protect societal values by upholding privacy and personal protections from the irreparable harm that such violations inevitably impose on others.

Mr. Speaker, I would like to thank the Deputy CPC [Chief Parliamentary Counsel], Lorraine Welch; the Director of Public Prosecutions, Cindy Clarke; and lawyer and policy analyst, Jason Outerbridge, for their excellent work on this very important initiative.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement this morning is in the name of the Minister of National Security.

Minister Ming, would you like to make your presentation at this point?

Hon. Renee Ming: Good morning, Mr. Speaker and listening audience.

The Speaker: Good morning.

REMINDERS ON THE PUBLIC HEALTH (COVID-19 EMERGENCY POWERS) REGULATIONS 2021

Hon. Renee Ming: Mr. Speaker, I rise this morning to provide to this Honourable House and the public with a reminder of the legal measures of the [Public Health \(COVID-19 Emergency Powers\) Regulations 2021](#), which have been enacted and from time to time amended in an effort to prevent another surge in COVID-19 positive cases in Bermuda.

Mr. Speaker, Honourable Members will be aware that over the course of the last two weeks, the

Ministry of Health has reported a total of 33 COVID-19 active cases. Five of these cases were the result of local transmission. Following a period of a consistent decrease in locally transmitted cases, this increase should be concerning to the public. What should also be concerning, Mr. Speaker, are the recent activities that have taken place that are in direct violation of the Regulations. Through traditional news media and social media, many of us have seen the evidence of parties and gatherings that exceeded the approved group gathering limits. The fact that the attendees of these events also violated the health and safety protocols by not wearing masks or practicing physical distancing further compounds the recklessness of hosting these events.

Mr. Speaker, I understand the community's outrage that these events are taking place, particularly when the majority of our community are rightly adhering to the Regulations. I also appreciate the community's frustration at the perception that we are all being punished because of the few who do not adhere to the Regulations and that enough is not being done to hold those accountable who blatantly break the law.

Mr. Speaker, I am advised that the Bermuda Police Service and the Department of Public Prosecutions are diligently taking steps to bring those who violate the Public Health Act and the associated Regulations before the courts.

Mr. Speaker, as we continue to navigate through the pandemic, please allow me to set out some reminders of the parameters of the Public Health (COVID-19 Emergency Powers) Regulations 2021. First and foremost, we remain under nightly curfew from midnight until 5:00 am. There is also a curfew in effect from 8:00 pm until 5:00 am for recreational boating. Bars and nightclubs are not permitted to be open beyond 11:00 pm and are limited to table service only. Large group gatherings are still limited to 25 persons. For indoor services or ceremonies in a church or other religious establishment, the number of persons who can gather is limited to 25 per cent of the indoor area's full capacity. At outdoor services or ceremonies (including weddings and funerals) the number of attendees cannot exceed 50 persons. More importantly, Mr. Speaker, appropriate physical distancing and the proper wearing of masks covering both the nose and mouth are required in all public and private spaces.

Mr. Speaker, the Regulations provide the Bermuda Police Service with a number of enforcement tools. If a contravention of the Public Health (COVID-19 Emergency Powers) Regulations has occurred on the premises, the police can order a licensed premise to close for a period not exceeding 24 hours.

Mr. Speaker, the public is reminded that as outlined in the Regulations, the police or any other enforcement officer may stop and question any individual to ensure compliance with the Regulations. If

any person is found to be in contravention of the Regulations or does not satisfy an enforcement officer's requests to comply with the Regulations, the enforcement officer may take actions to enforce the Regulations, including the dispersal of any group of more than 25 persons. If necessary, an enforcement officer may use reasonable force in the exercise of a power under these Regulations. It is an offence to resist, obstruct or assault an enforcement officer who is acting in the execution of their duty under these Regulations.

Mr. Speaker, a person who fails to comply with any of these Regulations commits an offence and is liable to the following:

- a fine of \$6,000 in respect of a first offence;
- for a second or subsequent offence, a fine of \$10,000 or imprisonment for a term not exceeding three months, or both;
- in the case of a continuing offence, a fine of \$1,000 in respect of each day during which the offence is continued.

Similarly, Mr. Speaker, it is an offence to not wear a mask in accordance with the Regulations. A person who fails to wear a mask when one is required commits an offence and is liable on summary conviction to:

- a fine of \$500, for the first offence;
- a fine of \$1,000, for a second or a subsequent offence.

Mr. Speaker, these Regulations are not meant to be punitive. They have been enacted to minimise the impact of COVID-19 with the hope that we will soon be able to safely gather together again. Notwithstanding, the Government has included the noted penalties as a deterrent against violating the Regulations.

Mr. Speaker, I would like to note that yesterday the Bermuda Police Service submitted 12 files to the Department of Public Prosecutions. To date the Department of Public Prosecutions has received 22 files in total for curfew violations and non-compliance to the COVID-19 Regulations, and more continue to be submitted regularly.

Mr. Speaker, there have been a number of questions regarding the Government's fixed penalty legislation. As the Honourable Premier advised at a press update earlier this week, the Ministry of Health has prepared the framework for legislation that would see fixed penalties apply for a finite set of material breaches of COVID-19 Regulations. This legislation is in the drafting stages with the Attorney General's Chambers. While it is unlikely that the legislation will be retroactive, the public is again reminded that under the current Regulations, people linked to recent parties could be subject to a fine or conviction.

In closing, Mr. Speaker, I would like to say that as a country we have demonstrated resilience and discipline in navigating this pandemic and we must remain vigilant.

Mr. Speaker, we all know that Good Friday and the Easter holiday are upon us. As a result the Ministry team have received a number of large-gathering requests. Please note that a careful review will be done before there can be an approval of any event. During the Good Friday/Easter holiday and any other holiday especially, I am urging residents to exercise a degree of personal responsibility by making smart and sensible decisions to protect themselves and their families, their friends and their loved ones.

Mr. Speaker, we all must continue to do what we can to mitigate and limit the spread of the virus by complying with the policy in place. I understand that we are all suffering from the COVID-19 fatigue, but we must remain vigilant. It is up to each of us to keep our families and our friends safe. Please continue to follow the health guidelines. This includes wearing a mask, hand sanitising and maintaining the appropriate physical distancing.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

That brings us to a close of the Statements by Ministers this morning. We now move on.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: There are no written questions this morning, and I do not see any indication from Members for questions related to the Statements given this morning. So I am assuming there are no questions this morning as well. So we will move on.

CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Hon. E. David Burt: Mr. Speaker.

The Speaker: I hear—is it the Premier?

Hon. E. David Burt: It is.

The Speaker: Premier, you have your three minutes.

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

Mr. Speaker, I would like to ask that the Honourable House of Assembly send a letter of condolences. The letter is to the family of Mr. Raymond Calvin Wellman. Mr. Wellman was 74 years of age and laid to rest this past Wednesday. He was a constituent of mine from the Pembroke Park area, and he leaves

to mourn his siblings Carolyn, Judith, Arthur, Jean and Norman. Mr. Wellman, a well-known fixture inside of the Pembroke Park community, was an avid supporter of the Western Stars Sporting Club, and I would like to offer my condolences to his family. And I ask that the House send a letter of condolences.

Mr. Speaker, I also wish to extend condolences to the family of another constituent of mine, Ms. Shirley Maxine Quattlebaum, who passed away at the age of 74 years as well, and my sincere condolences to her family. She was a wonderful lady whom I enjoyed when I had the opportunity to go and see and visit. And I would always make sure that there would be a holiday, traditional inside of my constituency to drop off a gift for her at Christmastime. But unfortunately, I will not have the opportunity to do that anymore. I do wish to ask the House to send a letter of condolences to her family.

I would also like to ask this Honourable House to send a letter of condolences to the family of another one of my constituents who has passed away. And that is Mr. Antoine Eric Raynor of the Mount Hill neighbourhood. And I would like to extend my condolences to his mother, Joy, his son Tafari and his siblings Korita and Tanika and certainly to all of his family, as it is another loss inside of that household because they suffered a loss a couple of months ago as well. My thoughts and prayers are certainly with the family during this difficult time.

Mr. Speaker, I did not participate in congrats and obits earlier this week. However, I would like to associate myself with the condolences that were given to the former Auditor General of the country, Ms. Heather Jacobs Matthews. Mr. Speaker, I had the opportunity to work with the former Auditor General in a number of capacities. I had the opportunity to work with her when she was the Tax Commissioner, and I was an IT consultant in the Tax Commissioner's Office. I also had the opportunity to work with her when I was the Chairman of the Public Accounts Committee and she was the auditor—

The Speaker: Thank you, Mr. Premier. Your clock time is running out. So I know you can wrap up real quickly.

Hon. E. David Burt: I can do so, Mr. Speaker.

But I just wanted to make sure that I associated myself with the condolences that were offered to her family. She was a fine public officer, a fine public servant. And she will certainly be missed.

The Speaker: Thank you, sir.

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

Any other Member?

An Hon. Member: Mr. Speaker.

Mrs. Ianthia Simmons-Wade: I would also like to—

The Speaker: MP Simmons-Wade, you have your three minutes.

Mrs. Ianthia Simmons-Wade: Yes. I would also like to be associated with the condolences to the family of the late Heather Jacobs. I met Ms. Jacobs about 20 years ago. And I certainly was impressed with her level of commitment to Bermuda and to the people whom she served. And she also became quite a good friend of mine in the past few years.

Also, Mr. Speaker, I would like to extend my congratulations to Patricia O'Connor for creating the amazing song for the Mirrors Programme. This song truly reflects the goals and the values of this very, very important programme. Also, the Mirrors Programme has actually transformed so many young people's lives in this Island. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

Madam Attorney General, are you trying to get our attention?

Hon. Kathy Lynn Simmons: No, Mr. Speaker. I am just organising myself. Thank you.

The Speaker: Okay. I saw you moving around in front of the camera.

So, I am assuming no other Member wishes to make a contribution under Congratulatory and/or Obituary Speeches.

Hon. N. H. Cole Simons: Yes, I would, Mr. Speaker.

An Hon. Member: Mr. Speaker.

The Speaker: You gentlemen almost lost out.

Opposition Leader, I think that was your voice I heard.

Hon. N. H. Cole Simons: Yes. I would like to send condolences to the family of Mr. Keith Rossiter, a resident of Smith's. He passed away after a short illness. I saw him just two weeks ago. We had a lovely chat. But little did I know that that would be the last time I would see him. It is fragile how life is. So, I would like to send condolences to his wife, Jill [Gillian], and his sons Stephen and Andrew.

Then there was Mr. [Arnold Leroy] Landy from BBC. He passed away yesterday, a Southshore boy, a character and a fine photojournalist. I wish his family all the very best, and I am saddened and shocked by his recent passing.

And then I would just like to send condolences to [the family of] Mr. Albert Dyer [sic]. He passed away suddenly, and I wish his family all the very best.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I believe Honourable Member Swan would like to make a contribution at this time.

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

The Speaker: You have the floor. You have your three minutes.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, condolences and congratulations are getting to be a little difficult for me these days. This is the second time I have come to bring congrats and then heard during congrats a name called that I am going to have to associate on the next day. The Honourable Member just mentioned a name that really just knocked me back. He said a Mr. Albert Dyer. I know a Mr. Albert Dyer. But, Mr. Speaker, I will defer. I will defer. I know Mr. Albert Dyer very well. I will defer.

But, Mr. Speaker, I would like to be associated with the condolences offered to—

Hon. N. H. Cole Simons: Mr. Speaker—

Mr. Hubert (Kim) E. Swan: Arnold Landy, whom I grew up with, a Somerset Bridge Death Valley boy, Mr. Speaker. The Honourable Member said he was a character. He was always a character. But a very straightforward, straight-shooting guy that went to Glebe, Mr. Speaker. I think you would attest to that; I know.

The Speaker: Yes.

Mr. Hubert (Kim) E. Swan: He was a very straightforward guy, and he enjoyed doing what he did in the media. And he did not mind telling you how he felt about what he did even when what he did was in conflict with what he was doing or whom he was doing it for. May he rest in peace. He is related closely to the family of one of the most celebrated Somerset Bridge Members of Parliament of all time, Walter Roberts. And I extend condolences to the entire family of his. And we always considered ourselves as cousins, Mr. Speaker. May my good friend rest in peace, Mr. Speaker. And I will defer on that first name—

[Inaudible interjection]

The Speaker: I think the Opposition Leader was trying to assist you on who the individual—

Hon. N. H. Cole Simons: Yes. I would like to withdraw that comment on Mr. Dyer, because I just got an update. And so, I would like to withdraw that comment on Mr. Dyer.

The Speaker: Okay. Thank you. It is noted.

Hon. N. H. Cole Simons: So, I got a phone call that—

The Speaker: Yes. We do not want to make it premature.

Hon. N. H. Cole Simons: Exactly.

Mr. Hubert (Kim) E. Swan: Thank you, Opposition Leader. That means I have another three minutes, Mr. Speaker?

The Speaker: No, no. No, no. I waited until your three minutes expired. How is that?

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

Hon. Walter H. Roban: Mr. Speaker.

The Speaker: It sounds like the Deputy Premier.

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

The Speaker: Deputy Premier, yes. You have your three minutes, sir.

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

I wish just to be associated with the condolences given to the family of Mr. Arnold Landy. He was certainly a journalist, a cameraman of note. And as has been already described, he was a straight shooter, a straight speaker, but certainly was somebody who contributed [publicly] to our journalistic community. So I would just like to associate myself with those condolences. Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a contribution?

Hon. Tinee Furbert: Mr. Speaker.

The Speaker: Yes, Minister Furbert.

Hon. Tinee Furbert: Yes. Thank you.

The Speaker: You have your three minutes.

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

I would just like to have the House send condolences to the family of one of my constituents, who is Ms. Fatima Repose Madeiros, from the Kitty's Lane Henrys [Hill Road] area. Just sending condolences to her sister, Marie Castro, and wanting to send condolences to the family, letting them know that we are thinking of them at this time.

As well as another constituent, Ms. Rita Rhoda Marie Saltus, the mother of Althea and Ed-

ward, and wanting to let that family know that we are thinking of them at this time.

Mr. Speaker, I just want to send congratulations out to a young man, Mr. Kenneth Pushā II, who is the son of Nadine Browne-Evans and the grandson of Dame Lois Browne-Evans. This week he issued face masks which he made himself through his company Mask'd Co. He made face masks and distributed them out to the clients of the K. Margaret Carter Centre. And so we are very thankful that he would bring his skills and share them with our community. It was a donation.

He said that once he got to 100 sales, he would give back to our community. And so, the clients and the staff at the K. Margaret Carter Centre are very appreciative, and they thank him for his thoughts and his skill in giving back to the community.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

No other Member.

Before we move on, I would just like to add my words to those that were expressed already regarding the late Arnold Leroy Landy. MP Swan made reference to the Glebe days. Well, Leroy was my classmate at Glebe. And yes, he has always been a character. He was always one of those who kept the classroom lively. But he was a good guy, a really good guy. And it is sad to see—I was actually shocked last night when I got the news that he had passed, and so recently after the loss of his own son. And so I know his family is deeply, deeply saddened by this almost double loss [in] such a close timeframe. My thoughts are with his family at this time. And yes, he will be a great miss in our community as well.

I would also like to add condolences to the family of one of my neighbours, Ms. Dolores Roberts. Ms. Roberts was almost on her century mark. She was 98. She was the mother of Launcelot, Alty, Kevin, Vangie, Jennifer and Lady Jacqueline Swan.

Mr. Hubert (Kim) E. Swan: Please associate me, Mr. Speaker. That is family.

The Speaker: Yes. Mr. Swan, I was about to mention that little piece to you. I know there is a blood line there for you.

Hon. N. H. Cole Simons: I would like to be associated with it as well, please.

The Speaker: I would like to associate the MP for the area first, MP Jamahl Simmons.

Hon. N. H. Cole Simons: Cole Simons.

The Speaker: MP Kim Swan and the Opposition Leader, Cole Simons. But each of us has known the strength of the Roberts family, the Simons family in the Somerset Bridge community.

And Ms. Roberts has always been a strong figure in that neighbourhood and that community. And her loss will be felt by all, not only in the neighbourhood but in the Sandys and Somerset Bridge community.

Thank you, Members. We will now move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

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

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: There are three Bills to be introduced this morning. And the first is in the name of the Premier.

Premier, would you like to introduce your Bill at this time? Two Bills you have, actually.

Hon. Kathy Lynn Simmons: Yes, Mr. Speaker.

The Speaker: Yes.

Hon. Kathy Lynn Simmons: I would like indulgence to introduce those Bills on behalf of the Premier.

The Speaker: You can go right ahead, Attorney General.

FIRST READING

GAMING (TRANSFER OF FUNCTIONS) ACT 2021

Hon. Kathy Lynn Simmons: Thank you, Mr. Speaker.

I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, namely, the Gaming (Transfer of Functions) Act 2021.

FIRST READING

BETTING ACT 2021

Hon. Kathy Lynn Simmons: I am also introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, and this is the Betting Act 2021. And if I may move on to—

The Speaker: Thank you. Thank you for those two, Madam Attorney General. I believe there is a third one that is actually in your name. Would you like to present that?

Hon. Kathy Lynn Simmons: Yes.

The Speaker: Go right ahead.

FIRST READING

CRIMINAL CODE AMENDMENT (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) ACT 2021

Hon. Kathy Lynn Simmons: Thank you.

And I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, namely, the Criminal Code Amendment (Non-Consensual Sharing of Intimate Images) Act 2021.

Thank you, Mr. Speaker.

The Speaker: Thank you, Attorney General.

ANNOUNCEMENT BY THE SPEAKER

SERGEANT-AT-ARMS

The Speaker: Members, that now brings us to the Orders of the Day.

Before I go to the Orders of the Day, let me just make an announcement I should have done much earlier. Members, if we were present in the House we would note that the Sergeant-at-Arms has not been with us of late. He is out at the moment and we are being ably taken care of by his replacement, Mr. Erskine Brangman.

You will be familiar with Mr. Brangman, as he has assisted before when the need arose. So I just want to acknowledge the fact that Mr. Brangman has been standing in for the Sergeant-at-Arms.

And, Members, if we were here [together], we would be acknowledging that. So I want to acknowledge it over the air.

ORDERS OF THE DAY

The Speaker: Members and particularly for the listening audience, we are at that stage of the annual Budget Debate. Today we are on day six, day six of the 56 hours that are set aside for the Budget Debate, eight hours each day. And today's eight hours are split between the Ministry of Labour and the Ministry of Legal Affairs.

We will start this morning with Labour. And we will start, as always, when we start Committee the Speaker has to be out of the House. And we are in the able hands of the Panel of Chairs led by the Deputy Speaker. And this morning's session will be led by, I believe it is MP Pearman.

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

The Speaker: MP Pearman will be in the Chair for this morning's session.

So, Minister of Finance, if you could lead us into Committee, the House will then be turned over to MP Pearman.

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the House do now resume in Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for 2021/22.

The Speaker: Are there any objections to that?

No objection. MP Pearman, would you like to take the Chair.

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

House in Committee at 10:48 am

[Mr. Scott Pearman, Chairman]

COMMITTEE OF SUPPLY

ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2021/22

The Chairman: Honourable Members, we are now in the Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2021/22. Today we have the Ministry of Labour. Head 44—Ministry of Labour Headquarters; Head 27—Immigration; Head 55—Financial Assistance; and finally Head 60—Workforce Development are all to be debated.

I call on the Minister, the Honourable Jason Hayward, in charge to proceed.

Minister Hayward, you have the floor.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I am not the Minister of Labour, but this morning

I am speaking on behalf of the Minister of Labour and moving his Heads.

The Chairman: Ah, excellent. Well, I call upon the Honourable and Learned Attorney General to move the Heads on behalf of the Minister of Labour. Please proceed.

MINISTRY OF LABOUR

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

Mr. Chairman, I move the following: Head 44—Ministry of Labour Headquarters; Head 27—Immigration; Head 55—Financial Assistance; and 60—Workforce Development be now taken under consideration.

The Chairman: Thank you, Minister. Please proceed.

HEAD 44—MINISTRY OF LABOUR HEADQUARTERS

Hon. Kathy Lynn Simmons: Mr. Chairman, Honourable Members, I am pleased to present the current accounts estimate for Head 44, which comprises the Ministry of Labour Headquarters, the Labour Relations Section and the Immigration Appeal Tribunal. These estimates can be found on pages B-178 through B-181 of the Estimates of Revenue and Expenditure Book.

Mr. Chairman, the mission of the Ministry of Labour is to drive economic growth and job creation. Mr. Chairman, the Ministry of Labour consists of the Departments of Workforce Development, Financial Assistance, Immigration, and the Labour Relations Section. The Ministry Headquarters will continue with the oversight of multiple policy and legislative initiatives including changes to immigration policy and law, financial assistance reform, implementation of new labour law and Employment Act amendments and the launch of a minimum wage, among others.

The Department of Financial Assistance will implement legislative and policy changes in support of financial assistance reform, including allowing recipients to retain \$2,500 of child support payments received and accept gifts of up to \$2,500. Additionally, recipients will benefit from the implementation of personal employment grants, among other changes. The Department of Immigration will continue to revise immigration policies in an effort to increase economic activity on the Island. This includes the introduction of an Economic Investment Certificate, along with amending current immigration laws regarding permanent resident certificate holders.

The Department of Workforce Development will continue to implement the jobs and re-employment strategy by sponsoring training, apprenticeship programmes, internships and scholarships.

The department will continue to liaise and coordinate with industry stakeholders, to develop and launch training in partnership with industry. The Labour Relations Section will continue the implementation of the new Labour Relations Act, which will include introducing compliance and enforcement of the Act. Work will continue on the development of a minimum wage, to be followed by the living wage.

Mr. Chairman, the mission for the Ministry of Labour Headquarters is to establish effective policy that helps foster the expansion of jobs and economic growth. In order to accomplish this mission, the Ministry will (1) continue to implement comprehensive immigration reform by overseeing process improvements, policy and legislative changes, and IT system upgrades and enhancement; (2) oversee financial assistance reform including policy and legislative changes and operational enhancement; (3) provide leadership and oversight of the Department of Workforce Development for the execution of the re-employment and reintegration job strategy; and (4) oversee the implementation of the new Labour Code, Employment Act amendments and consolidated labour law of the Labour Relations Section.

I will now move on to cost centre 54060, which is the Ministry of Labour Administration. Mr. Chairman, the budget allocated for the Ministry of Labour Administration is \$624,287. This provides for the creation of the Ministry of Labour Headquarters in order to enable the Ministry of Labour to fulfil its mandate.

To facilitate the creation of the Ministry, a Ministry Headquarters is also required. The Ministry of Labour Headquarters has the critical task of bringing together four departments that are integral to the economic recovery, growth of jobs and improved employment conditions in Bermuda. The Ministry Headquarters currently operates with an interim group of staff. Successful implementation of the initiatives and the execution of the Throne Speech initiative moving forward would not be possible in the absence of sufficient numbers and category of personnel in the Ministry Headquarters.

Based on similar existing job description, it is estimated that the Ministry will cost approximately \$418,093 per annum in salary expenses, and the Headquarters will utilise approximately \$206,194 in administrative expenses.

Cost centre 54200, which is the Labour Relations Section, I will talk about now. Mr. Chairman, the budget allocated for the Labour Relations Section (I will call it the Section) is \$712,166. The Section oversees certification and decertification of unions in the workplace and manages labour disputes in both unionised and non-unionised environments. The Section also promotes dispute resolution and prevention and manages employee engagement by offering a variety of training and workshop opportunities. The Section offers a range of free and unbiased services to em-

employers and employees, from consultations on employment situations to managing a complaint or labour dispute, through to settlement or to referral for disposition via tribunal or arbitration panel.

The Section is responsible for the administration of several pieces of legislation, including the Employment Act 2000, the Labour Relations Act 1975, the Labour Disputes Act 1992 and the Trade Union Act 1965. There are two critical pieces of legislation: the Employment Amendment Act 2020, which came into operation on June the 30th, 2020; and the Trade Union and Labour Relations (Consolidation) Act 2020, and the assent date for that Act was January the 22nd, 2021, that will come into effect on the 1st of June 2021.

These two Bills seek to strengthen the rights and obligations of both employees and employers in Bermuda's labour force, as well as modernise and clarify areas of the existing legislation to ensure it is in line with international best practices. In addition, the legislation will revise the labour dispute mechanisms in Bermuda and create one tribunal for the resolution of labour disputes and employment-related complaints.

Mr. Chairman, some of the major amendments to the Employment Act 2000 are as follows:

1. Probationary periods. Timeframes have been built into the legislation to avoid the practice of lengthy extensions of the probationary period. Employers will now be required to provide employees with a review of their performance midway through their probationary period so that employees are aware of areas that need improvement to enable successful completion of their probation. There are exclusions to this section to take into account those services which require a longer probationary period due to the nature of the work conducted.

2. Antenatal care. Employees are no longer required to work for one completed year before being entitled to paid time off from work to attend antenatal appointments.

3. Bereavement leave. Persons for whom bereavement leave may be taken has been extended to include grandparents, great-grandparents, grandchildren and great-grandchildren.

4. Payment upon termination. Employers will be required, upon the termination of an employee, to pay wages and other remuneration or benefits owed to an employee within seven days or at the next interval that the employee would have been paid.

New sections being added to the Act include the following: (1) Independent contractor. The Labour Relations Manager may issue guidance surrounding the employment relationship as it relates to independent contractors to ensure that persons are not being incorrectly classified. (2) Meal breaks. Employees are entitled to a meal break of at least 30 minutes after working continuously for five hours. And lastly, (3) bullying and sexual harassment. Employers are required

to have a policy against bullying and sexual harassment in the workplace that applies to all employees.

The inclusion of this provision is to ensure that all workers are protected from bullying and sexual harassment from both supervisors and colleagues while at work. This addition follows guidance set out by the ILO [International Labour Organization] Convention on Violence and Harassment in the World of Work.

The new Trade Union and Labour Relations (Consolidation) Act 2020 is a consolidation of the Trade Union Act 1965, the Labour Relations Act 1975 and the Labour Disputes Act 1992. The new Trade Union and Labour Relations (Consolidation) Act 2020 is a consolidation of: The Trade Union Act 1965; the Labour Relations Act 1975; and the Labour Disputes Act 1992.

In the current labour legislation in Bermuda, there are nine Tribunals and Boards: The Permanent Arbitration Tribunal; the Essential Industries Disputes Settlement Board; the Trade Union Act Tribunal; Labour Disputes Tribunal; Sole Arbitrator; Arbitrator with Assessors; Independent Chairman with Arbitrators; Mediator; and Board of Inquiry.

Additionally, the Employment Act 2000 established the Employment Tribunal to hear employment-related complaints.

Legislation has been tabled in order to streamline and consolidate the number of tribunals across all labour and employment legislation into one tribunal to be known as the Employment and Labour Relations Tribunal. This means there will be one Tribunal to handle all employment complaints and labour related disputes. This is a significant improvement on the current state of affairs.

With regard to mediation, under the current Labour Relations Act, the Minister has the option to refer a dispute to a Mediator. In the proposed amendments, referral to mediation by the Minister has been removed as mediation outside of the Labour Relations Section has been found to be unnecessary as it prolongs resolution, and most parties opt out.

With regard to civil penalties, under the Labour Acts, persons who commit offences are liable on summary conviction to a fine or imprisonment. In the proposed amendments, establishment of civil penalties up to \$5,000 will replace most offences requiring court appearances.

A civil penalty regime entails a faster, less laborious process with both the Labour Relations Manager and the Employment and Labour Relations Tribunal which are able to impose a penalty.

Immigration Appeals Tribunal

Hon. Kathy Lynn Simmons: I will now move on to cost centre 54210, which is the Immigration Appeals Tribunal.

Mr. Chairman, the Budget allocated for the Immigration Appeals Tribunal is \$122,000 for remuneration of Tribunal Member fees.

The Immigration Appeal Tribunal was established under the Bermuda Immigration and Protection Act 1956 (the principal Act) and the Bermuda Immigration and Protection (Appeal) Rules 2013.

Where a person is aggrieved by a decision of the Minister in respect of which an appeal is expressly allowed by any provision of the Bermuda Immigration and Protection Act 1956, he may, subject to the succeeding provisions, within seven days of the service of any notice upon him communicating that decision to him, appeal to the Immigration Appeal Tribunal by notice in writing addressed to the Clerk of the Immigration Appeal Tribunal.

For the purpose of conducting a hearing, the Immigration Appeals Tribunal has all the powers of a court of summary jurisdiction in relation to the summoning of witnesses, their examination on oath or otherwise and compelling the production of any document or thing relevant to the subject matter of the proceedings.

The Immigration Appeal Tribunal is aided by a Clerk who is assigned by the Permanent Secretary.

The process for an appellant to apply to the Immigration Appeals Tribunal is:

1. An Appellant has from within seven days to file a notice of appeal with the Clerk.
2. Appellants will have both a direction and substantive hearing.
3. The Tribunal conducts the hearing, which may include summoning of witnesses, their examination on oath or otherwise and compelling the production of any document.
4. After the hearing, all parties are notified of the Tribunal's ruling which may be published on the Immigration Appeal Tribunal webpage on the Government Portal.

The Bermuda Constitution Order 1968, the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) and the Bermuda Immigration and Protection (Appeal) Rules 2013 govern the establishment of the Immigration Appeal Tribunal and its duties.

Additionally, legislation that also administers the Immigration Appeal Tribunal is the British Nationality Act and the Accord between the Governments of Bermuda and Portugal. The Board shall consist of a pool of not less than nine members, or more than fourteen members appointed by the Minister.

Total Funding

Hon. Kathy Lynn Simmons: Mr. Chairman, the total operational funding for the Ministry of Labour Headquarters for the coming year is \$1,458,453. No Capital Funding has been approved for the Ministry of Labour Headquarters for fiscal 2021/22.

Personnel

Hon. Kathy Lynn Simmons: Mr. Chairman, the Ministry Headquarters will be seeking to replace the current interim group of staff with sufficient numbers and calibre of full-time personnel in the Ministry Headquarters. The Budget provides for the establishment of the following FTEs for the Ministry of Labour Headquarters: Ministry Financial Controller (new post); Policy Analyst (new post); Policy & Project Coordinator (new post); Business Analyst (new post); Administrative Assistant (new post).

This is a very preliminary estimate and is subject to the finalisation of the actual job descriptions and grading by the Joint Grading Panel.

The Labour Relations Section currently has an establishment of six FTEs which consist of: a Labour Relations Manager; four Labour Relations Officers; and an Administrative Assistant. The Immigration Appeals Tribunal is administered through the Ministry of Labour Headquarters Administrative Staff.

Output Measures and Objectives

Hon. Kathy Lynn Simmons: Mr. Chairman, during the 2020/21 budget year to date the breakdown of the activity is as follows: There were 524 labour dispute inquiries lodged with the Labour Relations Section of which 436 were consultations, 75 were complaints filed pursuant to the Employment Act 2000; 13 were grievances reported pursuant to the Labour Relations Act 1975, Trade Union Act 1965 and/or the Labour Disputes Act 1992.

Mr. Chairman, a further breakdown of the complaints filed and investigated by the Labour Relations Officers were as follows: 39 terminations and outstanding wages; 19 outstanding wages; 12 related to redundancies; 16 complaints regarding constructive dismissal, lay off, maternity leave, vacation pay, reduced work week/overtime, sick leave, Collective Bargaining Agreement procedures and certifications.

The results from the Employment Tribunals and Arbitrations are as follows:

- Employment Tribunals: Fifteen ruled in favour of the complainants; nine were ruled in favour of the respondents; four are awaiting decisions; and five are waiting to be heard.
- Arbitrations: one was ruled in favour of complainant; three were ruled in favour of the respondents; and four are awaiting decisions.

Mr. Chairman, the Immigration Appeals Tribunal started the year with a minor backlog in appeals and spent the year addressing all appeals. The results of the Immigration Appeals Tribunal are as follows: 18 appeals processed during period 1 April 2019 to 31 January 2021; 9 appeals were heard by an Immigration Appeals Tribunal Panel; zero appeals are outstanding as at 31 January 2021. The difference be-

tween appeals processed and heard is due to appeals being withdrawn for various reasons.

Major Achievements 2020/21

Hon. Kathy Lynn Simmons: Mr. Chairman, during the past year, the Ministry has executed a number of initiatives of national importance, including:

- legislative changes to exclude the shelter in place from the calculation of the period qualifying persons for redundancy under the Employment Act;
- extension of the unemployment benefit from 12 weeks to 18 weeks;
- introduction of a Supplemental Unemployment Benefit that is means tested;
- launch of the Department of Workforce Development's Jobs and Re-employment Strategy;
- introduction of a One-Year Residential Certificate (Work from Bermuda) policy to attract persons to work remotely from Bermuda;
- implementation of Mixed Status Families legislation;
- implementation of the new Border Management System and the go-live of e-Gates at L. F. Wade International Airport;
- Cabinet approval of Phase 1 of Financial Assistance Reform;
- passage of the Employment Act Amendments and Trade Union and Labour Relations (Consolidation) Bill through Parliament;
- reintroduction of an unemployment benefit for employees of bars, clubs and persons who must quarantine;
- launching of an Economic Investment Certificate to increase economic activity on the Island.

The Minister of Labour and the Labour Relations Section were involved in labour-related disputes during the 2020/21 financial year. The most notable was the dock workers dispute, which occurred in November 2020, whereby 32 dock workers of Stevedoring Services downed tools after a BIU official at the facility was suspended. This led to a week in which only essentials goods and Christmas trees were being offloaded from the container ships. The matter was eventually sent to the Labour Disputes Tribunal which rendered any further industrial action unlawful. The matter is still with the Labour Disputes Tribunal.

In closing, Mr. Chairman, I would like to take this opportunity to thank the heads of departments and their staff, along with the staff at the Ministry of Labour Headquarters. I thank them for providing excellent service to the people of Bermuda. Their professionalism and dedication has been unwavering and very much appreciated. And that is on behalf of the Minister responsible.

I now move on, Mr. Chairman, to Head 27.

The Chairman: Thank you, Minister.

Honourable Members, we are now in the Committee of Supply for the further consideration of the Estimates of Revenue and Expenditure for the year 2021/22.

We are dealing with the Ministry of Labour and the Honourable and Learned Attorney General who holds the brief for the Minister of Labour is now moving on to Head 27, Immigration. For those following the bundle, that is at pages B-182.

Honourable Minister, you have the floor.

HEAD 27—DEPARTMENT OF IMMIGRATION

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I will proceed with the Executive Summary.

Executive Summary

Hon. Kathy Lynn Simmons: Notwithstanding the financials contained in the Department of Immigration's Budget Brief, the brief contains and highlights:

- The new Border Management System
- e-Gates at the L. F. Wade International Airport
- Mixed Status Families legislation
- Work permit application efficiencies
- Online payment procedures
- Work permit policy overhaul
- Hierarchical structure changes

New Current Account Funding

Hon. Kathy Lynn Simmons: As noted on page B-182, the Department of Immigration has been allocated a budget of \$5,234,000 for the fiscal year 2021/22. This budget has decreased by \$270,000, thus reflecting a 5 per cent decrease in comparison to our current financial year 2020/21.

Mr. Chairman, the material changes of the Subjective Analysis of the Current Account Estimates, as compared with the 2019/20 can be found on page B-298 are as follows:

- Communications estimate increased by 48 per cent or \$101,000. This increase in cost is linked to the increase of passport processing projected for the upcoming financial year.
- Rentals estimate increased by \$74,000 in comparison to the original 2019/20 estimate in column four. Although the increase seems drastic at 308 per cent, it falls in line with the actuals received in financial year 2018/19 and the revised estimates for 2019/20. Ensuring sufficient funding is allocated for the services required.
- Repairs and Maintenance estimates increased by 87 per cent which is \$380,000.

This increase is directly associated with the maintenance and support required to maintain the new Border Management System throughout the year.

- Materials and Supplies estimates increased by \$94,000 in comparison to the original estimates allocated for 2019/20 to accommodate costs associated with printing core services such as work permit cards and letters.
- Other Expenses estimates increased by 67 per cent or \$60,000 in comparison to the original estimates allocated for 2019/20 to cover costs associated to credit card commissions, deportations and other miscellaneous expenses.

Revenue Summary

Hon. Kathy Lynn Simmons: The revenue summary is outlined on page B-298. The total revenue estimate for 2020/21 is \$23,947,000, an increase of \$2,112,000 or 10 per cent in comparison to 2019/20, which is in column four. The most material changes are as follows:

- Passport issuance estimated revenue has increased by 42 per cent compared to 2019/20 original estimate (column four).
- Work permits, work and reside estimated revenue for 2020/21 has doubled the amount in comparison to 2019/20 by \$816,000, or 108 per cent.
- Work permits appeals estimated revenue has also increased by \$36,000, or 52 per cent from 2019/20.
- Residence fees estimated revenue increased by \$70,000, or 137 per cent from 2019/20.
- Nationality estimated revenue increased by \$114,000, or 175 per cent compared to 2019/20.

The primary reason for the large increase of revenue was contributed to conservative estimated revenue for financial year 2019/20. The 2020/21 estimated revenue is more in line with the actual revenue collected both the previous and current financial years, in addition to the 5 per cent increase mandated by Government.

Existing and New Capital Projects

Hon. Kathy Lynn Simmons: Mr. Chairman, funds estimated for Capital Acquisitions for 2020/21 amounts to \$2,035,000 and can be found on page C-15. The amounts allocated include the amount of \$35,000 to be allocated for the replacement of office furniture; the amount of \$2,000,000 to be allocated for the purchase a new border management system to replace the ageing system.

Highlights of key accomplishments 2019/20

Hon. Kathy Lynn Simmons: I now move on to highlights of key accomplishments for financial year 2019/20.

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

- emphasised the complaints procedures for reporting breaches against the Bermuda Immigration and Protection Act 1956;
- undertook a review of the work permit application process and reduced the vetting timeline for bulk application submissions (more than 10 work permit applications submitted by one employer at the same time); and vetting time was reduced from 18 to 2 days;
- revision to the Work Permit Policy in regard to closed category jobs until April 30, 2021;
- prepared for the change out of the current border management system (BMS), the new BMS [would] be online by the end of March 2020 (customer acceptance testing occurred last month and key stakeholder training is currently in process);
- engaged key stakeholders for the implementation of e-gates at the [old] L. F. Wade International Airport and at the new airport; and
- tabled the Bermuda Immigration and Protection Amendment Act 2020 to address mixed status families.

New Initiatives

Hon. Kathy Lynn Simmons: With regard to new initiatives, as a continuance of Immigration Reform, we have begun work to:

- review/rewrite the Work Permit Policy;
- optimise our application forms;
- implement a process for online payments for applications (we will introduce a pilot programme for employers beginning at the end of March 2020);
- review the structure of the department so that application processing for all applications is efficient and quicker; and
- extend our direct oversight at the Executive Jet Facility.

Recruitment updates

Hon. Kathy Lynn Simmons: With regard to recruitment updates, the number of employees required for the Department to operate efficiently is outlined on page B-299. There are 44 established full-time posts,

of which 5 of these posts are currently vacant. A list of the vacant posts consists of:

- Corporate Services Manager—1
- Personal Services Manager—1
- Client Services Officer—1
- Business Systems Officer—1
- Customer Service Representatives—1

Previous incumbents in most of the above positions have remained for the past eight years at least. With the vacancies, there is therefore the requirement to update job descriptions, this exercise is in train. In addition to this, we will be reviewing the shift schedules for our senior immigration inspectors with the aim, as much as possible, of reducing overtime financial payouts; we will take a collaborative approach by engaging staff and the BPSU [Bermuda Public Service Union].

Mr. Chairman, in closing, I would like to thank the dedicated members of staff at the Department of Immigration. I would like to thank the Immigration team under the leadership of Dr. Danette Ming, Chief Immigration Officer and Ms. Marita Grimes, newly appointed Assistant Chief Immigration Officer, together with Ms. Lauren Sadler Best of the Attorney General's Chambers, (and as the Attorney General, I am proud of the sterling work she does), the Immigration Board headed by Mrs. Renee Ming, JP, MP, and the Immigration Appeal Tribunal headed by Mr. Charles Richardson.

Finally, I would also like to thank Mr. Ron-Michel Davis, Ms. Darlene Smith, and Ms. Jannell Burgess, and their respective teams; as well as the Collector of Customs, Mrs. Lucinda Pearman and her airport team for administering the airport border control on behalf of Immigration.

Also, thanks to the Information & Digital Technology (IDT) Office for their timely assistance in ensuring that our systems were operable, particularly at the L. F. Wade International Airport. The IDT Office and the Bermuda Airport Authority (specifically Mr. James Campbell) are to be commended for working tirelessly with the department in respect of the new BMS and e-gates. Without these dedicated agencies, the work of the department may have been delayed and difficult.

Thank you, Mr. Chairman. I will now move on to Head 55, Department of Financial Assistance.

The Chairman: And that is in the bundle, for those who are listening, at page B-187, yes?

Hon. Kathy Lynn Simmons: That is correct.

The Chairman: Thank you.

Please proceed, Honourable and Learned Minister.

HEAD 55—DEPARTMENT OF FINANCIAL ASSISTANCE

Hon. Kathy Lynn Simmons: So, as you said, Mr. Chairman, this is found on pages B-187 through B-190, but also pages C-13 and C-19 of the Estimates of Revenue and Expenditure.

Mission and Objectives

Hon. Kathy Lynn Simmons: Mr. Chairman, I will now present the estimates of expenditure and revenue for Head 55, the Department of Financial Assistance (and I have mentioned where it can be found in the Budget Book).

Mr. Chairman, the mission of the Department of Financial Assistance is *to assist vulnerable Bermudians to maintain a minimum standard of living during challenging economic times*. The objectives of the Department of Financial Assistance include: the improvement of the operational, financial and legal compliance functions aimed at enhancing efficiencies and detecting financial assistance fraud; to sustainably manage operating cost of awards to financial assistance clients; to apply internationally recognised standards of care when managing relationships with financial assistance clients; and to leverage collaboration with other government departments in achieving digitisation.

Mr. Chairman, let me begin by stating that the advent of the novel Coronavirus pandemic placed significant operational and logistical challenges on the department for the past 12 months. Given the high risk to health that the pandemic placed on public-facing officers and the uncertainties and difficulties experienced in conducting re-assessments, the department continued to successfully service all eligible financial assistance clients.

In addition, the department provided business continuity for new applicants, whilst shouldering responsibility for the Supplemental Unemployment Benefit programme. For this, on behalf of the Minister, I would like to recognise the hard work and dedicated actions demonstrated by the Financial Assistance Team in upholding the mission and objectives of the department. The Supplemental Unemployment Benefit programme will be discussed later on in this brief.

Expenditure Overview

Hon. Kathy Lynn Simmons: Mr. Chairman, the total current expenditure is estimated to be \$51,406,033, as shown on page B-188. This amount constitutes 83 per cent of the budget allocated for the Ministry as a whole and is an increase of \$462,135, or 1 per cent from the prior year. This allocation of funds will continue to fund the financial assistance programme, the child day care allowance programme and general administration support during the fiscal period.

Note, Mr. Chairman, that during prior year 2020/21, the Ministry received additional funding to ensure financial assistance payouts can be sustained, based on forecasted upward trend of new applications due to COVID-19. This additional funding totalled \$2,662,822, and was appropriated to cost centre 65997, National Health Emergency. Overall, with this additional funding, the revised total current expenditure for 2020/21 stands at \$53,402,000 as shown on page B-188.

Capital Expenditure

Hon. Kathy Lynn Simmons: Mr. Chairman, the total capital expenditure is estimated to be zero dollars in fiscal year 2021/22, compared to \$30,308 from the prior year, as shown on page C-13. Capital projects were re-prioritised in the prior year and funding was used to cover critical computer software upgrades to enhance the service potential of the Financial Assistance dedicated software and to provide computer equipment necessary to aid with in-office training and facilitate remote meetings as a result of COVID-19.

Manpower

Hon. Kathy Lynn Simmons: Mr. Chairman, during the prior year 2020/21, recommendations from a review conducted by Management Consulting Services for optimal design or framework to meet current and projected client demand was implemented by the Department of Financial Assistance. The review confirmed that the current organisational structure was inadequate with respect to roles, capabilities and responsibilities. Therefore, due to structural deficiencies and capability gaps, recommendations for 21 job title changes, abolishment of 2 positions, enhancement of 2 positions and creation of 2 new positions were approved by Cabinet. Combined, these changes resulted in 1 new FTE.

Mr. Chairman, as a direct consequence of COVID-19, the Department has experienced an increase in overall caseloads due to high unemployment levels. Hence, as the size of the portfolio per financial assistance officer continued to rise, the department requested and received additional funding for temporary service providers in prior year 2020/21 to ensure capacity can manage the demand for the service requested.

This became crucial to avoid burn out and also to ensure the department continued to perform its fiduciary responsibilities in compliance with the law, its governance structure, risk management and internal control checks. Despite optimising efficiency, the workload remains challenging, and based on a continued upward trend of new FA clients is at risk of becoming unsustainable as a direct result of the impact from COVID-19.

Now, present day, Mr. Chairman, the department is required to identify key levers of success and failures whilst deploying short-term planning cycles and an agile forecasting tool during this time of uncertainty. As such, the department has received an extension of the additional funding for temporary service providers in the prior year, as previously discussed, to ensure a continued and uninterrupted service to new and existing financial assistance and child day care allowance clients. This new funding represents 6 FTEs, which together with the 1 new FTE, as previously discussed, brings the total FTE count for 2021/22 to 41, compared to 34 from the prior year as shown on page B-189.

During fiscal year 2020/21, job descriptions were reviewed and revised by all respective employees in accordance with the new organisation structure to ensure consistency with work expected and work performed. These job descriptions were then submitted to the Department of Human Resources for review, approval and re-assessment of pay grades.

As previously mentioned, the department is seeking to upgrade its current technology systems to allow for more streamlined processes. The upgrades should also promote improved statistical data reporting.

Output Measures

Hon. Kathy Lynn Simmons: Mr. Chairman, the 2021/22 budget estimates are listed as two business units shown on page B-188. They are 65050 Grants and Administration, and 65080 General Administration.

Mr. Chairman, cost centre 65050 Grants and Administration is estimated at \$47,342,320. These funds maintain the Financial Assistance programme and the Child Day Care programme. This amount is a decrease from the original prior year budget appropriation of \$203,082 or 0.5 per cent. This decrease is due to the removal of grant funding to community-based programmes by this Ministry, which will be discussed later.

Mr. Chairman, there are two types of grants awarded from this estimate. The first involves the issuance of funding to support community-based programmes such as Vision Bermuda, Meals on Wheels and Salvation Army, as shown on page C-19. Under this Ministry, the total support to these helping organizations amounts to zero dollars in 2021/22, as these grants are now under the remit of the Ministry of Social Development and Seniors.

The remaining amount of \$47,342,320 serves as the total budget divided between the Financial Assistance programme for eligible individuals of \$45,240,206, and the Child Day Care allowance programme of \$2,102,114.

Mr. Chairman, the total estimate for cost centre 65080, general administration, for 2021/22 is

\$4,063,713, as shown on page B-188. This is an increase of [\$665,217] from the prior year. This increase is due to a combination of factors. First, an increase in salaries due to an uplift in pay grades after review by the Department of Human Resources; additional funding of one new position after Management Consulting Services review; and an extension of six temporary service providers, as previously discussed. This increase in total salaries is \$652,717.

Second, as a result of increasing caseloads and clients, it is expected that there will be an additional financial burden of operational and administrative expenditure to facilitate this increase. Therefore, additional funding is requested over and above prior year as follows: an increase in repair and maintenance of \$22,000, which consists of an increase in software maintenance of \$11,000 and an increase in repair and maintenance of office equipment, printers and photocopiers of \$11,000.

Material and supplies increased by \$8,000 from the prior year and was mainly due to an increase in printing costs and office supplies of \$3,000, and an increase in cleaning costs for all office spaces and public service lobby areas of \$3,500.

Advertising and marketing expenditure is budgeted at zero dollars, compared to \$2,500 in the prior year, as none is anticipated in 2021/22. Similarly, the total training budget was reduced by \$15,000, as it is anticipated that in-house training will become more prevalent, whilst ensuring staff retains certification and are kept abreast of current industry trends and practices.

Mr. Chairman, the department's investigative officers continue to conduct investigations and pursue individuals or organisations that commit fraud and abuse of the system, for example, instances where there were unreported income (such as inheritance or gambling income), undeclared employment, unscrupulous landlords, overstatement of caregiver hours, unreported and unauthorised travel; misuse of food cards; or instances where unreported deaths of financial assistance clients result in an overpayment to residential homes and/or unauthorised client re-location between nursing/rest homes.

Mr. Chairman, at the time of this brief, there were 69 active cases for which the total reimbursable amount due to the department is \$402,012. Prior to the end of the fiscal year, four cases have been referred to the Department of Public Prosecution in an attempt to recover approximately \$29,000; and two cases have been referred to the Attorney General's Chambers in an attempt to recover approximately \$157,091. These cases are as a result of fraudulent activity or abuse of the system.

Major Policy Changes

Hon. Kathy Lynn Simmons: Mr. Chairman, faced with a public health pandemic globally, COVID-19

presented an unusual disruption to the Bermuda economy. As a result, the Government expressed its commitment to provide access to the Supplemental Unemployment Benefit to certain individuals whose employment was directly impacted by COVID-19. In September 2020, the Public Treasury Supplemental Unemployment Benefit Regulations 2020 became operative, and the Department of Financial Assistance was appointed to manage key functions as laid out in that document.

To ensure business continuity in all other key activities and deliverables, the department changed its operational strategy to facilitate this new legislation. This involved re-allocating internal resources; shifting some resources into acting roles within the department; and hiring temporary service providers to manage efficiency and cover already stretched resources because of an increase in the volume of new applications.

At the time of this brief, 115 satisfied the criteria for receipt of the Supplemental Unemployment Benefit, with a total cost to date of approximately \$584,000.

Mr. Chairman, in last year's budget brief, it was stated that in preparation of the implementation of a new structure, financial assistance teams were switched, and case files were evenly distributed amongst officers to promote an equitable working environment. I am pleased, on behalf of the Minister, to inform this House that as of January 2021, the distribution of caseloads among financial assistance officers remains equitable and currently stands at 160 files per officer, within acceptable industry standards. This was achievable, mainly in part for additional funding provided for temporary service providers.

At the time of this brief the average monthly total number of clients equalled 2,281, an increase of 10 per cent from prior year. As previously stated, this increase in trend analysis is expected to sustain in fiscal year 2021/22 and as such, an extension of funding for the temporary service providers was provided in the new budget year.

The department is focused on the use of data analytics to aid with continued compliance with Financial Instructions, Financial Assistance Act and Regulations, the Child Day Care Allowance Act and Regulations and the Public Treasury Supplemental Unemployment Benefit Regulations. A risk management framework that conforms to ISO 31000 is also being researched for consideration and implementation.

It is the intent that this risk framework will provide value added capability to the current system and aid with robust technical solutions when addressing audit exit point deficiencies. Internal policy writing to align with legislation continues to be a work in progress.

Plans for the Upcoming Year

Hon. Kathy Lynn Simmons: Mr. Chairman, during the course of the next 18 months the department will primarily focus on Financial Assistance Reform. The reform initiative is designed to reduce the number of individuals and families currently dependent on government assistance to become self-sufficient through employment opportunities. The system has consistently prioritised punitive rules that ultimately created barriers, rather than create hope by “building bridges” towards obtaining employment.

Introducing reform with the current market conditions is a mammoth task. To ensure success this initiative will be launched in a phased approach. The first phase (of six months) will see amendments to the current legislation that will require:

1. All abled-bodied persons to have personal employment plans that will assist them to navigate the pathway to securing employment. This is a joint initiative with the Department of Workforce Development that is outcome-based, which means that it focuses on an individual's success in securing employment. A proposed legislative amendment will also allow those successful in securing employment to retain their earnings for a specified period to build their assets and be better positioned to maintain their livelihood. Stable employment is generally the best pathway to long-term financial security. This is a priority for the government and for recipients of financial assistance.

2. Goals to enable clients to retain gifts up to \$2,500 in a calendar year (not to exceed five years). This gives a household an opportunity to build up some savings before they leave the programme.

3. Enable parents or guardians to retain 50 per cent of child support payments until child has reached the age of five years or there is sufficient savings to equal six months childcare fees.

The Chairman: Thank you, Minister. Was that correction just a correction to your brief, or is there a correction to the Budget Book itself?

Hon. Kathy Lynn Simmons: It is \$2,500. It was to the brief.

The Chairman: Thank you. Please proceed.

Hon. Kathy Lynn Simmons: Thank you.

Mr. Chairman, the second phase will be launched by end of the fiscal year. It will involve changes in legislation to support the abled-bodied disabled persons. Better access to employment opportunities is required to assist these individuals to become self-sufficient and independent. Financial Assistance awards are intended to ensure that everyone has access to the standard necessities of life to improve their well-being.

Mr. Chairman, currently, applicants and recipients of financial assistance spend a great deal of time completing application forms and documenting their continued eligibility, rather than focusing on activities that will assist them to become self-sufficient. The department will streamline access to services and support by digitising the application and re-assessment process. This will ease accessibility, reduce waste, improve efficiencies and enhances outcomes and reduces risk.

Mr. Chairman, the Department of Financial Assistance continues to work hard to support Bermudians who have been disadvantaged as a result of an ever-changing economy. The COVID-19 pandemic certainly provided some challenges for the team. However, even during shelter in place they were able to deliver essential services to the community.

I would like to take this opportunity on behalf of the Minister to thank the staff of the department for their continued dedication.

Mr. Chairman, this ends my presentation on Head 55, the Department of Financial Assistance.

The Chairman: Thank you, Minister.

Honourable Members, we are in the Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2021/22. We are on the Ministry of Labour debate. We just heard from the Honourable and Learned Attorney General on Heads 44, 27, and 55. And the Attorney General will now take us to Head 60, which is Workforce Development. For those following the bundle, it mentions this commences on page B-191.

Honourable and Learned Attorney General, you have the floor.

HEAD 60—DEPARTMENT OF WORKFORCE DEVELOPMENT

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

I will now move to the 2021/22 estimates of revenue and expenditure for the Department of Workforce Development, Head 60, found on pages B-191 through B-196 of the Budget Book.

Mr. Chairman, in preparation of their estimates of revenue and expenditure, the Department of Workforce Development also conducted a review of its programmes, services and mission in conjunction with the National Workforce Development Plan. The resulting revised mission statement of the Department of Workforce Development as highlighted on page B-191 is: *To develop a resilient workforce, to provide a sustainable and stable community.*

Mr. Chairman, the objectives of the department are:

- to assist with development of a Draft Policy Paper and Cabinet Memorandum to obtain authorisation to issue drafting instructions in

support of phase 1 of Financial Assistance Reform, to include the development of Personal Employment Plans;

- to execute Phase 2 and Phase 3 of the Workforce Development Re-employment Re-integration Job Strategy;
- to design and facilitate the implementation of the Training and Development Plan in targeted occupations of restaurants, cleaning, landscaping, certified administrative assistant sectors among others;
- to complete the Project Plan and begin implementation of the clean-up of the Unemployment Benefit database to allow for retro-active approval of applications.

Mr. Chairman, the department's 2021/22 Mission Statement and objectives have been amended to reflect Government's reform and new vision statement, which is, *Future Forward Government for the People of Bermuda*.

Mr. Chairman, our primary aim is to assist Bermudians to become work ready and to position them to successfully participate in Bermuda's workforce. This starts at school-age and continues through until retirement. The Department of Workforce Development is a partner in ensuring Bermudians are prepared for the workforce by providing;

- job opportunities in the summer for both high school and college students;
- scholarships for local and overseas study;
- apprenticeships and training;
- national certification training;
- professional development;
- career guidance;
- assistance on redundancy and career changes;
- employability skills training;
- job search support;
- graduate trainee and development programmes; and
- the Bermuda Job Board.

Mr. Chairman, as noted on page B-192, the Department of Workforce Development has been allocated a budget of \$3,601,798 for the fiscal year 2021/22. This budget is \$692,693 less than the 2020/21 budget allocation. As part of the review and zero-based budget process, there have been quite a few changes in the budget for programmes within the department.

Mr. Chairman, the Department of Workforce Development comprises three programmes as noted on page B-192. They are General Administration, Career Development, and Training.

With regard to programme 6001, General Administration, this is responsible for the overall management and administration of the Department of Workforce Development. As seen on page B-192, business unit 70000, Administration, has been allo-

cated a budget of [\$586,145] for the financial year 2021/22. This budget is \$80,000, or 12 per cent less than the 2020/21 allocation owing to a decrease in all business units in the reduction of programmes, initiatives and service levels cost savings. This has been offset in part by a decrease in contractors cost and cleaning expenses. This section is staffed by four full-time employees, consisting of the director, an administrative accounts officer, a customer service representative and a two-year temporary IT officer as reflected on page B-194. The director's post is currently vacant; however, it is anticipated that the recruitment for the post will commence during the new fiscal period.

Mr. Chairman, programme 6003, Career Development, is comprised of Career Development Administration 70300 and Career Development 70400. The programme is responsible for client assessment, employability skills training and job search support. Where indicated, clients may be referred for specific skills training and other support services to increase the individual's prospects for suitable employment and job retention.

The 2021/22 budget allocation for the entire Career Development Programme is \$1,334,864, which represents a decrease of \$62,136, or 7 per cent compared with the 2020/21 budget allocation.

Mr. Chairman, the Career Development Administration is responsible for designing services to meet the needs of job seekers and reduce employment barriers. The section works closely with employers, the Department of Financial Assistance to assist abled-bodied clients and the Department of Immigration.

Mr. Chairman, business unit 70300, Career Development Administration, has been allocated a budget of \$422,258 for the financial year 2021/22. This represents a decrease of \$10,500, or 3 per cent less than the original 2020/21 budget allocation owing to a reduction in overseas training and travel costs. This section is staffed by five full-time employees consisting of the career development manager, two training and development officers, an administrative assistant and one intake officer as indicated on page B-194.

Career Development business unit 70400 has been allocated a budget of \$912,606 for the financial year 2021/22, which represents a decrease of \$51,554, or 5 per cent of the original 2020/21 budget. Funds to support the Summer Employment Programme (SEP) for college and university students have been moved to wages for reclassification purposes, resulting in a corresponding increase in salaries of \$460,000 in wages. This section is staffed by three full-time career development officers as shown on page B-194.

Mr. Chairman, the purpose of programme 6004, Training, is to provide administration and oversight of the National Training Board activities. This

section supports the apprenticeship programmes, the distribution of scholarships, professional designation training schemes, and national certification of designated trades. The 2021/22 budget allocation for the entire Training Programme is \$1,680,789, a decrease of \$551,000, or 25 per cent compared with the 2020/21 budget allocation.

Mr. Chairman, business unit 70014, Training Administration, has been allocated a budget \$264,412 for the financial year 2021/22. This represents a decrease of \$17,825 compared to the 2020/21 budget allocation. The section is staffed by three full-time employees consisting of a training manager, and two administrative assistants as stated on page B-194.

Mr. Chairman, business unit 70015, Certification, has been allocated a budget of \$287,892 for the financial year 2021/22. This reflects a decrease of \$221,237, or 43 per cent. Funds have been reallocated to business unit 70016, Apprenticeship and Professional Development, and business unit 70400, Career Development, to support an increase in overseas scholarships and the increased rate for the summer employment programmes. The staff complement for this business unit is two as noted on page B-194, made up of standard and enforcement officers. One standard and enforcement officer post is currently vacant. However, funding for this post has been transferred to support Ministry Headquarters staffing.

Mr. Chairman, business unit 70016, Apprenticeship and Professional Development, has been allocated a budget of \$1,128,485 for the financial year 2021/22, a decrease of \$311,929 or 22 per cent. The staff complement for this business unit is three training and assessment officers, as noted on page B-194.

Mr. Chairman, I will now discuss the subjective analysis for the Department of Workforce Development found on page B-193 and the employee numbers found on page B-194. The budget for financial year 2021/22 of \$3,601,798 is significantly decreased by \$692,764, or 16 per cent. As part of the government's cost saving plan and zero-based budget process, the overall budget has quite a few changes for programmes and services. I will speak to those object codes where there are major changes.

Mr. Chairman, the training budget estimate for financial year 2021/22 is \$264,412, and represents a \$17,825, or 6 per cent reduction. Reduction of these funds represents staff training, printing and subscription-related expenses that more accurately reflect actual spend rates and planned training.

Mr. Chairman, the travel estimates for financial year 2021/22 is zero, a decrease of \$13,895, and represents a 100 per cent reduction in cost savings. These funds again relate to staff and overseas training, airfare/travel, accommodation, subsistence [and] other travel-related expenses.

Mr. Chairman, the communications estimate for financial year 2021/22 is \$14,600, and represents a \$3,600, or 75 per cent increase. These funds relate

to increased use of office and cellular telephone usage and Internet charges, due to the unemployment benefit initiative and associated cost tasked by the department for the six-month period March to August 2021.

Mr. Chairman, the advertising and promotion estimate for financial year 2021/22 is \$10,500, and represents a \$13,500 decrease, or 22 per cent reduction. The reduction reflects a more focused use of advertising and promotion through the Department of Communication and Information and the increased use of social media for this purpose.

Mr. Chairman, the professional services estimate for financial year 2021/22 is \$45,578, and represents a \$36,525 increase, or 20 per cent. This increase is related to a combination of factors including the revision of contracts for the department and to make savings in the use of contractors to cover and offset cost for vacant posts.

Mr. Chairman, the repairs and maintenance estimate for financial year 2021/22 is \$48,450, and represents a \$96,550, or 50 per cent decrease. The decrease primarily relates to a reduced level of maintenance costs associated with security, refuse, pest control with the exception of repair and maintenance cleaning services that increased by \$12,000—

Mr. Jarion Richardson: Sorry, Mr. Chairman, I am sorry to interrupt. I am just trying to find that number. I must be looking at something different. Where on page B-193—

The Chairman: We are on page B-193.

Mr. Jarion Richardson: Subjective analysis of current accounts, repairs and maintenance, and I am looking at a number that says 100,000.

The Chairman: Honourable Minister, are you able to assist with tying your numbers down with the numbers in the Budget Book? As the Honourable Member points out, we are at page B-193, and I believe you were—

Hon. Kathy Lynn Simmons: I will defer to the Minister, Mr. Chairman, if he can . . . the Minister will provide clarification in due course.

The Chairman: Thank you, Honourable Minister.

MP Richardson, that is certainly a question you are entitled to pose, and you should pose to the Minister when we get there. But the question relates to the line item repairs and maintenance in the top box on page B-193, if the Honourable Minister can prepare to address that.

Sorry, I will take a quick pause just for the benefit of the listening audience. Honourable Members we are in Committee of Supply for further consideration of the Estimates of Revenues and Expendi-

ture for the year 2021/22. We are currently doing the Ministry of Labour and we are on the fourth and final Head for that Ministry, being Head 60, Workforce Development. And as MP Richardson just pointed out, the Honourable and Learned Attorney General speaking for the Minister, was addressing the items under the subjective analysis of current account estimates at page B-193.

Honourable Attorney General, please continue when you are ready.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I am going to read that last sentence that the Member was referring to just to complete the paragraph.

So, the decrease primarily relates to a reduced level of maintenance costs associated with security, refuse, pest control with the exception of repair and maintenance cleaning services that increased by \$12,000 for additional deep cleaning for health and safety purposes, due to COVID-19.

And I will continue.

Mr. Chairman, the materials and supplies estimate for financial year 2021/22 is \$34,043, a reduction of \$27,966, or 18 per cent. The reduction in the purchasing of office supplies, food supplies as well as printing related cost to reflect cost savings using a more measured estimate and spending rates for the Department.

Mr. Chairman, the grants and contributions estimate for financial year 2021/22 is \$1,505,000, and represents a \$398,000, or 21 per cent reduction in costs.

Mr. Chairman, details of Grants and Contributions can be found on page C-19. The grants and contributions will fund the government sponsored scholarships, apprenticeship scheme, sponsorship for trainees, National Certification Training and the Summer Student Programmes, as follows:

- \$80,000 has been allocated for the Summer Internship Programme to fund senior high school students; Wages remains the same.
- The estimate for overseas Scholarships stands at \$350,000. This amount reflects a \$100,000 decrease from the previous fiscal year 2020/21. Local scholarship allocated amount for this fiscal year 2021/22 is \$80,000. This represents a decrease of \$20,000 in local scholarships which reflect against additional grants for financial aid at Bermuda College and other sponsors to meet demand.

The Chairman: Excuse me, Honourable Minister, can I just check . . . you're on page C-19?

Hon. Kathy Lynn Simmons: Yes, that is correct.

The Chairman: And which line item are we on?

Hon. Kathy Lynn Simmons: I am on scholarships, line item [INAUDIBLE]

The Chairman: Thank you.
Is it six, eight?

Mr. Jarion Richardson: Six, six.

The Chairman: Six, six. Okay.
Please proceed.

Hon. Kathy Lynn Simmons: Thank you.

I am just going to read this last one. Actually, I am going to read the entire reference to scholarships again.

The estimate for overseas Scholarships stands at \$350,000. This amount reflects a \$100,000 decrease from the previous fiscal year 2020/21. Local scholarship allocated amount for this fiscal year 2021/22 is \$80,000. This represents a decrease of \$20,000 in local scholarships which reflect against additional grants for financial aid at Bermuda College and other sponsors to meet demand.

Based on multi-year overseas and local scholarship awards to new and continuing students, this will fund approximately 35 overseas and 25 local scholarship awards for 2021/22.

- The estimate for Apprenticeship Scheme was decreased by \$150,000 to \$321,000. This will significantly reduce the apprenticeship opportunities for young Bermudians to train and gain entry into the workforce.
- The estimate for Sponsorship–Trainees is \$88,000 for short-term training programmes which are usually less than two years in duration. This budget is reduced by \$26,000 from the 2020/21 budget allocation.
- The estimate for National Certification Training programme is decreased by \$115,000 to \$175,000. This reduction represents a more accurate estimate based on previous years' expenditure. Funds were reallocated to support an increase in overseas scholarships, apprenticeships and the summer student programme. The certification training programme is steered by legislation and designed to ensure a benchmark standard for the designated trades. Currently there are four designated occupations: electricians, automotive technicians, welders and landscape gardeners.
- Funding for the Summer Student Programme remains unchanged from the 2020/21 budget at \$80,000. The \$80,000 is allocated for the Department's Summer Internship Programme (SIP) which provides an introduction to the workforce for high school students. Students will be given the opportunity to participate in a work placement during the month of July.

Mr. Chairman, revenue for 2020/21, is listed on page B-193, and is estimated at \$8,000. The estimates are the expected revenue from fees charged to applicants registering for National Certification and Apprenticeship training in 2021/22. The statutory application fee for each applicant for National Certification is \$265 and \$50 for apprenticeships.

Mr. Chairman, whilst I have addressed employee numbers or full-time equivalents in the various business units, you will note on page B-194 that one of the two standard and enforcement officer posts remains vacant and unfunded for this financial year 2021/22 with employee numbers for the department at 19.

Mr. Chairman, I will now provide a backdrop to share the hard work and intervention of the Department of Workforce Development in the context of the Coronavirus pandemic and its relevance to the implementation of the Unemployment Benefit and the Re-employment Re-integration Strategic Plan. During the last quarter of the fiscal year, the Department of Workforce Development was charged with administering the Unemployment Benefit utilising the Public Treasury (Administration for Payments) Act 1969 which established the Unemployment Insurance Fund in 2002.

Mr. Chairman, the intent of this legislation provides the authority for the Minister of Finance to make payment out of the Unemployment Insurance Fund for the purpose of temporary assistance of unemployment benefit to individuals directly impacted by COVID-19. The Public Treasury (Administration and Payments) Regulations 2020 were enacted to directly address this unprecedented crisis of unforeseen magnitude that posed a public health and economic threat locally and globally, which left thousands of residents unemployed presenting unusual disruption to the social fabric and economy of Bermuda.

Mr. Chairman, during the unprecedented COVID-19 pandemic, the Department of Workforce Development was charged with administering the Unemployment Benefit project during the months of March to August 2021. During this six-month period, the training and career development sections of the department's concentrated efforts shifted to assist applicants to register online and in person to become eligible to receive the government's financial benefit during their time of financial hardship. At the end of August 2021, over 10,000 residents received unemployment benefits administered by staff of the Department of Workforce Development along with a team of 89 employees recruited from across various government departments.

As a result of this unprecedented crisis, normal programmes and services were temporarily suspended. Subsequently, projected levels of programmes and services for the fiscal year 2021/22 were severely curtailed.

Mr. Chairman, the Performance Measures for the Department of Workforce and Development are found on pages B-195 and B-196.

The number of persons sponsored for local and overseas training during financial year 2020/21 was 150 compared to financial year 2019/20 figure of 131. Several students at the entry level of their occupations elected to obtain industry recognised certifications, associate's degrees and bachelor's degrees and in some instances specialised instructor certifications in diverse sectors of the workforce. The breakdown of local and overseas training programmes is as follows:

Local Training programmes:

- Nursing, (Certificate and Associate programmes) Bermuda College;
- General Education Diploma, C.A.R.E. Learning Centre and Adult Education;
- Safety and Instructor Certification Training Programme (ICTP), National Center for Construction Education and Research (NCCER);
- Learn to Earn Restaurant Training Initiative, Bermuda Tourism Authority;
- Hospitality Management, Bermuda College;
- Culinary Arts, Bermuda College;
- Horticulture for Landscape Gardeners, Bermuda College;
- Bartending Certification Programme, Bermuda College;
- Wood Technology, Bermuda College
- Electrical Wiring, Bermuda College;
- Hairdressing, Bermuda College;
- Business Degree, Bermuda College;
- Associate of Science, Bermuda College;
- Elevator Technician, Otis Elevator;
- Heating, Ventilation and Air-conditioning, Bermuda College;
- Power Engineering, Tyne's Bay Waste-to-Energy Facility; and
- Successful Academic and Vocational Education Programme (SAVE), Bermuda Government, Court Services.

Overseas Training programmes:

- Building Systems & Engineering Technicians;
- Cybersecurity and Networking;
- Mechanical Engineering;
- Nursing Associate's and Bachelor's degrees;
- Microbiology;
- Medicine;
- Actuarial Science;
- Accounting and Economics;
- Electrical Engineering;
- Pharmacy;
- Computer Networking;
- Trichology;
- Marine Engineering;
- Automotive Engineering;

- Tourism and Travel Management;
- Surgery and Medicine;
- Biomedical Science;
- Information Technology;
- Dental Hygiene;
- Environmental Science;
- Hospitality Business Management;
- International Business;
- Computer Engineering;
- Power Engineering;
- Business Administration;
- Radiology Technician; and
- Veterinary Technology.

Mr. Chairman, the department continues to collaborate with industry stakeholders to provide training and professional development to ensure that Bermudians have a pathway to national certification.

Mr. Chairman, the total number of individuals certified as of January 31, 2021, was 203, equal to the previous year. As a result of staff shortages, the post for the Standard and Enforcement Officer remains vacant. It is anticipated that the recruitment for a Standards and Enforcement Officer will be filled this upcoming budget year. Additionally, due to COVID-19 and department staff and resources/efforts diverted to administer the Unemployment Benefit for the six-month period March to August 2021, the national certification process was interrupted having major impact on its progress. As of January 31, 2021, the number of individuals certified includes: 42 electricians; 27 welders; 31 automotive service technicians; and 103 landscape gardeners.

The constitution of the new National Training Board Chairperson and committee will make a concerted effort to revisit and advance the national certification process, in partnership with the Occupational Advisory Committee (OAC).

The Apprenticeship/Professional Development performance measures are outlined in business unit 70016 on page B-192. The scholarship programmes included in this business unit, are available to individuals 18 years old or older, and who are interested in expanding their skills and knowledge focusing on vocational and technical education. Financial support is provided for local and overseas educational pursuits.

Mr. Chairman, the Training Section awards scholarships based on local workforce needs, particularly in areas underrepresented by Bermudians. During the period 2020/21 the department provided funding for a total of 43 students for overseas studies, of which 12 were new and 31 continuing awards. Due to the COVID-19 pandemic and the inability of some students to return overseas, some continue their studies online and others deferred their education until 2021/22.

The department sponsored an additional eight individuals for funding for the General Education Di-

ploma (GED) this fiscal year. Of the eight, five attended CARE Learning Centre and three attended the Adult Education. The department initially budgeted for a total of 25 GED sponsorships. However, due to COVID-19 shelter in place restrictions, classes were suspended. Typically, the department provides sponsorship for a maximum of 25 individuals, not to exceed \$5,000 per person for a three-term semester annually. However, due to budget cost savings 17 individuals were funded for the previous year.

Mr. Chairman, the Career Development Section performance measures are outlined in business unit 70400 on page B-192. The Career Development Section prepares individuals, particularly the vulnerable population, for the workforce. As of February 28, 2021, a total of 1,644 persons were registered with the department as either unemployed or seeking alternative employment. In the previous budget year, 1,559 persons were registered with the Career Development Section, reflecting a 5 per cent increase in registrants.

The department has worked diligently to provide career development and transitional services for unemployed persons. As of February 28, 2021, the department provided services for 1,002 persons during this financial year, of which 249 were new registrants. Career Development services included:

- career and skill assessments;
- résumé critique and development;
- employability skills training;
- providing resource information for e-learning opportunities and Workforce Development training;
- job search assistance; and
- career guidance.

As of February 28, 2021, 416 career assessments were administered.

Mr. Chairman, as a requirement of the 2015 Work Permit Policy, the Career Development Section, this financial year received requests for referrals relating to 371 restricted job category positions. Subsequently, there were 736 suitable candidates referred. As of February 28, 2021, there were 103 reported hires compared to 114 for the previous year. The workforce has been significantly impacted this financial year due to COVID-19 and measures taken to ensure public health. Additionally, as previously indicated, normal services and operations were suspended for a significant portion of this financial year to support administration of the Unemployment Benefit and public health. Although there is a marked decrease in reported hires, the section awaits details of hires for recent recruitment and training initiatives.

The Career Development Section continues to utilise the Bermuda Job Board as a job search and referral tool to assist clients. Registration sessions and introductory computer courses are ordinarily offered regularly. However, this fiscal year the section has had to reduce the number of participants in each

training in accordance with Government COVID-19 regulations. Each session is designed to help persons with limited computer literacy skills to build confidence with technology and apply for jobs online to increase their prospects of employment.

Mr. Chairman, as of February 28, 2021, there were 19,832 candidates registered on the Bermuda Job Board, an increase of 2,369 from the previous year. The number of employers registered currently stands at 2,573; an increase of 199 from the previous year. There were 240 jobs posted as of February 28, 2021.

The Job Board continues to see considerable activity with 248,095 job applications submitted to date since its initial launch in 2013. This represents an increase of 41,982 submissions from 2019/20 fiscal year. The ability for employers to report on hires was developed in March 2016. Since then, there have been 4,692 reported hires through the Bermuda Job Board; representing an increase of 1,336 from the previous year. The hires consist of

- 147 in 2015
- 974 in 2016;
- 759 in 2017;
- 738 hires for 2018;
- 924 hires for 2019;
- 1,118 hires for 2020; and
- 32 hires to date for 2021.

Mr. Chairman, the Career Development Section facilitates employability skills workshops to equip job seekers with the tools necessary for employment success. As of February 28, 2021, 417 persons participated in training such as interview skills, résumé development, navigating online job platforms, labour market information and marketing yourself for success. The low attendance is primarily attributed to no shows, low registration and the inability to contact clients who would benefit from the sessions. This was further compounded with the suspension of regular services due to COVID-19 and the deployment of resources to support administration of the Unemployment Benefit. However, the department is positioned to continue to exceed last year's total of 421.

Major Achievements

Hon. Kathy Lynn Simmons: Mr. Chairman, I now shift to highlight some of the additional work that was undertaken during the 2020/21 financial year. You will recall, in early 2020, the country faced unprecedented challenges due to the COVID-19 global pandemic. Efforts to protect the public and minimise the spread of virus prompted cautionary measures (shelter in place). The COVID-19 regulations, though necessary for public health, have resulted in long-term unintended consequences for Bermuda's economy, tourism industry and workforce. In light of these unforeseen challenges, the Government made a commitment to

provide access to temporary unemployment benefits for individuals directly impacted by COVID-19.

Government has reported over 10,000 persons have received the temporary assistance to date. During this period, the department was at the forefront of creating a structure and mechanism to support administration of the Temporary Unemployment Benefit, provide information to the public and address applicant queries. Subsequently, due to the magnitude of the unemployment benefit programme, the volume of applications and COVID-19 regulations, the department found it necessary to suspend normal operations and services. This has significantly impacted planned programs for the financial year 2020/21.

Mr. Chairman, whilst Bermudians sheltered in place, the Career Development Section provided the public with information and resources to assess their current skillset and contemplate retooling for future opportunities. Interested persons were provided links for free and low-cost training, distance learning and technology skills training. During the COVID-19 pandemic, businesses, schools, teachers, students, families and individuals have had to rely on a variety of emerging technologies to navigate the challenges in education and work environments.

Additionally, persons expressing an interest in completing a career assessment were provided with links for the CareerScope online assessment which enhances the career and educational planning process by measuring both interests and aptitude.

In spite of the challenges with the onset of COVID-19 and the need to shift operationally, the Career Development team has deliberately engaged in several public/private partnerships to respond to workforce needs. In September 2020, the department learned of the planned closure of the Fairmont Southampton Hotel to support an 18-month period of renovations. Following the news, the Ministry and Department immediately arranged to meet with the Fairmont Southampton and Hamilton Princess Hotel & Beach Club Talent & Culture teams, the Bermuda Hotel Association and representatives from the Chamber of Commerce, Restaurant Division to understand the scope of planned redundancies and discuss redeployment of talent and training needs for existing and future opportunities.

Further, the department was invited to participate in a career fair hosted by the Fairmont Southampton Talent & Culture team in October 2020. The career fair was designed to connect employees and employers. Additionally, it was an opportunity to provide resource information to assist with transition and support services. The Career Development Section continues to support those who expressed an interest in working with the department to assist with their employment and career goals.

Mr. Chairman, the department continues to take a collaborative approach to create opportunity for Bermudian jobseekers and engage employers to ad-

dress Bermuda's workforce needs. For similar purpose, the Ministry and Department team met with local recruiters in October 2020 to determine how we might be able to work together to address the unemployment crisis. The conversations proved fruitful and covered a range of topics which included policy, a mechanism for information sharing, rebranding, partnering on career readiness training and networking for corporate professionals.

The Career Development Section partnered with professional recruitment agencies to host two virtual networking events for Bermudian corporate professionals living on Island and abroad. The event specifically targeted accounting, legal, and corporate professionals. Public interest was overwhelming, resulting in over 100 registrants enlisting their interest to participate in the networking event.

This prompted the need to coordinate an additional event on a separate date to accommodate the volume of registrants. The events were hosted over two consecutive weeks during February [2021] with 10 participating recruitment agencies. Given the event was recently held and the timelines required for recruitment, it is too early to report hires. We have however been advised of some initial hires and are hopeful that we will learn of many more. The local recruiters participating in the events included:

- Acumen Group;
- Details Management Ltd.;
- Elevate Executive Selection;
- Executemps Ltd.;
- Expertise Group Limited;
- Frontier Financial Services Ltd.;
- Island Employment Partners;
- Ontru;
- The Platinum Group Ltd.; and
- Performance Solutions Ltd.

The feedback from all the recruiters was overwhelmingly positive, with some very excited that they were able to identify talent to meet their clients' needs. Each recruiter has advised that they will continue to work with participants to help them to secure employment.

Mr. Chairman, this is just one of the initiatives ensuing from our meeting with local recruiters. In addition to the networking event, recruiters desired a mechanism for information sharing regarding corporate Bermudian talent. The event enabled the department to launch this information exchange and provided access to a pool of corporate talent. This has positioned the Career Development Section to respond to requests for professional talent.

Mr. Chairman, in the coming weeks, the Career Development Section will introduce a standard work readiness curriculum and credential which will help job seekers to differentiate themselves and demonstrate that they have the workplace skills employer's demand. Persons completing the curriculum from the Center for Work Ethic Development will be

positioned to earn the Certificate of Work Ethic Proficiency by demonstrating mastery of the work ethic concepts. The Work Ethic programme, Bring Your 'A' Game, focuses on the following seven skill areas which are strong indicators of job performance and work success.

- Attitude—staying positive in every situation, taking control of the way in which you react;
- Attendance—showing that you're reliable in every phase of your life—be on time every time;
- Appearance—being professional both in the ways you work and the way you look;
- Ambition—taking initiative and adding value, doing more than the minimum;
- Acceptance—having respect and following direction, be coachable and play by the rules;
- Appreciation—demonstrating your gratitude towards others, providing selfless service; and
- Accountability—living honestly and having integrity with every decision that you make, refusing to rationalise bad decisions.

Mr. Chairman, the Summer Employment Programme (SEP) coordinated by the Career Development Section assists Bermudian college and university students in the development of their career goals by connecting work experiences to their academic learning. Work assignments are professional in nature and based on entry-level job descriptions. Interns receive placements within government, private and non-profit sectors where they learn leadership and decision-making skills, time management, conflict resolution, and career and work competency standards.

The Chairman: Honourable Minister, is this is a convenient point for you to pause, we are now at the lunch hour.

Honourable Members, we are in the Committee of Supply for the further consideration of the Estimates of Revenue and Expenditure for the year 2021/22. We are dealing with the Ministry of Labour. This is a four-hour debate which started at 10:49 am, and will therefore run to 4:19 pm. Unless the Speaker wants to take us to lunch, Learned Attorney General, would you like to take us to lunch?

Hon. Kathy Lynn Simmons: Yes, Mr. Chairman. I move that we break for lunch until 2:15, is it?

The Chairman: Until two o'clock.

Hon. Kathy Lynn Simmons: Two o'clock.

The Chairman: Is there any objection to that motion?

No objection. We will break and come back at 2:00 pm. And then the debate will run until 4:19 pm. Thank you Attorney General.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman,

Proceedings of Committee suspended at 12:32 pm

Proceedings of Committee resumed at 2:01 pm

[Ms. Lovitta F. Foggo, Chairman]

COMMITTEE OF SUPPLY

ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2021/22

MINISTRY OF LABOUR

HEAD 60—DEPARTMENT OF WORKFORCE DEVELOPMENT

[Continuation thereof]

The Chairman: Good afternoon, Members.

We are resuming in Committee of Supply for further consideration of Estimates of Revenue and Expenditure for the year 2021/22. We are debating Heads 44, 27, 55 and 60 under the Ministry of Labour.

The Minister carrying the debate is the Honourable and Learned Member, the Attorney General, Minister Kathy Lynn Simmons.

Minister, you may proceed.

Hon. Kathy Lynn Simmons: Thank you, Madam Chairman.

Madam Chairman, I am going to continue on Head 60, which is the Department of Workforce Development.

The Chairman: Continue.

Hon. Kathy Lynn Simmons: Thank you.

Madam Chairman, this year, although the pandemic presented unique challenges, the Summer Employment Programme (SEP) commenced in June 2020 with a total of 73 students being placed in internships. Placements are ordinarily based on area of study. However, because several businesses had not resumed normal operations in June and many of their staff were continuing to work remotely, interns were placed in areas of the greatest need.

For example, there were several pre-med and science interns on the frontline for COVID-19 testing. The programme ran from June through August. Each intern completed up to 10 weeks and received a \$6,000 stipend for work performed. During this financial year, the stipend amount increased from \$5,000, or \$500 weekly, to \$6,000, or \$600 weekly, at a maximum of 10 weeks. This year the department originally budgeted for 75 students. However, because some students were not able to complete the full 10 weeks,

the department was able to provide opportunity for an additional seven 7 students.

Madam Chairman, there were several extremely talented interns who participated in the 2020 SEP programme. Some of the academic programmes the interns were pursuing include:

- Law, Social Policy, Political Science;
- Business (Accounting, Finance, International Business);
- Health (Pre-Medical, Pre-Dentistry, Nursing, Radiology, Occupational and Physical Therapy, Speech and Language Pathology, Public Health, Biomedical Science, Pharmacy);
- Sciences (Environmental Science, Pre-Veterinary Animal Science, International Wildlife Biology);
- Human Services (Psychology, Social Work, Forensic Psychology);
- Education (Early-Childhood, History, Art, Special Education);
- Architecture; and
- Criminology and Criminal Justice.

Madam Chairman, we wish to make mention of one of our earlier college interns. Aljalia Julio first participated in the Department's Summer Employment Programme in 2015 and continued to participate each summer until 2018. During her time in the programme, she obtained a Physiotherapy and Occupational Therapy Assistant Diploma and a Bachelor's in Sports Therapy. Aljalia (I hope I am pronouncing that right) was placed with InTouch Therapy where she received hands-on experience under the guidance of seasoned physiotherapists. We have recently learned that she went on to complete her Masters in Physiotherapy in July 2020 and has continued to work each summer with InTouch Therapy. She is now a licensed physiotherapist and is currently completing a six-month intern period for experience and has been offered full-time employment with InTouch Therapy.

This is only one example of developing a talent for Bermuda's workforce and Government's return on investment in the Summer Employment Programme. We wish to congratulate Aljalia on her significant accomplishments. Her commitment and hard work have paid off. We also wish to acknowledge InTouch Therapy and the numerous employers who partner with us each year to provide each intern with a meaningful experience. InTouch Therapy in particular, has been a committed industry partner for several years [and] has given each intern an opportunity to connect theory to the world of work.

Madam Chairman, the Career Development Section also coordinated the Summer Internship Programme (SIP) for high school students. The programme runs for the month of July and provides participants with an introduction to the workforce and career exposure. As a result of the programme, SIP participants are better equipped to make more informed choices about their future career path. This year there

were a total of 52 participants from the public, private and home schools.

Madam Chairman, the programme rate previously totalled \$400 for the entire four-week period. As previously reported, the rate was re-evaluated in the 2019/20 fiscal year. This resulted in an increase from \$400 in total to \$400 weekly, with a maximum \$1,600 stipend. The rate increase has created the opportunity to restructure the SIP programme with a more deliberate emphasis on work readiness and developing talent for Bermuda's workforce.

Madam Chairman, it is important to highlight the work the Section continues [to do] each summer to prepare youth for Bermuda's workforce and address youth unemployment. Similarly, the Career Development team has facilitated employability skills sessions for private and public schools. Although we could not have a physical presence in the schools this fiscal year, the team facilitated several virtual sessions for Mount Saint Agnes School, grades 9 through 12 for their Career Day. Each grade level had two streams participating in the sessions. The emphasis was on understanding where the career opportunities are in Bermuda. We also demonstrated how to access statistics on employment in Bermuda. Supporting career awareness and work readiness in the schools is a worthwhile partnership, one that we hope will bear fruit for many years to come.

Madam Chairman, during this financial year, the department has been intentional about addressing youth unemployment. Youth, under age 26 have historically seen the highest unemployment levels according to sequential Bermuda Job Market: Employment Briefs. COVID-19 has compounded the challenges this age group faces when trying to enter Bermuda's workforce. Therefore, the Career Development Section launched a pilot Graduate Trainee Programme during this financial year. It is important to note that the department received 54 applications in response to the Bermuda Job Board advert. Applicants were shortlisted and interviewed with a final 15 recent college graduates being selected for the opportunity.

The Career Development Section, enlisted the support of industry partners, Kelly Francis of Performance Solutions and Amrita Bhalla of AB Consulting to develop a Career Readiness Programme (CRP) to support participants in the Graduate Trainee Programme and position them to enter Bermuda's workforce. The Career Readiness Programme is a component of the Graduate Trainee Programme, designed to support the Ministry's Youth Employment Strategy. The readiness programme provided training in the following areas:

- Developing Your Brand;
- Emotional Intelligence and Communication;
- Diversity and Inclusion;
- Office Etiquette; and
- Business Writing and Presentation Skills.

In addition to the training, each trainee was provided several one-on-one coaching sessions to offer personalised development and support. Each participant also benefited from the DiSC self-assessment tool and debrief to increase self-awareness, improve teamwork, communication and productivity in the workplace. A private social media group was also formed to allow for messaging and [to] illustrate how such tools can be used for business.

To help each trainee build financial literacy skills, each were sponsored to participate in the Financial Literacy Course offered through the Bermuda College, Division of Professional and Career Education (PACE) in partnership with the Chartered Financial Analysts (CFA) Society Bermuda. The course is designed as an introduction to basic money and financial concepts to build practical financial skills and to help participants to take control and manage their financial future. The course covered the following modules:

- Part 1—The Basics of Budgeting and Savings;
- Part 2—Income, Expenses and Debt;
- Part 3—Planning for Retirement; and
- Part 4—Putting it All Together.

These components of the Graduate Trainee Programme concluded with a virtual closing session with the Minister of Labour, the Workforce Development Team, Performance Solutions and AB Consulting on the 15th of February. Each trainee shared key takeaways from the sessions. To highlight a few, Ailey McLeod, stated, "The course really highlighted the advantage of using personal branding to stand out to potential employers. It also demonstrated the importance of being intentional in how I present myself, to ensure that this aligns with how I want to be perceived professionally." [UNVERIFIED QUOTE] Brighton Swan added, "While I enjoyed the whole programme, the financial literacy course, which included personal sessions with others in the programme, enabled me to learn strategies from more experienced Bermudians to help improve my financial position in Bermuda." Daijon Taylor said, "My key take away was the personal branding. I have social media but never really used it for business. In the future, I will use social media as a way to help brand myself and network with people outside my immediate circle."

Kelly Francis, Madam Chairman, President of Performance Solutions and Amrita Bhalla, Managing Director of AB Consulting stated, "It has been a pleasure for us to partner with the Department of Workforce Development and Minister Jason Hayward to support Bermudian job seekers through the first cohort of the Career Development Programme. This programme has been designed to support the participants with developing key skills in the workplace and equip them with the knowledge and tools to be successful in their career journeys. We thank each of the participants for their time and dedication on the suc-

successful completion of the programme and we look forward to a continued partnership with the Department of Workforce Development.” The graduate trainees include:

- Shanya Bashir, Bachelors of Arts, Early Years and Childhood Studies, Manchester Metropolitan University;
- Christian Belboda, LLB Law & Legal Practice Course, Nottingham Trent University;
- Etteleon Burchall, Bachelor of Science, Biology, Spelman College;
- Zya Fraser, Bachelor of Business Administration, Risk Management and Insurance, Bachelor of Arts Computer Information Systems with a concentration in Cybersecurity, Georgia State University;
- Japhia Lightbourne (my niece), Bachelor of Science (Honours) Accounting and Finance, University of West England;
- Samara Hunt, Bachelor of Science (Honours) Human Resource Management and Business, Leeds Beckett University;
- Ailey McLeod, Bachelor of Social Science, Anthropology and Politics;
- Jalen Means, Bachelor of Science, Criminology, University of Tampa;
- Meshellae Payne, Masters of Arts, Principles of Conservation, University College of London, Bachelors of Science; Archaeology, University of Southampton;
- Raichelle Johnson, Bachelor of Business Administration, Marketing Management, Mount Saint Vincent University;
- Jessica Sharpe, Bachelor of Science, International Relations, London School of Economics and Political Science;
- Braxton Stowe, Bachelor of Science, International Business and Marketing, St. Louis University;
- Brighton Swan, Bachelor of Arts, Business and Human Resource Management (Honours), University of the West England; and
- Daijon Taylor, Bachelor of Commerce, Accounting, Saint Mary's University.

Well done! Madam Chairman, although we were only able to accept 15 recent graduates in the programme, we extended our services and the opportunity to work with Human Resource Professionals to support their job seeking efforts to the remaining applicants. We are pleased to report that 15 of the remaining applicants took us up on our offer. Each have been provided one-on-one coaching sessions and will participate in a series of career readiness seminars covering the following areas:

- Developing Your Brand;
- Resume & Cover Letter Preparation;
- Interview & Presentation Skills; and
- Recognising and Leveraging Your Skills.

Madam Chairman, due to COVID-19, staff were unable to participate in overseas professional development opportunities. However, where possible, they took advantage of virtual sessions and training. Career Development staff participated in the following professional development courses and opportunities:

- Compassionate Care Advocacy and Awareness;
- Facilitating Career Development, previously the Global Career Development Facilitator Course; and
- Northwestern State University, doctorate program in Adult Learning and Workforce Development, which is self-funded.

Madam Chairman, staff training and professional development opportunities are vital to providing services for the unemployed, youth, and special populations. More importantly, it is imperative that officers remain current with workforce trends and labour market information in order to provide proper guidance. It is also critical for officers to obtain the necessary training to adapt with the “new norm” in the workforce and to implement the recommendations outlined in the National Workforce Development Plan.

Lastly, the Career Development Section continues to hold membership with several professional organisations; namely, the National Career Development Association (NCDA), the National Council on Workforce Education (NCWE), and the Bermuda Human Resources Association (BHRA). These memberships increase the opportunity for training, professional development, understanding how similar organisations are redefining services post-COVID, networking, and employer engagement.

Madam Chairman, the Learn to Earn Restaurant Training partnership initiative was originally launched in November 2019 with 13 young Bermudians. Due to the COVID-19 pandemic, the programme was temporarily suspended. This public/private training and development program aims to attract Bermudian jobseekers to restaurant careers and includes the following partners:

- The Bermuda Tourism Authority (BTA);
- Bermuda College;
- Tomasz Tabor Memorial Fund;
- Harbourside Holdings (which includes Flanagan's Irish Pub, Divots, The Loft, Snug Café, Outback Sports Bar);
- Island Restaurant Group (which includes Baracuda Grill, Brew, Hog Penny Pub, Pickled Onion, Frog & Onion);
- Take Five (which includes Devil's Isle, Village Pantry, Buzz Cafés); and
- Yellowfin (which includes Astwood Arms, Bistro J, Café TEN, Pearl, Port of Call, Yours Truly).

Madam Chairman, as a result of the COVID-19 pandemic shelter-in-place restrictions, the programme was suspended and the hospitality industry

was significantly impacted. This resulted in major business closures, unemployment and layoffs whereby the practical training component of the programme was revisited and recently re-launched in February 2021 in accordance with COVID-19 protocol restrictions. The programme was back on track and is scheduled to conclude March 2021. Participants received certification from the American Hotel & Lodging Educational Institute (AHLEI) as well as industry-specific training certification as baristas, food handlers, wine servers, Fire & Life Safety, and TIPS for on-premises training certification. Nine Bermudians were employed at various participating restaurants as a direct result of this industry-driven partnership training initiative.

Madam Chairman, the department in partnership with the MEF Group of Companies designed and implemented a Food & Beverage Training programme to strengthen and provide industry specific training for Bermudians in the restaurant industry. The unique approach of this programme provided opportunity to include Bermudians with limited to no experience to work in various restaurant locations in various aspects of the business. Opportunities ranged from the least skilled to the more highly skilled individual. Other benefits of this comprehensive training programme include:

- Providing Bermudians a better understanding and perception of the restaurant industry;
- Identify a clear pathway in various areas in the restaurant as an occupation;
- Better retention and monitoring of participants;
- Develop networks and establish contacts in the restaurant industry; and
- Bermudians to obtain certification aligned with industry standards, quality of service, marketable skills and experience required in the restaurant industry.

Currently there are 12 participants in the training programme consisting of 6 males and 6 females. It is anticipated that the practical rotation component in the 12 MEF Group of Companies restaurants will conclude April 2021. The Ministry of Labour and Department of Workforce Development recognises and commends this mutual benefit partnership with the owners and management of the MEF Group of Companies.

Madam Chairman, I now shift to the work of the Training Section. The Apprenticeship and Trainee programme has successfully engaged industry partners in developing opportunity for full-time employment and training for apprentices, specifically promoting employer incentives for formalising apprenticeship and trainee opportunities. Steady progress continues to be made, in formalising apprenticeship and training [schemes] with both the government and private sector. This fiscal year the training section expanded training opportunities to include an additional 2 companies and 4 Bermudian apprentices for a total of 22

companies registering a total of 97 apprentices as of January 31, 2021. The companies include:

- Brilliant Solutions—Electrical;
- Temperature Control and Plumbing;
- Strikeforce Carpentry;
- Sunny Side Solar;
- Mid-Atlantic Wellness Institute;
- Crisson's Construction;
- Perfect Pass Welding;
- J & B Complete Fashion;
- Teacher Pet Nursery;
- Port Royal Golf Course;
- Sylvia Richardson Care Facility;
- Bermuda Government, Department of Public Transportation;
- BAC Universal Electric Group of Companies;
- H. S. & J. E. Crisson Ltd;
- Noble Automotive;
- Efficient Technologies Bermuda;
- Otis Elevator Bermuda;
- Fairmont Southampton;
- Bermuda Electric Light Company;
- Bermuda Energy Services Company Limited (BESCO); and
- Tyne's Bay Waste-to-Energy Facility; and
- Government Quarry, Motor Mechanic Facility.

Madam Chairman, a total of 13 companies and 30 Bermudians were awarded approval for training schemes in the 2020/21 budget year, an increase of 2 companies and 7 trainees. Benefits of this training scheme to employers and trainees include: payroll tax waiver; subsidized wages; paid on-the-job training; work experience; and industry qualifications. This payroll tax exemption from the Office of the Tax Commissioner provides relief for employers who are committed to training Bermudians. The companies receiving approval include:

- Chartered Professional Accounts—two trainees;
- Orange Bay company—five trainees;
- Otis Elevator Bermuda Limited—three trainees;
- Marshall Diel & Meyers Limited—one pupillage;
- Canterbury Law Limited—two pupillages;
- Elevate Executive Selection Bermuda Limited—one trainee;
- Arthur Morris, Christensen & Company—two pupillages;
- BESCO—two trainees;
- Walkers (Bermuda)-Taylors Law Firm—one pupillage;
- Meritus Trust Company Limited—four trainees;
- Appleby Bermuda Ltd—two trainees;
- Tuteca Limited—three trainees; and
- Mazars Limited—two trainees.

Madam Chairman, the department continues to provide sponsored training programmes and initiatives to fill the gap of Bermudians employed in the hospitality industry in general and more specifically the culinary arts field. This information is captured in the Bermuda Job Market 2021 Employment Brief. The department uses this data along with the information from the Department of Statistics closed and restricted job categories list to determine areas of training and development programmes for Bermudians.

Currently, there are seven apprentices registered in the Culinary Arts Apprenticeship programme with Fairmont Southampton. Two apprentices are on schedule to complete their four-year training on 6 March 2020. Each year, the apprentices attend five weeks of training at Holland College, Prince Edward Island, Canada. At completion, they will have acquired the relevant number of work hours to qualify them to sit the Red Seal International Certification exam in culinary arts.

Madam Chairman, the Training Section sponsored 10 apprentices with the Bermuda Electric Light Company (BELCO). Four of the 10 apprentices have completed their four-year programme. Specific areas of training for these Bermudians included: an industrial electrician, millwright industrial mechanic, electrical fitter and power line technician.

In addition, the department sponsored three new apprentices with Bermuda Air Conditioning Group of Companies (BAC Universal). Currently, BAC Universal has a total of 12 apprentices in the training programme at Bermuda College.

Madam Chairman, in direct response to workforce needs, the Department in collaboration with the Construction Association of Bermuda (CAOB), launched a pilot masonry apprenticeship programme designed to ensure opportunity for Bermudians to qualify, gain experience and upgrade competencies in masonry. The programme utilises the National Center for Construction and Research (NCCER) masonry curriculum and includes a combination of on-the-job training and theory. Since the initial launch, eight companies each registered one apprentice. Six of the eight apprentices were employed and two were newly hired. The department continues to work with other training providers to advance this programme and expand apprenticeship and internship training and employment opportunities in the technical, vocation and trades.

Madam Chairman, the Training Section in collaboration with the National Training Board is in the process of revisiting the policy to advance National Certification.

Madam Chairman, as of January 31, 2021, 103 individuals were awarded National Certification in Landscape Gardening. The Horticulture Programme was established in partnership with the Bermuda College, Division of Professional and Career Education (PACE) to create a pathway to National Certification.

Similarly, the department and PACE launched an accredited Automotive Technician Training Programme. The standard for this training is City & Guilds and also provides a pathway to National Certification. As of January 31, 2021, 31 individuals received National Certification for Automotive Technicians.

Madam Chairman, to streamline the National Certification process for Welding, the department upgraded the welding facility at Bermuda College, Tech Hall, to be used for welding instruction and testing locally. The facilities upgrade supports National Certification and allows for remote video testing, invigilated by the Canadian Welding Bureau (CWB) in Canada. The upgrade will provide on-demand testing locally and eliminate the need to bring in overseas invigilators; resulting in reduced cost to the department. Also, this year, the department trained two local welders and members of the Occupational Advisory Committee (OAC) as Level 1 Welding Inspectors. This allows for the test to be administered locally and invigilated virtually by CWB. As of January 31, 2021, there were 27 individuals who achieved National Certification for Welding.

Madam Chairman, the Department of Workforce Development continues to work with the Occupational Advisory Committee to promote National Certification and recertification for electricians. The Training Section plans to launch an online training and testing platform for electricians in collaboration with Bermuda College and the National Training Alliance. Utilising an online platform provides greater access to requisite courses for National Certification. Further, the online platform will be augmented by traditional classroom training. The online virtual training, testing platform and traditional classroom instruction will be aligned with the 2017 National Electrical Code Standard. As of January 31, 2021, there were 42 electricians who received National Certification.

Madam Chairman, the Training Section funded training programmes for 13 at-risk individuals. The Successful Academic and Vocational Education Programme (SAVE) is a collaborative partnership with the following stakeholders:

- Court Services;
- Bermuda College;
- Mirrors;
- Department of Financial Assistance;
- Bermuda Housing Corporation (BHC); and
- Department of Corrections.

SAVE coordinates services and resources for “at risk” individuals to increase access to academic and vocational training. Apprenticeships, on-the-job training, internships and professional development are avenues utilised to help participants to achieve self-sufficiency and sustainable employment.

Madam Chairman, in collaboration with the Department of Works and Engineering, through natural attrition and the competitive job market led the

Tynes Bay Waste-to-Energy Facility to look at their training projections and need for power engineers.

In an effort to assist Tynes Bay to meet its mandate of developing certified power engineers, the department sponsored Marcal Wilkinson, a graduate of the Berkeley Institute and Hezekiah Rampersad, a graduate of CedarBridge Academy to attend Cambrian College of Applied Arts and Technology. The school's curriculum is endorsed by the Technical Standards and Safety Authority (TSSA), a standard accepted for Power Engineers working in Canada and Bermuda. The programme will help these two young men to maximise their career opportunities by preparing them to challenge the various TSSA examinations after each year level. At completion, each will have the opportunity to interview for available positions.

Plans for the Upcoming Year

Hon. Kathy Lynn Simmons: Madam Chairman, I now shift to highlight the work that will be undertaken during the 2021/22 financial year. The department will continue to lay the groundwork to implement identified elements of the National Workforce Development Plan. During this period, the department will work with the National Training Board to advance the Plan for Bermuda.

Madam Chairman, the Career Development team will utilise a standard work readiness curriculum and award a Certificate for Work Ethic Proficiency for persons demonstrating a proficiency in the skill areas that are strong indicators of job performance and work success. This will better equip persons for the workforce and ensure that they have the skills required by employers. Further, the department will promote learning as a lifelong concept by offering learning opportunities and launching the Workforce Development Learning Academy.

Madam Chairman, the department, in collaboration with Financial Assistance, will support the implementation of Phase 1 of Financial Assistance Reform, to include the development of Personal Employment Plans. This initiative will incorporate elements of financial literacy training to support able-bodied Financial Assistance clients as they transition towards self-sufficiency. This will improve client's ability to make financially responsible decisions essential for everyday life.

Madam Chairman, the department will continue to execute Phase 2 and Phase 3 of the Workforce Development Re-employment Re-integration Job Strategy. This strategy, in alignment with the Government's platform initiatives and Ministry priorities, is designed to implement a phased approach to provide training and career development opportunities to facilitate the ease of finding employment for Bermudians. This is in direct response, as a result of the COVID-19 pandemic, resulting in thousands of Bermudians being unemployed.

Additionally, due to the contraction of the workforce, the plan includes collaborating with industry partners to provide quality training and development programmes for Bermudians to reskill, upskill, and become equipped, that will reduce the number of work permits in specific occupations that have a high number of expatriate workers. The primary objective is to get Bermudians back to work doing jobs that Bermudians can do.

Madam Chairman, consultation and collaboration meetings with key industry partners aims to design and implement industry-driven training and career development programmes, apprenticeships, internships and the like that work in the interest of unemployed Bermudians as well as those that add public value to the country. These programmes and services for clients aim to provide targeted training and development in identified areas of workforce need that directly connect Bermudians with employment. Project teams will match and track industry partners and clients progress to better connect employers with trained and qualified unemployed Bermudians for employment opportunities.

Madam Chairman, to further advance the development and implementation of the Re-employment and Re-engagement Training and Development Plan, guided by current and projected industry-based needs and information from the Department of Immigration, focus will be targeted in occupations of the workforce that include, but are not limited to: Restaurants, Cleaning, Landscaping, Certified Administrative Assistant and Accounting designations to facilitate employment opportunities in high demand occupations held by guest workers based on workforce trends and labour market information.

Madam Chairman, the Department of Workforce Development was charged to administer the Unemployment Benefit project, for the period March to August 2021, to assist the thousands of unemployed individuals with the application process during the COVID-19 pandemic to apply for financial assistance during their time of financial hardship. To complete the project, the department has convened a small team for the review and compliance of the Unemployment Benefit database.

Madam Chairman, the department will continue to increase the number of training programmes and apprenticeships to reduce youth unemployment and align with industry needs. The Section continues to experience considerable success with employer engagement and public/private partnerships. For this reason, the Training Section, in consultation with the National Training Board, will establish a more deliberate approach of engaging key industry stakeholders. The approach will be more measured to understand what resources are needed and what additional incentives can be implemented to increase the number of on-the-job training opportunities for Bermudians. The

Section will target the following industries for the 2020/21 budget year:

- hospitality;
- vocational/technical trades;
- information technology;
- health; and
- other high-demand occupations.

Madam Chairman, the department will work closely with the Department of Communications to launch an awareness campaign, utilising digital and social media platforms to encourage all tradespersons to register for National Certification in the designated occupations.

Additionally, the department plans to use a more focused approach in the options for scholarships to support a talent pipeline for Bermuda's workforce. We recognise there are individuals who do not have the economic means to pursue higher learning. The department will award scholarships on the combined basis of financial need and workforce priorities. Again, scholarships will be awarded to persons pursuing professions in areas traditionally underrepresented by Bermudians to reduce the number of work permits in occupations that have a high number of expatriates to get Bermudian back to work in entry-level, mid-level and high-demand occupations in the workforce.

Madam Chairman, the need for more strategic succession planning within Government, particularly in the trades and technical professions is evident. In the upcoming financial year, the department will continue to collaborate with government departments as well as the private industry sector who employ tradesmen to understand their forecasted needs. For example, the department will co-sponsor local and overseas training, career development and internship programmes, to increase employment opportunities for Bermudians in the various trades, vocational and technical occupations held by guest workers.

Madam Chairman, the department remains committed to ensuring that Bermudians are not disadvantaged and that they are sufficiently prepared to meet the needs of the workforce. As I conclude my presentation on behalf of the Minister of Labour, I would like to take this opportunity to acknowledge the hardworking staff of the Department of Workforce Development under the leadership of the Acting Director, Dr. Patricia Chapman.

This department remains at the forefront of providing training and career development programmes and services for Bermudians in preparation for the world of work, moreover during these unprecedented times.

Madam Chairman, this now concludes my budget presentation for Head 60 for the Ministry of Labour. Thank you, Madam Chairman.

The Chairman: Thank you, Attorney General. A very comprehensive brief, indeed.

Are there any other Members who wish to speak—

Hon. Kathy Lynn Simmons: Madam Chairman, if I may.

The Chairman: Certainly, Attorney General.

Hon. Kathy Lynn Simmons: The Minister has pointed out that with respect to Head 27, there were substantive inequities in the brief, which has been replaced, and I would like to seek your indulgence to read Head 27 again, with the correct references, if I may.

The Chairman: Yes, you may proceed.

Hon. Kathy Lynn Simmons: Thank you, Madam Chairman.

Madam Chair—

The Chairman: It is just that Members do have the benefit of the correct information.

Hon. Kathy Lynn Simmons: Yes, absolutely.

The Chairman: Yes.

Hon. Kathy Lynn Simmons: Yes, and I am grateful to the Ministry's technical team for providing the updated information.

HEAD 27—DEPARTMENT OF IMMIGRATION

Hon. Kathy Lynn Simmons: Madam Chairman, notwithstanding the financials contained in the Department of Immigration's Budget Brief, the brief contains and highlights:

- new Border Management System;
- e-Gates at the L. F. Wade International Airport;
- mixed status families legislation;
- work permit application efficiencies;
- online payment procedures; and
- work permit policy overhaul.

As noted on page B-182, the Department of Immigration has been allocated a budget of \$5,234,000 for the fiscal year 2021/22. The expenditure has decreased by \$270,000, thus reflecting a 5 per cent decrease in comparison to our current financial year 2020/21.

Madam Chairman, the material changes of the subjective analysis of the current account estimates, as compared with 2020/21 can be found on page B-183 as follows:

- Salaries estimates decreased by \$351,000 which is directly associated with 10 per cent reduction in salaries due to the short-term

austerity measures put in place for cost saving.

- Professional Services budget increased by 59 per cent, or \$100,000. This increase is to cover consulting services required to implement an electronic online platform for customers to submit applications and payments, along with the additional costs required to print passports.
- Repairs and Maintenance estimates increased by 10 per cent, or \$78,000. This increase is directly associated with the maintenance and support required to maintain the new Border Management System (BMS) throughout the year, in addition to the new cleaning contract required for the airport.
- Clothing, Uniforms and Laundry estimates increased by \$13,000 to replenish the uniforms with the compliance section as their uniforms have not been replaced in a number of years.

The Chairman: Minister, can you pause for one second? Please, can I have the microphone turned off for Speaker Dennis Lister's Chambers? The microphone is on and it is causing a disturbance.

Thank you.

Continue, Minister.

Hon. Kathy Lynn Simmons: Thank you, Madam Chairman.

- Other Expenses estimates decreased by 36 per cent or \$53,000. That is as a result of the department only accepting direct bank deposits, which has reduced the commission paid for credit card transactions.

Revenue Summary

Hon. Kathy Lynn Simmons: The revenue summary is outlined on page B-183. The total revenue estimate for 2021/22 is \$12,249,000, which is a decrease of \$11,698,000, or 49 per cent in comparison to 2020/21.

The most material changes are as follows:

- Passport Issuance estimated revenue has increased by 53 per cent with a projected collection of \$469,000. With the current climate related to COVID-19, revenue collections declined tremendously for passport applications. It was unrealistic to not have this reflected in the Estimates.
- Work Permits—full-time, part-time and temporary and periodic—calculated together equals an estimated revenue decrease of \$4,222,000, or 30 per cent from 2020/21. It is not expected to issue as many work permits as the prior year with the increase of Bermudians and spouses of Bermudians unemployed.

- Work Permits—Work & Reside estimated revenue for 2021/22 has decreased the amount in comparison to 2020/21 by \$681,000, or 43 per cent.
- Work Permits—Appeals estimated revenue has also decreased by \$18,000, or 17 per cent in comparison to 2020/21 as it is not expected to receive the same volume of applications in the upcoming year.
- Work Permits—estimated revenue generally decreased by \$71,000, or 21 per cent from 2020/21.
- Land acquisition applications are now processed by the Cabinet Office, which explains the \$5.5 million decrease in revenues.
- Residence Fees estimated revenue decreased by \$112,000, or 9 per cent from 2020/21. Fees associated with the residential certificate for non-Bermudian homeowners were to be transferred to Cabinet, but rather these fees will remain with Immigration. Therefore, it is expected that revenues collected will exceed the estimates.
- Nationality estimated revenue decreased by \$69,000, or 39 per cent, compared to 2020/21. Based on the applications received during the current financial year, it is not expected to receive as many submissions in 2021/22.

The Department of Immigration has taken a conservative approach for estimated revenues for the upcoming financial year. Predictions have been assessed based on the number of applications received during 2019/20 and 2020/21, which falls in line with the actuals thus far for 2020/21.

Existing and New Capital Projects

Hon. Kathy Lynn Simmons: Madam Chairman, funds estimated for Capital Acquisitions for 2021/22 amount to \$80,000 and can be found on page C-13. The amounts allocated include the amount of \$80,000 to be allocated for the purchase of a new electronic application system with payment gateway to replace the ageing software.

Highlights of Key Accomplishments 2020/21

Hon. Kathy Lynn Simmons: Madam Chairman, highlights of key accomplishments for financial year 2020/21 include Immigration Reform. Meaningful step changes for better efficiencies in processes are afoot in the Department of Immigration. All of these changes are exciting. Specifically, during 2020/21 the following actions occurred:

- Emphasised the Complaints procedures for reporting breaches against the Bermuda Immigration and Protection Act 1956;

- Undertook a review of the immigration application process by implementing or re-engineering process pilot programme with a view to making the process more efficient and reduce the turnaround time;
- In July 2020, the Department of Immigration implemented the new border management system and e-Gates at the old L. F. Wade International Airport. Between July and December 2020, there was a trial period to ensure their systems were working optimally for the opening of the new airport;
- In August 2020, in an effort to boost the economy, the Department of Immigration launched a Work from Bermuda programme. The programme was intended to encourage persons employed by overseas entities and university students who have the ability to work or study remotely from Bermuda for one year. To date, the department has received 754 applications of which 641 have been approved and 71 have been refused.
- On September 1, 2020 the Bermuda Immigration and Protection Amendment Act 2020 came into force to address mixed status families.
- In another effort to boost Bermuda's economy, on February 1, 2021 the department launched the Economic Investment Certificate, the intent of which is to increase and sustain Bermuda's economic activity and create job opportunities.

New Initiatives

Hon. Kathy Lynn Simmons: With respect to new initiatives, Madam Chairman, as a continuance of Immigration Reform, the Ministry has begun work to:

- review/re-write the Work Permit Policy;
- optimise our application forms;
- implement a process for online payments for all applications;
- continue to review the structure and processing procedures to ensure applications are administered more efficiently to reduce turnaround times; and
- implement a workflow software solution to handle digital application processing from the submission of applications by the customers to delivery of their documents.

Recruitment Updates

Hon. Kathy Lynn Simmons: With regard to recruitment updates, Madam Chairman, the number of employees required for the department to operate efficiently is outlined on page B-184. There are 44 established full-time posts, of which 7 of these posts are currently vacant. A list of the vacant posts consists of:

- one corporate services manager;
- one personal services manager;
- one business systems officer;
- two customer service representatives;
- one processing clerk/cashier; and
- one processing administrator.

With the vacancies, there is a requirement to update job descriptions, and this exercise is currently in train.

Madam Chairman, in closing, I would like to thank the dedicated members of staff at the Department of Immigration on behalf of the Minister of Labour. I would like to thank the Immigration team under the leadership of Ms. Marita Grimes, Acting Chief Immigration Officer; and Mr. Ron-Michel Davis, Acting Assistant Chief Immigration Officer; together with Ms. Lauren Sadler Best of the Attorney General's Chambers; the Immigration Board headed by Mr. Scott Simmons; and the Immigration Appeal Tribunal headed by Mr. Charles Richardson.

Finally, I would also like to thank, on behalf of the Minister, [INAUDIBLE] Ms. Darlene Smith, and Mrs. Jannell Burgess Doucet, and their respective teams, as well as the Collector of Customs, Mrs. Lucinda Pearman and her airport team for administering the airport border control on behalf of Immigration. Also, thanks to the Information & Digital Technology (IDT) Office for their timely assistance in ensuring that our systems were operable, particularly at the L. F. Wade International Airport. The IDT Office and the Bermuda Airport Authority are to be commended for working tirelessly with the department in respect of the new Border Management System and e-Gates; and the Paperless team for their assistance in helping to establish and maintain the Work from Bermuda platform.

Without these dedicated agencies, the work of the department may have been delayed and difficult.

Thank you, Madam Chairman.

The Chairman: Thank you, Attorney General. Does that now conclude?

Hon. Kathy Lynn Simmons: That absolutely does conclude the Ministry of Labour's Heads.

The Chairman: Thank you.

I just want to remind the listening public that we are . . . have under debate Heads 44, 27, 55 and 60 from the Ministry of Labour.

And now I would like to invite any other Members to participate in the debate, if they so choose.

Mr. Jarion Richardson: Thank you, Madam Chairman.

The Chairman: Yes, is that MP Jarion Richardson?

Mr. Jarion Richardson: Yes, ma'am.

The Chairman: Yes. Member, you have the floor.

Mr. Jarion Richardson: Thank you.

I would like to start by thanking the Honourable Minister and the Honourable Attorney General for presenting a very detailed brief, informing us of the activities of this Ministry in the Heads and the accomplishments they have made in the last calendar year, or last fiscal year, and their plans going forward. I would also like to thank the civil servants who assisted them in formulating these numbers and formulating these plans. And I want to make sure that we express our gratitude for all their work, undoubtedly, they have gone through countless hours of meetings and we appreciate their efforts.

Moving on from that, Madam Chairman, I will proceed to put questions to the Honourable Minister and their team. How would you like me to proceed? Just keep putting questions and questions?

I am sorry, Madam Chairman, I think you are muted.

The Chairman: Yes, I would like for you, Member, to put all of your questions forward. And once you have finished, we will invite any other Members to pose questions to the Ministry, and once everyone has had opportunity to participate, then we will have those questions answered by the Minister who is carrying the debate. And hopefully, in so doing, we will be able to field all of the questions and be able to provide all answers that have been put forward to answer your questions.

Thank you, Member, continue.

Mr. Jarion Richardson: Thank you, Madam Chairman.

I will start with Head 44 on page B-179. This would be the Ministry of Labour Headquarters, Madam Chairman. Specifically, I would like to ask questions as it relates to the Department Objectives. We note that the first Department Objective is: *Continue to implement comprehensive immigration reform by providing oversight of process improvements, policy and legislative changes, and IT system upgrades and enhancements.*

In the brief it was mentioned that immigration reform . . . it was noted that immigration reform had been an achievement and I believe that Work from Bermuda had been discussed with some 641 applications successful. My questions relate more to the comprehensive immigration reform, as outlined in that first Department Objective. Specifically, Madam Chairman, I would like to know, quite pointedly, when is this reform process going to produce legislation for this Honourable House to consider?

Moving on, Madam Chairman, I would like to discuss the third bullet point, or the third Department Objective, *Provide oversight of the Department of*

Workforce Development for re-employment and the re-integration job strategy.

Madam Chairman, we know that the Honourable Minister has made public statements, I believe, on 3 September 2020 and 13 November 2020 relating to parts of the re-employment and re-integration job strategy. I am curious, when will that job strategy—or will it be tabled in this House, in complete, or will it be released to the public? Thank you.

Further, Madam Chairman, on the last Department Objective on page B-179, we see that the Ministry Headquarters will be providing oversight of the Labour Relations section to implement the new Labour Code. And this was mentioned as it related to the amendments to the Employment Act this year and the consolidation of the labour law as outlined on that page.

I would like to ask the Honourable Minister how much ministerial direction does he anticipate having to give the Labour Relations Department? And how will that differ from last year, prior to the Labour Code being passed into law? I am mindful that the public would be interested to see just how much of a role the Minister would play in imposing these new obligations into all employment situations in Bermuda.

Still on page B-179, Madam Chairman, I am looking at the section General Summary, business unit 54210, described as the Immigration Appeals Tribunal.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: And I note that there is \$122,000 being requested for allocation to support the Appeals Tribunal. And I was curious about how we arrived at allocating that number. I was wondering if there were some sorts of indicators for how many appeals this process will be attracting.

Moving on, Madam Chairman, still on Head 44, I am now on page B-180 and asking a question under Advertising and Promotion, this would be under Subjective Analysis of Current Account Estimates. I note that the Ministry Headquarters will require \$15,000 for Advertising and Promotion. Given that it was a Ministry Headquarters, I was curious, what will be advertised or promoted? And what is the difference between what we are going to advertise or promote for this \$15,000 and what will be communicated for that anticipated spend of \$25,000? So, effectively, are we going to spend \$40,000, Madam Chair—

The Chairman: Yes.

Mr. Jarion Richardson: —on Advertising and Promotion and Communications? And I have not seen who we are telling what about, given this is a new Ministry.

Moving on, Madam Chairman, under the Subjective Analysis of Current Account Estimates under the Repair and Maintenance line item—I do apolo-

gise—it is actually under Professional Services. The line item is . . . the Ministry is requesting \$358,000 for Professional Services. And given that this will be the second largest expense in this Head, I would like the Honourable Minister to specify what professional services are entailed and what they will be used for in this Head.

Moving on to page . . . sorry, still on page B-180, Madam Chairman, I note that there is . . . under business unit . . . actually, I am looking at Employee Numbers (Full-time Equivalents), under the business unit 54060 Administration we have five full-time equivalents. And I note that, in an earlier debate, we had mentioned that another Ministry had forwarded an accounting assistant to this new Ministry, and I did not hear which . . . I did not hear about that in the brief. It might have been mentioned, I apologise, there was quite a lot happening in that brief. But I was wondering, does this number accommodate for the persons who were sent from Honourable Minister Tinee Furbert's Ministry?

Moving on to the next page, Madam Chairman, on page B-181, looking into the Performance Measurements for the Ministry of Labour Headquarters unit. I noticed that they have allocated, or it has been outlined that, five targeted outcomes will be achieved as they relate to business unit Administration 54060. That is number one. It says that the number of Throne Speech initiatives completed during the fiscal year will be five. Obviously, this format does not allow for us to know which of those five the department will be held accountable for or what they will be trying to achieve. So, I would like the Honourable Minister to specify which of the Throne Speech initiatives are numbered in that targeted outcome.

Madam Chairman, also, I have a question on number two under that. The Performance Measurement is a variance between approved estimates, so what we do in this Committee is an Actual Current Account Expenditure for the Ministry of Labour. The listening public might not be aware, but anyone could see that we have a variance between what has been approved and then what is anticipated, or the actual amount spent, is plus or minus 5 per cent. And Madam Chairman, normally in budgeting situations we are aiming at coming in under the budgeted amount, so I was curious to understand the Minister's rationalisation for anticipating both an over and under spend, especially given the financial constraints that we are facing in the current Government budget.

Madam Chairman, [moving] on to business unit 54200, we are looking at the Labour Relations section of the Performance Measurements under Head 44. I note that we are anticipating some 130 investigations and I was curious, are these investigations in relation to the new Labour Code, or are these investigations similar to previous [ones]—before we passed the Code into law? I am . . . given that we had 130 originally forecast in 2020/21, obviously, we went

down to 74 for the revised forecast because of COVID and any other downstream impacts coming from the health situation in Bermuda, but we are still looking at 130 investigations. So, I was curious to see how we had stayed on that number.

Staying under the Labour Relations section, I note that the number of employment tribunals and arbitrations are estimated to be 45 this year, Madam Chairman. And I would like to know how the Honourable Minister arrived at that figure.

I note also, under the Labour Relations section, that the number of days to prepare case files for tribunal hearings (that is Performance Measure number four) is five working days. And I would be interested to hear the Minister's . . . or someone's information on this process because five working days seems a bit ambitious for a case file. I am mindful that this does not have to go to court, but nonetheless, five days is very little time. So, I would be obliged if the Honourable Minister could explain the staffing and expertise of the Labour Relations section, specifically, as it relates to their training and qualifications or experience in preparing case files.

Madam Chairman, staying on page B-181, I am looking at Immigration's Appeals Tribunal, specifically 54210. And I note that a number of achievements were mentioned in the Minister's brief, but I did not find a corollary into the Performance Measurements for the actual outcomes in 2019/20. So, I found it a little difficult to follow along for what has been submitted to this Honourable House, this Committee, for the achievements that have taken place and the justification for budgeting and funding the department going forward. It appears that the Minister's brief is, obviously, quite fulsome and I was curious how the Budget Book wound up being significantly less fulsome.

I draw your attention, Madam Chairman, specifically, to the targeted outcome 2020/21 column, page B-181. And it looks as close to identical as the plan for [2021/22]. So, given that there is a substantial similarity between those two columns, that is original forecast 2020/21 and the targeted outcome 2021/22, I am curious as to how, given that we spent a year and obviously spent a substantial amount of money, why are we doing what appears to be the same thing over again? And the Minister's brief included many more items than this, so I am just curious why there is . . . why we do not see that reflected in the consideration in the actual formal document that we are looking at when we are considering giving another \$1.4 [million] or, rather, giving \$1.4 million to this new unit.

With that being said, Madam Chairman, I am looking at business unit 54210 and the Performance Measurement has a number of immigration tribunals still outstanding at the end of the period . . . and it just does not say what that period is. So, I am wondering, are you talking about the fiscal period?

Madam Chairman, those are my questions for Head 44. I am mindful that I will, undoubtedly, have supplemental questions as they arise and, obviously, having my colleagues have the opportunity to ask questions within the Committee of Supply as well.

Moving on to Head 27, Immigration, specifically, page B-128, I note that the mission statement of the Immigration Department—

The Chairman: Page B-182, Member.

Mr. Jarion Richardson: Sorry, thank you very much, Madam Chairman, [page] B-182.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: I note that the mission statement is *to facilitate economic growth and to protect the future of Bermuda for the benefit of Bermudians, residents and visitors while protecting our borders*. I note, though, that the Department Objectives are dissimilar to the Department Objectives we have seen in other places in the Budget Book, Madam Chairman.

This Department Objective is actually a description of what the department is responsible for and its mandate. So, I was curious, who actually generates the Department Objectives and Performance Measurements, given that this one is not an objective, it is just a description? So, I was really curious about that.

Moving on, Madam Chairman, I see on page B-183 under the Subjective Analysis of Current Account Estimates and I thank the Honourable Ministers and their team for correcting the brief once we highlighted the numbers were not consistent with the Budget Book as we had received it. So, and if there is any variance between the two, I would . . . I stand to be guided by them to make sure that we are actually questioning the right numbers.

With that being said, Madam Chairman, I am looking at Subjective Analysis of Current Account Estimates and Salaries, where we are seeing a 9 per cent decrease in Salaries, specifically. And this was spoken to in the brief, but given that there is no reduction in full-time employees, the brief said that “austerity” was used. I am curious as to what that means. Did someone have their pay cut? Was someone . . . I just do not understand what austerity measures were implemented to achieve a 10 per cent reduction in Salaries when we do not see a reduction in full-time employees.

Madam Chairman, moving on, I see under Professional Services, again, I am still on Subjective Analysis of Current Account Estimates, I am looking specifically at Professional Services and we are seeing a 54 per cent increase in Professional Services for the Department of Immigration. In our current economic climate, 54 per cent is, obviously, quite a signif-

icant increase. So, I am interested in knowing what are we going to use that additional \$100,000 for in the Professional Services for the Department of Immigration?

Madam Chairman, still on Subjective Analysis of Current Account Estimates, I note that we have a 10 per cent increase in the Repair and Maintenance, so, we are currently . . . or rather, the department is requesting \$897,000, an increase of \$78,000, for the Repair and Maintenance. My question is, what specifically is being repaired and maintained for that amount of money—\$900,000? That strikes me as a lot of money for repair and maintenance, and the ministerial brief spoke to *maintain and support border management*. So, my question is, border management is the new software that is coming in, is that part of the contract with the vendor that we pay a fee? I know that we are paying \$2 million under Capital Acquisitions (I want to say) and I am looking at . . . yes, that is it, Schedule C, Madam Chairman, page C-13, I see under Immigration that the Border Control Systems will cost us \$2 million. And then we turn around and we have had in the ministerial brief that we are also going to pay to maintain and support the system and we see that huge sum of \$897,000. So, I was wondering, what is that contract? Have we been contracted in some way to provide that?

Also, I note that there is a cleaning contract in the ministerial brief associated with that line item. And that is a huge cleaning contract, again, so if the Honourable Minister can tell us how much space the Department of Immigration is taking up at the airport for them to incur that size? Obviously, that \$900,000 or \$897,000 is not broken down right there, and we know it goes between software support and a cleaning contract, but that is a lot of cleaning and a lot of software for that amount of money, Madam Chairman.

Moving on to Revenue Summary, Madam Chairman, on page B-183. And this was another area where we got a lot of clarification on those numbers so, again, I thank the Honourable Ministers and their team for facilitating our debate. Given these numbers that we are looking at and, specifically, I will draw your attention, Madam Chairman, to the Revenue Summary 8281 Work Permits—Full-time /Part-time and 8285 Work Permits—Work & Reside. These numbers are, obviously, heading in a curious direction, losing some \$7.2 million in work permit fees bites. That constitutes a 67 per cent variance, or a loss of 67 per cent in our revenue for that line item. Equally, for 8285 Work Permits—Work & Reside, we are seeing a 42 per cent loss. So, we have gone from . . . or rather, I should say, we have gone from \$1.5 million to \$898,000. So, we are experiencing some significant losses. And when you aggregate that out, it looks like we are seeing something at the very bottom of the Revenue Summary of losing half of the revenue from these, what was the work of the Department of Immigration. So, it has lost \$11 million.

The Honourable Minister did actually speak to 8291 Land Acquisition Fees being transferred over to the Cabinet Office. So, I will speak specifically to the work permits. What, if anything, is being done to reverse the trend in the significant losses we are seeing for fees for work permits? I would be obliged if the Honourable Minister could answer that.

Also, I note that there is an 86 per cent increase in the fees associated with Work Permits—Temporary/Periodic 8283. Given that there is an 86 per cent increase, or an increase of \$2.9 million, that we are anticipating making on that line item, I am curious if the Minister has an explanation for that. Given that the digital nomad regime is in place, can we assume that this is where that increase is coming from? And if that is the case, I note that in 2019/20 we see that \$3.1 million was generated in revenue from temporary and periodic work permits being issued and we are anticipating \$6.4 [million]. I just want to clarify what this Work Permit—Temporary/Periodic is because the digital nomad, from my understanding, we only just did that, so what was that \$3.1 million for? Did we have another . . . and I believe the answer is that we had another version of the digital nomad work permit structure.

If the Minister could confirm that between 2019 and 2020 into and after the introduction of the digital nomad permit, that it is, in fact, the same line item and the same revenue? So, it would be a change in something that was already there versus a brand-new item, I believe.

[Inaudible interjections]

Hon. Jason Hayward: Madam Chairman.

The Chairman: Minister.

Hon. Jason Hayward: I appreciate the line of questioning from the Member, but if the Member can ask the question and allow me to answer the question, and then he can do a supplementary on my answer.

What seems to be happening is that the Member is asking questions and then providing an answer to the question that he is answering and wants me to justify his inaccurate assumption, which is becoming very difficult to follow.

The Chairman: Thank you, Minister.

Member, could you please just pose your question and leave the Minister to provide the answers that you seek?

Mr. Jarion Richardson: Yes.

The Chairman: That might be better.

Mr. Jarion Richardson: Sure.

The Chairman: And better for the listening public.

Mr. Jarion Richardson: Sure.

The Chairman: Thank you.

Mr. Jarion Richardson: Sure, Madam Chairman.

So, great. Then let us summarise that one question because I take the Minister's point that I belaboured that one, so it went around for a little bit there. We are seeing an 86 per cent increase in temporary and periodic work permits over the previous year. What does he attribute that to? And the second question is, if in 2019/20—in that fiscal year—we raised \$3.1 million, was that from a similar statutory work permit as digital nomad?

Thank you, Honourable Minister. Thank you, Madam Chairman, for your guidance.

I am still on Head 27, Madam Chairman, on page B-184. And I was curious to see which business unit, so we are looking at a list of Employee Numbers or Full-time Equivalents, and for the benefit of a full-some question I am looking at four units, Corporate Services (and this is within the Department of Immigration, Corporate Services), Personal Services, Compliance and Finance. Last year there were 44 people, 44 full-time equivalents. This year we are anticipating 44 full-time equivalents, but I saw a significant reduction in the Revenue Summary on the previous page, B-183, something in the range of a 50 per cent reduction from \$24 million to \$12 million. So, if we are producing fewer or, rather, we are processing fewer work permits, then why do we need as many people to process fewer to make less money? Thank you, Madam Chairman.

The question also, the Honourable Minister, would be, how do we justify or rationalise spending the same amount of money to undertake half the work? Thank you, Madam Chairman.

I am still on Head 27—Immigration, but I am now into the Performance Measures section under B-185. And, specifically, I note that the column for actual outcomes in 2019—so this would be in management reporting *here is what we did before*—that column is blank. There is nothing in this Budget Book that reports on what the Department of Immigration accomplished in 2019/20. Now, they have undoubtedly done something, but I was concerned to see that this column was blank because, again, we are using this Book as the official record to make the determination to fund the department for some \$5.2 million. Did I get that right? Yes.

The Chairman: Okay, so, what is your specific question, Member?

Mr. Jarion Richardson: Why are we not reporting what the Department of Immigration accomplished in

2019/20? Thank you, again, Madam Chairman, for your guidance.

Specifically, okay, and still on the Performance Measures on [page] B-185. I believe in the Minister's brief they said that border management would be online in March and I note that that is not included in the Performance Measures. Also, the Minister said that we will extend oversight of [the] executive airport terminal, I believe, and, again, that is not there.

So my question, Madam Chairman, is, why are some of the Performance Measures mentioned in the brief but not mentioned in the Budget Book? Thank you.

Still on Head 27, Madam Chairman, now on page B-186, and this relates to all the Performance Measures. There are 33 Performance Measures on these two pages, Madam Chairman. And they are identical . . . sorry, 31 out of the 33 are identical to [2020/21] and there is, again, no reported performance as it relates to 2019/20. So, using the Revenue Summary, we are anticipating what looks like half the work coming up to do in this period, and the Department Objective is a description, so, my question is, how does the Minister intend to track, monitor performance of the department, given that what we are seeing is largely a copy/paste of the year before in their plan? That is, in the Budget Book. Sorry.

Madam Chairman, I am now moving on to Head 55 for Financial Assistance. Specifically, Madam Chairman, I am on page B-187, on the third Department Objective which, read in full, is *To apply internationally recognised standard of care when managing relationships with financial assistance clients*. So, sorry, I never said the department name, the department is Financial Assistance. And I would like the Minister to specify what these internationally recognised standards of care are that he will be introducing or applying into our Financial Assistance programmes.

Moving on to the next page, Madam Chairman, still Head 55 Financial Assistance, on page B-188, I see that under National Health Emergency . . . so I am under the General Summary table, specifically business unit 65997, described or labelled as National Health Emergency. I see the \$2.6 million that has been spent as it relates to our COVID situation, which was navigated, obviously, last year and we are still in the process of navigating. But I do have a question as it relates to that.

There had been some periodic reporting about this amount of money that is reported here as \$2.6 million. I was wondering if there had been any breakdowns or if the Minister could give a breakdown of any kind of malfeasance or fraud that may have been detected in this process. Also, and I believe the Minister's brief did speak a bit about that, but I would like to make sure that we get that out a little clearer as it relates to their actions to make sure people are not abusing this system.

Also, what—

Hon. Jason Hayward: Madam Chairman.

Mr. Jarion Richardson: Yes, I am sorry.

The Chairman: Minister.

Hon. Jason Hayward: I believe there may be confusion with this Head and the head responsible for . . . that outlines the processes of the Department of Workforce Development. In that brief we spoke about a unit to look at the administering and cleaning up of the Unemployment Benefit System and you will see that it also has a National Health Emergency fund as-sociated with that particular Head. So, the comments may be vetted, but not for this particular Head.

The Chairman: Thank you for clarification, Minister.

Mr. Jarion Richardson: Thank you, Madam Chairman, and thank you, Honourable Minister, because the question I had, also, is what is the difference between this figure and the \$60 million under Head 60 Workforce Development, business unit 70997 on page B-192? So, I am thankful for that contribution.

So, my question then is, Can we hone in on what is the difference between the spend for 65997 National Health Emergency and the National Health Emergency under 70997 on [page] B-192? Thank you, Madam Chairman and Honourable Minister.

Still on [page] B-188 under Subjective Analysis of Current Account Estimates, I see that under Salaries we are seeing an increase of \$653,000 over last year, which amounted to a 21 per cent increase, but I only see one increase in full-time employees on page B-189. So, reading this it appears that one person is getting \$653,000 and I do not believe that is the case. I believe the Minister's brief spoke to some sort of restructuring, so, that is just not in the Budget Book. So, if we could get the Minister to specify how this increase in \$653,000, how that is being spent and how that either does or does not relate to the one person increase in the department, I would be obliged.

Moving on, Madam Chairman, still under Subjective Analysis of Current Account Estimates, we see the Professional Services being requested for \$150,000. We saw that in 2020/21 [there was] \$150,000 requested and of that \$55,000 was spent, so, a little over a third of it. We are going into 2021/22 and we are, again, requesting \$150,000 and last time only a third was used, so I would like the Minister to clarify why we are going for another \$150,000.

I would also note and request the Minister to clarify under page B-188 Subjective Analysis of Current Account Estimates, I am looking at the totals under that table, and I see that we are increasing . . . the total increase in the Subjective Analysis of Current Account Estimates is \$462,000. But I see that we are

actually reducing the amounts in Grants and Contributions, so, again, I seek clarity on this from the Minister. It reads to me that we are reducing the Grants and Contributions by \$203,000 but we are increasing the amount of money we are paying people to administer the process.

Would the Minister be able to clarify [if] that is the case? And if so, why are we reducing the amount of money we are giving out, but increasing the amount of money we are paying people to give it out? And when I say that, I do not mean to be indelicate, I am very mindful of the very stressful positions that people can find themselves in but I just want to make sure that I get some clarity around that. Thank you, Madam Chairman.

I am still on Head 55 Financial Assistance, Madam Chairman, and I am on [page] B-190. And my question is in relation to the Performance Measures in general. There are nine performance measurements included and I am mindful that we are looking at a government department allocation of \$51.4 million. If we look at how . . . what performance is intended by this department, what the department will get up to this year in the Budget Book, there are nine performance measurements and four of those are being discontinued and of the remaining four they are identical to the previous year.

So, it looks like the department is either . . . you know what? I just realised that could be conjecture. I would like to know why the targeted outcome is removing four objectives, or even five here. And then why the other ones are identical to the previous year. Thank you. Especially given the context that the community is in need of financial assistance and yet we seem to be doing the same thing in the Budget Book that we did last year.

Madam Chairman, I am now looking at page B-190 under Head 55 Financial Assistance and I note that, again, we do not see any performance measurements for 2019/20. So, I would ask the Minister, why is the performance of Financial Assistance not being reported for the year 2019/20 in the Budget Book?

Next question, Madam Chairman, still on page B-190, I know that there has been some discussion of or some elucidation on the fraudulent activity in the Minister's brief, but it is not mentioned here, for example, a case was referred to the Attorney General. And there seems to be quite a lot happening in the brief, including reallocating resources, distribution of case files, it looks like ISO compliance is being sought, the department will focus on reform, and actually none of this is mentioned in the Performance Measures. And my question to the Honourable Minister is, if all of those work items are being committed to and undertaken somewhere else, will that performance be reported back to this Honourable House in the next budget year? Or will it still be managed outside of this

process and we just have to wait for him to tell us in a brief? That is my question there.

My next question under Performance Measurements on [page] B-190 would be the ISO 33777, I believe, was the number, but again, I only heard it and I did not get to see that number, Madam Chairman. I note that the department is looking at trying to achieve compliance with that international standard and I was hoping the Minister could let us know what that standard is that they are trying to achieve. And what he anticipates that work process [will be] looking like in this year.

Madam Chairman, I am now on Head 60 Workforce Development. Specifically, I am on page B-194. And I wanted to be very clear to the Honourable Minister and especially the senior civil servants that these Department Objectives are very smart in terms of specific measurable, achievable, results orientated and time-based. They are clear, they are unquestionable, and I can read them and know exactly what I should see in a year. So, I just wanted to compliment the drafter of these Department Objectives that they do not really require a lot of questioning to figure out what they are.

With that being said, Madam Chairman, and I do apologise for doing such a compliment, but I note that all of these Department Objectives are supposed to be delivered by March 31, 2021 and I note that the budget allocation, where we are budgeting for after March 31, 2021, we are budgeting for the 1st of April. So, according to this plan, this department, this is Head 60 Workforce Development, will have accomplished all of its objectives before we fund it. So, I thought that does not strike me as a great idea.

So, my question to the Honourable Minister is, are those Department Objectives accurate in that they will all be accomplished before the end of this month? Or are these going to roll over into April and into the next year? Thank you.

Moving on to Head 60 Workforce Development, Madam Chairman, I am still on [page] B-192. And again, I thank the Minister for his clarification on business unit 70997 on the National Health Emergency, and my question does relate to, as I had previously asked, I just noted it in two places. I would develop the question a little further and ask would we be able to get a breakdown now of how this million dollars was dispersed through the Workforce Development? Thank you.

My next question, Madam Chairman, is in relation to the General Summary, still on [page] B-192 for Head 60 Workforce Development. And I note that the total budget request has gone down by 16 per cent or \$693,000 is not being requested. And I was curious because given our circumstances, and the job strategy programme, it is clear that we need to retool the workforce and the Minister of Labour is paying attention to retooling the workforce and getting a lot of people back into the market. So, I could not rational-

ise, or rather I could not see how spending less money in that way would actually get us closer to his goals. So, I would like the Minister to . . . my question to the Minister is why are we reducing this budget when we need to retool the workforce?

Madam Chairman, I am on [page] B-193, Subjective Analysis of Current Account Estimates for Head 60 Workforce Development. And I had a question on some number variances between the brief and what we saw in the Budget Book, which was clarified, but I am not sure if he clarified this one. And so, I would be obliged if the Minister could tell us, on page C-19 [business unit] 6866, I believe the Minister said that \$350,000 was allocated, but it says \$430,000 in the Book. So, if we could just get clarity on that number for page C-19, [business] unit 6866.

Moving on to the Revenue Summary, Madam Chairman, let me just check the time. Madam Chairman, how much time do we have left in this debate? [Is it] 4:19 when we are ending?

The Chairman: We are close to an hour, give or take a few minutes.

Mr. Jarion Richardson: Okay, thank you, Madam Chairman.

My question is on [page] B-193, still on Head 60 Workforce Development, on the revenue source. The ministerial brief had mentioned that there was a fee associated with the Summer Internship Programme and I did not see that mentioned in the Revenue Summary for either business unit 8435 or 8436. So, my question was, where is that revenue being shown in our accounts? That is the revenue from the Summer Internship fees.

My next question was in relation to the Revenue Summary, Certification Fees 8436, again, I see a reduction when I know the Minister has been at pains to point out to the public that we need to retool and retrain and reemploy the workforce. So, I thought, my question is, why are we seeing a decrease in Certification Fees when we would want more people to get certified? Thank you.

I am on page B-194 now, Madam Chairman, and . . . I will skip that one. I am on page B-195, Madam Chairman, and I have some questions about the Performance Measures of the Workforce Development. Again, a very detailed ministerial brief that does not necessarily coincide with these performance measurements. The one I am looking at is 70000 as it relates to Administration and its measurement seems to be—it says, *To support the operations of the department, to ensure the accounting processes, policy, and procedures align with financial instructions*. And the measurement for how we have achieved that says “three business days.” And so, my question for the Honourable Minister is, how does that work? I do not understand how the targeted outcome measures the

actual performance. So, if he could answer that for me.

The next question I have is in relation to business unit 70014, still on the same page, for Training Administration.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: And I just wanted to add congratulations to whoever drafted this, this is a very clear section, it makes sense to me. I understand exactly what I would anticipate seeing accomplished next year. So, I just wanted to say thank you to whoever did that.

Moving on, Madam Chairman, I am on business unit 70015, still on page B-195, and I note under this business unit that we are seeing a reduction in headcount, that is, full-time employees, but we are still seeing the same performance expectations. So, my concern was, are we . . . or rather, my question to the Honourable Minister is, how does he intend to maintain that level of performance after losing 50 per cent of his headcount for that business unit?

I would also like to ask questions as it relates to the ministerial brief that was brought up during this section, Madam Chairman, specifically about the Pilot Graduation Programme and there are some 15 college graduates successfully joining, and I see that there is a Youth Employment Strategy. When would that Youth Employment Strategy either be tabled or published publicly? Thank you.

Moving on to the next page, Madam Chairman, I am on B-196 under Apprenticeship and Professional Development. Again, a very well drafted section, so I was very happy to be able to understand that. I am on Apprenticeship and Professional Development 70016 Number of Apprenticeships. And I am wondering, I see a targeted outcome of 45 persons for the Number of Apprenticeships in 2021/22 and, does this figure include the College Graduate Programme that was mentioned before and the Learn to Earn hospitality-based programme? I understand that nine people from that programme secured placement. So, my question is, is this 45-number inclusive of all of those projects that the ministerial brief mentioned?

And under business unit 70400 Career Development, I see a revised measure. I have a performance measure here, Madam Chairman, of *Number of persons assessed for career, skills and aptitude* and we are reporting that 200 of those 200 people were assessed last year or we are anticipating that number, given that we have a couple of weeks left. And I just had a question because the ministerial brief mentioned something like 461 career assessments conducted, and I just did not see where these numbers were reflected, so I would like to get some clarity as to who is conducting what? And are those numbers included in the Budget Book?

I also note, Madam Chairman, under that same section, that we are seeing some discontinued performance measurements, specifically, around *To increase the number of job referrals*, *To increase the number of job postings on electronic Job Board*, and *To increase number of employers listing vacancies on Job Board*. But I am pretty sure I heard in the Minister's brief that the Job Board was, not just still in use, but actually quite a success. So, I would just like some clarity, is the electronic Job Board discontinued? Or is it still in use? And thank you for that.

And those are my questions for the Minister and another . . . and I note that on the Performance Measures [on page] B-196, Number of job postings—this is one of the clarifications at the bottom of page B-196, Madam Chairman, *Number of job postings on the Bermuda Job Board fluctuates daily and is dependent upon job vacancies or opportunities within the workforce advertised by employers. This measure is not attributed to performance*. In other words, someone had very sensibly noted that sometimes performance measurements are actually dependent or contingent on other people. And that just struck me in this entire Workforce Development as someone who put a great deal of effort and consideration into producing these targeted outcomes and I wanted to thank them. I do not have as many questions, ironically, in that section as I do the others where it was not as clear.

So, that is all for me and, obviously, I will have some supplementals. Thank you, Madam Chairman and Honourable Minister.

The Chairman: Thank you—

Mr. Jarion Richardson: Madam Chairman, your microphone is muted.

The Chairman: I had it unmuted and muted it.

Are there any other Members wishing to participate in the debate?

Members?

There being no other Members, I now turn it over to the Minister to begin to answer questions for the Member who just finished.

Minister.

Hon. Jason Hayward: Thank you, Madam Chairman.

The Chairman: Okay. Continue, Minister.

Hon. Jason Hayward: Madam Chairman, first I would like to thank the Attorney General for reading the submission on behalf of the Ministry of Labour, the Labour Relations section and the departments associated with the Ministry of Labour. I will endeavour to go through the various questions that were asked and associated with the submissions by the Honourable Member Jarion Richardson.

When we look at the Department of Labour Objectives, the specific question was asked regarding, *To continue to implement comprehensive immigration reform by providing oversight of process improvements, policy and legislative changes, and IT system upgrades and enhancements*.

When we review the reform that is taking place within the Department of Immigration, the majority of the initiatives, new initiatives and changed initiatives are being daily directed via the Ministry of Labour. What we will find is that we have a very broad scope of what we are trying to do in the Ministry of Labour as it pertains to Immigration.

When we look at reform as a whole, I think what we have to do is chop it up into major categories: (1) we want to ensure that there is protection of opportunities for Bermudians; (2) we want to ensure that we are facilitating the expansion of our residential population, and that has to be done in a very measured way. We want to ensure that there is retention of our residential population. It makes no sense trying to focus on expansion when we will actually find our current residential numbers declining. And then the other portion that we support through our initiatives would be facilitation. How do we facilitate business growth? How do we facilitate persons who actually have interests in working and residing and doing business in Bermuda? And so, those are the aspects of Immigration that we want to reform so we can move further in those directions. Each one of those four areas require policy initiatives, they also require legislative changes.

When we look at the five items that were Throne Speech initiatives that the Ministry has obligated performance indicators, what we will find is two major initiatives: One was to ensure that persons provide economic substance in our economy who want to reside; and, secondly, it was for us to ensure that we provide a level of residential security for long-term residents. Those were the two main items. Both of those items require both policy work and the one where we were talking about expansion of our—providing [normalcy of residency] for our long-term residents requires legislative changes, and those legislative changes are slated to come.

When we start talking about facilitating the expansion of our local economy, over the coming weeks we will roll out another policy initiative, which will actually seek to remove the affidavit of domicile requirement for immigration applications. I did a press statement this year where I outlined seven major initiatives that we were undertaking in the Department of Immigration.

One would be ensuring that we expand our residential population. This was important because our tourist numbers have declined drastically.

The second thing that we actually saw in regard to our residential population was that we had a number of large employment establishments close, which led to an exodus of work permit holders. To off-

set those declines what we have actually done was implement policies in place which actually allow persons to reside and work in Bermuda for longer periods of time. We extended the visitor stays from 60 days to 180 days. And what we have seen from extending that policy to allow persons to visit in Bermuda from 90 to 180 days, what we actually saw was the intention of persons to stay even longer than the 180 days. And so, we have seen an uptick in applications for people to reside on an annual basis. This is different from the numbers that are actually being reported for those persons who choose to reside in Bermuda through what we would consider to be digital nomads, the Work from Bermuda initiative. And so, we have had vast success in those areas. They required policy changes and those policy changes actually have been positive to our economy.

And so, when we look at the Ministry of Labour, the Ministry of Labour is the one that initiates the policy changes, while the departments underneath the Ministry of Labour are the ones that are actually responsible for the implementation and administration of those changes.

We did have underneath our Department Objectives to provide oversight for the Department of Workforce Development for the re-employment, re-integration and job strategy. I did do a comprehensive ministerial statement which outlined the key elements of that particular job strategy. That job strategy is multi-faceted, it asks us to look into, number one, labour policy. And one important labour policy that we have implemented in the line of the job strategy was to close . . . to expand the number of closed job categories. That was done strategically to provide capacity and opportunity for Bermudians who are looking for gainful employment, understanding that there have been widespread contractions in employment across all economic sectors, and increasing the number of unemployment in those correlating sectors.

Another thing that we have done is we made a concerted effort to partner with industry, and I personally engaged with the Department of Workforce Development in a number of industry meetings to map out industry-specific strategies. We also recognised that there was a stigma attached to the Department of Workforce Development where professionals were less inclined . . . persons who had been in the workplace for long periods of time or who had university degrees were less inclined to utilise the services of Workforce Development. As a result, what we aimed to do was to attach those persons directly with employment agencies to connect those persons with jobs and job opportunities.

In addition to that, when we look at our job strategy, we had to have a specific focus on our youth. And what we have found is that we want to continue to push specific youth-focused strategies as those are the individuals or the demographic group

that is impacted the most by the economic downturn and have been impacted negatively, historically.

All of those initiatives are driven from the policy work which is done within the Ministry of Labour and then the respective department is responsible for the execution. And so, I hope that helps clarify how our Department Objectives touch on the problems or areas that are under the Ministry of Labour's remit because we are the central hub where we are responsible for the analysis and policy work, and the department is responsible for the ultimate execution.

Mr. Jarion Richardson: Just a supplemental, Madam Chairman. Do I ask that here on that point?

The Chairman: Minister, will you take his question?

Hon. Jason Hayward: Yes.

The Chairman: Okay. Proceed.

Mr. Jarion Richardson: I thank you, Madam Chairman and I thank the Honourable Minister.

I was wondering, is there a document that contains all of those points together—consolidated—and will that be published? Or are we speaking about a set of different initiatives and documents that have been published over time? So, [my question] was, is either one document going to be published at once that shows the whole plan, or is it actually a set of different plans that are being released on a periodic basis?

The Chairman: Thank you, Member.

Hon. Jason Hayward: I have been clear in previous press statements in terms of the critical elements that are contained in the job strategy. That is found in one document. What the Member would not find . . . he is asking for a broadly covered document that states Bermuda's job and reemployment strategy and that covers all of those areas, but that is something that the Ministry can easily do, or I can just share with the Member all of the critical elements of the job strategy and the progress that we are making in those particular areas.

In terms of direction and oversight that is provided to the Labour Relations section, you would note that this is new in terms of the Labour Relations section, it falls directly underneath the Ministry of Labour now. The direction and oversight that is provided from the Ministry will be policy direction and oversight. Certainly, we will not extend our reach to delve into the areas in which legislation governs the processes that actually take place.

For example, the Employment Act has specific processes that are built within it in terms of how ministerial function is different from the functions of the Labour Relations Manager. And the other labour

legislations, which would be the Labour Disputes Act or the Labour Relations Act, also restrict ministerial intervention and is clear on the direction that the Minister can provide and at what time the Minister can actually provide that direction. And so, there is no overreaching current legislation where legislation will supersede, but certainly, in terms of policy direction and work that supports that legislation, the Ministry will be actively involved in that.

As we move on there were questions regarding Advertising and Promotion. The Ministry of Labour, currently, does not have an advertising budget. As a result, we are restricted from advertising initiatives that the Ministry wants to share with the public. And so what we do currently use is the free advertising that is available. But on certain radio programmes to produce pamphlets and materials—they all come with costs. So, we cannot produce free printed pamphlets without costs to get on certain programmes that the Government doesn't currently have a relationship with.

It also requires us to pay for paid radio spots and also to put ads on those radio stations. It also forces us to purchase that particular air space. And as a result anything that is not free or is outside the bounds of where the Department of Communications has an active contract with a medium, we will be looking to utilise that advertisement and promotion.

For example, one critical thing is we are making significant changes to the Employment Act. All employers should be aware of those changes. We have to be proactive in getting out there and sharing what those changes actually are and to ensure that when the Act comes into force on 1 June 2020 *[sic]* that we have done the proper work in advance and this is going to require us to dip into our advertising budget so that we reach the population and inform them of the new rights and benefits which are contained in that Act, and also a big scope of that Act is now putting policies and making every employer put in place a policy regarding bullying and sexual harassment in the workplace.

Many employers do not even understand the concepts around bullying and sexual harassment and the appropriate relationship that has to be had between employees and employers and that imbalance between the subordinate and their manager. And so, we are putting in an educational session around bullying in the workplace and sexual harassment so that persons are better inclined to put effective policies in place, or *[they are]* in a better position to put an effective policy in place. And then also ensure that policies are not just in place, but everybody understands the context of the policy so that we can restrict the negative workplace behaviours.

[Answers on] the Professional Services within the Ministry. The number of employees within the Ministry is increasing because this is a new Ministry and as a result last year there were no employees allocat-

ed. The current employees that are in the Ministry of Labour, those position IDs are borrowed from other Ministries and departments and as a result we want to ensure that we had a full allocation of staff dedicated to the Ministry and this is where those five individuals come from.

A breakdown of the Professional Services for \$358,000 includes the special advisor and consultant costs at \$105,000; the labour relations section—the committee fees are actually \$131,000 and the immigration appeals tribunal is \$122,000. So, there are varying boards. All those—the nine adjudication boards that are currently under . . . that lie within our labour legislation are all paid for out of the Ministry's budget.

Within those five Throne Speech initiatives, you asked about those particular Throne Speech initiatives—one was the requirement for us to ensure that persons invested in the economy if they want to reside in Bermuda, and that we saw was *[dealing]* with the resident economic investment certificate. Number two was looking at making provisions to normalise long-term residents—and so that is our second initiative. We have the implementation of a minimum wage as a third initiative. As a fourth initiative we have the unemployment insurance fund to ensure that we have an active unemployment insurance and the fifth initiative is . . . that has skipped my mind, the fifth initiative, but what I will do is I will come back to it. I know that as we go through these questions it will come back.

In reference to the number of investigations, we currently have 130 as the number of investigations as the labour relations section. Certainly, these investigations are as a result of complaints being made. We cannot anticipate the number of complaints being made but we know that a normal year based off of historical data we currently have the capacity for 130 investigations. So, that is why that performance measure sits at 130 investigations.

As it currently stands in our unemployment legislation, officers do not have the proactive ability to go into employees. They have to act upon a complaint. So, a lot of that performance measure is reliant on persons making a complaint and the capacity for the labour relations section to actually act on those complaints that are actually made.

The Chairman: You have approximately 15 minutes . . . just shy of 15 minutes remaining to answer the questions. Just thought I would give you a heads up.

Hon. Jason Hayward: Yes.

I can just make a general statement. There was a lot of reference in terms of the initiatives that the department are doing, and they are not being in alignment with the performance measures. I just want to make it clear that performance measures do not speak to all of the activities of a particular department. They do, however, monitor the performance of those

specific indicators which are measurable, and which lie within a particular department. Certainly, as we move forward, we will see that the performance measures included can fluctuate because they come in and out. But certainly, you will not see a complete harmonisation or alignment with performance measures and initiatives that the department actually has in any given year.

You asked questions in regard to the Department of Immigration, and you asked about the austerity regarding the salaries. Generally, we have to accept that it was an austerity plan that was put in place last year with the 10 per cent reduction. That partly carries over to part of this fiscal period. And so, that is the austerity that was actually referred to—the current MOU that is in place and at the expiry of that MOU, the salaries will start to be reset. But we did recognise that there would be a cost saving for a portion of that period.

There were general conversations regarding the repair and maintenance and the fees associated with that repair and maintenance. The systems—the Department of Immigration has a number of electronic systems which monitor our work permits, borders, passport processing—which basically covers all of immigration's functions and wholly require maintenance contracts and upgrades on an annual basis.

In regard to the airport, previously the Ministry or the Department of Immigration did not have to pay for its space at the L. F. Wade International [airport]. Now, we have moved into a new facility. The department has to pay for that space and has to pay for the cleaning associated with that space. And so, any of that space that is associated with e-Gates or any function pertaining to immigration, the department has been told that they are responsible for the cleaning functions associated with that and as a result that is why there is an increase in that particular budget item.

When we look at the number of permits, with the economic contraction, of course, the economy—yes, we are going to be anticipating there being a reduction of work permits. With the addition of 41 additional closed categories, we expect a reduction in work permits. Temporary work permits and periodic work permits, we have seen an increase, primarily due to new businesses opening and they need to get their staff in house immediately and cannot wait for the process.

There has been a lot of business activity in our international business space and new company formations, mergers, acquisitions and these persons do not have the time to put in full applications initially because they need to get those companies up and running. As a result, what we have seen is an increase in short-term permits which supports the numbers that immigration has actually put forward.

But you will note that we have lost some of our . . . we have had major contractions in some of our large hospitality establishments which is heavily

populated with expatriate workers and as a result we should see a decline in permits in those particular areas. But it is to note that there have been economic contractions across the board in every industrial category, with the exception of IB. And so, what we should see is a general reduction in permits across the board within our economy.

Now, a reduction of permits does not mean that the officers responsible for doing permits now have 50 per cent less work. It means that now we can utilise those persons to process other applications. We have mixed status family applications, we have passport applications, we have economic investment certificates. We have one annual . . . people who want to reside in Bermuda on an annual basis. And so, what we can simply do is reallocate resources.

But we do have what we consider to be fluctuations in our immigration process where we have peaks and valleys and, right now, like at the beginning of the year, even though there is a reduction of work permits this is a peak period. And so, the first part of the year is always difficult in terms of processing, so there is no shortage of work for those individuals . . . and there will be no shortage of work for those individuals throughout the rest of the year.

Mr. Jarion Richardson: Just a supplemental, Madam Chairman, sorry, if I can ask a supplemental.

The Chairman: Minister, are you inclined to allow for a supplemental?

Hon. Jason Hayward: Based on the time and the amount of questions I [was] asked, if I can try to get through the other answers to the questions that the Member asked, that would be appreciated.

The Chairman: Member, can you write your supplemental and perhaps at the end when he has time, he can answer your supplemental as well.

Mr. Jarion Richardson: Yes, will do. Thank you, Madam Chairman.

Hon. Jason Hayward: Madam Chairman, there is no correlation between one-year work from Bermuda certificates and temporary work permits, or work permits in general. Simply, those individuals cannot work for Bermudian companies or Bermuda registered companies.

International Standards. The Member asked specifically regarding the ISO 31000 and it is a risk management framework that conforms to ISO 31000 is being researched for consideration and implementation. It is the intent that the risk framework will provide value-added capability to the current system and aid with robust technical solutions when addressing audit exit point deficiencies.

Madam Chairman, there were general questions regarding financial assistance and its budget. What I would like to say is it seemed as though the grants had been reduced at a time where there is a need for additional funding. What I want to say is that the almost half a million dollars of funding was removed from the Ministry and placed into another Ministry and that is why this grant [INAUDIBLE] is down. If we just looked at the pure like-to-like for grants provided to recipients of financial assistance, whether they be able-bodied, low-income earners, seniors or disabled people, we will see that those numbers have actually increased.

The \$60 million which is dedicated to the national health as . . . the line item which is responsible for the COVID-19 expenditure. There is a line item both in Financial Assistance and a line item under Workforce Development. The line item under Financial Assistance just speaks to the supplemental unemployment benefit. There is very little abuse in the supplemental unemployment benefit because those individuals have to be means tested before they come on.

The vast majority of the \$60 million have already been spent on the workforce development because that was associated with the unemployment benefit that initially was in place for the initial 12-week period, and then it extended to the 18-week period at the height of our shelter in place. And that \$60 million is allocated to over 10,000 persons at any given time.

You would also note that there have been supplementary regulations put in place where schools had been impacted and bars and restaurants had been impacted, and so, those funds are currently drawing down from that particular item. However, as you see that there are no funds available in this budgetary period because all those funds will come under what the Minister of Finance highlighted as COVID-19 contingency funds.

The additional staffing that was required is to administer the supplemental unemployment benefit programme. So, we did have to hire additional staff. They are not full-time equivalent so that they will not [INAUDIBLE] in the Budget Book, but they are temporary additional staff.

I just want to clarify that for workforce development there is no revenue associated with the summer employment programme. The revenue is for national certifications, so persons have to pay for those national certifications and most times employers pay on behalf of their staff for that particular training.

If you just look purely at the book it looks like there is a reduction in scholarship funding and grant funding from workforce development in terms of the job strategy. But what you would not know is that we are utilising Bermuda College more, and Bermuda College already has financial assistance built into it. And so, when those persons cannot get the financial assistance that is built into the Bermuda College, then

they can get support from Workforce Development, rather than there being a duplication. You would note that in previous years a large portion of Workforce Development funding moved to the Ministry of Education to provide that financial support to the Bermuda College for persons who cannot afford.

And so, I do not want to try to compare the reduction in the funding with the reduction in the services in a time where we need to get more people back to work. Certainly, that is something that we do not want to compromise. As a result, we have found other ways to leverage other stakeholders who can assist us with providing service. Instead of us running the course ourselves, we looked to industry to see if they can run courses, and they are at much cheaper rates.

The Chairman: You have two minutes and remember you have to leave sufficient time to move your Heads.

Hon. Jason Hayward: There was a question regarding the Job Board. Certainly, the Job Board is still up and running and functioning and it is a primary hub for us when we register persons into our programme—plus also job search. The problem that we find with the Job Board, though, like you indicated when you read the note, is that a lot of it is dictated by the availability of jobs and since we have performance measures, we say that a number of people are registered and there are no jobs available for those persons will just not be a smart objective.

So, the youth employment strategy, in particular, has already begun. A key element of the youth employment strategy was the Graduate Training programme. We are, through the National Training Board, which you will find in the National Training Board report, which will be tabled in the House of Assembly, you will see the elements of that report in terms of apprenticeship programmes, the expansion of apprenticeship programmes and those sorts of programmes that will directly be put in place to support our young persons. We will be sharing more information on our youth employment strategy and the employment initiatives associated with that.

The Chairman: We are in the final minute, Minister. So, you have . . . that is it Minister. Your time is now up.

Can I please have you move the Heads?

Hon. Jason Hayward: Madam Chairman, I would like to move Heads 44, 27, 55 and 60 to be approved as printed.

The Chairman: It has been moved that Heads 44, 27, 55 and 60 be approved. Are there any objections?

There being no objection, agreed to.

[Motion carried: The Ministry of Labour, Heads 44, 27, 55 and 60 were approved and stand part of the Estimates of Revenue and Expenditure for the year 2021/22.]

The Chairman: Thank you, Minister.

We have just completed the debate for the Ministry of Labour on Heads 44, 27, 55 and 60.

We are now going to move to the Ministry of Legal Affairs and Constitutional Reform, and I will yield my chair to Member Tyrrell.

Member Tyrrell, are you available to take the Chair?

Mr. Neville S. Tyrrell: Madam Chairman, the actual person is going to be MP Famous.

The Chairman: Member MP Famous, are you available to take the Chair?

Mr. Christopher Famous: Madam Chairman, yes, I am available. Thank you for—

The Chairman: Thank you.

Mr. Christopher Famous: —the introduction.

The Chairman: I yield.

[Mr. Christopher Famous, Chairman]

The Chairman: Thank you.

Honourable Members and the listening public of Bermuda, we are now in Committee of Supply for further consideration of the Estimates and Revenue and Expenditure for the year 2021/22. The following Heads under the Ministry of Legal Affairs and Constitutional Reform will be debated: 87, 3, 4, 74, 75 and 88.

I now call upon the Minister in charge to proceed. Honourable Attorney General, Kathy Lynn Simmons, you now have the floor.

I note the time is now 4:21 pm. This debate is scheduled to last four hours.

Honourable Minister, are you ready?

MINISTRY OF LEGAL AFFAIRS

Hon. Kathy Lynn Simmons: Yes, I am, Mr. Chairman.

Thank you, Mr. Chairman. I move the following Heads: [Head 87], Ministry of Legal Affairs and Constitutional Reform; Head 03, Judicial Department; [Head] 4, Attorney General's Chambers; [Head] 74, Department of Court Services, [Head] 75 Department of Public Prosecution; and [Head] 88 National Drug Control be now taken under consideration.

The Chairman: Thank you, Minister—thank you, Attorney General.

[Pause]

Hon. Kathy Lynn Simmons: If I may proceed, Mr. Chairman—

The Chairman: You may proceed, Attorney General.

HEAD 87—MINISTRY OF LEGAL AFFAIRS AND CONSTITUTIONAL REFORM

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

The mission statement and department objectives for the Ministry of Legal Affairs and Constitutional Reform Headquarters begin on page B-83 of the Estimates Book.

The mission statement is *to facilitate fair and equitable administration and access to justice while delivering effective legal services and advancing policies and legislation that preserve the rule of law and affirm social justice progress and constitutional renewal*. The department objectives, Mr. Chairman, are as follows:

The Ministry Headquarters accepts that its offices will be more innovative, responsible and continuously hard-working as a result of the needed responses due to the COVID-19 pandemic. The objectives of the Ministry Headquarters are:

- to advance Government policy initiatives under the direction of the Minister of Legal Affairs and Constitutional Reform;
- to ensure the Government's legislative framework is updated and current with policy directives;
- to effect synergies amongst Ministry departments to ensure that overall policy objectives are met; and
- to implement and monitor the targeted financial sanctions regime and to ensure Government's compliance with UN and UK obligations and to mitigate any associated risk.

Current Expenditure

Hon. Kathy Lynn Simmons: Mr. Chairman, the current expenditure for the Ministry's budget commences on page B-82 of the Approved Estimates of Revenue and Expenditure for the year 2021/22—and that is the Budget Book. A budget ceiling of \$31,956,000 was allocated to the entire Ministry for the 2021/22 fiscal year. Due to the fiscal constraints imposed last year by the ongoing pandemic, this figure represents a \$1,799,000, or 5 per cent, decrease from the current 2020/21 fiscal year.

It was necessary to undertake a comprehensive analysis of Ministry expenditure before achieving

this figure. A balance had to be obtained between optimising spending limits without overly compromising the efficient delivery of services and programmes.

Mr. Chairman, of the allocation to the Ministry overall, particular allocations are as follows:

- Ministry of Legal Affairs and Constitutional Reform Headquarters, \$5,802,000;
- Judicial Department, \$8,808,000;
- Attorney General's Chambers, \$5,437,000;
- Department of Court Services, \$4,656,000;
- Department of Public Prosecutions, \$2,961,000; and
- Department of National Drug Control, \$4,292,000.

Before I go any further, Mr. Chairman, I would like to acknowledge the presence of the Heads and the Acting Permanent Secretary of the Ministry who are present this afternoon to assist with this debate.

Revenue

Hon. Kathy Lynn Simmons: Mr. Chairman, as it relates to the Ministry's budget, I begin with a brief synopsis of each revenue stream. The only department under this Ministry's portfolio whose mandate entails directly generating revenue is the Judicial Department. Accordingly, this revenue stream is projected to yield \$5,422,000 during the 2021/22 budget cycle. This amounts to \$591,000 less than the 2020/21 original estimates. A 10 per cent shortfall is mainly projected from an anticipated decrease flowing from estates of deceased individuals and the impact of the COVID-19 pandemic which has dramatically slowed judicial processes.

Current Account Expenditure

Hon. Kathy Lynn Simmons: Mr. Chairman, with regard to Ministry Headquarters, a total of \$5,802,000 has been allocated to Headquarters. This represents a decrease of \$933,000, or 14 per cent from the 2020/21 original estimates.

Mr. Chairman, the Ministry of Legal Affairs and Constitutional Reform Headquarters is further-more functionally subdivided into six fiscally identifiable programmes as follows:

- 97000—Administration;
- 97010—Financial Intelligence Agency (which is a grantee);
- 97030—Legal Aid;
- 97070—Justice Protection Programme;
- 97080—Financial Sanctions Implementation Unit; and
- 97090—Mirrors Programme.

I will now proceed to address them individually as follows:

Administration—97000

Hon. Kathy Lynn Simmons: This programme provides for the administrative costs associated with the Ministry Headquarters to which \$1,148,000 has been allocated. This represents a decrease of \$189,000 or 14 per cent from the 2020/21 original estimates.

The decrease is mainly due to the grant of \$150,000 that has been transferred to the new Ministry of Social Development and Seniors. The remaining decrease is mainly due to reduced and only crucial travel costs budgeted as a result of the pandemic.

Throughout the fiscal year, in addition to salaries, \$52,000 has been spent on telephone expenses. Out of the consultancy vote, collectively \$174,000 has been spent on litigation guardian fees, a political PR consultant and a law student consultant at legal aid. [There was] \$113,000 spent on the grant to stand against abuse, and \$13,000 was spent on office supplies. Also included in the Administration cost centre are salaries and related costs for seven Ministry Headquarters staff. These include an administrative assistant, an executive assistant, a policy analyst, two pupils and the Ministry controller. The remaining post is being redefined to provide policy and administrative services to the Law Reform Commission.

Mr. Chairman, Ministry Headquarters intends to continue to focus on the codification and delivery of Ministry policy initiatives. There were a total of six policy documents prepared during the fiscal year. Our Ministry's most recent commitments include: developing policies to best encapsulate the vital role played in realising the medicinal and responsible adult uses of cannabis with a structured and regulated cannabis licensing framework which provides equitable economic benefit to the Bermuda public. Also crucial and in alignment with this policy, is the establishment of the administrative infrastructure to facilitate the expunction of criminal records of persons previously convicted for possession of small amounts (seven grams of cannabis) before the decriminalisation law was enacted. This online application process became operational on 12 March 2021.

Mr. Chairman, the convictions for small amounts of cannabis has plagued many local residents for years and this impeded their employment, educational and travel endeavours. Moving from limited decriminalisation of cannabis to ending unnecessary continued criminalisation and laying the framework for a regulated cannabis industry continues to pace despite the recent legislative hurdles pertaining to the Cannabis Licensing Act 2021.

The Ministry's expanded scope of cannabis reforms as aligned with the Ministry's mandate of drug prevention and law reform broadly continues to evolve as the progress to effective implementation of a regulated cannabis licensing framework for Bermuda takes shape. Thus, work will continue in this 2021/22 budget year to advance from limited decriminalisation of can-

nabis to establishing a robust regulatory licensing regime that will create a comprehensive framework embracing the science of cannabis benefit for therapeutic and medicinal purposes and capitalises on likely economic benefits of a regulated cannabis industry. This will be achieved by allocating appropriate resources to redress any perceived shortfalls with the Cannabis Licensing Act 2021 and continuing work across Government to realign the delivery of social, health, educational, and treatment services tackling the prevention and treatment of substance abuse associated with cannabis.

Before I move on, Mr. Chairman, I would like to acknowledge and thank the Controller of the Ministry Onika Mendes and the Acting Permanent Secretary, Gina Hurst-Maybury and the Headquarters team who have done excellent work with regard to policy development—namely policy analyst Jason Outerbridge and Livingston Wedderburn and the administrative assistance and support provided by executive assistant, Kristina DelValle and Karen—

[Inaudible interjection]

Hon. Kathy Lynn Simmons: Jeffers. Good gracious, I am having a senior's moment.

I will now move on to Legal Aid, Mr. Chairman.

Legal Aid—97030

Hon. Kathy Lynn Simmons: Mr. Chairman, the Legal Aid Office's purpose is to ensure—and that is . . . let me go back—97030. The Legal Aid Office's purpose is to ensure that legal advice and representation is readily available to those who need it most, and who, because of limited financial means, would otherwise be unable to secure access to justice.

Furthermore, the Office's Mission Statement is to provide high quality legal representation to those who qualify for assistance under the Legal Aid Act 1980. The Office fulfils this role by providing clients who qualify for the scheme with accessible, professional legal services in a timely and efficient manner.

Mr. Chairman, the Legal Aid's scheme is administered by the Legal Aid Committee under the authority of the Legal Aid Act 1980. For 2021/22, its budget allocation is \$1,680,000. This is a 9 per cent, or \$171,000, decrease from the 2020/21 original estimate allocation. The decrease in the budgetary needs is primarily attributable to the salaries being prorated for a 10 per cent cut up to July 2021.

In addition, the two pupil position IDs that were under salaries in the prior year have now been reallocated to the Ministry Headquarters budget portfolio as stated previously. Also, there was a decrease in legal services as we expect costs to decrease for outside counsel with the hiring of a full complement of

permanent in-house counsel which is expected to be completed by June 2021.

Of the 2021/22 allocation, \$831,000, or 50 per cent, represents salaries for the administrative and managerial staff. [The amount of] \$610,000, or 36 per cent, represents costs allocated for legal services. The remaining \$239,000, or 14 per cent, represents administrative expenses inclusive of committee fees and professional indemnity insurance required in respect of annual legal practising certificates for in-house counsel for the effective operations of the Legal Aid Office. For the current fiscal year, in addition to salaries expenses incurred to date were legal fees of \$394,000; telephone expenses of \$4,000; \$259,000 was spent on consultants filling the role of legal counsel posts; \$6,000 was spent on board and committee fees; \$96,000 was spent on electricity and rent; \$9,700 was spent on cleaning; \$15,000 has been spent on office supplies and printing.

Mr. Chairman, the Legal Aid Office has focused primarily on increased operational control over client litigation and administration efficiency. Reduction of expenditure has been a primary objective but not at the expense of a reduction in the quality of legal services.

The largest area of expenditure, with the exception of salaries, remains legal fees, which is in keeping with historical trends. The office was able to contain spending within its budget in 2021 with prudent management, coupled with the cost reduction and budget control initiatives outlined in the previous budget. The transition to the reformed legal aid model commenced in June 2018 and continues underway.

In keeping with the objective of decreasing previously outsourced work, recruitment moved forward in 2020 and to date two of three legal counsel posts have been filled. Recruitment for the third post, that of a junior legal counsel, is currently underway. Although the full permanent staff is not in place, fees paid for external legal services from the period 1 June 2019 to 31 December 2019 amounted to \$996,000. In contrast, budget expenditure for legal fees paid to external counsel for the period 1 January to 31 December 2020 amounted to \$639,000.⁵¹ This figure is also reflective of the decreased number of cases that have progressed through the courts as a result of COVID-19 restrictions. It is anticipated, however, that costs will continue to trend downward in tandem with full implementation of the reformed model.

Legal Services

Hon. Kathy Lynn Simmons: Mr. Chairman, with regard to Legal Services, between the period 1st April 2020 and 31st January 2021 the Legal Aid Office managed a combined total of 114 new matters, i.e., 10 domestic matters, 7 matrimonial matters, 30 civil matters, and 67 criminal matters.

The Legal Aid Office continues to maintain a general roster of counsel from private practice, who provide legal services to persons granted Legal Aid Certificates in instances where there may be a perceived conflict of interest. For the period of 1st April 2020 to 31st January 2021, 80 counsel including two Queen's Counsel, representing 40 law firms, were listed on the Legal Aid roster.

The current initiative to reform the Legal Aid service delivery model will:

- ensure sustainability;
- provide employment and training opportunities for Bermudian counsel;
- improve succession planning; and
- significantly reduce expenditure on legal fees, which has historically been an area of budget overspend.

The Legal Aid Office continues to be a major stakeholder in the specialist court programmes, such as Drug Treatment Court and Mental Health Treatment Court, providing defence counsel for these courts. In addition to the traditional rosters of counsel participating in the Legal Aid and Duty Counsel schemes managed and maintained by this Office, small rosters are also in place for these specialist courts. Mr. Chairman, if in-house counsel are not available, private practice counsel who are competent in these areas will be utilised.

The Legal Aid Office is currently collaborating with the Mid-Atlantic Wellness Institute, the Department of Court Services and the Bermuda Police [Service] on an initiative aimed at providing pathways for diversion of persons with mental health challenges who find themselves involved in the criminal justice system. A three-month pilot project aimed at providing a trained liaison and diversion officer who can offer mental health support including advice, screenings and assessment, and treatment is scheduled to commence in March 2021.

Output Measures

Hon. Kathy Lynn Simmons: Mr. Chairman, with regard to Output Measures, the Legal Aid Office retains the ability to process applications for legal aid certificates within 14 working days. However, achieving this objective is dependent on whether applicants have submitted the required information in a timely manner. The Legal Aid Office continues to process applications for temporary certificates, commonly known as emergency certificates, within three working days. This is feasible once all relevant financial information is submitted at the time of the application, and applications for temporary certificates can be approved by the senior Legal Aid counsel, provided that they are capped below a certain monetary value and are ratified by the Committee within 28 days.

Staff

Hon. Kathy Lynn Simmons: Mr. Chairman, I will now speak to the staff and complement at the Legal Aid Office.

At present, the Office is comprised of three administrative posts and five legal posts. The three administrative posts are the office manager, accounts manager, and an administrative assistant. The five legal posts are the senior legal aid counsel, two legal aid counsel, one junior legal aid counsel and one paralegal. These four counsels will attend court and represent clients at a reduced cost to the public purse since they will be on salary as opposed to drawing hourly fee rates. We expect to see appreciable savings using this model. In the coming months there will be two pupils on rotation from within the Ministry pupilage scheme.

The Legal Aid Office continues with regard to training and development to focus not only on present service provision, but also development of the quality of the advocates who appear in court on behalf of our clients. A main focus is also the movement towards a paperless office in keeping with the overall Government objective to be paperless by 2023. To this end, training to include both new and existing staff on the current case management and scheduling software currently in use, namely Legal Files and Clio is scheduled to be completed by June 2021. In-house counsel also have access to legal research tools such as Justice and Westlaw UK to support the litigation conducted under this scheme.

The diversity of legal work in the Legal Aid Office makes it an attractive option for pupils, law students and summer students. It is integral to facilitating the Ministry's thrust to train and retain competent and qualified Bermudians. At present there is a roster which allows pupils to spend time working in all of the relevant government legal environments on rotation, at the end of which they will be able to draw on a wide base of knowledge and eventually choose a specialisation area and settle into practice.

I would like to now thank, Mr. Chairman, the staff and counsel at the Legal Aid Office and the members of the Legal Aid Committee for their continued service provided to ensure that members of the public have access to legal services.

The Chairman: For the benefit of the listening public, we are now in Committee of Supply for the Ministry of Legal Aid . . . sorry, Legal Affairs and Constitutional Reform. We are now on Head 87.

You may resume, Minister.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I will now move on to the Justice Protection Programme and that is centre 97070.

Justice Protection Programme—97070

Hon. Kathy Lynn Simmons: Mr. Chairman, the Justice Protection Programme has been allocated a budget disbursement of \$325,000 for fiscal year 2021/22. This reflects a \$195,000, or 38 per cent, decrease from the 2020/21 original estimates. For the 2018/19 fiscal year, actual expenditure incurred was \$520,000. Thus moving on to the next fiscal year, 2019/20, actual expenditure decreased to \$372,000. For the current fiscal year, expenses to date are \$264,000.

Mr. Chairman, this programme has operated pursuant to the Justice Protection Act 2010 and provides protection for witnesses who support the prosecution process and meet the legislative requirements for entry into the programme. Over the past fiscal year, five individuals have been serviced with protections and relocation, if necessary. One individual is currently being considered for the programme as well, taking the total to active six participants. These individuals are afforded protection whilst they provide evidence in high-profile or high-risk cases before the courts.

In the 10 years since the programme has been in existence, there have been 33 participants which represented 51 people who were protected in total. Seven additional applications were considered but were denied entry to the programme as sufficient assistance was provided to allay the threat risk. The average duration of enrolment in the programme protection or assistance is three years.

Mr. Chairman, payments are made to meet a participant's reasonable living expenses including the appropriate living expenses of his or her family. Payments are also made for other reasonable financial assistance and for the purpose of meeting costs associated with relocation and settlement. This includes providing assistance to the participant in obtaining employment, access to education and health care, and providing other assistance to the participant with a view to ensuring that the participant becomes self-sustaining.

Mr. Chairman, over the 10 years there have been 22 trials where the participants have testified, and convictions were obtained in all but three. This amounts to an 86 per cent conviction rate. Mr. Chairman, the indispensability of this legislative initiative is apparent from the noticeable increase in successful prosecutions, particularly those that are gang-related and involve violent offenders. This profile is similar to that established in programmes within other jurisdictions. The impact of the COVID-19 pandemic slowed the dispensation of court cases as remote work became necessary. Notwithstanding, the work of this programme was operational as much as possible. However, the number of cases reviewed was at a minimum due to the impact of the pandemic. It is important to note, Mr. Chairman, privacy and need to

protect these individuals is not subject to public scrutiny so that their identity and locations are not revealed.

Financial Sanctions Implementation Unit—97080

Hon. Kathy Lynn Simmons: Mr. Chairman, the Financial Sanctions Implementation Unit (FSIU) was established in 2018, subsequent to the transfer of the National Anti-Money Laundering Committee (NAMLC) office to the Ministry of Finance. This unit's role is vital to ensuring that Bermuda maintains its reputation as a cooperative jurisdiction in the international effort to impose financial sanctions on rogue states and other ill-intentioned individuals who warrant it.

Of the 2021/22 allocation, the decrease of \$21,000, or 6 per cent, from the prior year is mainly due to a reduction in travel costs as well as the salaries being prorated for a 10 per cent cut up to July 2021. Three hundred and twenty thousand dollars, or 98 per cent, represents salaries for administration. The remaining \$7,000, or 2 per cent, represents overhead costs for the unit. The current fiscal year, 99 per cent of the expenses incurred under this cost centre are salaries. The remaining 1 per cent was for telephone expenses.

Mr. Chairman, the FSIU oversees the implementation and monitoring of targeted financial sanctions in Bermuda, and also advises the Minister of Legal Affairs and Constitutional Reform on wider matters relating to anti-money laundering and countering the financing of terrorism.

Mr. Chairman, the Governor is the competent authority in Bermuda responsible for the implementation of targeted financial sanctions. Her powers are set out in the various Overseas Territories Orders that are in force in Bermuda pursuant to the International Sanctions Act 2003 and International Sanctions Regulations 2013. The Attorney General and the Minister of Legal Affairs and Constitutional Reform carries out certain functions of the Governor that have been delegated to the Minister pursuant to the International Sanctions (Delegation of Governor's Powers) Notice 2018, since September 2018.

Mr. Chairman, this delegation of powers to the Attorney General does not remove the overall responsibility for external affairs which befalls the United Kingdom by a special responsibility of the Governor for external affairs and defence under section 62 of the Constitution of Bermuda. It is also noteworthy that Bermuda's sanctions regime implements sanctions brought into force under the UK's legislative regime, primarily the Sanctions and Anti-Money Laundering Act 2018. Previously, such sanctions were made pursuant to the EU regulations. However, this ended on the 31st December 2020 at the end of the Brexit transition period.

For ease of reference, it is noted that under the said Orders the Minister of Legal Affairs and Constitutional Reform has the power to:

- a) obtain evidence and information by taking such steps as considered appropriate to co-operate with any international investigation relating to the funds, economic resources or financial transactions of a designated person;
- b) issue and revoke licences, with the consent of the Secretary of State, and may grant a licence authorising an activity that would otherwise be prohibited under the said Orders. Such licence can be varied or revoked by the Minister at any time with the consent of the Secretary of State;
- c) serve as a Reporting Depository to whom a relevant institution reports or informs if it credits a frozen account pursuant to an Order;
- d) authorise persons with power to search and investigate suspected ships, aircrafts and vehicles; and finally,
- e) specify by Regulations, in the currency of the territory, the amount which is to be taken as the equivalent to sums expressed in sterling in the relevant Order.

Output Measures

Hon. Kathy Lynn Simmons: Mr. Chairman, with regard to Output Measures, the FSIU role includes ensuring Bermuda's sanctions framework is up to date and effective. To that end, the FSIU is responsible for making sure all Overseas Territories Orders in counsel for the various sanctions' regimes are brought into force in Bermuda in an efficient and timely manner.

The end of the Brexit transition period meant that amendments were required to Bermuda's sanctions regime. Thus, the International Sanctions Amendment Regulations 2020 updated the sanctions regime to comply with the changes being made to the implementation of sanctions in the United Kingdom (UK).

The Brexit transition period ended on the 31st of December 2020 and amendments to the Bermuda framework were made and came into force at the same time. The effect of the said amendment regulations was that 34 Sanctions Overseas Territories Orders were repealed and new orders were substituted in their place including two orders that consolidated certain regimes. Further, in January 2021, the Libya (Sanctions) (Overseas Territories) Order 2021 was brought into force by the [International Sanctions] (Libya) Amendment Regulations Act 2021. These changes added a total of 33 new sanctions OT orders to Bermuda's sanctions' regime. The updated regime is listed in schedule 1 of the International Sanctions Regulations 2013.

Mr. Chairman, in addition the FSIU ensures that the sanctions webpage of the government's portal is updated within 24 hours of receiving updated notifications from the UK Treasury. These updates are required in order to notify the public of additions or de-

listings to the various sanctions' regimes in force in Bermuda. Thus, upon notification from the HM Treasury's Office of Financial Sanctions and Implementation, the FSIU updates the webpage and also notifies supervisors to immediately advise their supervised entities of the changes.

However, the FSIU will continue its outreach initiative to relevant government ministries and departments as well as to the private sector in order to increase awareness of sanctions obligations and ensure that persons know and understand the role of the FSIU in the implementation of targeted financial sanctions. The FSIU also continues to work closely with the UK authorities and its operational partners to ensure effective implementation of targeted financial sanctions in Bermuda.

Staff

Hon. Kathy Lynn Simmons: Mr. Chairman, with regard to staff, currently the FSIU is comprised of the head of the FSIU and the legal counsel. The team is responsible for implementing targeted financial sanctions including bringing relevant Overseas Territories Orders in Council into force in Bermuda; reviewing licence applications in respect of the various sanctions' regimes; liaising with Government House and UK authorities on sanctions matters; and, finally, assisting Headquarters with Bermuda's AMLF/ATF global obligations.

I would like, Mr. Chairman, to acknowledge the head of the FSIU, Ms. Renee Foggo and Counsel Jaleesa Simons for the excellent work they continue to do with regard to this programme.

Mirrors Programme—97090

Hon. Kathy Lynn Simmons: I will now move on, Mr. Chairman, to the Mirrors Programme, which is centre 97090.

Mr. Chairman, the Mirrors Programme continues to execute its mission of empowering young people to reach their full potential through personal transformation that promotes healthy relationships. Of its 2021/22 budget, \$698,000 has been allocated, \$65,000, or 66 per cent, represents salaries for administration. The remaining \$242,000, or 34 per cent, represents overhead and programming costs.

The Mirrors Programme allocated 2021/22 budget represents a \$176,000, or a 20 per cent reduction over last year's budget. In addition to salaries for the current year, \$35,000 was spent on local training for youth, parenting and volunteer programming; \$6,000 was spent on telephone expenses. Advertising and marketing equated to \$10,000 as programming pivoted to a remote platform. Consulting, contractors and rental facilities which are directly related to programme totalled \$72,000. Office supplies, printing and general stationary supplies were \$8,500. Office

equipment repair and maintenance was \$4,500; \$400 was spent on computer software, and office chairs was \$900 to replace broken office chairs.

[Laughter]

Hon. Kathy Lynn Simmons: Mr. Chairman, Mirrors continues to focus its efforts on best practices to meet the desired outcomes for Bermuda's youth. COVID-19 impacted programming in 2020/21 as most services shifted to a remote learning platform for training, recruitment and enrolment of both volunteers and participants.

The school-based programmes also pivoted to a virtual training model for teachers and parents. Mirrors' technology remains for socio-emotional skills development, performance coaching and personal transformation for all participants. The programme, Mr. Chairman, continues to produce results towards its long-term objective to make better learners and to build a resilient community of young adults who have positive life outcomes in education, employment and lawfulness. The two-year post programming data of the core senior school population remains pretty consistent with 93 per cent of clients demonstrating lawfulness (i.e., not offending or reoffending), 81 per cent of students connected to education (which is graduating or currently in school) and 41 per cent are currently employed at the last checkpoint in September 2020.

The organisation is committed to using data to guide programming for positive youth outcomes. The senior school service is the flagship programme, and its data guides the middle school prevention programming. Mr. Chairman, the overall success of the work is attributed to Mirrors' robust evaluation system. The essential role for monitoring an evaluation system is to access the performance of programming initiatives and examining their relevance, effectiveness, efficiency and impact of activities in light of the specified objectives.

Mr. Chairman, the outcomes are well established since the programme's inception. Systemic collection of information as part of monitoring ensures an availability of information to help Mirrors, the Ministry and stakeholders assess the extent of advancement, achievement of objectives and progress in the use of allocated funds. Evaluation establishes the significance of policy or programming for youth development to determine the relevance of the objectives, efficacy of the programme design and implementation and sustainability of the result.

Mr. Chairman, in the current environment while Government must exercise cost-cutting measures, Mirrors is able to focus on the most needed areas based on the data to continue the outputs of reducing risk and raising protective factors in our community with societal and cultural public benefit. Mr. Chairman, Mirrors continues to use a paper-driven evaluation system as it has not been successful in

financing an electronic case management and recording system. This places significant strain on the Mirrors team in terms of data entry and generational reports. Mr. Chairman, analysis is secured in terms of data entry and generation of reports.

Analysis, Mr. Chairman, is secured by an outside vendor, which is costly and secured every two to three years. It will be beneficial in the near future to finance an electronic recording system to improve efficiencies. The middle school evaluation system is shifting to a Google platform to ease the man-hours necessary to capture the data. Mr. Chairman, Mirrors' reach continues to increase year over year, and as such the alumni charity is seeking community support for an electronic capacity-building system. To date Mirrors has served 4,485 youths and trained 4,977 adults. This includes parents, teachers and volunteers in positive growth and development.

Mr. Chairman, as a result of the pandemic Mirrors pivoted to support parents virtually, which produced a 638 per cent increase in parents served over the previous year. There were 1,057 parents served in 2020/21 to date. Research indicates that strengthening parents is one of the strongest protective factors in strengthening youth. Mr. Chairman, Mirrors introduced a new Parent Connect series of consulting with parents during the pandemic and offered six sections on prevention science with the Department of National Drug Control:

- Cybersecurity; What Every Parent Should Know;
- Brain Science & Learning;
- Performance for Success;
- Standards-based grading with the Department of Education;
- Paying It Forward, which is financing college and parental involvement; plus
- School Equals Successful Students.

These sessions, Mr. Chairman, were successful as indicated by 98 per cent positive feedback from parents' perception of training content and 97 per cent reported positive training experiences. Mr. Chairman, the 20 per cent reduction for the last year will reduce the amount of programming. However, the team has strategized to maximise the outcomes to ensure the number of students needing service are supported in a modified programme with the intention to produce similar results. The rigour in developing local trainers will allow the facilitators to execute the Quantum Learning curriculum and the lead camps.

The virtual model, albeit not the best option, will allow Mirrors to provide two Junior Forums over the new fiscal year. Four new facilitators joined the Mirrors team this month to support local facilitation of the SuperCamp methodology. Mr. Chairman, one teacher or Department of Child and Family Services staff and two community partners joined the Mirrors Facilitating Inspiration and Transformation Team. (They call it the FIT team.) Resources in the current

budget are allocated to continue to advance the local FIT team certification, which will result in overall cost savings in the long term. The team is expected to serve the same number of students, parents and teachers in the 2021/22 fiscal year. The number of training days will be reduced to maintain the rich experience in the current year.

Mr. Chairman, this will reduce the overseas consulting costs. With travel being restricted it is unlikely for students to travel to Villanova University in Pennsylvania this year. As such, the cost savings would be allocated to a modified programme since your senior students have access to a life coach. The out-of-school suspension (or OSS) support continues to serve the highest-need students requiring supervision. Ten students have been served to date, which was earlier in the school year than experienced in previous years. They usually serve OSS students during the latter part, the late year of the school year. Students are also experiencing the effects of reduced social and interpersonal interactions as a result of the pandemic. Based on the changes in the current programming due to COVID-19, Mirrors will experience cost savings in the 2020/21 budget of approximately \$140,000.

Mr. Chairman, the middle school Character Development student output was 407 for the 2020/21 fiscal year. The same are expected to participate in the *All In! 8 Keys of Excellence* programme in 2021/22 based on enrolment projections at Dellwood, Clearwater and Sandys Secondary Middle Schools. With 216 teachers in the same middle school, they will continue their Quantum Learning Excellence in Teaching certification training process.

Mr. Chairman, most of the programmes have shifted to an electronic format and the newly produced Parent Newsletter has proven successful to support an extension of the character development lessons from school to home. Students and parents learn the *8 Keys of Excellence*, which are characteristics most commonly found in successful people based on Dr. Bobbi De Porter's research on people who have achieved great success while maintaining personal excellence. These keys, Mr. Chairman, are an integral part of the Mirrors SuperCamp curriculum and provide a basic framework for principles for success in life. The Mirrors Middle School SuperCamp was shifted from October 2020 to February 2021 of which 47 students recently completed the camp. Again, the shift to a virtual model reduced the cost by approximately 35 per cent with the same hybrid virtual models, albeit not the ideal, will allow Mirrors, with minor support from Mirrors Alumni and Friends charity, to execute two SuperCamp Junior Forum camps in 2021/22.

Mr. Chairman, Mirrors engaged a graduate student over the current year to complete the business plan for Social Enterprise. Fund development is expected in 2021/22 to launch the proposed high-wire adventure. The business emphasis is to appeal to

tourists, local team-building activities and families with a social focus to develop employment opportunities for young adults and to support youth entrepreneurs. The Mirrors Alumni and Friends Association is supporting the Social Enterprise and continues to back the programme through the volunteer recognition scheme, the annual Bermuda-themed art competition, community service clean-up at Southlands and other community engagements.

Mr. Chairman, Mirrors through the alumni charity took on coordination of the Lighthouse Connect initiative with the corporate partner, Legal & General, and the Department of Education and provided laptops for schools. To date, over \$100,000 has been raised to support students with devices for remote learning in public and alternative schools. A sustainable option for the continuance of the programme is under active review with the aim to incorporate the programme into an existing department in the upcoming fiscal year.

I would like to pause, Mr. Chairman, to thank the Head of Mirrors, Kimberley Jackson, for the stellar work she continues to do with her team in servicing and developing our young people.

I will now move on, Mr. Chairman, to discuss the Ministry grants.

Grants

Hon. Kathy Lynn Simmons: Mr. Chairman, the budget allocation for grants for fiscal 2021/22 is found at page C-17 of the Approved Estimates of Revenue and Expenditure fiscal year 2021/22. For fiscal 2021/22, \$1,624,000 has been allocated. This represents \$331,000, or a 17 per cent, decrease from the prior year. The decrease is due to the Centre Against Abuse grant being transferred to another Ministry as a result of the realignment of ministries. In addition, the grant given to the Financial Intelligence Agency was reduced by 10 per cent for the 2021/22 fiscal year. And that will segue me, Mr. Chairman, into the Financial Intelligence Agency (or the FIA, as we call it).

Financial Intelligence Agency

Hon. Kathy Lynn Simmons: Mr. Chairman, in continuation of Government's efforts to combat money laundering and terrorist financing, the FIA was established under the Financial Intelligence Agency Act 2007. The FIA is the independent agency authorised to receive, gather, store, analyse and disseminate information relating to suspected money laundering and financing of terrorism, which is received in the form of a suspicious activity report or a suspicious transaction report. Mr. Chairman, the FIA is empowered to disseminate such information to the Bermuda Police Service and Foreign Intelligence Authorities. The sum of \$1,624,000 was allocated for fiscal year

2021/22, an amount that has decreased by \$181,000, or 10 per cent, from fiscal year 2020/21.

The statutory mandate of the FIA dictates that the Agency must report its quarterly expenditure and provide an annual audited report to the Minister of Legal Affairs and Constitution Reform. It is anticipated, Mr. Chairman, that despite the limited resources outlined, this agency will continue its fight to counter terrorist financing and money laundering and provide outcomes that guard the public interests.

Mr. Chairman, during the fiscal year 2020/21, the FIA were able to respond to the COVID-19 pandemic initially by allowing staff to work remotely in a secure environment. Laptops were purchased, and a VPN environment was enacted to allow staff to work. As a result of COVID-19, the FIA provided two deep cleanings of its office by a professional cleaning company and the purchase of additional cleaning supplies inclusive of hand sanitiser stations.

Mr. Chairman, undaunted by COVID-19, the FIA continue to participate in virtual training webinars delivered by specific businesses that specialise in AML/CFT matters (i.e., the Association of Certified Anti-Money Laundering Specialists, or ACAMs), the International Compliance Association, the Association of Certified Financial Crimes Specialists. The FIA also participated in virtual training webinars, delivered by entities dealing with digital assets and cryptocurrencies, some of which are [On-Chain] analysis and CipherTrace.

There was one purchase which allowed the FIA to participate in a 24-hour virtual summit by the Association of Certified Anti-Money Laundering Specialists which offer virtual training sessions on AML- and CFT-related matter (i.e., human trafficking, trade-based money laundering, FinTech, cryptocurrencies and other related items). The FIA also participated in virtual training courses, webinars hosted by Egmont CFATF and FATF, of which some went over a period of two to three days.

Mr. Chairman, the FIA also had to purchase a new office printer, as the one they had previously over 10 years had difficulties that were not reparable. In terms of future spending for the 2021/22 fiscal year, the FIA will continue focusing on trainings, updating the website, preparing for the possibility of travel to Egmont CFATF plenaries, increasing their staff and updating aspects and features of goAML, which is the FIA's operating platform. The FIA did have a few challenges, Mr. Chairman, last year, which revolved around IT matters, resources, staff resources and goAML. In light of these setbacks, the FIA did achieve some accomplishments and continue to address work-related matters. The FIA participated in two virtual plenaries, one for CFATF and the other for Egmont.

The FIA were asked to present and one of the CFATF heads of FIU [Financial Intelligence Unit] Working Group as it pertained to FIUs dealing with the

COVID-19. Mr. Chairman, the presentation was well received. And as a result, the FIA were asked to present at the next FATF virtual meeting. The FIA continue to work with other agencies during this time concerning the terrorist-financing national risk assessment [and] the money-laundering national risk assessment.

Mr. Chairman, the FIA analysts completed a virtual training course with the FIUConnect and received the Financial Intelligence Specialist designation on completion. This course is made up of 12 modules that included corruption, terrorist financing, environmental crime and other related matters. Mr. Chairman, within this climate in 2020 the reporting entities still filed STRs to the FIA totalling 451 being received. From these reports, the FIA disseminated a total of 187 disclosures to our local and overseas counterparts, breaking this down to 147 disclosures disseminated locally and 40 disclosures to foreign FIUs.

Mr. Chairman, also in 2020 the FIA received a total of 53 requests for information, that being 38 from local counterparts and 15 from overseas foreign FIUs. And lastly, the FIA sent out a total of 61 requests for information to foreign FIUs and their local counterparts. And with that, Mr. Chairman, I would like to thank Director Sinclair White for his continuing work with regard to the FIA operations.

I will now move on to Capital Expenditure Estimate.

Capital Expenditure Estimate

The Chairman: Mr. Chairman, the budget allocation for Capital Expenditures is found at page C-10 of the Estimates of Revenue and Expenditure. The Ministry has been allocated a total of \$296,000 for fiscal 2021/22. The sum of \$249,000 is allocated for videoconferences. The remaining \$47,000 is intended to be used to purchase fully depreciated assets with no residual value for departments under the Ministry.

Finally, Mr. Chairman, we note the decrease in fiscal allocation in compliance with governmentwide directives and highlight that careful consideration will be given to prioritise service delivery and programming. It is anticipated that the Ministry of Legal Affairs and Constitutional Reform Headquarters budget allocations for 2021/22 as detailed and presented today will enable the Ministry to successfully fulfil its mandate with careful monitoring and the continuing exercise of financial prudence.

Mr. Chairman, in concluding this representation of fiscal activity and plans for the Ministry of Legal Affairs and Constitutional Reform Headquarters, I humbly thank once again all personnel for their firm support and dedication to the work of the Ministry. And that completes Head 87. Thank you, Mr. Chairman.

The Chairman: Yes, continue, Minister, Attorney General.

For the benefit of the listening audience, we are now in Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2021/22. And we are now listening to the Honourable Attorney General where she is now debating Head 3 under the Ministry of Legal Affairs and Constitutional Reform.

Minister, you may now continue.

HEAD 3—JUDICIARY

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I am now going to move on to the Judicial Department, which is Head 3. Mr. Chairman, the Judiciary is established by the Constitution as a separate and independent branch of government. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law. The mission statement of the judiciary is to administer justice through the effective management of the courts of Bermuda. The mission statement of the administrative section is to provide the services and support necessary to enable the Judiciary to achieve its mission.

The judicial system of Bermuda consists of the Court of Appeal; the Supreme Court, which [comprises] criminal, civil, commercial, appellate, family and matrimonial courts and the probate registry; and the Magistrates' Court; criminal, civil and family courts. Ancillary activities include bailiff services. The Honourable Chief Justice is the head of the Judiciary. The Registrar is the head of the Judicial Department with a staffing complement of 70 officers, none of whom require a work permit. There are currently 55, or 73 per cent substantive posts filled; 4, or 6 per cent of posts filled by temporary and relief employees; and 11, or 15 per cent, vacant posts. Mr. Chairman, the budget for this department in the upcoming year is approximately \$8,808,000. Revenues are projected at \$5,422,000.

Highlights for 2020/21

Hon. Kathy Lynn Simmons: With regard to the highlights for 2020/21, Mr. Chairman, in general the Judicial Department gives thanks to Ms. Jasmin Smith, who served as Acting Permanent Secretary until October 2020. Ms. Smith was succeeded in this post by Ms. Gina Hurst-Maybury. The department extends its gratitude to Ms. Smith and to Ms. Hurst-Maybury for their assistance and support, particularly given the challenging circumstances faced by the department as a result of the novel coronavirus.

Following the onset of the COVID-19 pandemic, Mr. Chairman, the department had to find workable ways to ensure that any restriction on the court services would not be too drastic. Department staff en-

sured that the wheels of justice kept revolving by continuing to hear cases remotely through the shelter-in-place regulations and lockdown, the close of government offices and the imposition of curfew and social distancing conditions. In essence, the courts never ceased operation during this period. The staff ought to be commended for their service during these challenging times.

Mr. Chairman, the court accommodations need to remain a priority for the department. The closure of the department's former premises at 113 Front Street, which house the Supreme Court's administrative staff and courtroom facilities, continues to have an impact on service delivery of the courts. With the onset of COVID-19, the courts' accommodation needs have intensified as the only courtroom allocated to the Matrimonial Division of the Supreme Court, located on the third floor of the Dame Lois Browne-Evans Building, does not meet social distancing guidelines. Similarly, Mr. Chairman, the Criminal Division of the Supreme Court was unable to hold jury trials for a period as the courtroom and jury facilities allocated for this purpose also did not meet social distancing guidelines.

Mr. Chairman, following collaboration between the department and the Ministry of Public Works, modifications were made to Sessions House to ensure that the space is compliant with all social distancing and health guidelines. The modifications to Sessions House allow jury trials to continue despite facing restrictions imposed by COVID-19. The department extends thanks to the Ministry of Public Works and the Government for their assistance in this initiative.

Mr. Chairman, it is anticipated that the department will continue to work with the Ministry of Public Works during the upcoming fiscal year, as the Government of Bermuda has demonstrated a commitment to providing an extension of core facilities within the Dame Lois Browne-Evans Building. It is anticipated that the expanded facilities will include suitable space for administrative staff, judges' chambers and courtroom facilities, as well as suitable, secure and separate jury space.

Technology

Hon. Kathy Lynn Simmons: And now I move on to Technology, Mr. Chairman. With regard to videoconferencing, the Evidence (Audio Visual Link) Act 2018 was passed, and capital funding allocated for the implementation and installation of the required technology in 2019. Those funds will roll over into the 2020/21 fiscal year, and a contract [was] entered into for the implementation of the necessary technology. It is anticipated that this technology will be implemented during the upcoming fiscal year. The implementation of this technology would generally increase the cost efficiencies. Given the impact of the COVID-19 pandemic on global travel, as well as the requirement to socially

distance, requests to conduct court hearings by audio-visual links increased dramatically in 2020. It is anticipated that as the implications of the global pandemic continue into 2021, requests to conduct proceedings via audio-visual link will continue.

With regard to premises and in particular the Commercial Court in the Government Administration, the Commercial Court, Mr. Chairman, has now completed its 11th year of operation and continues to be well received by petitioners both here and overseas. With regard to the Dame Lois Browne-Evans Building, the Magistrate's Court in the Dame Lois Browne-Evans Building on Court Street opened for business in April 2011. The courts and administrative offices are [situated] across the north section of the third and fourth floors. These premises house the Supreme Court, Family and Matrimonial Division, Probate Division, Criminal Division and IT.

With regard to the cost centres, the original estimate for 2020/21 was \$8,943,000. The estimate for 2021/22 is, as I said previously, \$8,808,000, which is a decrease of \$135,000, or 2 per cent.

With regard to the Supreme Court, note that the statistics stated are those available at the time of preparation of the performance measures and reflect the actual for the period January through December 2020 unless otherwise stated.

I will now move on to cost centre 13000, which is the Criminal Injuries Compensation. The original estimate for 2020/21 for this cost centre was \$381,000. The estimate for 2021/22, Mr. Chairman, is \$379,000, which represents a decrease of \$2,000, or 1 per cent. This cost centre provides for payments to victims of criminal acts as decided by the board. While control of the Criminal Injuries Compensation Board has been transferred to the Ministry of Legal Affairs and Constitution Reform Headquarters, the expense remains in the Judicial Department's cost centre.

I will now move on to Supreme Court, cost centre 13010. The original estimates for that cost centre, Mr. Chairman, for 2020/21 was \$1,038,000. The estimate for 2021/22 is \$963,000, which represents a decrease of \$75,000, or 7 per cent. Mr. Chairman, this cost centre provides for the salaries and operational expenses for the administration of the Supreme Court Registry, for which there are 10 posts including the assistant registrar, manager, and accounts and administrative officers. In 2020, there were 534 new civil matters filed and 150 divorce petitions filed.

Cost centre 13015 represents Courtrooms and Chambers. The original estimate as per the Budget Book for 2020/21 is \$2,381,000. The estimate for 2021/22 is \$2,497,000, which is an increase of \$116,000, or 5 per cent.

Mr. Chairman, this cost centre provides for the salaries and operational expenses for the courtrooms and Chambers of the Supreme Court, which [comprises] the Criminal, Civil, Commercial, and Family/Matrimonial Courts. There are (the revisions, I

should say) 20 posts including the Chief Justice, puisne judges and the Registrar's post. The increase, Mr. Chairman, results from an incremental increase in salaries due to movement to the next post grade, an increase in training expenses and a small increase for judicial attire, offset by a decrease of a portion of security expense due to transferring a portion of expenses to another cost centre in the department. There were 34 new indictments filed and 33 civil and criminal appeals filed from the Magistrate's Court.

Cost centre 13020 represents the Court of Appeals. The original estimate for 2020/21 was \$689,000. For 2021/22 it is \$685,000, which represents a decrease of \$4,000, or 1 per cent. This cost centre provides fitting and retainer fees for the President of the Court of Appeal, court justices of appeal and the salaries of two posts—an administrative officer and an administrative assistant. The Court of Appeal meets three times a year. Sessions are three weeks long. There were 22 appeal cases filed in 2020. Ten of the appeal cases were criminal appeals, and twelve were civil appeals.

Cost centre 13025 represents the Court Technology Office. The original estimate for 2020/21 was \$515,000. The estimate for 2021/22 is \$505,000, which represents a decrease of \$10,000, or 2 per cent. Mr. Chairman, this cost centre provides for the salaries for the Information Technology Section, for which there are three posts: the IT manager, the IT assistant and a data entry clerk. This funding includes transcription services, maintenance fees for the court case management system (which we call JEMS), the court reporting system (which is CourtSmart) and the telephone system. Equipment and software applications must be maintained and kept up to date and will ultimately have to be replaced when necessary. We must ensure that the CourtSmart and other information technology systems work well.

The ultimate goal of electronic filing throughout the courts will be a significant future expense where funding will need to be earmarked. We will continue our research in relation to the cost of electronic filing software which would be the most appropriate for our courts as this expense can be upwards of \$1.5 million. The decrease, Mr. Chairman, is largely due to a decrease in expenses for software maintenance and overtime.

With regard to the Magistrate's Court, Mr. Chairman, 13040, that cost centre represents adjudication. The original estimate in this cost centre for 2020/21 was \$1 million. The estimate for 2021/22 is \$965,000, which represents a decrease of \$35,000, or 4 per cent. This cost centre, Mr. Chairman, provides funding for the senior magistrate, four magistrates and acting appointments where necessary.

The Magistrate's Court is presided over by the Worshipful Senior Magistrate Juan P. Wolffe; the Worshipful Tyrone Chin; the Worshipful Khamisi Tokunbo; the Worshipful Maxanne Anderson; and the

Worshipful C. Craig Attridge, all of whom bring a wealth of knowledge and experience to the Magistracy. The Senior Magistrate has increased his acting magistrate roster so as to give opportunities to those in the legal profession to acquire judicial experience and skills which would put them in a position to elevate to the bench. The senior magistrate maintained the acting magistrate's roster, thereby giving opportunities to those in the legal profession to acquire judicial experience and skills—which I have already said.

The Magistrate's Court, Mr. Chairman, is multi-jurisdictional, having conduct of civil, criminal, traffic and family matters. There are also the treatment courts, such as the Mental Health [Treatment] Court, Drug Treatment Court and the pilot Driving Under the Influence (DUI) Court which continues to reduce recidivism by addressing the drug, alcohol and mental health challenges of offenders.

Mr. Chairman, I will now move on to cost centre 13050—Civil Records. The original estimate for this cost centre for 2020/21 was \$268,000. The estimate for 2021/22 is \$254,000, which is a decrease of \$14,000, or 5 per cent. The civil section, Mr. Chairman, is overseen by the Office Manager, who has under their remit one senior court associate and two court associates. Mr. Chairman, this section provides case management and court services for the resolution of civil claims up to \$25,000, landlord and tenant matters under the Landlord and Tenant Act 1974 and the Rent Increases (Domestic Premises) Control Act 1978. There were a total of 1,067 new civil cases filed in 2020, a reduction from 2017 civil cases filed in 2019. Given the implications caused by COVID-19, the Magistrate's Court took the initiative of staying civil debt recovery and evictions during the shelter in place and curfew provisions so as to give relief to members of the public who struggled financially as a result of the pandemic. This partly explains the reduction in the number of new cases instituted.

I now move on to cost centre 13060, which is Family and Child Support. The original estimates for this centre in 2020/21 were \$483,000. The estimate for 2021/22 is \$447,000, which represents a decrease of \$36,000, or 7 per cent. Mr. Chairman, there are two Family Courts, each comprising a magistrate and two special panel members (a male and a female), pursuant to the Magistrates Act 1948. This court continues to exercise its jurisdiction in cases involving children who have not yet attained the age of 18 years and children who have continued in full-time education beyond 18 years.

Mr. Chairman, the Family Court is a Special Court which was created to handle the specific needs of children whether born within or outside of marriage, and matters arising in respect of their custody, care and maintenance, and violations against the law such as by juvenile offenders. Mr. Chairman, the Family Support Office serves the public and the Magistrate's Court by providing customer services, records man-

agement and financial control. This office also provides services to other government agencies such as the Department of Child and Family Services and Court Services.

Mr. Chairman, the number of new family cases filed was a notable increase of 25 per cent in 2020. Of particular interest is the increase in the number of juvenile criminal cases, a 19 per cent increase, and domestic violence protection orders, a 30 per cent increase. Whilst the department cannot definitively conclude that there is a correlation with the COVID-19 pandemic, the only explanation that one can reasonably give for the increase in numbers is the monumental financial, emotional and societal stressors caused by the global pandemic.

Mr. Chairman, in 2020 the number of cases heard under the Children Act 1998—care orders, access to maintenance, care and control—decreased by 36 per cent in comparison to 2,000 in 2019 and 42 per cent as compared to 2018. However, the severity and complexity of these cases has increased. Mr. Chairman, there was a 15 per cent decline in the total amount of child support payments received in 2020 when comparing it to 2019. Comparatively, this is not a significant reduction in light of the challenges caused by COVID-19.

Mr. Chairman, cost centre 13070 represents Administration. The original estimates under this cost centre for 2020/21 were \$1,287,000. The estimate for 2021/22 is \$1,242,000, which represents a decrease of \$45,000, or 3 per cent. Mr. Chairman, the Magistrate's Court senior offices, who fall under the remit of the court manager, consist of the family support officer, the head bailiff, the deputy provost general and the office manager. They provide support and overall control of personnel, facilities and financial resources of the Magistrate's Court. The Magistrate's Court Administration Section consists of the court manager, office manager, accounts officer, an administrative assistant and two court associates, who are fully responsible for all revenue collected.

Collectively, Mr. Chairman, they received a total of \$7,010,440 in fees, fines and direct deposits in 2020, which is 24 per cent less than in 2019. The reduction in payments collectively is directly attributed to:

1. cautionary measures being put in place at the Magistrate's Court from March to July 2020;
2. the reduction in the numbers of persons attending the court to make any type of payment;
3. the inability of persons to pay because of lost employment or reduced income; and
4. members of the public not attending court because of health and safety concerns.

Mr. Chairman, cost centre 13080 represents Criminal/Traffic/ Records. The original estimate for this cost centre in 2020/21 was \$378,000, and the estimate for 2021/22 is \$367,000, which represents a de-

crease of \$11,000, or 3 per cent. Mr. Chairman, there was minimal change in the number of outstanding warrants executed in 2020, despite the reduction in the movement of members of the public during the COVID-19 pandemic. Mr. Chairman, in 2020 there were 10,572 outstanding warrants. Outstanding warrants for criminal and traffic offences fall under three categories, which are as follows: committals, summary jurisdiction apprehensions [warrants], and apprehensions. There was an increase of 11 per cent in the number of police and criminal evidence of PACE warrants issued and executed in 2020 when compared to 2019. During the past year, warrants for the telephone records show a marked increase of 43 per cent, or 88 warrants, which is a high record over the last five years.

The Criminal Records Office of the Magistrate's Court provides case management functions for criminal, traffic and parking records. In 2020 the Criminal/Traffic/Records Section processed a total of 1,300 records requests, which is a significant decrease of 41 per cent when compared to 2019. This is most likely as a result of the reduction in employment vacancies and travel throughout 2020.

Mr. Chairman, it is to be noted that the fee for a record request at the Magistrate's Court continues to be disproportionately low at \$10 per application, when a similar report from the Bermuda Police Service is \$100. There has been extensive communication over the years regarding increasing the fee, as it has not changed in 25 years. This is now, I can promise you, Mr. Chairman, under active review, I am pleased to indicate.

Mr. Chairman cost centre 13090 represents the Bailiff's Office. The original estimates for 2020/21 was \$523,000. The estimate for 2021/22 is \$504,000, which represents a decrease of \$19,000, or 4 per cent. Mr. Chairman, this office provides for the service and execution of court papers inclusive of Civil, Family, Supreme Court and Foreign Service.

There is one Head Bailiff/Deputy Provost Marshal General, one administrative assistant, and five bailiffs who travel throughout the Island serving court processes. Unfortunately, Mr. Chairman, throughout 2020, the bailiff's section operated under-strength with four bailiffs to execute the processes issued by the courts.

In addition, as a result of the pandemic, the bailiffs were called upon by His Excellency the Governor to serve our country in the capacity as Crown Officers under the Provost Marshal General Act 1965. For several weeks during April and June 2020, the bailiffs assisted the Ministry of National Security in the monitoring of permitted businesses under the Emergency Powers (COVID-19 Shelter in Place) Regulations 2020.

In 2020, Mr. Chairman, a total of 2,122 processes were issued by the courts for the attention of the bailiff, of which 60 per cent were issued between

the months of July and December. The bailiffs responded with a successful service rate of 83.18 per cent.

Revenue

Hon. Kathy Lynn Simmons: Revenue reported in this section is for the calendar year of 2020. With regard to traffic and parking fines, Mr. Chairman, the major components of revenue are traffic and criminal fines. There was an overall decline in fines collected for traffic, parking and criminal fines in 2020. Prior to the COVID-19 pandemic, the Magistrate's Court had taken into consideration the financial circumstances of individuals who had been fined and had allowed persons to pay off their fines in instalments. Of course, Mr. Chairman, the pandemic has added an additional layer of challenges, which the Magistrate's Court are empathetic and sympathetic to. In particular, there has been a steep increase of individuals asking for more time to pay their fines because of lost or reduced income due to COVID-19.

The total amount recorded for traffic fines was \$1,587,199, which is a decrease from \$2,926,651. The \$470,650 for parking fines was a decrease from \$523,050, and \$106,095 for criminal fines is a decrease from \$172,507.

Mr. Chairman, it should be noted that there remains a concern at the Magistrate's Court. The Cashiers Section provides all of the resources to collect parking ticket fines on behalf of the Corporation of Hamilton. These resources are funded by the Bermuda Government. There is no financial reimbursement by the Corporation of Hamilton to cover the cost of collecting their fines. As 100 per cent of fines collected are transferred directly to the Corporation of Hamilton, it results in a loss of revenue to the Bermuda Government.

With regard to court fees for the Supreme Court, Mr. Chairman, regrettably the fees collected for Supreme Court matters have not been revenue that has historically been recorded. The majority of Supreme Court fees are paid by way of revenue stamps that counsel and parties purchase through the Accountant General. This uncaptured revenue needs to be recorded to show the true revenue of the judiciary. Consideration should also be given, Mr. Chairman, to increasing the court fees payable to the Supreme Court as the fee structure has not been amended in several years. As this is under review at present, appropriate measures will be instituted through the legislative means. And that is in fact in train, happily.

Mr. Chairman, with regard to court fees for the Magistrate's Court, there was a decline in the number of new civil cases filed in the Magistrate's Court in 2020. As stated earlier, this is likely linked to the measures taken by the Magistrate's Court in light of the global COVID-19 pandemic, which includes stay-

ing the final civil debt recovery proceedings, eviction proceedings and the recovery of financial arrears.

Mr. Chairman, the revenue received to date for civil fees for 2020 is \$139,985. As with the fee structure in Supreme Court, it is hoped that appropriate increases will be instituted as relates to civil fees payable in the Magistrate's Court through the necessary legislation.

With regard to liquor licences, Mr. Chairman, the revenues collected in liquor licensing fees increased in 2020 for a total of \$718,730 collected during 2020, which represents an increase of 33 per cent from 2019. Although the administration of the Liquor Licensing Authority was moved to the Ministry of Legal Affairs and Constitutional Reform in June 2019, the Magistrate's Court still had the responsibility of collecting all of the payments for liquor licensing fees.

With regard to stamp duty on deceased's estates, Mr. Chairman, applications are made to the Supreme Court to probate the estates of deceased individuals. A tax assessment of revenue is made on the net estate value of a deceased's estate. The net estate value is a calculation of the total value of a deceased's gross estate less the value of various statutory deductions and exemptions including the value of property designated as a primary family homestead and a spousal benefit. Revenue assessments for 2020 were \$1,732,000 with 134 grants issued compared to 152 grants issued in 2019.

The lowest assessment, Mr. Chairman, was \$22. The highest assessment was \$319,188. With regard to total revenue for 2021/22, the original estimate for 2020/21 was \$6,013,000, and the estimate for 2021/22 is \$5,422,000, which represents a decrease of \$591,000, or 10 per cent. The revenue estimates for 2021/22 are found on page B-90 of the approved Estimates of Revenue and Expenditure, Budget Book. Revenue estimates are expected to decrease from the prior year, given the current economic climate, which is a direct result of COVID-19.

Capital Expenditure

Hon. Kathy Lynn Simmons: With regard to capital expenditure, Mr. Chairman, the original estimate for 2020/21 was \$267,000. The estimate for 2021/22 is \$173,000, which represents a decrease of \$94,000 and a percentage decrease of 35 per cent.

Mr. Chairman, capital expenditure estimates for 2021/22 are found on page C-10 of the approved Estimates of Revenue and Expenditure for the year 2021/22, Budget Book. The Judicial Department has been allocated a total of \$173,000 for fiscal year 2021/22, as previously stated. This sum includes a total of \$133,000 for court reporting that has been rolled over from the previous fiscal year. Funding for videoconferencing has also been rolled forward for fiscal 2021/22. However, this funding has been ac-

counted for in the budget for the Ministry of Legal Affairs and Constitutional Reform Headquarters.

I would like to thank all personnel in the Judicial Department for the preparation of this report, and in particular the Registrar for her leadership, and the staff for their continued service. And that ends Head 3, Mr. Chairman.

[Pause]

The Chairman: Minister, you may proceed.

Hon. Kathy Lynn Simmons: Just a second.

[Pause]

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. And before I start, I would like to acknowledge the presence of Susan Moore-Williams, who is the Senior Legal Counsel for Legal Aid, whom I failed to mention earlier because she has been in secondment and she is recently back. So I had forgotten to acknowledge her. And she is back to continue her valuable work in her office, which is much appreciated. Thank you.

The Chairman: Noted, Minister.

HEAD 4—ATTORNEY GENERAL'S CHAMBERS

Hon. Kathy Lynn Simmons: Mr. Chairman, the mission statement, department objectives and current accounts estimates for the Attorney General's Chambers, Head 4 are again on page B-97 of the Estimates Book. The mission statement of Chambers is *to provide high quality legal advice, representation, and drafting of legislation for the Government*. With regard to expenditure, Mr. Chairman, a total of \$5,437,000 has been allocated for Chambers. This represents an increase of \$9,000, or nil per cent from fiscal year 2020/21.

Mr. Chairman, the Attorney General's Chambers objectives are to:

1. provide quality legal services to the Government of Bermuda;
2. advise all government ministries, departments, and entities on the law applicable to their operational requirements;
3. draft legislation as required to implement the Government's legislative agenda, to maintain Bermuda's legislative database and to support law reform;
4. draft contracts, international instruments for mutual tax information exchange, conveyances and other documents required for public purposes, and to provide advice on private Bills; and
5. conduct litigation in the Civil Courts of Bermuda on behalf of the Government of Bermuda.

For 2021/22, Mr. Chairman, the Attorney General's Chambers is functionally divided into six programmes accounted for as follows: Cost centre 14010—Administration. The original estimate 2020/21 under the cost centre, \$431,000. The estimate for 2021/22 is \$422,000, which is a decrease of \$9,000, or 2 per cent. Mr. Chairman, Administration provides administrative support to the Attorney General, the Solicitor General and Crown Counsel. This cost centre provides salaries for an office manager, a customer service representative, a records management administrator and an Accounts officer. It also supports the purchasing of office supplies that are common to all sections of the department.

The modest year over year decrease is due, Mr. Chairman, to an increase in office supplies net of the decrease in salaries and the elimination of funds for local training. In addition to salaries provided for in this cost centre, it also provides \$46,000 for repair and cleaning services, \$25,000 for office supplies and \$20,000 for telephone services, \$13,000 in drinking water and \$31,000 for repair and maintenance of office equipment. In the budget year 2020/21, this cost centre provided for and spent \$46,000 on repair and cleaning services, \$24,000 on office supplies, \$3,200 on drinking water and \$15,000 on telephone services.

With regard to cost centre 14020, which is Advisory, the original estimate in 2020/21 was \$2,447,000. The estimate for 2021/22 is \$2,491,000, which represents an increase of \$45,000, or 2 per cent. Mr. Chairman, the Advisory Section is responsible for providing quality legal advice to all government departments and to conduct litigation matters brought by or against the government. Additionally, Advisory is responsible for recovering debts owed to the government. This cost centre provides salaries for one solicitor general, two deputy solicitors general, two senior crown counsel, six crown counsel, three administrative assistants and one pupil. The increase is due primarily to funding for a temporary additional crown counsel post that is offset by the elimination of funding for training overseas and recruitment expenses.

Mr. Chairman, in addition to the salaries provided for in this cost centre, it also provides \$157,000 for consulting services, \$100,000 for legal services, \$20,000 for software maintenance, \$15,000 for membership fees, \$11,000 for books and subscriptions and \$11,000 for office supplies. In the budget year 2020/21 this cost centre provided for and spent \$112,000 in consulting services, \$500,000 in legal services, \$3,700 for software maintenance, \$2,600 for books and subscriptions, \$15,000 in membership fees and \$7,000 in office supplies.

Mr. Chairman, cost centre 14030 represents Legislative Drafting. The original estimate for this cost centre for 2020/21 was \$1,953,000. The estimate for 2021/22 is \$1,841,000, which is a decrease of \$112,000, or 6 per cent. Mr. Chairman, the Legislative Drafting Section

- advises regarding proposals to introduce or amend legislation;
- drafts primary and subordinate legislation for all government departments; and
- provides advice and support to Ministers in the House of Assembly and Senate as their respective legislation progresses.

This section also provides, Mr. Chairman, advice to Ministers and the Governor on legal and constitutional issues and on matters of parliamentary procedure.

The salaries provided for in this cost centre include those of the chief parliamentary counsel, deputy chief parliamentary counsel, six parliamentary counsel, two assistant parliamentary counsel, a legislative database manager, a legislative editor, a legislative administrator and a legislative database administrator.

Mr. Chairman, the year-over-year budgetary decrease is due primarily to a decrease in consulting costs and the elimination of funding for training overseas. In addition to the salaries provided for in the cost centre, it also provides \$3,000 for local training, \$8,000 for membership fees and \$20,000 for office supplies. In the budget year 2020/21 this cost centre provided for and spent \$2,300 on online training, \$31,000 for consultative legislative services, \$8,000 on membership fees and \$14,000 on office supplies.

Mr. Chairman, cost centre 14040 represents Revised Laws of Bermuda. The original estimate for 2020/21 is \$148,000; the estimate for 2021/22 is \$155,000, which is an increase of \$7,000, or 5 per cent. Mr. Chairman, this cost centre supports the consolidation, periodic revision and publication of the Laws of Bermuda. It is responsible for providing members of both Houses of the Legislature, businesses, lawyers and the general public with access to the Revised Statutes and Regulations of Bermuda. It also supports the ongoing consolidation of primary and subordinate legislation. The modest budgetary increase is due to the annual increase in the cost of Arbotext licence renewals. In the 2020/21 budget year \$150,000 was spent for maintenance and hosting services for the Bermuda Laws website.

Mr. Chairman, cost centre 14050 represents Debt Collection. The original estimate for 2020/21 was \$309,000. The estimate for 2021/22 is \$387,000, which is an increase of \$28,000, or 25 per cent. Mr. Chairman, the Debt Enforcement Unit within the Attorney General's Chambers was established by the Government to assist the Department of Social Insurance and the Office of the Tax Commissioner in the recovery of unpaid social insurance contributions, payroll tax, land tax and other taxes owed to the government. The cost centre provides salaries for one crown counsel, one junior crown counsel and an administrator. The increase is due to a temporary additional junior crown counsel post budgeted for in this cost centre.

Mr. Chairman, cost centre 14060 represents the Law Library. The original estimate in 2020/21 was \$140,000. The estimate for 2021/22 is \$140,000, so there is no change. Mr. Chairman, this programme provides for the cost of maintaining the Law Library in the Attorney General's Chambers, which includes the purchase of books and periodicals, and the provision of access to leading online legal information resources such as Lexis/Nexis and Westlaw. Despite an increase in the cost of electronic subscriptions, costs have been retained at the 2020/21 levels by cancelling certain hardcopy subscriptions. In budget year 2020/21, the amount of \$123,000 was spent for electronic subscription services and books.

With regard to Capital Acquisitions, Mr. Chairman, the original estimate for 2020/21 was \$16,000. The estimate for 2021/22 is zero—so a decrease of \$16,000, or 100 per cent. The budget allocation for Capital Expenditure is found at page C-10 of the Estimates of Revenue and Expenditure. The Attorney General's Chambers has been allocated no capital for fiscal 2021/22 due to cost-cutting measures in capital funding.

With regard to output measures, Mr. Chairman, during the 2020 calendar year, 53 Acts were enacted, and 154 statutory instruments made. More than 70 pieces of legislation were COVID-19 related. They made provisions for the state of emergency, public health and quarantine restrictions, temporary unemployment benefits, pension amendments, et cetera. In addition to the annual budget legislation, there were a number of new and amending Acts to give effect to the Government's legislative agenda on topics including submarine communication cables, digital asset issuance, health professionals, expungement of convictions, employment and labour laws, and Marine & Ports.

Mr. Chairman, the Bermuda Laws website which contains all of Bermuda's current laws and subordinate legislation, it is updated in real time from within Chambers, and we are continuing to make improvements to the site. Since November 2018 as part of the e-Gazette project, statutory instruments (or BR's) are now gazetted by publication on the website, which clearly indicates the operational date. Updating the e-Gazette from within Chambers allows the numerous COVID-19-related emergency regulations to be published and take effect immediately.

Mr. Chairman, over the past budget year we received 15 Mutual Legal Assistance requests, which is a decrease of 10 in the number of requests than in the previous year. It is believed that this decrease is due to the impact of COVID-19, which inhibited the ability of international agencies to process Mutual Legal Assistance requests. We believe that this decline is temporary and that the number of requests will increase in the forthcoming budget year as the adverse conditions pertaining to COVID-19 will gradually improve.

With regard to staffing, Mr. Chairman, there are currently five vacant posts within the Civil Advisory and Litigation Section of the Attorney General's Chambers: one deputy solicitor general, one senior crown counsel, one crown counsel, one junior crown counsel and one account officer. Recruitment for the vacant posts of senior crown counsel, crown counsel and junior crown counsel has commenced.

The current staffing levels of the Civil Advisory Section are one solicitor general, one deputy solicitor general, one senior crown counsel, six crown counsel, one temporary additional crown counsel, one temporary additional junior crown counsel, two administrative assistants and one paralegal to the Solicitor General, who is currently on secondment to the Department of Child and Family Services.

The Chairman: Attorney General, let me ask you to pause just one second.

Hon. Kathy Lynn Simmons: Mm-hm.

The Chairman: For the benefit of the listening audience, we are listening to the Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2021/22 under the following Heads: [87, 03, 04, 74, 88 and 75] are being debated under the Ministry of Legal Affairs and Constitutional Reform.

And I have to inform you that in 10 minutes I will yield the Chair to the MP from constituency 2.

You may continue.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

In the Drafting Section of Chambers, there is one vacancy for an assistant parliamentary counsel following the promotion in January 2020 of the previous post-holder, who successfully completed the five-year training programme. The recruitment process for a new training drafter is on hold for budget reasons. The succession planning will be challenged if we cannot fill the post soon.

There are currently eight parliamentary counsel including the chief and deputy chief, and one assistant parliamentary counsel. In addition to these dedicated lawyers who are responsible for drafting all Government Bills and Statutory Instruments, the section is fortunate to have an excellent administrative team comprising four persons, each of whom plays a vital part in the timely production, publication and consolidation of legislation.

With regard to Training and Development, Mr. Chairman, the Attorney General's Chambers includes within its mandate the development of its professional and administrative staff. Members of the Civil Advisory and Administrative Section of Chambers attended training and personal development courses offered by the Department of Human Resources. Members of the

Advisory Section also provided in-house presentations on advisory and litigation matters. In addition, the Advisory Section has biweekly council meetings to discuss legal issues and to provide input to counsel who currently have matters before the courts.

Mr. Chairman, one parliamentary counsel studied International Maritime Conventions through an online course offered by Maritime Training Academy, in preparation for the International Maritime Organization's Triple III audit plans for 2021, at a cost of \$800. Mr. Chairman, members of the Drafting Section attended various training and development webinars and online training sessions in topics including COVID-19 challenges to the rule of law, law reform, data protection, resilience in management, all free. The assistant parliamentary counsel continues to work towards obtaining a drafting diploma offered online by the University of Athabasca in Canada at a cost of approximately \$9,000 over two-and-a-half years. Members of the drafting team give in-house monthly presentations and lead roundtable discussions on drafting matters.

With regard to initiatives in the forthcoming year, Mr. Chairman, for the Advisory Section a principal focus will continue to be on development of Bermudians in Chambers, particularly in using senior counsel to assist junior counsel and pupils with advice and guidance on advisory and litigation matters. The Advisory Section intends to fill the vacant posts of junior crown counsel, senior crown counsel, crown counsel and the Accounts Officer post in the forthcoming fiscal year.

Mr. Chairman, improving the personal development of staff will remain paramount by providing them the opportunity to attend training courses offered by the Department of Human Resources. The Advisory Section will continue to

- review contracts for the various ministries and departments to aid the same in making better decisions in contract negotiations;
- review the assignment of specific counsel to provide advisory and litigation representation to ministries and departments;
- seek to improve our case management system to reduce our demand for paper resources; and
- provide more in-house presentations by counsel on a variety of legal topics.

Mr. Chairman, with regard to legislative drafting staff in training, our principal focus will continue to be on the development of Bermudians in legislative drafting. Experienced drafters will continue to train and mentor the assistant parliamentary counsel so that they will be able to draft independently. This is essential for purposes of succession planning in this very specialised area of law.

With regard to the legislative information management system (which we call LIMS), legislation is produced quickly and accurately using LIMS, which

is customised for our Bermuda drafting style. This combined with the important role of the Legislative Editor has kept the number of errors and inconsistencies found in legislation during House and Senate debates to a minimum, thereby expediting the legislative process. The maintenance of LIMS is through a Canadian vendor who provides timely professional assistance whenever necessary and regularly updates our software with the latest versions and technical support.

Mr. Chairman, it is intended to continue to improve our database and to pose new laws within a week of enactment on the Bermuda Laws Online website, which is www.bermudalaws.bm, which is hosted locally by Fireminds Ltd. Consolidation, which is the incorporation of amendments into existing laws, is more time-consuming since the amendments are checked by the drafter as well as the legislative database manager. The goal, Mr. Chairman, is to continue to complete the process within one month of the enactment of the amending legislation, which was achieved in the last few years. To date we have reached the intended outcome of 95 per cent of enactment.

Mr. Chairman, the output of the Drafting Section—over 200 Acts and Statutory Instruments in 2020—while a third of which were urgent COVID-19-related items, speaks directly to the value of this dedicated team. We anticipate no reduction in demand for legislation in 2021/22.

At this time, Mr. Chairman, I would like to thank the Solicitor General Melvin Douglas and his team of counsel, and CPC [Chief Parliamentary Counsel] Cathryn Balfour-Swain and her team of drafters for their sterling work during the period under review. And that concludes, Mr. Chairman, that head, Head 4.

The Chairman: Thank you, Minister. I thank your staff.

On that note, I now yield my Chair over to MP Kim Swan.

MP Kim Swan, you now have the Chair.

[Mr. Hubert (Kim) E. Swan, Chairman]

The Chairman: Thank you, Mr. Chairman.

And with that, Minister, we are considering Legal Affairs/Constitutional Reform Heads 87, 3, 4, 74, 75 and 88. Attorney General, you have the floor.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

I will now move on to Head 74, which is the Department of Court Services.

HEAD 74—DEPARTMENT OF COURT SERVICES

Hon. Kathy Lynn Simmons: Mr. Chairman, the current account estimate for Head 74—Department of Court Services, begins on the particular page of the Estimates of Revenue and Expenditure for the year 2021/22 which is not noted at this time, but we certainly will provide it in a minute if you will hold on.

The Chairman: Continue on, Minister.

An Hon. Member: It is 100 in mine.

Hon. Kathy Lynn Simmons: Page 109?

An Hon. Member: No, B-100.

Hon. Kathy Lynn Simmons: Page B-100? Okay. Thank you for that.

Mr. Chairman, a total of \$4,656,000 has been allocated to Head 74 within the Ministry of Legal Affairs and Constitutional Reform. This amount represents a \$71,000, or 2 per cent, decrease from the current 2020/21 fiscal year. The original estimates for 2020/21 were \$4,727,000. And the estimate for 2021/22 is \$4,656,000, which represents a decrease of \$71,000, or 2 per cent.

Mr. Chairman, the Court Services Department's (or DCS) budget disbursement is primarily comprises salaries for personnel and basic operational expenses. The department plays the leading role in the assessment, rehabilitation, supervision, monitoring, treatment and case management of offenders in the community who are subject to statutory orders. Additionally, it delivers comprehensive assessments [including] drug and alcohol screening and makes referrals to treatment agencies for all substance abusers via the Bermuda Assessment and Referral Centre (which we call BARC). The manpower figures for the Department of Court Services are on page B-101 of the Estimates Book.

Mr. Chairman, the department has withstood a very challenging 2020 in view of the worldwide health crisis due to the COVID-19/coronavirus. These challenges have been compounded by economic hardships, lack of residential accommodation and varied tensions in the community. The global pandemic only added to the myriad of complexities that our clients live with and have to function within. Some pervasive issues include, but are not limited to, unemployment, mental health issues, lack of housing, misuse of substances, parenting challenges, childhood and adult trauma, anger issues, gang affiliations, cognitive deficits, ineffective role models, negative peer influences, educational deficiencies or deficits, as well as unsatisfactory leisure activities.

Whilst there has been a thrust to identify root causes, there is no definitive community research in this regard. The department continues, Mr. Chairman,

to operate seven cost centres within three distinct programmes. The first is cost centre 7402, which is Administration. The original estimate for this cost centre in 2020/21 was \$1,415,000. The estimate for 2021/22 is \$1,439,000, which represents an increase of \$24,000, or 2 per cent.

Cost centre 84070 represents Court Services Administration. Mr. Chairman, under that cost centre, the budget for the administration unit is a 2 per cent increase over the prior year. Salaries for senior management, technical and administrative support personnel, totalling \$784,000, constitute the majority of the allocated funds. The remaining expenditure of \$655,000 covers building security, training, software and electronics/technology, office cleaning, apprenticeship, counselling, operational equipment and supplies.

Mr. Chairman, this department has been utilising, on average, less than 50 per cent of the electronic monitoring devices (or EMD's) due to their use by the courts, BPS [Bermuda Police Service] and the Parole Board. A new contract will be entered into during this fiscal year for the sustained operational effectiveness in using these devices across ministries.

Mr. Chairman, the Nightlight Programme (which is curfew checks) has not been operable since the beginning of the restrictive health protocols under shelter-in-place initiative to now. However, DCS continues to ensure that both court, departmental, or Parole Board curfews are adhered to, as well as the Island-wide Government curfews.

Mr. Chairman, departmental policies and procedures remain under active revision for standardisation of operations, data collection, and evolving evaluative methods. In addition, training to maintain certification standards related to sex [offenders] and violent offenders is an ongoing process with an aim to promote a continuum of best practice care. Community sentences under the remit of this department are life changing and motivate offenders to re-examine their behaviours, challenging them to alter their lifestyles and behaviours and to confront the difficult and challenging issues that they face. Partnerships with stakeholder partners in wider criminal justice ventures result in all related fiscal interfaces being driven from existing budgets. Mr. Chairman, the specialist Treatment Court Programmes operated under this department maintain effectiveness in meeting the needs of participants and curbing their offending behaviours.

Mr. Chairman, with regard to cost centre 7401, which is the Case Management Unit, the original estimate for 2020/21 was \$1,354,000. The estimate for 2021/22 is \$1,326,000, which represents a decrease of \$28,000, or 2 per cent. Mr. Chairman, the Case Management Unit is overseen by a manager and comprises the Drug Treatment Court Programme [DTCP], Probation and Parole Teams. Cases are managed according to the assessed risks the offender presents to the community and themselves, as well as

planning to meet their varied needs. Personnel within the unit give representation on several interagency committees or groups. The aim is to enhance collaborative efforts and communications, promote training and generate data collection.

The 2021/22 budget allocations will be dispersed in the following three cost centres: Cost centre 84010 represents Probation Services. The original estimate under this cost centre for 2020/21 was \$507,000. For 2021/22 the estimate is \$492,000, which represents a decrease of \$15,000, or 3 per cent. Mr. Chairman, the Probation Team oversees probation orders, which are robust, and challenges offenders to change their offending behaviours and lifestyles. This is reinforced through office and field visits, as well as contacts with significant others to ascertain a more accurate synopsis of the clients' functioning and responses to supervision. Due to COVID-19 restrictions, the number of offenders under supervision has declined. However, as the restrictions have been loosened, the numbers have begun to increase again.

The largest expenditure for the Probation Team in the last year is \$8,000 for counselling services. These monies are used to cover outsourced therapeutic services to clients who have special assessed needs which do not meet the expertise of team members. Office supplies such as paper costs, as well as printer ink and toner, are covered by \$1,500 in this vote. Telephone costs of \$6,200 are incurred by staff who utilise cell phones to enhance safety on homes, employment and curfew checks. Additionally, clients' communication with officers is done by a phone app to supplement office visits and the aforementioned checks, and to have electronic backup of communication for the clients, who are less than ingenuous in following officers' requests.

Mr. Chairman, the allocated Probation Services budget of \$492,000 is broken down as follows:

- \$476,000 for employee expenses, or salaries;
- other operational expenses of \$16,000 include cell [phone] usage, assessment materials and outsourced treatment services if required.

Mr. Chairman, successful delivery of the Probation Team's services in the upcoming year will include more accurate data analysis and refined site visits to observe offenders in their environments. This will assist officers in mitigating risk needs levels and responses.

With regard to cost centre 84020, which is Parole Services, the original estimate for 2020/21 was \$409,000, and for 2021/22 it is \$395,000, which represents a decrease of \$14,000, or 3 per cent. Mr. Chairman, individuals released on early conditional release from the correctional facilities, by the Parole Board, are supervised for the duration of their sentences under the supervision of an officer from the Parole Team. The allocated Parole Services budget of \$395,000 is broken down as follows:

- \$382,000 to cover employee expenses and salaries; and
- \$13,000 for operational expenses.

To promote the successful delivery of Parole Services, Mr. Chairman, gang-related and other high-risk parolees were required to wear electronic monitoring devices [EMDs]. This ensured that identified persons refrained from visiting high-risk places and limited the degree to which high-risk individuals were able to associate with each other, which proved effective.

Mr. Chairman, there are currently 68 individuals on parole, and the conditions of their respective orders vary according to their need of supervision coupled with the risks that they pose to themselves and others. Mr. Chairman, counselling services in this vote serve the same purposes as the aforementioned reasons for probation, the amount being \$8,000 as to telephone and office supplies, which amount to \$4,980 and \$2,000, respectively.

Mr. Chairman, cost centre 84080 represents Drug Treatment Court Programmes. The original estimate for 2020/21 was \$438,000. The estimate for 2021/22 is \$439,000, which represents an increase of \$1,000, which is a zero per cent increase. Mr. Chairman, the Drug Treatment Court Programme [DTCP] remains the leading model for a team approach to offender supervision. Four persons graduated from the programme in the past year. The team maintained quick response times to client noncompliance and facilitated the transition of clients across levels within the treatment continuum.

The number of offenders convicted of driving under the influence (DUI offences) continues to increase with a finite operational structure under consideration. At present there are 19 individuals in the DUI stream, with an additional three on observation. Three persons graduated out of this stream. Mr. Chairman, Drug Treatment's money for the current budget year entailed many of the same object codes as the aforementioned probation and parole. Additionally, the repair and maintenance budget for \$7,500 would be used for the office equipment, namely, the printers. Food supplies of \$600 are used to support the graduation of clients in the DTC [Drug Treatment Court] Programme. This current year the driving-under-the-influence stream of the Drug Treatment Court has added to the number of graduations, as well as paper supplies and office supplies to cover added reports.

Mr. Chairman, the \$439,000 budget allocation for the Drug Treatment Court Programme is distributed for the rehabilitation of offenders whose offending is directly attributable to their substance abuse and includes urinalysis assessments, counselling, and drug-specific programmes. Private psychological and counselling services address issues that contribute to the offenders' use of substances. The majority of these funds for the DTC represent salaries in the

amount of \$390,000. The remaining \$49,000 covers operational [expenses], as well as assessment and treatment services for the programme. In essence, Mr. Chairman, this has enabled offenders whose substance misuse contributed to their offending to be afforded treatment, and upon completion of the programme their index offence can be expunged.

Mr. Chairman, during the next financial year the Case Management Unit overall proposes promoting officer well-being and exerted more focus on re-assessment of clients as main objectives. Performance measures have been revised with the health and travel restrictions for future outcomes, and revision and enforcement of standards will ensure effective enforcement of the requirements of statutory orders to hold offenders to account.

Mr. Chairman, cost centre 7403 represents the Assessment and Treatment Unit. And under that cost centre, the original estimate for 2020/21 is \$1,958,000. The estimate for 2021/22 is \$1,891,000, which is a decrease of \$67,000, or 3 per cent. Mr. Chairman, the Assessment and Treatment Unit of the Department of Court Services provides accurate and comprehensive assessments, reports and treatment programmes that identify risks and criminogenic factors that clients pose to the community. These interventions guide service delivery and assist in reducing relapse rates.

The 18 personnel function under the direction of the unit manager. Mr. Chairman, the unit's three teams, each under the supervision of a coordinator, operate under three cost centres. Regulation of its operational procedures remains a priority in this unit.

Now I will pause, Mr. Chairman, to acknowledge the presence of Marva-Jean O'Brien, who is the Permanent Secretary for the Ministry of Legal Affairs and Constitutional Reform, who has graced us with her presence tonight—I am going to say this evening.

Now I will continue, Mr. Chairman, to cost centre 84030, which represents Aftercare and Community Integration Service. The original estimate under this cost centre for 2020/21 is \$335,000. And the estimate for 2021/22 is \$316,000, which represents a decrease of \$19,000, or 6 per cent.

Mr. Chairman, this programme includes Community Service Orders [CSO] and the Mental Health Treatment Court Programme [MHTCP], consisting of two officers supervised by the coordinator. Mr. Chairman, during the past fiscal year offenders were sentenced to a total of 3,930 hours of community service hours by the courts, with 30 per cent of the hours completed. Numbers for completion rates have been uncharacteristically low, as our usual stakeholders who provide placements for most of our CSO clients have been unable to [assist], due to the strengthened health restrictions which do not allow for hiring of outside individuals to come into vulnerable communities to complete work hours.

Mr. Chairman, during this current budget year funds expanded included \$7,500 for supplies for the Community Service Work Programme. Notably, tools were needed to complete landscaping work for retirement homes, seniors and community agencies which are non-profit. Additionally, Mr. Chairman, materials such as safety vests and extra-large construction garbage bags, et cetera, were also utilised.

Mr. Chairman, the Mental Health Court has a staffing [meeting] each week and reports on every client it provided for the team. This means a minimum of a half-dozen reports totalling weekly. The assessment materials budget of \$12,500 was utilised to purchase assessment materials to ensure best practice levels of assessment are maintained. It is also utilised to ensure a lesser volume of offences perpetrated by clients can be assessed using the correct tools to ensure the most accurate and definitive treatment recommendations.

Mr. Chairman, the Mental Health Treatment Court Programme is a valuable programme for individuals who come into the criminal justice system with diagnosed and treatable mental health issues. There were 23 new referrals this year, the same as the last reporting period. One significant challenge is the inability for clients to access the relevant residential treatment services required. Over the last reporting period, approximately 70 per cent of the 23 clients were homeless or in inadequate or precarious housing situations.

Mr. Chairman, significant activities for the upcoming fiscal year include to continue to explore residential and dual diagnosis options for clients with mental health challenges. This is a dire need, as we will ultimately be unsuccessful if we cannot meet the basic needs of an individual. Adequate residential and mental health treatment options remain a priority. As a result, we continue working collectively with other ministries toward this end, in addition to enhancing skills building.

The salary estimate is \$290,000. The additional outlay of \$26,000 is for specialised mental health and vocational assessments, vehicle fuel, maintenance of programme equipment and cell phones.

Mr. Chairman, I will now move on to cost centre 84040, which is the Community Based Programmes Team. The original estimate under this cost centre for 2020/21 is \$494,000. The estimate for 2021/22 is \$480,000, which is a decrease of \$14,000, or 3 per cent. (Please excuse me, Mr. Chairman.)

The Chairman: And we are considering the Department of Court Services at this time with the Attorney General [and Minister] of Legal Affairs and Constitutional Reform, Heads 87, 3, 4, 74, 75 and 88. There are four hours allocated for this debate. It started at 4:21 pm. It will continue on to 8:21 pm. We are just waiting for the Attorney General to return.

[Pause]

The Chairman: This is the penultimate Budget Day here, on Friday. We have one more day (on Monday) to consider.

[Pause]

The Chairman: For those of you who are listening, we are considering the Heads of Legal Affairs and Constitutional Reform, Heads 87, 3, 74, 75, 88. The Attorney General has returned.

Hon. Kathy Lynn Simmons: Thank you for your indulgence, Mr. Chairman.

The Chairman: Not a problem at all. And when you are ready, you may proceed.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

I was referencing cost centre 84040, which is the Community-Based Programmes Team.

The Chairman: And we are on page B-100, yes?

Hon. Kathy Lynn Simmons: Yes.

The Chairman: Yes. Okay. Thank you.

Hon. Kathy Lynn Simmons: The original estimate for 2020/21 was \$494,000. As I was saying, the estimate for 2021/22 is \$480,000, which is a decrease of \$14,000, or 3 per cent.

Mr. Chairman, the Community-Based Programmes Team continues to deliver accredited programmes to high-risk offenders such as sex and violent offenders. The team was drastically short-staffed for the majority of the year. The team composition is three senior probation officers (specialists) overseen by a psychologist/coordinator. Some of the outcomes for the team are highlighted:

1. Programmes Team to offer at least 12 offending behaviour groups. Outcome: This was decreased due to restrictions due to the health pandemic. Prior to the beginning of shelter in place, DCS was offering eight groups with several more scheduled. Since the loosening of restrictions, the number of groups has fluctuated between five and seven. This ensures maintaining social distancing protocols and other means to promote the safety and wellbeing of clients and officers.

2. Maintain overall client attendance rates (individual and group sessions) of 70 per cent. Outcome: The group attendance, Mr. Chairman, has been at 50 per cent for the year, with number and space restrictions adversely affecting the ability to offer more and/or larger groups. Not factoring in the period of

having restrictions, the group average is at 65 per cent.

3. During the current year, Mr. Chairman, despite [being] chronically short [staffed], often due to the specialisation of the team and the pandemic, the staff in this team continues to deliver services.

The reasoning for expenditures for most of the object codes is nearly identical to the previous team's expenditures, as mentioned previously in this brief.

Mr. Chairman, expenditures in counselling services of \$7,500; session materials, \$8,000; and stationery, supplies for printing and forms and client appointment forms are the same as the other teams in the department. Mr. Chairman, objectives are accomplished through the financial disbursement of \$480,000. Clinical expenses, operational and training expenses amounted to \$37,000. The majority of the funds covered salaries totalling \$443,000.

Mr. Chairman, during the upcoming year, the team will increase and monitor its referral dates, outline criteria for ongoing evaluative and training regime, and that is it.

And the cost centre 84060, which is the Assessment Team, Mr. Chairman, the original estimate for 2020/21 was \$1,129,000. And the estimate for 2021/22 is \$1,095,000, which represents a decrease of \$34,000, or 3 per cent. Mr. Chairman, the Assessment and Treatment Team consisting of the report-writing and the Bermuda Assessment and Referral Centres are—teams compile timely, comprehensive and succinct reports and assessments to aid in the referrals and the disposition of cases.

Mr. Chairman, the Report Writing Team had a total of 147 reports for the calendar year. It is noted that, unlike the last reporting period, fewer offenders are declining parole, hence a decrease. Even taking in community restrictions, it is fewer in number than the previous reporting period.

Mr. Chairman, both the RWT and the BARC share—these two teams write the report for all of the treatment courts. The DTC, including DUI track and MHTCP [Mental Health Treatment Court Programme], along with the Magistrate's Court, Supreme Court and the Parole Board. Mr. Chairman, additionally, BARC [Bermuda Assessment and Referral Centre] reports go to either the referring agency as well as any treatment agencies the client has been assessed as needing.

Mr. Chairman, on average, both teams combine for approximately 20,000 pages of reports annually. The resources such as paper, ink and toner needed to complete this are taken out of the office supplies vote of \$7,000. The repairs allocation fund is \$8,300 and is utilised consistently. The last fiscal year a new photocopier was purchased. Mr. Chairman, assessment tools for BARC and RWT come out of the assessment materials vote, and tools such as the HCR-20 Level Service-Case [Management] Inventory,

drug and alcohol assessment, as well as other offence-specific assessments.

In 2020 some of the \$9,000 budget allocation was to be utilised by BARC on purchasing a more up-to-date assessment tool for alcohol and drug assessments, as well as tools to assess clients charged with driving under the influence (or DUI). Additionally, they are being proactive in trying to secure assessment tools for use with persons who have gambling issues. The acquisition of these tools was postponed due to the pandemic; however, the schedule has been re-activated.

Mr. Chairman, there were six reports compiled on gang members, which was down 50 per cent over the preceding year. DCS remains an active participant on the Gang Task Force with an aim of strategically working with this client's profile.

Mr. Chairman, the BARC Team met direct challenges aggressively and conducted a total of 119 reports in the past year. During the shelter in place period, BARC completed more than 30 assessments electronically that resulted in treatment referrals. The length of time for clients to enter into treatment remains a challenge of the department. Mr. Chairman, this comprises persons who are mentally ready for treatment, yet [are] having their entrance into treatment programmes delayed. In light of the barriers facing getting clients into treatment, BARC began individual therapeutic interventions to bridge the gap.

Of the 64 clients referred for residential treatment, only 3 entered into the residential treatment facilities. Of note, an additional officer met the BARC certification criteria and is now an internationally certified alcohol and drug counsellor. This means that currently 75 per cent of BARC's team members have earned the ICADC [International Certified Alcohol and Drug Counselor] certification, and the remaining team members are completing a doctoral degree. Mr. Chairman, salaries for the 11 personnel aggregate to \$1,048,000. The residual \$47,000 allows for assessment materials, operational repairs and supplies, cell phones, local training and journals. The budget year 2021/22 initiatives include to explore an additional assessment tool to enhance treatment for substance abusers.

Mr. Chairman, the department forecasted in the upcoming fiscal year funding will be utilised for certification of some officers in targeted interventions such as trauma and substance issues, as these will assist in targeting root causes of behaviours and ascertaining criminogenic needs. This, as shared, will mitigate costs in utilising private or outsourced services.

Mr. Chairman, ongoing professional development is critical for officers in this department as more astute analysis of offenders' risks is being applied. Several virtual trainings in this budget year were utilised to ensure that professional development continues. Courses in contrasted standards such as the Ca-

nadian Correctional Institute, as well as UK-based instructors ensure that ongoing professional standards were met. Mr. Chairman, with the team having an allotment for training, instruction best suited to the needs and tasks of the team were secured and utilised. This also promotes compliance to specific international best practice standards, as well as the safety of officers.

Mr. Chairman, enhancement of standards coupled with operational procedures will be further expanded and re-evaluated in the upcoming year. The training curriculum was interrupted, and new opportunities are being sourced to coincide with international trainers' ability to adopt virtual methods of instruction. Such tools include the Level of Service Inventory and Case Management goals and objectives. This will be implemented this fiscal year and will coincide with forward job plans and future performance appraisals.

Mr. Chairman, in these challenging and economically stringent and prudent times, this year's budget for the Department of Court Services provides the framework to sustain programmes and services at a level which can meet the needs of the varied client base at a minimum, notwithstanding, the best practice levels will be achieved utilising all resources at its disposal. It is most challenging with the lack of supportive services such as residential options and dual diagnosis programmes and services.

Mr. Chairman, in recognising that offending and other negative societal issues and problems will not be eradicated completely, the efficacy and integrity of the department is supported by using motivational endeavours with clients and their significant others. The department's treatment, assessment, accountability and rehabilitation regimes continue to lessen the effects of offending and the impact of associated risks on the community.

Hon. Kathy Lynn Simmons: Okay, Mr. Chairman? Mr. Chairman—

The Chairman: Yes. Continue on.

Hon. Kathy Lynn Simmons: Thank you.

Mr. Chairman, staff and challenging behaviours in clients are often met with resistance in challenging behaviours. They use their tools and competencies to motivate, transform behaviours and hold these individuals to account. Officers conduct curfew checks visit homes and attend events in the community to monitor clients. They also use electronic means to augment supervision tactics to ensure efficient and effective use of pertinent methods to maximise the rehabilitative process. Mr. Chairman, these responsibilities present safety and health risks, yet officers are dedicated to transforming lives and deterring future offending or relapse. Some offenders view community supervision as being onerous and seek less restrictive

sentences or opt to serve the remainder of their terms in incarceration.

Mr. Chairman, the Offender Risk Management Team, thrust by the Criminal Code Amendment 2018 (the sex offender's management) is operational, and work remains in progress to better manage, monitor and assist sex and violent offenders through this accountability framework. The team oversees eight individuals at present and supports the oversight of others who may be subjected to supervision.

Mr. Chairman, the Nightlight Programme, the curfew regime, has not been operational due to the health restrictions imposed by the global pandemic. Once restrictions were relaxed, the department team went out in threes to carry out this function. The BPS still provides support, and probation officers need to meet high-risk clients in the community at night, or the checks need to be completed in areas which are dangerous, or when the community events raise the threat levels for the officers.

Mr. Chairman, the department has embraced new initiatives, developed increased physical resources for several years. We acknowledge the hard work of the department's officers and support personnel, who work collaboratively with partners to further validate the protection of the community.

Mr. Chairman, this ends my presentation on Head 74, the Department of Court Services, and highlights the operational use of its expenditure. I would like to take a brief moment to thank all of the personnel in this department including the Director of Court Services, who face the risks. And that is Gina Hurst-Maybury, who is my Acting Permanent Secretary—who face the risks and challenges with the job with determination, commitment and resourcefulness to help ensure the safety of the community and the rehabilitation of the clients. Thank you, Mr. Chairman.

The Chairman: Thank you, Minister. You may continue.

HEAD 75—DEPARTMENT OF PUBLIC PROSECUTIONS

Hon. Kathy Lynn Simmons: Mr. Chairman, the mission statement for the Department of Public Prosecutions is *to provide Bermuda with an independent, efficient and effective criminal prosecution service without fear or favour, based on the rule of law*. The following are the objectives for the Department of Public Prosecutions:

1. to promote the fair, transparent and efficient prosecution of criminal offences consistent with lawful authority and subject to established guidelines and to safeguard the actuality and the perception of prosecutorial independence;
2. to promote high standards and principles in the administration of criminal justice, including

procedures to guard against or address miscarriages of justice in support of the rule of law;

3. to carry out prosecutorial functions impartially, assisting the courts to arrive at the truth and to do justice between the community, the victim and the accused according to law and the dictates of fairness;
4. to promote good relations between individual prosecutors, policing and other agencies within the criminal justice system to facilitate the exchange and dissemination among them of information, expertise and experience, and to that end to encourage the use of information technology; and
5. to maintain a team of highly competent administrative professionals to carefully handle the day-to-day responsibilities of the department with great detail and confidentiality, which is a critical and substantial element in helping prosecutors fulfil their mandate.

Mr. Chairman, 2020/21 has been a year of change for the Department of Public Prosecutions [DPP]. Like the rest of the Island and the world, the department had to adjust its purposes to meet the challenges of the global pandemic. The department was unable to conduct jury trials for a seven-month period which left the department with 42 indictments to be tried at the beginning of January 2021. Throughout the shelter in place, prosecutors conducted court hearings remotely from the homes in an effort to reduce the overall unforeseen impact of COVID-19 on the criminal justice system.

Mr. Chairman, 88 per cent of the department's 2020/21 budget was spent on salaries and allowances. The remainder of the allocated budget, approximately \$350,000, was spent as follows: 26 per cent was spent on consultants to support the department in specific cases where legal conflict arose; 11 per cent was spent on office supplies; 10 per cent was spent to pay Bermudian law students who were on Island due to COVID-19 restrictions to scan the department's files into the case management system in an effort to become a paperless office; 10 per cent was spent on training; 7 per cent was spent on storage costs; 7 per cent was spent on professional fees and memberships; 5 per cent was spent on legal text and online research tool subscriptions; 5 per cent was spent on court costs; 4 per cent was spent on enhanced cleaning procedures due to the COVID-19 pandemic; 2 per cent was spent on personal protective equipment for the department staff to protect themselves when they went to court; and the remaining 13 per cent was spent on communications and security costs.

Mr. Chairman, with regard to the current account expenditure, the original estimate for 2020/21 was \$3,444,000. The estimate for 2021/22 is \$2,961,000 which represents a decrease of \$483,000, or 14 per cent.

Mr. Chairman, the current account expenditure estimates for Head 75, Department of Public Prosecutions, begins on page B-105 of the Estimates of Revenue and Expenditure Book. A total of \$2,961,000 has been allocated to the Department of Public Prosecutions which includes its Witness Care Unit which represents a decrease of \$483,000, as I just said, or 14 per cent from the original estimates.

With regard to the Public Prosecutions, Mr. Chairman, \$2,860,000 has been allocated to the department of Public Prosecutions on its own, which represents a decrease of \$477,000, or 15 per cent from fiscal year 2020/21. The decrease is mainly due to salaries being prorated for a 10 per cent cut up to July 2021. Also, there was no need to fund a temporary additional crown counsel post which has been funded in the current year. Lastly, the deputy director post will not be funded for one year.

Mr. Chairman, criminals are known for their criminality, and there has been an increase in sensitive and complex prosecutions. Like last year, the majority of the budget for the department relates to salaries and allowances. Money has again been allocated to the department to fund consultants to support the department in specific cases where legal conflict may arise.

Mr. Chairman, with regard to the Witness Care Unit, \$150,000 has been allocated, which represents a decrease of 4 per cent for fiscal year 2021/22 over the previous year. The decrease is due to less office supplies budgeted for. The overall administrative responsibility of the Witness Care Unit befalls to the deputy director administration. Under his direction the senior crown counsel administration has immediate responsibility of daily management of the unit.

Mr. Chairman, the Witness Care Unit was implemented in December 2008 with the aim of improving the experiences of civilians by offering support to them within the criminal justice system. This assisted in increasing the number of civilian witnesses who attended court to give evidence, and also aided in reducing the number of trials which had to be forfeited by the prosecution due to civilian witness non-attendance at trials.

Mr. Chairman, the Witness Care Unit consists of two dedicated witness care officers who act as a sole intermediary contact between civilian witnesses and the prosecutors. The officers arrange the pre-trial meetings between witnesses and prosecutors, identify any peculiar circumstances that the prosecutor might not be aware of, offer ongoing support to witnesses and keep them updated on the progress of the matter that they are involved in.

Mr. Chairman, since the implementation of the Witness Care Unit there has been a vast improvement in the number of civilian witnesses who have attended either the Magistrates' or the Supreme Court to give evidence in criminal trials. Upwards of 15,000 witnesses have received the benefit of this service and

the impact this has had both on the criminal justice system and the community at large is immeasurable. The officers continue to receive positive feedback from civilians they have assisted in criminal trials.

Mr. Chairman, during the upcoming year, the department intends to publish a victim charter, set out what victims of crime should expect throughout their experience within the criminal justice system. It will also outline what advice, support and practical information they can receive.

The Chairman: We are considering the Heads 87, 3, 4, 74, 75 and 88, Legal Affairs and Constitutional Reform.

The Attorney General has the floor.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

With regard to performance measures, during the fiscal year 2020/21, notwithstanding the pandemic, the Department of Public Prosecutions handled approximately 375,000 criminal cases in the Magistrates' Court. There are also approximately 6,000 traffic cases completed during the financial year. Unfortunately, the Supreme Court trials were the most affected by the pandemic with only three trials completed and a total of 13 cases disposed of.

With regard to staffing, Mr. Chairman, under the direction of the Director of Public Prosecutions there is a complement of 14 counsel. However, currently, there are two vacant posts. All counsel are engaged in prosecution of offences and appear, when appropriate, in the Magistrates' Court, Family Court, Treatment Court, (this Drug Court is inclusive of DUI [trials]), Mental Health Treatment Court, Supreme Court, Bermuda Court of Appeal, and the Privy Council.

The prosecutors also provide legal advice to the police, Government Ministries and departments on matters relating to offences. Additional staff includes one manager of finance and administration, one litigation manager, five administrative assistants, and one receptionist. In addition, the department employs the two Witness Care officers previously mentioned.

Mr. Chairman, on the 4th of December 2020, Ms. Cindy Clarke was appointed the first Bermudian female Director of Public Prosecutions. Ms. Clarke is a long-serving public officer having joined the Department of Public Prosecutions in August 1999, notably, as a pupil in the Ministry's Pupillage Programme. During the past financial year, Ms. Lisa Trott, Crown Counsel Junior Grade; Ms. Yanique Gardner-Browne, Crown Counsel Specialist commenced employment with the department. Ms. Javone Rogers was also promoted to Crown Counsel.

Mr. Chairman, the Department of Public Prosecutions continues to work toward becoming a paperless office. In 2021/22 all staff will be equipped with tablets or laptops so that all can continue to make ef-

fective use of the electronic case management system remotely. This supports the overall trajectory in the public service as it moves toward a paperless system. We continue to work with the Bermuda Police Service to receive their files electronically and then to serve disclosure on the Defence Counsel, or even those defendants who are self-represented, electronically.

Mr. Chairman, with regard to training, the Department of Public Prosecutions continues to uphold its mandate *to train Bermudian prosecutors as successors as successors for all positions*. The department was able to hold two training sessions during the past year utilising remote learning opportunities. In 2021/22, the Department of Public Prosecutions intends to host two major training sessions for all Members of staff including both counsel and administrative staff. The aim of the training sessions will fit into the new strategic vision of the department. This will promote a more positive impact on the community with the department's role in the justice system.

With regard to working with other agencies, Mr. Chairman, the DPP's office works with other departments and entities such as the Defence Bar, Legal Aid, Court Services and the Attorney General's Chambers. Their cooperation throughout the past and into the upcoming year is vital for the proper functioning of the criminal justice system. Results have been noteworthy to date. The DPP's office, Mr. Chairman, receives most of its cases for prosecution from the Bermuda Police Service [BPS]. The department extends its thanks to the BPS for their high-quality investigations and expertise in solving serious crimes, as well as to the Police Court Liaison Unit for their endless work in getting thousands of case files to the DPP's office and into the courts.

The DPP's office also facilitated training for the Department of Environment and Natural Resources, Parks, Waste Management, Planning, and the Bermuda Regiment. These entities have enforcement and investigative roles, and this training provided them the guidance and tools to be more effective in these roles.

Mr. Chairman, with respect to guidance for police cautions, the department continues to try to steer people away from the criminal justice system in order to mitigate people receiving convictions for minor matters. The Director of Public Prosecutions previously had issued guidance to the Bermuda Police Service pursuant to section 36A of the Police and Criminal Evidence Act to allow them to exercise their discretion to give cautions to offenders for a range of minor offences that could end up in the Magistrate's Court. Therefore, people who may have made a wrong decision on the lower end of criminality have the opportunity to have a caution in lieu of conviction. They can therefore get on with their lives in a productive manner. However, persistent offenders in serious matters will be prosecuted in accordance with the Code of Conduct when prosecuting such cases.

During the upcoming year, Mr. Chairman, the department plans to update the guidance to include more classes of offences just as they have done this past fiscal year. Just as they have done this past fiscal year, Mr. Chairman, the department will spend its allocation judiciously. Training will be limited to local or remote undertakings. It is projected that the percentages for expenditures aimed at programmes and services such as cleaning and PPEs, legal and professional fees, as well as resource materials will align with similar percentages arrived at over this past reporting period and mentioned previously in this brief.

With regard to future events, Mr. Chairman, the intention is to continue the work undertaken over the last few years to develop all members of the department so that the Department of Public Prosecutions continues to offer an excellent service to the people of Bermuda. Mr. Chairman, the new Director of Public Prosecutions has shared her strategic vision for the department. The way forward for the department in the upcoming budget year is as follows:

1. to ensure quality assurance and where possible standardise prosecution processes to achieve consistent and high standards of trial preparation and appearances;
2. to develop the capacity to record, analyse and report on performance and financial data to support organisational reviews, resource allocation, budget planning and priority setting;
3. to reinforce the department's role, responsibility and expectations regarding the service provided to victims by developing and promoting a victim's charter;
4. to train our staff on conferencing and communicating with victims, witnesses, and bereaved family members;
5. to strengthen accountability and transparency by developing and communicating Department of Public Prosecutions compliant processes; and lastly
6. to deliver legal services within the framework that supports strong providence, professional capability and staff well-being.

Mr. Chairman, I congratulate the new [Director] of the Department of Public Prosecutions, Ms. Cindy Clarke, on her recent appointment and thank all of the staff of this department as they unwaveringly uphold their duties.

This ends my brief for Head 75. Thank you, Mr. Chairman.

The Chairman: Yes, indeed, thank you very much, Minister. I do believe you might have one more Head to go through unless I missed another one.

Hon. Kathy Lynn Simmons: I most certainly do, Mr. Chairman, if you will indulge me for one minute while I get my brief in order. Thank you.

The Chairman: Yes, I will share with our colleagues and the listening audience that this debate started at 4:21 pm; there were four hours allocated. Heads 87, 3, 4, 74, 88, and 75. Head 88 remains. I turn to the Attorney General to go Head 88. This debate concludes in about one hour.

Continue on, Minister.

HEAD 88—DEPARTMENT OF NATIONAL DRUG CONTROL

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman. I will now present the fiscal year 2021/22 current account estimates for Head 88, which is the Department of National Drug Control, which can be found page B-107 of the Estimates Book.

In fiscal year 2021/22, the department has been allocated the sum of \$4,292,000 which is \$126,000, or 3 per cent decrease from fiscal year 2020/21.

Mr. Chairman, the Department of National Drug Control plays a key role in the Ministry of Legal Affairs and Constitutional Reform with respect to addressing one of the foremost social issues affecting Bermuda today—substance misuse and abuse.

Under the National Drug Control Act 2013, the department provides leadership and policy coordination for the planning, development, implementation and evaluation of a comprehensive national system of alcohol, tobacco and other drugs (also known as ATOD prevention) treatment and rehabilitation services. In its leadership role in the national drug control effort, including supply reduction and demand reduction efforts, the DNDC coordinates with other agencies. The DNDC is also responsible for establishing targets and standards for performance for initiatives supporting the National Drug Control Master Plan. Consequently, the mission of the department is to *lead efforts to reduce the negative impact of drug misuse or abuse on children and families*. The department's objectives for 2021/22 are as follows:

- a) to increase awareness of DNDC services and initiatives utilising targeted media campaigns;
- b) provide research data on the negative impact of cannabis misuse/abuse on young people and adjust or implement demand reduction programmes as indicated;
- c) improve customer satisfaction for the DNDC drug treatment and drug prevention services;
- d) identify critical leadership to oversee the implementation of priority actions within the National Drug Control Master Plan to ensure success of the five-year plan.

Mr. Chairman, the Department of National Drug Control manages and administers the grant

funds to private agencies providing prevention and treatment services, as well as a budget for core administration functions. This includes drug prevention, drug treatment, community development and research policy initiatives. Funds are also allocated to assist in the implementation of action plans of the National Drug Control Master Plan.

Mr. Chairman, the department employs 27 staff. The department headquarters is presently staffed by a director, five technical officers, and one full-time administrative staff. Direct staffing support to the Nelson Bascome [Centre for] Substance Abuse facility is provided by one treatment coordinator that oversees both the male and female residential treatment programmes along with 19 clinical staff. They are clinical coordinators, addiction counsellors, junior addiction counsellors and an addiction counsellor technician, and supports posts which include administrative assistant, cook, and maintenance currently assigned to the Women's Treatment Centre and the Men's Treatment Centre programme. There are currently four vacancies within the treatment programmes that are in active recruitment with the plan to fill from within the department following numerous unsuccessful recruitments locally and overseas.

Mr. Chairman, I am pleased to provide an analysis by business units of the Budget Estimates for the Department of National Drug Control for the fiscal year 2021/22 compared to the fiscal year ending 2020/21.

Administration provides the organisational framework in support of the mission and mandate of the DNDC. Its resources are aimed primarily at current expenditure and grants and contributions to the treatment and prevention partners that provide services for and on behalf of the department. Mr. Chairman, the administration allocation of \$1,021,000 is \$123,000, or 11 per cent less than the 2020/21 allocation. The budget covers employee salaries and other operational expenses, such as facilities, utilities, maintenance costs, supplies and training and grants. The 11 per cent decrease represents a decrease of funding for overseas training, travel and a reduction in grants.

The Department of National Drug Control is established in part as a service delivery unit but cannot provide all of the needed services required within the community. The DNDC depends greatly on procuring services in the treatment and prevention areas through grant allocations to realise its mandate.

- PRIDE provides evidence-based life skills programming within some of the primary schools to support drug education and drug prevention.
- Salvation Army provides residential drug treatment and community life skills programming for 10 males.
- Focus Counselling provides transitional or supportive housing for up to 28 persons recovering.

These individuals have participated in the primary drug treatment at any of the treatment facilities, such as prison, hospital, inpatient or outpatient services to assist in reintegrating them back into the community as productive citizens, thus improving the number of individuals maintaining a drug-free lifestyle.

The highlighted agencies have provided an integral part of the drug prevention and drug treatment continuum of services for Bermuda for many decades in collaboration with the Department for National Drug Control. You can see on page C-17 where the Grants/Contributions appear in the Budget Book.

I now move to cost centre 98010 on page B-107, which represents Community Development

Mr. Chairman, the allocation for the Community Development business unit is \$271,000, which is a \$2,000, or 1 per cent, increase to the allocation for fiscal year 2020/21. The 1 per cent increase is in funding for promotions. Funding is allocated to facilitate activities that are primarily targeted toward public education, community development, information dissemination and to support the grant to the Council on Alcohol and Drug Abuse, also known as CADA. The reference to that is page C-17 under Grants and Contributions. The goal of this unit is to educate the public about the harms of alcohol and drug use to ensure the provision of clear and sustained messages to our young people that no use of alcohol, tobacco or other drug is acceptable and to involve families and schools and community organisations in alcohol and drug prevention efforts.

CADA works in collaboration with the Department of National Drug Control to provide community education on alcohol misuse as well as to provide the server training programme, also known as TIPS, which is mandated within the Liquor Licensing Amendment Act 2011. A grant of \$100,000 is allocated to CADA to support these activities.

Other initiatives for the Community Development Unit are to assist in highlighting drunk/drug driving and road safety initiatives through public education and to continue awareness campaigns directed at underage drinking, adolescent drug use that includes alcohol and cannabis, and emerging drugs such as fentanyl. The majority of the promotion in advertising funds for the upcoming fiscal year 2021/22 will be used to launch the cannabis public education campaign focused primarily on adolescents.

Mr. Chairman, I now turn to cost centre 98020 on page B-107, which is Prevention. An allocation of \$220,000 is provided to support the Prevention unit's efforts in business unit 98020. This is a \$7,000, or 3 per cent reduction from the 2020/21 allocation. The 3 per cent decrease is a reduction in travel expenses. Funds in this business unit are utilised to improve coverage of drug prevention measures within the community to improve opportunities for school-based prevention interventions and to increase access to young people to targeted prevention programmes.

Funding is also utilised to support the implementation of a National School Drug Policy and for training prevention professionals and community members to support drug prevention efforts. The Prevention unit facilitates the Team Peace programme operating in four public schools and also supports the implementation and integration of the AI's Pals programme at the preschool and primary 1 and 2 levels. Funding is allocated within the business unit to support facilitators and to purchase resources to sustain these programmes.

Mr. Chairman, the Team Peace programme includes the utilisation of the Botvin LifeSkills drug prevention curriculum along with Adventure Education. Both are evidenced-based programmes with proven positive outcomes among students for making healthy choices. The programme saw 50 students participate over the 2020/21 school year across four public schools. This programme has not operated since March 2020 due to COVID-19 restrictions. Negotiations are ongoing with the Ministry of Education to restart the programme within COVID-19 guidelines. Approximately \$65,000 is spent on this programme to purchase supplies and pay programme facilitators annually. However, due to the COVID-19 the majority of this funding was not utilised in the 2020/21 fiscal year.

Mr. Chairman, the AI's Pals programme has continued in collaboration with the Department of Education with the majority of public and private preschool teachers and P1 and P2 teachers in public schools continuing to provide the programming in their classrooms. AI's Pals is also an evidence-based programme with research supporting positive outcomes for children at this age level.

Approximately 296 students have participated in the programme during the 2020/21 school year, which represents a decrease over the previous school year. This decrease is related to the decline in number of children in the preschool and the P1 and P2 level. The department for National Drug Control is committed toward its continued collaboration and support of the AI's Pals programme with the Department of Education and funds initial training, refresher courses, and resources supplies for all educators implementing the programme at a cost of approximately \$15,000 per year.

Parents in recovery are faced with a multitude of challenges as they prepare to address the needs of the children who have been without a worthy parent role model during their active use of substances. This has caused a breakdown in the family, thus affecting children. As a result, the DNDC has focused on developing skill sets for persons in recovery through the Parent's Toolshop education programme renamed, Parenting 101. This is designed to encourage persons to develop their communication skills and set goals in building a beneficial relationship with their children.

In 2020/21, this programme engaged 5 at-risk parents at Teen Services, and 11 children. COVID-19 restrictions have impacted programme completion, but the programme has recommenced and is due to be completed with this cohort by March 31, 2021. A prevention officer and a senior educator are the only facilitators of this programme at an approximate cost of \$5,000.

Mr. Chairman, cost centre 98030 represents Treatment, at page B-107 of the Budget Book. Mr. Chairman, the Treatment business unit 98030, is allocated \$411,000 for fiscal year 2021/22. The Treatment unit funding allocation is used to facilitate the implementation of key activities geared toward achieving the goals of the National Treatment Strategy including Commission on Accreditation of Rehabilitation Facilities (also known as CARF), accreditation fees and associated resources, addiction specific training, recovery month, which is September, activities and the AccuCare Client Management System licensing and training.

Funds are also allocated to support the grant for the Bermuda Addiction Certification Board. For that reference you can see page C-17 under Grants and Contributions. And, Mr. Chairman, the original estimate for 2020/21 and the current estimate remain at \$411,000.

For the fiscal year 2021/22 focus remains on maintaining CARF accreditation for the Men's Treatment programme, the Women's Treatment Centre, and Turning Point, which is operated by BHB, as required by the National Drug Control Act 2013. All of these programmes have maintained the gold star, CARF accreditation status throughout the fiscal year of 2020/21. CARF accreditation is spearheaded and funded by the Department of National Drug Control Island-wide at an approximate cost of \$21,000. Compliance surveys are completed every three years. Quality improvement reports are submitted annually.

Mr. Chairman, in conjunction with accreditation, the registration of all treatment services in accordance with the National Drug Control Act of 2013 is in progress. Development and implementation of supporting processes, application processes, fees, et cetera, will hopefully be implemented through the regulations under the Act in 2021/22.

Efforts will also continue to consolidate the use of the AccuCare Client Management System in all drug treatment programmes across the Island to assist in standardised best practice care. All treatment facilities except Turning Point (which is at BHB), use the AccuCare system. Required cross-ministry training, such as CPR, non-violent prevention techniques and AccuCare training will also continue at an approximate cost of \$20,000.

Mr. Chairman, grant funding to the Bermuda Addiction Certification Board provides international certification testing for both prevention and treatment professionals locally. Funding to support addiction-

specific training to enhance workforce development in this speciality area supports recertification of professionals and helps to maintain memberships in the international certification and reciprocity consortium. Certification is required for registration of addiction counsellors to practice under the Allied Health Professions Act 1973. There are currently 45 certified and registered addiction counsellors, 10 certified clinical supervisors and 5 prevention specialists currently working in Bermuda.

Under cost centre 98050, which can be found on page B-107, we can find Research and Policy Development. Mr. Chairman, the Research and Policy Development, business unit 98050, has an allocation of \$301,000, which is a \$5,000, or 2 per cent, increase to the allocation from the previous fiscal year. This 2 per cent increase is reflected in increased funding for contractors to support cannabis surveillance related to the cannabis reform initiatives. Funding in this cost code is used to facilitate information gathering and analysis, monitoring and evaluation, as well as any relevant legislation and policy development initiative prioritised within the department and/or the Ministry.

Mr. Chairman, the primary activities of the Research Unit are geared toward collection and dissemination of reliable data through the Bermuda Drug Information Network, also known as BerDIN, identifying emerging trends, and patterns of drug use, evaluation of the current drug control efforts in providing coordination, implementation and evaluation of the National Drug Control Master Plan and Action Plan.

Mr. Chairman, during fiscal year 2021/22, an additional focus will be on implementing cannabis surveillance to assist in monitoring the impact of cannabis reform initiatives. The 2019–2023 National Drug Control Plan is being reviewed accordingly. The Research Unit continues to monitor the Action Plan, or the expired plan, until the updated plan is approved.

Mr. Chairman, the 9th Annual BerDIN Information Network Meeting was held with all network members on November 6th, 2020. This annual event continues to greatly increase collaboration, understanding, and information sharing between all agencies involved in demand and supply reduction activities. The 2020 annual report for the Bermuda Drug Information Network was released to the public following the meeting in November 2020. BerDIN activities incur an approximate cost of \$15,000 annually.

Consumer satisfaction surveys, stakeholder feedback surveys, and quality record reviews were completed within the Department of National Drug Control, Women's Treatment Programme, Men's Treatment Programme, the Right Living House (operated under the Department of Correction). A marijuana use school survey took place January 20–24, 2020, with a sampling of students from M2 through S4, across public and private schools. The audit pregnancy survey was completed in September 2020 and

the National Household Survey on Drugs and Health commenced on February 1st, 2021. Approximately \$49,000 was spent on implementing local surveys.

Mr. Chairman, I now refer to cost centre 98060, which can be found on page B-107 which refers to the Men's Treatment Centre.

Mr. Chairman, the Men's Treatment Programme business unit was allocated \$898,000, almost the same as the previous year. The funding allocation provides operational and staffing costs required to provide output to meet the treatment rehabilitative needs and the goals of adult males needing residential treatment at the Nelson Bascome Substance Abuse Treatment facility.

The Men's Treatment Programme is a residential treatment programme for men 18 years and above in Bermuda. It provides long-term comprehensive primary treatment for addiction disorders. The programme's primary treatment is delivered over a 12-month period using a phased approach. During the last phase a transitional plan is developed which includes participating in volunteer service, job shadowing, and referral to transitional supportive residency programme and/or aftercare services. There were 19 admissions to the Men's Treatment Programme this fiscal year. Two were discharged to transitional housing, four were discharged to the community, to family or their own houses, and one to the Community Mental Health Group Home.

There was a temporary freeze in admissions between March and July of 2020, in keeping with the various COVID-19 shelter in place restrictions. The admissions rate to the Men's Treatment has been steady at 80 per cent during the 2020/21 fiscal year.

The MTC programme, Mr. Chairman, has been accredited by CARF [Commission on Accreditation of Rehabilitation Facilities] since 2015, and under that a CARP accreditation survey on February 3 and 4, 2020, and received the gold star three-year award.

Mr. Chairman, I will now move on to cost centre 98070, again at page B-107, which represents the Women's Treatment Centre.

Mr. Chairman, the Women's Treatment Centre business unit 98070 has been allocated \$1,145,000 for the 2021/22 fiscal year, the same as for the previous fiscal year. The funding allocation provided is utilised to meet the output and needs of women in residential substance abuse treatment. The Women's Treatment Centre provides residential treatment for women at both the Nelson Bascome Substance Abuse Treatment Centre as well as supportive residency at a separate site.

The Women's Treatment Centre is the only residential treatment facility for women in Bermuda. It provides long-term, comprehensive treatment for addiction and related disorders. The programme is delivered over a 12- to 15-month period using a phased approach. The phased approach to treatment delivery enables the client to reach short-term goals and cele-

brate accomplishments thus motivating them to continue in treatment.

Community involvement in re-entry is gradual and includes a partnership with local businesses and organisations to facilitate volunteerism in our clients. There were 10 admissions to the Women's Programme over the past fiscal year, one of whom was admitted four times. Admissions were impacted due to COVID-19 with a temporary freeze in admissions between March and July 2020 in keeping with the various shelter in place orders.

For fiscal year 2020/21 the admission rate at Women's Treatment Centre programme is currently 50 per cent.

Mr. Chairman, the supportive residence facility and programme provide a safe environment for the reintegration of women back into the community who have completed a programme of substance abuse treatment at the Women's Treatment Centre or who are accepted by the Women's Treatment Centre. All transitional clients are female who have been drug free for at least one year. The programme is managed by the Women's Treatment Centre and is located within the general community. There are three admissions to the transitional home.

Mr. Chairman, the Women's Treatment Centre programme and supported residence has been accredited by CARF since 2009 and underwent its most recent accreditation survey on February 3 and 4, 2020, and was also awarded the gold Star three-year award.

Mr. Chairman, cost centre 98080, again at page B-107, refers to the National Drug Control Master Plan. Business unit 98080 is in place to provide for effective implementation of the National Drug Control Master Plan cross-ministry initiative with the Police, Customs and Corrections, evaluation of the Master Plan and to encourage cooperation and involvement of other government departments, the civil society, and implementation of the Master Plan initiatives.

This business unit has been allocated \$25,000 in fiscal year 2021/22, the same as the previous fiscal year. Fiscal year 2020/21 funding was utilised in part to assist the HM Customs Canine Unit. Funding allocated in fiscal year 2021/22 will be used to ensure the dissemination and implementation of the five-year National Drug Control Master Plan in collaboration with policymakers, stakeholders and the community. The implementation was postponed to be in alignment with the Ministry's strategic focus and will be finalised soon, as previously stated.

Mr. Chairman, with regard to grants and contributions, the Department of National Drug Control is established in part as a service delivery unit but cannot provide all of the needed services required within the community. The department therefore depends greatly on purchasing services in the treatment and prevention areas to realise its mandate. It is anticipated that the total funding of \$669,000 listed under

Grants and Contributions on page C-17 of the Estimates Book will be used for providing grants to CADA, the Bermuda Addiction Certification Board [BACB], PRIDE, Focus, and the Salvation Army Harbour Light and Lifeskills programmes.

Mr. Chairman, CADA and BACB provide essential activities required by legislation. CADA's TIPS programme is mandated within section 39B of the Bermuda Liquor Licence Act 1974, an addiction counsellor examination and certification is required for re-registration of addiction counsellors under the Allied Health Professions Act 1973. As previously mentioned, PRIDE provides life skills programme within the primary school levels to support drug education and prevention. Salvation Army provides residential drug treatment and life skills training for adult males. Funding for Focus counselling services will assist in the provision of transitional and supportive housing for recovering males.

With regard to the Capital Acquisition Schedule, Mr. Chairman, I refer you to page C-11. Mr. Chairman, the Department of National Drug Control has been allotted \$12,000 for the replacement of furniture and computer equipment.

Mr. Chairman, I will now discuss the Subjective Analysis for Head 88, as shown on page B-108 of the Estimates Book. Regarding Salaries, Mr. Chairman, the budget allocation for Salaries is \$2,014,000 for the fiscal year 2021/22, compared to \$2,398,000 for fiscal year 2020/21. This represents a decrease of approximately \$384,000, or 16 per cent, as a direct result of the agreement to reduce salaries by 10 per cent until July 31, 2021 and the need to move funding to support contractor payments that are covering vacancies.

In regard to Wages, Mr. Chairman, the budget allocation for Wages is \$325,000 for fiscal year 2021/22, compared with \$3,000 in 2020/21. The 2020/21 budget was revised to \$315,000 to correct an input error. There is an increase of approximately \$10,000, or 3 per cent, as a result of wage increments.

With regard to Training, Mr. Chairman, the budget allocation for Training is \$17,000 for fiscal year 2021/22, which represents a decrease of approximately \$16,000, or 48 per cent. The decrease is as a result of decreased overseas training due to the COVID-19 pandemic and the fact that most staff have now reached their development goals.

Mr. Chairman, with regard to travel, the budget allocation for Transport is \$4,000 for fiscal year 2021/22, which represents a decrease of \$21,000 or 84 per cent. The travel allocation allows for attendance at international meetings and conferences specifically related to drug policy, professional certification and drug prevention. However, due to the COVID-19 pandemic, travel for public officers is restricted.

With regard to Communications, Mr. Chairman, the budget allocation for Communication is

\$49,000 for fiscal year 2021/22, a small increase of \$1,000, or 2 per cent, to that allocated in fiscal year 2020/21.

With regard to Advertising and Promotion, Mr. Chairman, the budget allocation for Advertising and Promotion is \$71,000 for the fiscal year 2021/22, compared to \$61,000 allocated in fiscal year 2020/21. The increase of \$10,000, or 16 per cent, is as a result of funds being reallocated from within the Promotion budget to support the public education campaign for adolescents on cannabis during the fiscal year. The Department of National Drug Control is responsible for providing community education and drug prevention initiatives to decrease the age of first use and prevent or diminish drug use in the community. Funds are directed at a media campaigns and educational events to meet this responsibility.

With regarding to Professional Services, Mr. Chairman, the budget allocation for Professional Services is \$485,000 for fiscal 2021/22, compared to \$451,000 for fiscal year 2020/21. This funding represents payments for contractors to cover the vacancies to keep the treatment programmes operational, provide relief coverage for staff leave at the treatment programmes, and for facilitators for the Team Peace programme operating in five middle schools.

Mr. Chairman the budget allocation for Rentals is \$167,000 for fiscal year 2021/22, the same as allocated in fiscal year 2020/21. The Department of National Drug Control rents office space in Melbourne House as well as paying a small rent to WEDCO for the treatment facility and to Public Works for the supportive residence for women.

Mr. Chairman, the budget allocation for Repair and Maintenance is \$182,000 for fiscal year 2021/22, representing a \$40,000, or 28 per cent increase in that allocation for 2020/21. Funding was reallocated within the administration budget due to the need for added funding to this cost code. Funding was utilised for repairs and maintenance mainly in the treatment facility.

Mr. Chairman, the budget allocation for Energy is \$144,000 for fiscal year 2021/22, representing a small increase of only \$2,000, or 1 per cent, to the allocation for 2020/21.

Mr. Chairman, the budget allocation for Materials and Supplies is \$146,000 for fiscal year 2021/22, a \$1,000, or 1 per cent, increase from the previous fiscal year. This small increase represents the anticipated need for materials and supplies required for the drug prevention programmes.

Mr. Chairman, the budget allocation for Equipment Purchases is \$12,000 for fiscal year 2021/22, which is a \$1,000, or 8 per cent, decrease from fiscal year 2020/21.

Mr. Chairman the budget allocation for Other Expenses is \$6,000 for fiscal year 2021/22, the same as the allocation for fiscal year 2020/21.

Mr. Chairman the budget allocation for Grants and Contributions is \$669,000 for fiscal year 2021/22,

or \$114,000, or 15 per cent, decrease from fiscal year 2020/21. This decrease represents reductions in grants provided to the community-based treatment and prevention services to assist in meeting the budget threshold.

Mr. Chairman, in closing, the Department of National Drug Control will continue to work collaboratively with other key ministries such as Health, Education, Workforce Development, and various departments such as Corrections, Court Services, Bermuda Police Service, Customs, and international partners to ensure the implementation of a balanced approach to efforts made in achieving a healthier and drug-free Bermuda.

Mr. Chairman, this completes the presentation of Head 88. I would like to take the opportunity to sincerely thank all staff who work in the Department of National Drug Control under the leadership of the Director, Joanne Dean, for their continued hard work and dedication in addressing the negative impact of the drug misuse and abuse in our community.

And that completes my Heads, Mr. Chairman, for the Ministry of Legal Affairs and Constitutional Reform.

The Chairman: Thank you, Minister.

Does any other Member care to speak to Heads 87, 3, 4, 74, 75, 88, Legal Affairs and Constitutional Reform? This debate ends at 8:21 pm. We have 25 minutes remaining.

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

The Chairman: Continue on.

Mr. Scott Pearman: Yes, thank you, Mr. Chairman.

My thanks to the Honourable and Learned Minister, the Attorney General for a very comprehensive presentation through all of the Heads of her Ministry. I have not been left with much time, so I will try to do a quick whistle-stop tour of some of the questions and hopefully give her a little bit of time back to answer them.

The overarching difficulty with comparing this budget against others for this Ministry in prior years is that the budget for the Department of Child and Family Services [DCFS] has been moved. If one were to take the Child and Family Services budget, which can be found at page B-290 of the Budget Book, and add it back into this budget, then you would get an idea of what the budget would be. It would be \$49.5 million, with DCFS back in. So, if one compares that to the OBA's last budget year, which was \$42.5 million (instead of \$49.5 million), that is an increase of roughly \$7 million since the PLP has been in government, four years [now].

My question to the Minister in that regard is: Does the Minister consider this Ministry to be the cor-

rect budgeted size? Is she happy with the size of the Ministry now? Does she think it should be bigger or smaller?

My second question, Mr. Chairman, is on revenue. The revenue box can be found right at the beginning, and that is at page . . . it is under the heading 7, and the revenues there are down approximately \$600,000. This is actually page B-90. This is under the Judicial Department, Head 03. The revenue there is down almost \$600,000.

And so my second question to the Minister, and this has been a theme, and it is something she has commented on previously, does the Honourable and Learned Attorney General agree with me that it is long overdue now to change the fee structure for the court services so that civil and commercial fees are linked to the size of the claims. It seems to me that there are some very large claims in the Bermuda courts and they pay the same fee structure as a regular person going down to pay as an individual. And so I would urge the Attorney General and welcome her comments as to adjusting the fee structures. It is something the Attorney General said was being considered and I would be grateful for an update.

Mr. Chairman, my third question relates to Head 87, Headquarters. That is on page B-83. One of the departmental objectives of the Legal Affairs and Constitutional Reform Headquarters, as can be seen on page B-83, is that Government's legislative framework is constantly updated. My third question is this, Would the Minister welcome the updating of our anti-fraud laws?

Mr. Chairman, my fourth question is still on page B-83, and it is line item 97070. It is the Justice Protection Programme. And I will tread very carefully around that because of the sensitivities. But my fourth question to the Attorney General is, What is the financial oversight of this programme? How is the spending in relation to this programme vetted procedurally?

Mr. Chairman, my fifth question is on page B-85, and that is in relation to 97090, the Mirrors Programme. And I am just curious why Mirrors did not move together with the Department of Child and Family Services across to Social Development. And perhaps the Minister could address why the Mirrors stayed and the others moved.

Mr. Chairman, my sixth question, I am moving quickly here, I appreciate, is also on page B-85 and it is in respect of legal aid numbers. It is employee numbers, 97030, in the box at the top of page B-85, and I see that the headcount for Legal Aid Management is down by two. And my sixth question for the Minister is, Will those posts be filled or is eight the new headcount size for Legal Aid?

Mr. Chairman, my next question is under the Judiciary. Again, Head 3, and it is in respect of something that the Minister said in her brief, which was that the court shortage continues to have an impact. And the line item there is 13015. And so my seventh ques-

tion to the Attorney General is, What is the plan to address the admitted court shortage in Bermuda? We did hear something in the House before the Minister was elected from the Minister of Public Works at the time, but what is the plan in terms of addressing the court shortage in Bermuda?

The next question, please, Mr. Chairman, is still there on page B-88, under Departmental Objectives. The third bullet point discusses the implementation of a "suitable case management system which will streamline court processes and procedures. The system will also have the capacity to institute e-filing ([which is] paperless filing) in the future." And so my eighth question for the Attorney General from page B-88 is about this case management system. Could she please tell us a little bit more about it? What is the stage of the tender process? What is the delivery date for the system? What would it cost, who is the provider, et cetera?

Turning next, Mr. Chairman, which is my ninth question, which is at page B-97. The Learned Attorney General in her brief in respect of page B-97 mentioned that there was going to be an extra Crown Counsel added to the Debt Collection Group, at line item 14050. And I am just curious, because if you turn over the page to B-98, to the Employee Numbers, it does not show an increase in employee numbers. So if the Attorney General could kindly clarify how one reconciles her comment about an extra Crown Counsel on page B-97, 14050, in respect to Debt Collection with the absence of an additional employee, [page] B-98. It may be that it is a future hire or an anticipated hire.

My tenth question, hopefully time will permit, is the Head 74, Department of Court Services, which states that the goal is to reduce recidivism. And my question there to the Attorney General is, Is that goal achievable and how does she feel this is working? Is the programme working? Is an evaluation programme identified in the department objectives? Is it working?

So those are my 10 questions for the Minister for the time available for the response of them. I think you said we are going to go to 8:21, Mr. Chairman, and I will look forward to her answers. I am very impressed by the way that she has handled almost eight hours of speaking, notwithstanding answers from the Ministry of Labour earlier today.

Thank you, Mr. Chairman.

Thank you, Attorney General.

[Feedback]

The Chairman: Thank you. This debate ends at 8:21. Does any other Member care to speak to these heads?

No other Member. Minister, would you like to address the questions posed?

Hon. Kathy Lynn Simmons: Yes, thank you, Mr. Chairman. And thanks to the Honourable Member for his questions.

In regard to his first question with regard to whether I am happy that the size Ministry or the budget, I could not quite figure out which one he was talking about, but I can address both of them. The size of the budget and the Ministry reflects the Government's priorities and also cost-cutting measures. So, that is quite clear, and I think throughout my brief I have talked about the austerity measures which have been employed throughout the Ministry.

With regard to the fee structure, that is well in train. Instructions have been submitted to the Minister of Finance and so particularly with the commercial court fees, the Member will be pleased, Mr. Chairman, to see those records have increased, as I agree, as we all agree, are long overdue.

With regard to the anti-fraud law I can be supported by the DPP in this comment. The anti-fraud laws are actually fine as they are at present.

With regard to how spending is vetted for the JPP, which is the Justice Protection Programme, I am not at liberty to give any details about the funding or how it is administered, but to say there are proper banking protocols in alignment with Financial Instruction and also the maintenance of confidentiality with regard to that entire programme extends to the [IN-AUDIBLE] The Member can be assured that normal protocols with regard to our Financial Instructions govern the vetting or funds with regard to that programme.

With regard Mirrors and why it is still in the Ministry, the Mirrors programme is properly aligned in the Ministry and is yielding great results. If and when the Honourable Premier decides that it needs to be redirected to another Ministry, a public announcement will be made accordingly.

With regard to the Legal Aid post, I mentioned in my brief that they all are currently filled with regard to . . . actually, all of them with the exception, I should say, of the junior counsel post which is currently actively under recruitment.

With regard to the shortage having an impact, I am assuming that the Member is referring to the availability of courtrooms, and I specifically highlighted in my brief the work currently being undertaken by the Department of Public Works, or the Ministry, in conjunction with the courts to ensure that the court availability is as it should be and that work is ongoing. And I am happy to report that we will have a full complement of courtrooms in short order. And that was highlighted and mentioned extensively in my brief.

And the case management system is a system that is currently being employed under the Judicial Department. And if the Member can clarify the question, I didn't quite get it, I would be grateful.

Mr. Scott Pearman: Yes, it was the suggestion that there was an implementation of a case management system, suggesting it had not yet been implemented for paperless filing.

It is not my knowledge that there already is paperless filing, and it has not been implemented. So, I was wondering when it would be implemented. You know, what stage it was in the tender process, delivery dates, et cetera. Thank you, Honourable Minister.

The Chairman: Do not forget; do not leave out the Chair.

Mr. Scott Pearman: All right. Thank you, Mr. Chairman.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

With regard to the case management system, it is already visited overseas. Okay. So the implementation of the system is currently underway. The registrar and staff have visited overseas to attend a conference with regard to court case management systems. And the need to ascertain which system has all the necessary components required and which one is also within our fiscal package. And so the Member can be assured that progress with that is underway and I will report on that publicly in due course within this Honourable Chamber.

If there are no more questions from the Honourable Member, that is it from me, Mr. Chairman.

The Chairman: Does any other Member care to—

Mr. Scott Pearman: Sorry, Mr. Chairman. There were a couple more—

The Chairman: —speak to . . . it is 8:09.

Mr. Scott Pearman: There were a couple more questions that I had asked the Honourable Minister. One was about the extra Crown Counsel on page B-89 and one was about reducing recidivism and whether the Honourable Minister thought it was working. That was page B-100.

The Chairman: Minister.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

There was actually an actual new post or an additional post under the Debt Collection unit, so he was correct, it did increase. And in regard to recidivism, we constantly monitor the instance of recidivism. I am pleased to say that the director responsible for Court Services has not reported a decrease. And she is able to report on that during supervision. So the reoffending rate remains low during community-based supervision, but notably the reoffending rate for sex

and violent offence in the community-based programmes remains below 5 per cent. So through assessment treatment and monitoring programmes, I think that we all would agree that the programmes employed at present are in fact successful. Thank you, Mr. Chairman.

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

The Chairman: Would the Member care to speak to these heads?

Mr. Scott Pearman: Yes, I would, Mr. Chairman.

The Chairman: Continue on, Member.

Mr. Scott Pearman: Still on the recidivism issue, Minister, at page B-100, one of the departmental objectives outlined there for the Department of Court Services in the third bullet point is to “outline the framework for programme evaluation for implementation in 2021.” Could the Honourable Minister please explain which programmes are going to be subject to the implemented evaluation framework in 2021? And are those linked to the reduction of recidivism or are those programme evaluations in some other way? Thank you, Mr. Chairman.

The Chairman: Minister.

Hon. Kathy Lynn Simmons: I will respond in two seconds, Mr. Chairman.

The Chairman: Does any other Member care to speak to these heads while the Minister is . . .

Mr. Scott Pearman: Mr. Chairman, I can put a few more questions while she is getting that answer if that suits you.

The Chairman: Continue on, Member.

Mr. Scott Pearman: Thank you.

I had two questions arising from the Grants and Contributions page that the Minister took us to in her brief, which is page C-17, and there are the Grants and Contributions for the Ministry of Legal Affairs. One question is in relation to line item 6932, the Centre Against Abuse. That grant was \$150,000 and it appears to be being discontinued, so perhaps the Attorney General could address why that is happening.

And the second question, also on the same page, C-17, Grants and Contributions, relates to line item 7048, the Salvation Army Shelters. That grant and contribution was at \$100,000 and it looks like it is going down to \$20,000 and I am just wondering whether or not the cut to the Salvation Army of \$80,000 will be made up in some other way. I know sometimes these things move around. So if those two

further questions could be addressed when the Minister has the opportunity to answer the previous question on recidivism.

Thank you, Mr. Chairman.

The Chairman: Minister.

Hon. Kathy Lynn Simmons: Yes, Thank you, Mr. Chairman.

I actually did answer the question on recidivism, but he posed a new question.

Mr. Scott Pearman: Programme evaluation, excuse me.

Hon. Kathy Lynn Simmons: Yes. Programme evaluation, that is correct.

I am advised that the drug treatment and mental health programmes will be evaluated. In regard to your question on Centre Against Abuse, the funding does not appear in the Ministry's budget because that has moved to the Ministry responsible for Social Development and Seniors.

With regard to the Salvation Army reduction in the grant, you will be aware that the Salvation Army receives grants across the government. And it was deemed prudent with regard to fiscal restraints at this particular time to reduce that grant.

Mr. Scott Pearman: I'm sorry. I did not hear the last answer, just to the last sentence. It was deemed prudent . . . I couldn't get the rest of it. It was deemed prudent to . . .

Hon. Kathy Lynn Simmons: In regard to fiscal restraints and also in with regard to the programming to reduce their grant at this time.

Mr. Scott Pearman: I see.

The Chairman: Does any other Member care to speak?

Mr. Scott Pearman: Yes, Mr. Chairman, it seems we have a little bit more time left, although not much.

The Chairman: Six minutes.

Mr. Scott Pearman: I will put another question and look forward to the Minister's answer.

This arises in respect of the defence unit, the prosecution. We were looking at the public prosecutions . . . let me get to the page. It is line item 05010, and it contrasts with line item 97030. The question, I suppose is this, Minister. Do you see any difficulty with the Government being on both sides of criminal cases now, with the Prosecution and then with the Defence Unit? Does that . . . is that a concern to you?

Hon. Kathy Lynn Simmons: With respect, Mr. Chairman, that question does not relate to a budget allocation.

[Laughter]

Mr. Scott Pearman: Is it a question that the Honourable Minister would like to answer or not?

The Chairman: Address . . . address—

Hon. Kathy Lynn Simmons: [INAUDIBLE]

[Crosstalk]

The Chairman: Member, we do not have much time, but speak to the Chair.

Mr. Scott Pearman: Yes, Mr. Chairman.

[Crosstalk]

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

The Chairman: Honourable Member, what page, I could not follow you. It was B-what?

Mr. Scott Pearman: It is under administration, I think. Let me just see if I can find it. I had the line item, which is 05010.

The Chairman: But what page? B-something.

Mr. Scott Pearman: Yes, it was under Prosecution.

The Chairman: It is 8:16. The debate goes to 8:21. Shadow Minister Pearman, you have the floor.

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

It is page B-105, Public Prosecution is line item 85010. Sorry, I would like the Attorney General to answer the question if she chooses to do so.

The Chairman: [Line item] 85010. Okay. Minister.

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

As previously articulated that it is not a question that relates to the budget allocation, so I will not be answering it at this time. The Member can feel free to raise it at another time in another forum.

Thank you, Mr. Chairman.

Thank you, Honourable Member.

The Chairman: Thank you.

Mr. Scott Pearman: Mr. Chairman, how many minutes do we have left?

The Chairman: You have three minutes before the Minister has to move the heads.

Mr. Scott Pearman: Well, let me try, with your leave, Mr. Chairman, let me try and squeeze one last question in before we are done. And that is, if I can ask you to look at page B-100.

The Chairman: Yes.

Mr. Scott Pearman: Keep a finger there, Mr. Chairman, and look at page B-107, please, under the National Drug Control Policy, Head 88. We see the allocations for Prevention and Treatment, page B-107, line items 98020 and 98030. Together those two line items tally \$635,000. And if you flick over the page, for employee numbers, you see the Prevention at 98020 has one employee and Treatment has two. So we have three people it would seem at \$635,000 for Prevention and Treatment under National Drug Control. And I invite you, Mr. Chairman, to now turn back and contrast that with page B-100, which is our Case Management Services, where we have Probation Services, Parole Services, and line item 84080, Drug Treatment Court Programme.

I just point out that where we have the case management here, we have a budget of \$1.3 million. And if my employee numbers are right, about 13 people, the employee box is at page B-101. And I just wonder if the Minister thinks it's the right balance between three people and \$635,000 dealing with the whole Island and \$1.3 million and some 13 people dealing with those in the judicial system, the court process.

Thank you. That is my question, Mr. Chairman.

The Chairman: That is your question. Minister.

Hon. Kathy Lynn Simmons: Mr. Chairman, the Honourable Member is comparing apples to oranges. With regard to the complement of 13 persons to oversee the risk management of offenders, the resources are perfectly aligned. I have no doubt with regard to the Department of National Drug Control that they will continue to discharge the mandate with the human resources and the budget that is employed in that regard. Thank you, Mr. Chairman.

The Chairman: And with that we are at 8:19, I think the Honourable Member was trying to get as much juice out of that orange as he possible could in the remaining . . .

Minister, can you move the Heads, please?

Hon. Kathy Lynn Simmons: Thank you, Mr. Chairman.

Mr. Chairman, I move that Heads 87, 3, 4, 74, 75 and 88 be approved as printed.

The Chairman: It has been moved that Heads 87, 3, 4, 74, 75, and 88 be approved.

Are there any objections?

No objections, Minister, so approved.

[Motion carried: The Ministry of Legal Affairs and Constitutional Heads 87, 3, 4, 74, 75 and 88 were approved and stand part of the Estimates of Revenue and Expenditure for the year 2021/22.]

The Chairman: Therein ends the debate on Legal Affairs. Move that we rise and report progress.

Hon. Kathy Lynn Simmons: Yes, thank you, Mr. Chairman. I move that the Committee rise, report progress and ask for leave to sit again.

The Chairman: Thank you. It was moved that we rise, report progress and ask for leave to sit again.

[Motion carried: The Committee of Supply agreed to rise and report progress, and sought leave to sit again.]

The Chairman: Mr. Speaker.

House resumed at 8:20 pm

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

REPORT OF COMMITTEE

ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2021/22

The Speaker: Thank you, Chairman Swan.

Members, are there any objections to the Committee rising to report progress and seeking leave to sit again?

There is no objection.

That brings us to a close of the budget allocation for debate today. And we will now move on to the other items on the Order Paper for discussion today.

The Order Paper indicates that the Education Amendment Act 2021 is the next item. However, that is deemed to be a matter that is going to take some time and the other three matters that were to be discussed this night were deemed to be a little shorter.

So, with your indulgence, Members, we are going to have the Minister of Finance do his three matters first and then we will do the Education Amendment Act.

Are there any objections to that, Members?

There are none.

Minister of Finance, would you like to do your Customs Tariff Amendment Act 2021 at this time?

BILL

SECOND READING

CUSTOMS TARIFF AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker, and thank you, Honourable Members, for your indulgence.

Mr. Speaker, Honourable Members have requested now to give consideration to the Bill entitled Customs Tariff Amendment Act 2021. Mr. Speaker, this Bill proposes to amend the Customs Tariff Act 1970 with measures that (1) introduce certain new end-use duty relief and (2) reform selected existing end-use duty reliefs. The measures of the Bill affect the Fifth Schedule of the principal Act and make consequential changes to certain outlying statutory instruments.

Mr. Speaker, in the 2021/22 Budget Statement, in support of the Estimates of Revenue and Expenditure the Government promised that we will through legislation and regulation create an environment that encourages innovation, entrepreneurs, businesses and start-ups. Mr. Speaker, in partial fulfilment of that promise, this Bill proposes to introduce both new and amended end-use relief that affords zero and concessionary rates of duty for approved businesses.

Mr. Speaker, the Bill proposes to introduce new end use CPC 4237 providing 100 per cent duty relief for goods imported for and used wholly and exclusively for business purposes by an approved business. Under this new business end-use relief, the Minister will have enhanced authority and flexibility to approve appropriate businesses and goods for import duty relief. This new relief requires the Minister to publish policy guidelines on the approval of the scope and quantity of goods for any particular approved business. The policy guidelines will be published on the government portal.

Mr. Speaker, the policy guidelines will provide that the Minister will decide the description and quantity to be approved in any approved business notice made under new CPC 4237 on a case-by-case basis and in accordance with the following policy criteria:

1. The Minister will only approve businesses and goods where he is satisfied that the business undertaken in question is of sufficient benefit to the general economy of Bermuda, or the balance of payments (exports of locally manufactured goods).
2. The goods must be appropriate to the relevant approved business.
3. Approved goods may be raw materials; mixtures or combinations of materials or sub-

stances; finished goods, whether or not presented unassembled or disassembled; incomplete or unfinished goods; and composite goods consisting of different parts or made up of different components or modular parts.

4. The quantity of approved goods may take account of normal wastage in processing, construction, or installation, damage, natural deterioration, wear and tear, or obsolescence.
5. In deciding the grant or scope of relief, the Minister may take account of (a) other available or granted drawbacks, exemptions, reliefs, remissions, and concessions; (b) other assistance received from Government or other organisations such as grants, duty deferment, Bermuda Economic Development Corporation loans; (c) the need for relief in any particular case bearing in mind the existing level of capitalisation of any particular business; (d) the uniqueness of the approved business with a view of encouraging appropriate diversification of local business undertakings; and (e) the suitability of the business with a view to encouraging undertakings that are not deleterious or harmful to Bermuda's reputation, culture, and ethos.
6. The Minister may tailor the scope of relief to address any potential mischief such as the unwanted or unintended effects of any special duty rate.
7. The Minister will treat applications from similar businesses equitably so as to avoid trade distortion, subject nonetheless to the foregoing criteria.

Mr. Speaker, the Bill also proposes to introduce new end-use CPC 4238 with a concessionary duty rate of \$105.00 per kilogram to loose-leaf tobacco imported for use in the normal commercial manufacturer of tobacco products. A normal duty rate for loose-leaf tobacco is \$500.00 per kilogram. Concessionary rate is intended to assist local commercial manufacturers of cigarettes and cigars to maintain competitive pricing of their products in relation to imported cigarettes and cigars and thereby continue to employ Bermudian workers with local manufacturers.

Mr. Speaker, the Bill further proposes to amend existing CPC 4229, goods for local commercial manufacturing, to allow local manufacturers of tobacco products and fermented alcoholic beverages (such as beer) to be designated as approved businesses and benefit from the 5 per cent concessionary rate in respect of goods such as manufacturing machinery, equipment and tools. CPC 4229 properly provides duty relief for goods for local commercial manufacturing but unhelpfully excludes manufacturing of tobacco and alcohol products.

Mr. Speaker, I now turn to the proposed reform of selected existing end-use reliefs. Mr. Speaker, the Bill proposes to repeal and replace existing end-

use CPC 4110, school equipment, stationery and educational supplies, with a new CPC 4110, goods for educational institutions.

The existing CPC 4110 is currently unhelpfully restricted to registered schools only, and to a limited scope of qualifying goods. Under this new education end-use relief, the Minister will have enhanced authority and flexibility to approve any appropriate educational training or developmental institution for import duty relief.

The Minister will also be able to tailor the scope of qualifying goods in any particular case. This new relief requires the Minister to publish policy guidelines on the approval of the scope and quantity of goods for any particular approved institution. Policy guidelines will be published on the Government portal. Mr. Speaker, those policy guidelines will provide that the Minister will decide the description and quantity of goods to be approved in any approved institution notice made under the CPC 4110 on a case-by-case basis and in accordance with the following policy criteria:

8. The description of goods approved must be appropriate to the particular object and purposes of the relevant approved institution.
9. Approved goods may include (a) raw materials; (b) mixtures or combinations of material or substances; (c) finished goods whether or not presented as unassembled or disassembled; (d) incomplete or unfinished goods; (e) composite goods consisting of different materials or made up of different components or modular parts.
10. The Minister will only approve goods where he is satisfied that they will be of sufficient benefit to those enrolled in an approved institution.
11. Approved goods must be in a quantity appropriate to the physical size, enrolment numbers, and nature of the relevant approved institution.
12. The quantity of approved goods may take account of normal wastage in processing, construction or installation, damage, natural deterioration, wear and tear, or obsolescence.
13. In defining the scope of relief, the Minister may take account of (a) other available or granted drawbacks, exemptions, reliefs, remissions, and concessions; (b) other assistance received from Government or other organisations such as grants, duty deferments, or Bermuda Economic Development Corporation loans; and (c) the need for relief in any particular case, bearing in mind the existing sources through level of funding of any particular approved institution.
14. The Minister may tailor the scope of relief to address any potential mischief such as the unwanted or unintended effects of any special duty rate.
15. The Minister will treat applications of similar institutions equitably, subject nevertheless to the foregoing criteria.

Mr. Speaker, the Bill proposes to amend existing CPC 4140, goods for youth organisations, to remove the specific reference to St. John Ambulance Brigade which relief is covered elsewhere. The Bill also proposes to relax the end-use conditions restrictions to permit the reasonable use in common qualifying goods by persons other than approved organisations.

Mr. Speaker, the Bill proposes to introduce new end-use CPC 4236 that consolidates and rationalises existing duty relief for certain international organisations. The structure of the new relief helpfully affords the Minister discretion to extend duty relief to such other international organisations as may be expedient from time to time. This new relief requires the Minister to publish policy guidelines on the approval of the scope and quantity of goods for any particular approved institution. Policy guidelines will be published on the government portal.

Mr. Speaker, those policy guidelines will include that the Minister will decide the description and the quantity of goods to be approved in any approved organisation notice made under CPC 4236 on a case-by-case basis and in accordance with the following policy criteria:

1. The description of goods approved must be appropriate to the particular mission of the relevant approved organisation.
2. Approved goods may include (a) raw materials; (b) mixtures or combinations of material or substances; (c) finished goods whether or not presented unassembled or disassembled; (d) incomplete or unfinished goods; and (e) composite goods consisting of different materials or made up different components of modular parts.
3. Approved goods must be in a quantity appropriate to the scale of the activities of the relevant approved organisation in Bermuda.
4. The quantity of approved goods may take account of normal wastage in processing, instruction or installation, damage, natural deterioration, wear and tear, or obsolescence.
5. In deciding the grant or scope of relief, the Minister may take account of (a) other available or granted drawback exemptions, reliefs, remissions and concessions; and (b) other assistance received from Government or other organisations such as grants or duty deferments.
6. The Minister may tailor the scope of relief to address any potential mischief such as the

unwanted or unintended effects of any special duty rate.

7. The Minister will treat similar organisations equitably subject nonetheless to the foregoing criteria.

Mr. Speaker, the Bill also proposes to introduce new end-use CPC 4239 for goods for the NASA Space Flight Temporary Mobile Tracking Station. Currently the NASA Station enjoys temporary importation relief under CPC 5033. However, it transpires that NASA has need to keep certain goods for the station in Bermuda for longer than the statutory six-month period of importation. The introduction of this new end-use relief is done to perfect the range of duty relief afforded for the NASA Station in accordance with the agreement between NASA and the Bermuda Government. This is the agreement between the National Aeronautics and Space Administration of the Government of the United States of America and the Ministry of Economic Development and the Government of Bermuda for a space flight temporary mobile tracking station, dated 7th of March 2012.

Mr. Speaker, I should mention that an amended CPC 4110 and new CPCs 4236 through 4238 will require the Minister of Finance to make notices to approve the institutions, organisations and businesses that are to be eligible for the end-use relief and to approve the applicable description and quantity of qualifying goods in each case. Such notices do not form part of this Bill but will be done by notice in the official *Gazette*.

Mr. Speaker, in addition to its principal measures, the Bill proposes to make certain other consequential revocations and appeals. It also makes clarifying amendments to the title of four existing customs tariff approval notices to specify the particular CPC codes to which they relate. I will comment in further detail on the principal changes and all measures of the Bill in Committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

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

The Speaker: Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: I will begin by stating that in principle the Opposition endorses and supports this legislation. I have a few questions that I would like to have clarity on, but as I said, we are generally on board with all the amendments.

Unquestionably we support the concessions being provided for educational institutions. I have a question on that, and it is, Will home schools enjoy the waiver? Home schools have provided a crucial role in educating our young people. Will they have the con-

cessions provided for equipment supplies and stationaries and other issues like traditional schools?

We support the NASA concession. Obviously, they play a vital role and we want to do our best to support the global space initiative. So I have no problems there. Just for clarity, [CPC] 4326, can the Minister provide an example of the organisations which will receive this benefit, the international organisations which will receive this benefit and what service and products they will be providing from Bermuda?

The same applies to [CPC 4237], can he give us an example of the importers who will enjoy the benefit of 4237, and the names of the organisations or the types of organisations?

We support the exemption for tobacco for local commercial manufacturing. I agree with the Minister. If we can provide employment to Bermudians and this as an industry that we had years and years ago, I will support that 100 per cent.

I think those are my general questions. As I said, we agree with it. My final question is . . . We are giving quite a bit in concessions and I support him in this endeavour. My question is, Can he quantify based on last year's numbers how much these concessions will cost the government, as far as giving up revenue for the consolidated fund? If he could give an estimate as to how much this would cost in regard to the reductions of contributions to the consolidated fund, and how he intends to replace the concessions granted tonight under this legislation. And those are my brief comments, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

Hon. N. H. Cole Simons: Not on my side, sir.

The Speaker: Okay. Looks like none other.

Minister, would you like to step up and take us to Committee?

[Pause]

The Speaker: Minister, I think you are still muted.

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

Let me attempt to answer the four questions put forth by the Opposition Leader. In the first instance he asked if home schools will be able to enjoy the benefit of this waiver. I am being advised that home schools can apply for the concession. Their applications will be evaluated, and inasmuch as they meet the standards, they will be able to partake in the concession.

The second question was with respect to CPCs 4236 and 4237 where the Opposition Leader was looking for an example of the beneficiaries of these concessions. I am awaiting some feedback from

the technical officers, so I will share that answer once I have received such from my colleagues. Similarly, with respect to the value of the concessions, I would need to get a technical officer to provide me with the quantum associated with that.

I am being advised on the fourth question that Customs will need to write a report and that we can revert to the Opposition Leader directly with the answer to that question with respect to the quantum of the value of concessions provided.

I want to thank him for that question, in particular, because typically I ask these questions myself before agreeing to grant concessions, but this one slipped by me.

Hon. N. H. Cole Simons: Great minds think alike.

Hon. Curtis L. Dickinson: I think it is a tall order for you to think that your mind is like mine.

[Laughter]

The Speaker: Now, gentlemen, gentlemen. Stick with the matters before us.

Hon. Curtis L. Dickinson: Mr. Speaker, that was friendly banter. Our fathers are very good friends and so we behave ourselves.

The Speaker: Mm-hmm.

[Crosstalk]

Hon. Curtis L. Dickinson: With the indulgence of the Opposition Leader, if I can revert with the answers to CPCs 4236 and 4237, I would do so separately, and if no one minds I can move on to have the Bill committed.

The Speaker: Thank you.

Minister, the Minister has asked for the Bill to be committed.

Mr. Deputy Speaker.

Hon. N. H. Cole Simons: I have no objection.

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

House in Committee at 8:44 pm

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

COMMITTEE ON BILL

CUSTOMS TARIFF AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further considera-

tion of the Bill entitled the [Customs Tariff Amendment Act 2021](#).

Minister Dickinson, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, I would like to move clauses 1 through 4.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Mr. Chairman, clause 1 contains the citation and is self-explanatory.

Clause 2 amends the Fifth Schedule to the principal Act, end-use relief, as follows:

Subsection (2) repeals and replaces CPC 4110 (goods for education).

Subsection (3) amends CPC 4140 (goods for youth organisations) to remove the specific reference to St. John Ambulance Brigade, whose relief is covered elsewhere. It also deletes the word “only” from paragraph 1 of the end-use conditions/restrictions.

Subsection (4) amends CPC 4229 (goods for local commercial manufacturing) to remove the exclusion for the manufacture of alcoholic beverages and products containing tobacco or tobacco substitutes.

Subsection (5) inserts new CPC codes as follows: CPC 4236 (goods for international organizations); CPC 4237 (goods eligible for business end-use relief); CPC 4238 (tobacco for local commercial manufacturing of tobacco products) and CPC 4239 (goods for NASA Space Flight Temporary Mobile Tracking Station). CPC 4110 and CPC 4236 through 4238 will require the Minister of Finance to make notice to approve the institutions, organisations and businesses eligible for the end-use relief, and to approve the applicable description and quantity of qualifying goods. Such notices are not subject to parliamentary scrutiny.

Clause 3 repeals three CPCs and consequence of the amendments and new CPCs in clause 2; namely, CPC 4127, goods for the UN Development programme and Commonwealth Fund for Technical Cooperation project. CPC 4197, educational materials from international labour organisation and CPC 4212, goods for controlled multisensory environmental therapy [MSE]. And that is the Snoezelen rooms. It also revokes three Customs Duty Remission Orders in consequence of the amendments and new CPCs in clause 2, namely, Customs Duty ([Infrasound] Equipment) Remission Order 2008, Customs Duty (The Bermuda Perfumery) Remission Order 2006, and Customs Duty (Bermuda Sloop Foundation—*Spirit of Bermuda*), Remission Order 2006.

It also amends the title of four Customs Tariff approval notices to indicate which CPC codes they relate to, and to avoid confusion with the notices to be made under CPC 4110 and CPCs 4236 through 4239.

Clause 4 provides for commencement of all the clauses of the Bill on the 1st of April 2021.

Thank you, Mr. Chairman.

The Chairman: Are there any further speakers?
There appear to be none.
Minister, do you want to move—

Hon. Curtis L. Dickinson: Mr. Chairman, I move the preamble be approved.

The Chairman: Do the clauses fist.

Hon. Curtis L. Dickinson: Oh, sorry. Mr. Chairman, I move clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.
Are there any objections to that?
There appear to be none, approved.

[Motion carried: Clauses 1 through 4 passed.]

The Chairman: The Schedules.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Schedules be approved.

The Chairman: It has been moved that the Schedule be approved.
Are there any objections to that?
There appear to be none, approved.

[Motion carried: The Schedule passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.
Are there any objections to that?
There appear to be none, approved.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Are there any objections to that?
There appear to be none; the Bill will be reported to the House as printed.

[Motion carried: The Customs Tariff Amendment Act 2021 was considered by a Committee of the whole House and passed.]

House resumed at 8:49 pm

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

REPORT OF COMMITTEE

CUSTOMS TARIFF AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.
Members, are there any objections to the Bill entitled Customs Tariff Amendment Act 2021 being reported to the House as printed?
There are no objections. It has been reported.
That now takes us to the next item on the Order Paper for this evening, and that is the second reading of the Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021 in the name of the Minister of Finance.

BILL

SECOND READING

RETAIL SHOPS (TEMPORARY CUSTOMS DUTY RELIEF FOR CAPITAL INVESTMENTS) AMENDMENT ACT 2021

Hon. Curtis L. Dickinson: Mr. Speaker, Honourable Members are requested now to give consideration to the Bill entitled Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021.

Mr. Speaker, this Bill seeks to amend Retail Shops (Temporary Customs Duty Relief for Capital Investments) Act 2008, to extend the period of Customs Duty relief of capital investments and to expand the scope of goods to which the principal Act applies.

The measures of the Bill affect the principal Act and the Schedule to the principal Act. Honourable Members will recall that the principal Act provides a zero rate of customs duty on a wide range of imported capital goods for the Minister of Finance approved schemes to renovate or refurbish retail shops.

Mr. Speaker, Government is committed to supporting and the upgrading of this country's retail sector as a part of our continuing effort to support Bermuda's economic recovery. Accordingly, in the 2021/22 Budget Statement, in support of the Estimates of Revenue and Expenditure the Government promised that retail shops temporary customs duty relief would be extended for a further five years through the 31st of March of 2026. This Bill fulfils that promise and goes further by widening the scope of qualifying goods to take account of technology enhancements in retail sales.

Mr. Speaker, the Retail Division of the Bermuda Chamber of Commerce has reached out to Government requesting that the scope of qualifying relief be widened to support new ways to find and pay for retail items. In accordance with their needs, the Bill amends the Schedule to the principal Act to encompass modern retail innovations such as new payment

systems, virtual fitting rooms systems and components, parts and accessories, together with the back-of-house information systems required to support them.

Mr. Speaker, since the last extension of the Act in 2016, the retail sector has benefited by receiving this relief on the renovations and refurbishment of the shops. Fortunately for Bermuda, a growing number of retailers are committing to upgrading their facilities. In the prevailing economic climate, a larger proportion of retailers will be in greater need of this assistance than the past. Over the next five years Government expects the customs duty concession will be of immense benefit to retailers and to the economy of Bermuda.

The Government is equally committed to supporting Bermuda's retail sector as it provides vital employment to a wide cross section of Bermudians. Therefore, Mr. Speaker, Government commends this Bill to the House. Thank you, Mr. Speaker.

The Speaker: Does any other Member wish to speak before it gets committed?

Does any other Member wish to speak at this time?

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

The Speaker: Thank you. Opposition Leader.

Hon. N. H. Cole Simons: Yes, sir.

We on this side support this legislation. We would do anything to support the retail sector of our community. We expect for our economy to turn around, show some green shoots of success come year end. And we have to do something to combat the online shopping overseas. And I take the view that if we could help here in Bermuda in any way that we can, and help those local businesses become competitive with our overseas competitors, then we should do all we can. So we are in support of this.

When I read the legislation, I looked at the virtual fitting room systems. Mr. Speaker, I had to find out what it was! And so I went over the Internet, and I said, *Virtual fitting room systems, how do they operate?* And basically, what it is, you basically go online, set up an avatar with all of your statistics and you just take the clothes and put them on the avatar so you can see what it looks like on you. So, your avatar would basically have your height, weight, chest size, waist size, and overseas it has been found that people shop more online and they buy more goods when they use these avatars.

So, obviously, when I read that during my research I said, *Well, I'm delighted that our local stores are innovative and keeping up with their competitors overseas.* If we can offer the goods here and get them delivered expeditiously then we on this side support the legislation.

Again, it is not just the front end, it is the back-office support that supports the online and digital marketing and digital processing. So you have the whole infrastructure to support. My only question to the Minister is, I am saying this from an economic point of view. There are indicators in the US and the UK that the economy should begin to turn around by October/November. Does he think that another five years was generous? I would just like to have his thoughts on that, given that most economies are poised to move forward more positively in the last quarter of the coming year and the beginning of next year. And hopefully this will translate to better economic returns for our local retail sector. And so with those brief remarks, those are my comments on this legislation.

The Speaker: Thank you. Does any other Member wish to make a contribution at this time?

There are no others, Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, I thank the Honourable Opposition Leader for his support for this Bill. In answer to his question with respect to whether the five-year period is generous, let me answer it this way.

The traditional retail sector globally has been affected significantly by the growth in the online utilisation by consumers. One would expect that the advances in technology and the ability to buy more items online will actually increase. Interestingly, as the Honourable Opposition Leader referenced about having an avatar in which you put in your details, I can see that being a tool to help conventional retail but also to similarly help online retail.

Hon. N. H. Cole Simons: Yes.

Hon. Curtis L. Dickinson: So my sense is that while the five-year period may seem like an extended period of time, we want to be supportive to retail as they make the necessary investments in upgrading their plants because we expect that online will become increasingly more competitive and so the need for support may actually increase as time goes on.

I think the concession period is appropriate. I would point the Honourable Opposition Leader to a recent announcement by the Minister responsible for the Cabinet Office of Bermuda's own retail sales turnaround, where we have seen the last six months of increasing local retail sales in Bermuda. Our hope is that this trend continues going forward, but you know, better to provide the industry to stay ahead and continue to improve, than not.

So the recovery for them is fairly early and we want to be supportive, not only because this step is critical to the operating of our economy but also because it employs a number of Bermudians.

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

The Speaker: Thank you, Minister.
Deputy.

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

House in Committee at 8:58 pm

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

COMMITTEE ON BILL

RETAIL SHOPS (TEMPORARY CUSTOMS DUTY RELIEF FOR CAPITAL INVESTMENTS) AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Retail Shops \(Temporary Customs Duty Relief for Capital Investments\) Amendment Act 2021](#).

Minister, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, I would like to move clauses 1 through 4.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 of the Bill is the citation and is self-explanatory.

Clause 2 amends section 7(2)(b)(i) of the principal Act to extend for five years to 31 March 2026 the date on or before which goods must be imported to qualify for the customs duty relief.

Clause 3 modifies the Schedule to the principal Act (goods of the Bermuda nomenclature to which an approval applies) to extend the scope of goods covered. Three categories of goods to which an approval applies will no longer be limited to point-of-sale systems or use in relation to point-of-sale systems, and goods relating to virtual fitting room systems will be included.

Clause 4 provides for commencement on the 1st of April 2021.

Thank you, Mr. Chairman.

The Chairman: Thank you, Honourable Minister.
Are there any further speakers?
There appear to be none.
Minister, do you want to move these clauses?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.

Are there any objections to that?
There appear to be none, approved.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

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

Are there any objections to that?
There appear to be none, approved.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

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

Are there any objections to that?
There appear to be none, the Bill will be reported to the House as printed.

[Motion carried: The Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021 was considered by a Committee of the whole House and passed.]

The Chairman: Thank you, Honourable Minister Dickinson.

Mr. Speaker.

House resumed at 9:00 pm

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

REPORT OF COMMITTEE

RETAIL SHOPS (TEMPORARY CUSTOMS DUTY RELIEF FOR CAPITAL INVESTMENTS) AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Bill entitled Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021 being reported to the House as printed?

There are no objections. The Bill has been reported.

We will now move on to the next item, the second reading of the Payroll Tax Amendment Act 2021, again, in the name of the Minister of Finance.
Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, with the Governor's recommendation I move that the Bill entitled Payroll Tax Amendment Act 2021 be now read the second time.

The Speaker: Are there any objections.
No objections.
Continue, Minister.

BILL**SECOND READING****PAYROLL TAX AMENDMENT ACT 2021**

Hon. Curtis L. Dickinson: Mr. Speaker, I am pleased to present the Payroll Tax Amendment Act 2021 for the consideration of Honourable Members.

Mr. Speaker, section 9C of the Payroll Tax Act 1995 defines the circumstances under which an employer is entitled to new hire payroll tax relief and was put in place on the 1st of April 2018 with an expiry of 31 March 2021.

Mr. Speaker, the new hire relief of 2018 was implemented as an incentive to exempt companies and employers with gross annual remuneration of greater than \$1 million to hire new employees.

Employers who qualified for the 2018 relief were those whose number of full-time employees increased from that in the baseline period of January through March of 2018. Employers benefitting from the relief currently pay an employer portion of zero per cent on the remuneration pay to the qualifying employees up to and including the tax period of April 2018 through March 2021.

Mr. Speaker, given the effect of the COVID-19 pandemic on the economy and the negative impact on employment, Government made the decision to extend the new hire relief for qualifying employers for an additional year; therefore, Mr. Speaker, this means that a qualifying employer will not be liable to pay the employer portion of payroll tax otherwise payable under the Act in respect of the new full-time employee hired up until the 31st of March of 2022.

Mr. Speaker, section 23 of the Act governs the approval of specified schemes for payroll tax purposes. For purposes of the Act the scheme can be in the form of a health insurance scheme, a hospital insurance scheme, a life insurance scheme, a retirement scheme, and a training scheme. To obtain approval for a scheme an employer must first submit a completed application to the Office of the Tax Commissioner [OTC] for consideration.

All applications received by the OTC are then vetted in accordance with established OTC procedures and applicable guidelines, including some requirements which are prescribed by law. OTC also works in partnership with the Pension Commission, Bermuda Health Council and the Department of Workforce Development in the vetting process to ensure that all schemes recommended for final approval by the Minister satisfy applicable criteria.

Mr. Speaker, once the application review process is completed a draft order is then prepared by the OTC and forwarded to the Ministry of Finance for final approval by the Minister. The draft order lists the names of all applicants and the respected schemes which are proposed to be approved pursuant to the

final order. The signed order is returned to the OTC, the employer's file is updated, and a notification of the approval is sent to the employer. Payroll tax relief is offered after this process is completed, allowing the taxpayer to receive tax exemption on employer contributions into the schemes.

Mr. Speaker, while the existing process was fit for purpose in the past the increase in the number of scheme applications along with the increasing demands of other high priority items in the Ministry of Finance, have the potential to put at risk the time in which approval can be granted.

Mr. Speaker, the intent of the Payroll Tax Amendment Act 2021 is to enable the Minister of Finance to delegate the authority to approve schemes under section 23 of the Payroll Tax Act 1995 to the Tax Commissioner acting on behalf of the Minister. This will, in turn, speed up the time it takes to approve applications and improve service delivery to taxpayers.

Mr. Speaker, it is important to emphasise that there are no instances to date in which the OTC has recommended approval of a scheme that was later rejected by the Ministry of Finance or the Minister of Finance. The vetting criteria in process includes the coordination of reviews by other government agencies or bodies, is well established, and vetting is performed as a matter of routine administration by the OTC. The proposed changes are to enable the OTC to complete the vetting process and issue the administrative order pursuant to authority delegated by the Minister without incurring delays.

Mr. Speaker, it should also be noted that there is existing precedent for the Tax Commissioner to issue administrative orders as he has the power to do so in conjunction with the enforcement and collection of taxes. Based entirely on the circumstances as detailed herein, there is little risk in making the proposed changes to section 23 of the 1995 Act.

Mr. Speaker, in my budget brief of last week Friday, I spoke of the OTC's plans to become more modernised through communication and change management, organisational structure and processes, IT systems, and legal framework improvements. The proposed amendments to approve schemes is one step in this modernisation initiative and will decrease administrative burden for both the OTC and the Ministry of Finance and will enhance service delivery and customer satisfaction for taxpayers.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

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

The Speaker: Mr. Opposition Leader, you have the floor.

Hon. N. H. Cole Simons: This is a very interesting one here. In principle, we support it. I have a few comments.

The Minister indicated that the new hire relief applied to businesses that had gross revenues above \$100 million *[sic]*. My question is obvious, how are we going to provide similar relief to small businesses and local businesses that hire a large majority of our community members that have gross revenues below \$1 million. It is fine to provide the concessions to our larger, more prosperous businesses, but we also have to continue to support our local businesses. Our local small businesses hire approximately 60 per cent of our workforce. So can the Minister speak to what support he will continue to give them going forward?

The other question that I have for comment is, yes, I understand the Office of the Tax Commissioner basically providing orders to improve various schemes. In addition, the Minister has delegated authority to the Tax Commissioner. So my comment is, in this delegated authority I understand that the Office of the Tax Commissioner can overrule or revoke orders given by the Minister. Is this going to be *[for]* previous orders or is it *[for]* orders going forward as of the effective date of this legislation? Does it have a retrospective feature?

I think those are my only comments. As I said, generally we support this, but *[we]* need clarity around how we are going to support our small businesses, our proprietorships, which hire most of Bermuda's workforce.

Thank you, Mr. Speaker.

The Speaker: Thank you, Opposition Leader.

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

No other.

Minister.

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

I just want to make a clarifying point because I think the Opposition Leader may have misspoken inadvertently when he mentioned \$100 million. This is relief that is targeted

Hon. N. H. Cole Simons: No, I said \$1 million.

Hon. Curtis L. Dickinson: Actually, you said two numbers. You said it twice. So I just want it to be clear that—

[Inaudible interjections]

Hon. N. H. Cole Simons: Well, my apologies.

Hon. Curtis L. Dickinson: —that it is not the \$100 million dollar number that it was the \$1 million that you were referencing.

Yes, I would say this in response to the concern expressed with respect to small and medium-sized businesses. The Government currently provides a substantial relief to small and medium-sized businesses, initially, in the form of additional grant money which has been provided to the Bermuda Economic Development Corporation [BEDC] as part of the COVID-19 relief. We increased the grant to the BEDC by approximately \$12 million to provide them with the ability to make incremental loans and grants to small and medium-sized businesses in support of growing their businesses, notwithstanding the devastating effects of the pandemic.

We have also provided payroll tax relief to the hotels, the restaurants and the retail sectors across the board. We do try to be careful about the wholesale granting of concessions. What we do is encourage individuals to provide us with a case with respect to their need for relief. I have also been advised that section 9C deals with employers with payroll between one-half million dollars and one million dollars and that relief will extend to March 2022.

The legislation is prospective, not retrospective, and so I do not anticipate that there will be any need for revocation orders. I will tell you, as I mentioned in my brief, that when the Tax Commissioner makes the recommendation the general practice has been over successive administrations for the Minister to provide the approval in support of the recommendation that has been made. What I have asked for, with respect to this amendment, is that the OTC keep a log of relief that they grant so that the Minister has the opportunity to see what he or she has been committed to.

Those are my responses, Mr. Speaker. If there are no other questions, I move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy Speaker.

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

House in Committee at 9:14 pm

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

COMMITTEE ON BILL

PAYROLL TAX AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole *[House]* for further consideration of the Bill entitled the [Payroll Tax Amendment Act 2021](#).

Minister Dickinson, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, I would like to move clauses 1 through 4.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 is self-explanatory.

Clause 2 amends section 9C of the principal Act (new hire relief for qualifying employers: 2018) to extend for one year to 31 March 2022 the new hire relief available under that section in relation to qualifying employees whose full-time employment by a qualifying employer first commences during the period 1 April 2018 to 31 March 2022.

Clause 3 amends section 23 of the principal Act (approval of schemes). Subsection (1) corrects a reference to “life assurance” in subsection (1). Subsection (2) inserts a delegation power which will be exercisable by the Minister of Finance by instrument in writing published in the *Gazette*. This will enable the Minister to delegate to the Tax Commissioner the power to make orders approving health insurance schemes, hospital insurance schemes, life insurance schemes, retirement schemes and training schemes for the purposes of the Act, and the power to vary and revoke such orders, including orders which were approved by the Minister.

Under the principal Act, payments into an approved health insurance, hospital insurance, life insurance or retirement scheme are excluded from the definition of “remuneration” in section 7(2)(a) of the principal Act, so payroll tax is not payable on such payments. A person with Bermudian status who is undergoing training in an approved training scheme is in a “special situation” for the purposes of section 9 of the principal Act, so that his employer is not chargeable to tax at the standard rate for employers in respect of his remuneration but at the prescribed rate, currently zero per cent as per section 4 of the Payroll Tax Rates Act 1995. Subsection (3) makes a consequential amendment to the definition of “approved” in section 2 of the principal Act.

Clause 4 provides for commencement.

Thank you, Mr. Chairman.

The Chairman: Thank you.

Are there any further speakers?

There appear to be none, Minister. Do you want to move—

Hon. Curtis L. Dickinson: Mr. Chairman, I move—

Hon. N. H. Cole Simons: Hang on, hang on, hang on, hang on, hang on. I just have a question.

The Chairman: Mr. Simons, you know we call you—

Hon. N. H. Cole Simons: I had trouble with my computer, sir.

The Chairman: Yes, but you have to approach the Chair properly.

Hon. N. H. Cole Simons: Mr. Chairman, I would like to make a comment, please.

The Chairman: Continue.

Hon. N. H. Cole Simons: I would like to direct the Minister to [clause] 3. “In section 23 of the principal Act, in subsection (1), delete ‘life assurance’ and substitute ‘life insurance.’” I found this very interesting. And at some point, I would like for the Minister to clarify the reasoning behind this because there are differences between “life assurance” policies and “life insurance” policies. I know, historically, people have used the term very loosely. They are completely separate products. I will give the House an example.

A life “insurance” policy is for a fixed term and you pay an insurance premium for that fixed term. For example, you go to the bank and take out a mortgage. You have a mortgage for 15 years. So you take a life insurance policy out to cover that mortgage for a finite period that equates to the life of the mortgage. So you can get a 15-year policy or annual policy for the 15 years. That is a life insurance policy.

A life “assurance” policy covers the insured for its entire life. So if you get a variable life policy or whole life policy, you will have a life assurance policy.

So can the Minister tell this House why he is saying it is a mistake, or provide further clarification on the usage of the language that he is amending? Thank you.

The Chairman: Are there any further speakers?
Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I am waiting to be advised by technical officers and folks in the Attorney General’s Chamber with respect to an answer to that question.

Hon. N. H. Cole Simons: That is all I had, Mr. Chairman.

The Chairman: Okay.

Hon. N. H. Cole Simons: Because I will just fill in time if you don’t . . .

The Chairman: Mm-hmm.

Hon. N. H. Cole Simons: Mr. Chairman, I think both types of insurance coverages could apply, and not one or the other. I was thinking you could have life assurance policies and life insurance policies; you could have both, because they are just two different life policies.

The Chairman: Okay.

Hon. Curtis L. Dickinson: Mr. Chairman, I would like to thank the Honourable Member for that question. I would like to advise him that the reason for the change was to correct a mistake that was made in the 1995 Act. This amendment is seeking to match section 2 with section 7 of the legislation.

The Chairman: Any further—

Hon. Curtis L. Dickinson: What I would like to do is have a further conversation with technical officers whether the scope of the legislation should be expanded to include both life “insurance” and “assurance.” But for the time being, the point of this legislation is to fix the asymmetry that exists between section 2 and section 7.

The Chairman: Mr. Simons.

Hon. N. H. Cole Simons: Thank you. Yes, when you have that discussion can you make an undertaking to provide me with their comments in regard to your recommendation to have life assurance and life insurance? Thank you, Mr. Chairman.

The Chairman: Thank you, Honourable Opposition Leader.
Minister.

Hon. Curtis L. Dickinson: I will—

The Chairman: Do you want to move the clauses, Minister?

Hon. Curtis L. Dickinson: Mr. Chairman, I now move that . . . Mr. Chairman, have we approved the clauses?

The Chairman: No, I am asking you—

Hon. Curtis L. Dickinson: I am moving clauses 1 to [INAUDIBLE].

The Chairman: It has been moved that clauses 1—

Hon. Curtis L. Dickinson: [INAUDIBLE] move the clauses [INAUDIBLE].

The Chairman: I am not hearing you.

Are you moving the clauses, Minister? I don't know—

Hon. Curtis L. Dickinson: Sorry?

The Chairman: I haven't heard what you have said.

Hon. Curtis L. Dickinson: You are buffering right now, Mr. Chairman.

The Chairman: Buffering, yes.

Hon. Curtis L. Dickinson: We were well in train just now and the Opposition Leader had a late question, so I was asking, *Have we moved the clauses already?*

The Chairman: Yes, we are moving to approve them. We are just waiting on you.

Hon. Curtis L. Dickinson: Thank you.

Mr. Chairman, I move we approve clauses 1 through 4.

The Chairman: It has been moved that clauses 1 through 4 be approved.

Are there any objections to that?

There appear to be none, approved.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

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

Are there any objections to that?

There appear to be none, approved.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

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

Are there any objections to that?

There appear to be none; the Bill will be reported to the House as printed.

Thank you, Honourable Minister and thank you, Opposition Leader, Cole Simons.

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

[Motion carried: The Payroll Tax Amendment Act 2021 was considered by a Committee of the whole House and passed.]

The Chairman: Mr. Speaker.

House resumed at 9:22 pm

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

REPORT OF COMMITTEE

PAYROLL TAX AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, are there any objections to the Payroll Tax Amendment Act 2021 being reported to the House as printed?

There are none. It has been reported.

Members, we will now move on to the next item on the Order Paper. And as I indicated at the start, we switched the orders and put the Finance matters ahead of the Education Amendment Act, but now we will go back to the Education Amendment Act.

Members, the next item is the second reading of the Education Amendment Act 2021 in the name of the Minister of Education.

Minister, would you like to put your matter now?

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled Education Amendment Act 2021 now be read for the second time.

The Speaker: Are there any objections to the matter being read a second time?

There are none, Minister, continue.

BILL

SECOND READING

EDUCATION AMENDMENT ACT 2021

Hon. Diallo V. S. Rabain: Mr. Speaker, in June 1965, Malcolm X said, "Education is the passport to the future, for tomorrow belongs to those who prepare for it today."

Mr. Speaker, our children, Bermuda's children are going to have a great future. A great future because together as a country, as a Government, and a community involving educators, families, and young people we are redesigning, restructuring, and re-visioning public education. In support of these promises to the people of Bermuda I am pleased to introduce to the House today the Bill entitled the Education Amendment Act 2021.

Mr. Speaker, this Bill is the first phase of legislative change to dramatically transform education and learning to improve life-long opportunities and outcome for our young people. We are putting young people at the centre of learning, so they are prepared to lead successful and meaningful lives. It is for our country, our government, our community—including educators, families, and the young people themselves—to collectively develop and support a bold vision of success for young people.

Mr. Speaker, success will mean that young people are empowered and equipped to take their rightful place in the 21st century. Success will illuminate Bermudian brilliance whether it shines locally or internationally. Success will mean that all young people will have the skills, knowledge, and attitudes to

enable them to create and access the jobs of the future, to be active and caring citizens and, if they so choose, be the agents of change in Bermuda and around the world. It is for our young people and their families to determine what success looks like, for them individually and on their own unique terms.

Mr. Speaker, in order to prepare young people to find their passions and to thrive in school and beyond, this Bill (1) establishes senior level signature schools; (2) defines signature learning programmes; and (3) changes the enrolment age for senior schools from 14 to 13 years of age.

Mr. Speaker, to quote US President Barack Obama, "Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek."

So, Mr. Speaker, some will ask: *Why this change? Why this time? Why and how will things be different when so many others have tried and not succeeded?* Well, Mr. Speaker, honestly, the answer to the question *Why?* isn't that complicated or difficult to conceive if you truly want to improve educational outcomes for our children. *Why?*, one may ask. Well, here is the why: Because we recognise and accept that the world has changed, but fundamentally education in Bermuda has not; because our community has demanded and inspired change; and because young people, all young people, with unique gifts and talents should be given the opportunities to be successful both locally and globally.

Mr. Speaker, it is easy to stay the same, to do what we have always done. It is easier to make small and incremental changes that do not make big differences in the lives of young people and their families. It is easier to chop and change, to make tweaks and tinker around the edges; it is easier to lift lightly and move slowly; it is easier to demand change and act as an agent of prevention rather than work with us collectively. But, Mr. Speaker, who does that really serve?

Unfortunately, far too often we can find ourselves resistant to change. Not because we fear change, but because we fear the unknown. We fear what we may not want and wish to remain in our personal comfort zones. We have to confront our fears and not allow our personal desires to avoid the change at the detriment of those behind us who require and deserve change. We need to be bold and think not for ourselves but for the consideration of others. We must have open minds and look at these proposed changes through a lens, not heavily influenced by what we may fondly remember how school was like when we attended it so many years ago.

Today's students are unique to today's environment. While some things will never change in education, there are many that must, should, and have to change. True leadership is about servanthood and putting the interests of others at the centre of our decisions. Our service in this Honourable House is to

young people and their families for their success and the success of our economy, our society and our country.

Mr. Speaker, in awe as I am of the complexity of the challenge before us, I think of J. F. Kennedy's reflection on the challenge of going to the moon. He said, "We choose to go to the moon. We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win, and the others, too."

Mr. Speaker, we are a small, close-knit community. We are proud and we are resilient, but we must not only keep pace but we must meet and rise to this challenge. Bermuda's children deserve the best that public education can offer. The best in 21st century learning. The best in 21st century teaching. The best in 21st century facilities. And the best in 21st century technology.

Mr. Speaker, in support of our aims for young people the Bill establishes signature schools by requiring senior schools to include one or more signature learning programmes within their curricula. The Government has already announced that CedarBridge Academy and the Berkeley Institute will open as the first two signature schools in September 2022. In the coming years there will be three additional senior schools, and each will be required to provide one or more signatures. The alternative and exceptionality signature schools will be introduced through future legislation following additional design and developmental work.

Mr. Speaker, the Bill defines signature learning programmes which are learning programmes that focus on skills development, are based on sectors of the economy including tourism, finance, insurance and trades, or any other sector of the economy which consists of one or more learning areas. The Bill identifies the first four signatures, that being tourism, finance, insurance and trades, because these are current and critical future pillars of the Bermudian economy. The curriculum of each signature must include, as the Minister considers appropriate, learning areas identified in the Bill.

Mr. Speaker, according to UNESCO's definition, "learning areas" are [the] "Grouping of traditionally discreet but related subjects with the explicit aim of integrating students' learning." Learning areas provide a clear framework for curricula for what is taught, what is learned, and what is assessed for signatures. As learning areas are not prescriptive but are groupings of subjects, they can cover and accommodate the evolution of a particular subject, skills and therefore new signatures that will result from advances in curricula and development in workforce trends.

Mr. Speaker, to illustrate, business is a learning area included in the Bill. But there are numerous subjects that, for example, fall under the umbrella of business, including accounting, finance, marketing, entrepreneurship and hotel management. Another example is personal and social development. This learning area typically includes subjects and skills such as social and emotional learning, self-regulation, psychology, life planning, and collaboration skills. Within social studies and humanity, of course, we have Bermudian history, world history, economics, sociology, political studies and geography. If we think of the tourism signature, subjects and skills taught and learned will include curricula from the various learning areas outlined in the Bill. Learning is interdisciplinary as are curriculum, learning areas and of course signatures.

Mr. Speaker, while the Bill introduces signature learning programmes signature schools will also provide a transformed senior school education and the majority of the schools' curricula will encompass a core foundational tract that will resemble a typical but modern senior school experience. Students will take a variety of subjects and learn critical foundational and signature-specific skills. The look and feel of teaching and learning will be significantly different. And for all learners it will be high quality, personalised, flexible and adaptable.

Mr. Speaker, far too often we hear the term "not academically inclined" when describing our students, even more disproportionately when referring to our young men, and more specifically, our young Black men. I rubbish those remarks every time I hear them. We need to give our students the opportunities to flourish in their own rights. Our young people are already critical and creative thinkers, but retrained educators will cultivate and nourish and nurture those skills to drive innovation and entrepreneurship.

Our young people will be tomorrow's graduates who possess social and emotional skills such as respect and empathy, self-efficiency, self-regulation, responsibility, and collaboration. They will possess practical and physical skills like how to do things including using and creating new information and technology which are critical components of today's modern-day trades. And the learning of these skills will be meaningful and applicable to the real world. We need to stop trying to put our students in boxes and instead give them the tools to succeed while choosing their personal paths themselves.

Mr. Speaker, in addition to those outlined in the Bill, there will be other signatures and those may be prescribed by rules. They will be determined after a truly engaging process involving in young people and their families who can articulate their interests across numerous options. This process will of course involve educators at all year levels, including those who are codesigning and who will teach in our signature schools.

Mr. Speaker, this Bill will begin to phase out middle school. I will repeat that, Mr. Speaker: This Bill begins to phase out middle school. And it does so by lowering the enrolment age for senior school. Students will typically be 13 years of age when they begin senior school instead of 14 years of age. M3, which is currently the last year of middle school will effectively become the first year of senior school. This change also means that senior school will be five years in duration. The first two years of middle school (M1 and M2) will remain in place until middle schools are phased out completely, which will be the subject of future legislation. The Government has always indicated that these changes will be phased in over time and this Bill reflects that methodology.

Mr. Speaker, today we stand on the cusp of a once in a lifetime decision, a decision that will chart the next chapter in the history of public education in Bermuda for generations to come. Again, I say, when it comes to education, leadership is not about the next election, it is about the next generation. It is time for all of us to walk the walk and not just talk the talk about education reform.

Mr. Speaker, with those remarks I now present the Bill entitled the Education Amendment Act 2021 and welcome comments from my other honourable colleagues.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

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

The Speaker: MP Jackson, you have the floor.

Ms. Susan E. Jackson: Thank you very much and good evening.

I guess as I start in having read through this piece of legislation that amends the age of going into senior school as well as introducing the signature schools, I feel as though as parliamentarians it is quite easy for us to shift around a few words and change a few ages and all of a sudden, we have changed the law and we have changed the way of conducting or structuring our education system. But there is so much more involved with that, Mr. Speaker. The real challenge for us as a Government is to make sure that the children are well educated and successful graduates. And it really does not matter where the children physically are located; what really matters is the quality of teaching and then the students' performance.

So, eliminating middle schools in principle is a logical step, especially if you are looking to reform the education system, but there seems to be very few details. And although the Minister has given us a list of the "whys," there are a number of other questions that

the public, parents, teachers, students, and interested members of the community are interested in finding out. And of course, one of the biggest is that we really haven't heard about any of the real data that has been collected that specifically speaks to the ineffectiveness of middle schools.

It would be interesting if the Minister at some point would be able to share with us the data or show evidence that the data justifies that the middle schools are not working so that we have a clear understanding of that journey of eliminating the middle schools.

So when I think about what some of those performance measures might be, you know, we have clearly seen whether it has been in Bermuda or overseas, that many of the standardised tests do not necessarily work well. Not all students test well. Multiple choice can be difficult for some students, et cetera.

So I am also curious to know what kind of performance-based measures are in place for our young students so that we can have a clear understanding of where they are as far as their development and learning within the middle school setting. Because we could have, other than the sort of standardised test, whether there is evidence of standard-based projects or presentations where young people are having a chance to integrate with their life learning or their sort of experiential learning in the school, how they are able to sort of migrate, merge, integrate their learning with real life situations so that we have some examples, some strong indication of how the students are performing.

So, the question is: When will we find out more about what improvements will be made as the student sort of merges out of middle school and either remains in primary school for an additional couple of years or moves into the senior school? What measurable improvements in education will be created by removing the middle school?

As far as the students are concerned, there is quite a bit of transition there, and I am sure it will be somewhat confusing for our young people. So I just do not know . . . we are in the middle of budget season. We have just come out of the education brief, but I am just curious whether the Ministry is considering and building up reserve for assisting children through this transition and helping them because there is going to be an impact as the children do transition and they also have had the impact of the pandemic.

And yes, I understand that the first children who will transition out of middle school will be going into the senior school and it will be in September of 2022. But that is not that far away, Mr. Speaker. I just feel as though the students having first lost a year of schooling (almost)—and certainly it has been a challenging year with the pandemic—and then on top of that they are moving into a new school environment, whether there will be the support services in place to assist them with that transition.

Mr. Speaker, I am just thinking about the various ages. I do not remember the details of when middle schools were introduced in Bermuda, to be honest with you, but I do remember that there was quite a bit of preparation for the students because the methodology, or the model of middle schools, was different from the primary schools. So, as I understand it. In simple terms, in primary school the children basically stay in their homeroom classroom and receive the majority of their instruction from their teachers and then when they go into the middle school and the senior secondary school, they then have to learn to transition from classroom to classroom and each subject has a different teacher. And so, I understand that while we are in the transition period this will be easy because the children [have been] in M3 and they have had a few years of the same kind of model that the senior schools have where you move from class to class. But once we have eliminated the middle schools, we are going to have children coming out of the primary schools and moving into the senior secondary school. What would be involved in the preparation of those children to prepare them for the transition to different classrooms and different teaching styles?

Mr. Speaker, there is also a question around teaching. So, we have got the teachers who are in the middle schools and presumably some of those teachers will move into the primary schools, and maybe some of those teachers will move into the senior schools. But the teachers who are preparing to move into the primary schools will have to make the adjustment in the teaching styles. So I am curious about what kind of training, professional development, and preparation will be put in place so that the teachers are able to make that transition, especially those who may have been involved in M1 and M2 teaching, now transitioning into the primary schools to teach the . . . I guess it will be the P7 and P8? That, in and of itself, is going to take some time. I guess that the unions would be interested in finding out what this transition looks like, what are all the nuts and bolts involved in a teacher who is moving from the middle schools in particular into the primary schools.

Unless the teachers receive that professional development and training, not only in the sort of day-to-day running of the classroom, or management of the classroom, but also if there are changes in the curriculum and the way in which the teachers teach at the primary level, you know, that training is going to be so important, because it is really the teacher who provides the real professional and educational impact to our students. And it is the teachers who ultimately end up being accountable for the students' performance, and we cannot really hold the teachers accountable unless there is quality professional development and training in place.

I guess it is anticipated, Mr. Speaker, that there will be a detailed middle school transition strate-

gy that will be presented by the Government that will lay out the training of teachers and will give us more detail in what the teaching models are going to look like. But I am just wondering, because there isn't much time, it is 2021, whether teachers have been informed if they will be moving to primary or senior schools and when will the sort of teacher training take place? Will this have an impact on all of the other professional development that they are involved or enrolled in throughout the year in their regular business as usual, and then have the additional training to prepare for either the primary school or the senior secondary school?

And then the parents too are fully invested in this. They need to have some clear indication of what this is going to look like, and there is going to probably be quite a bit of interest and concern and questions around just location changes, uniforms, there are so many nuts and bolts that will be a part of this transition. In a spirit of collaboration, I am laying out just how detailed the transition strategy will probably have to be in order for it to be as smooth as possible.

Again, I am curious about the performance measures and whether parents will be involved, whether there will be a level of accountability at some point even for the parents to provide the support that is needed. I just sometimes feel that it really doesn't matter what physical building the child is in, it is that quality teaching. And we are clearly going to need everyone's support in order to improve the child's outcome, and it is going to be a challenge. And of course, the parents are a fantastic, huge and positive resource, and this would be a fantastic time to see how we can get parents more involved in their children's education because this is an opportunity because everything will be so new.

Mr. Speaker, I noticed in the Budget Book when we were going through the debate that the performance measure of the reading scores in our middle schools is 50 per cent. So, 50 per cent of our middle schools are not achieving the improvement objectives for reading, writing and mathematics. So the children do seem to fare better in the primary schools and that is a good thing. If the two middle school classes remain at the primary school then one might draw the conclusion that reading, writing and mathematics . . . that the primary schools will have hopefully 75 per cent and better with mathematics. Fifty-five per cent of our primary schools are at 55 per cent of achieving mathematic objectives.

So, if we are able to keep that percentage of performance at 75 per cent or higher in the primary schools, then there is the possibility where we will then start to see the success of eliminating the middle school and heading into the senior school with 75 per cent performance measurements versus the 50 per cent that we are seeing currently.

Mr. Speaker, no matter what, there are so many details to be ironed out and we are all interested

and waiting to find out as much as we can about the details. And again, it comes down to the quality teaching and accountability. We know that in the private schools they get to choose the students, and parents are paying a substantial amount of money, so they are completely invested in the education. But there isn't any reason why our Bermuda state schools cannot create that same environment without having to have the financial motivation to support children. And it really does not mean that the teaching quality has to be any different in state school versus the private school.

This is a new path, and the goal is to impart as much knowledge as we can. And, Mr. Speaker, we certainly are vested in our children, we are very concerned and interested in supporting our children's learning. So, if the elimination of middle schools and the introduction of senior secondary schools is the way to go, then, certainly, the OBA is understanding of that and we look forward to seeing much more of the detail as that unfolds.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

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

Mr. Jason Wade: Mr. Speaker.

The Speaker: Is that Mr. Wade?

Mr. Jason Wade: Yes, Mr. Speaker.

The Speaker: Members, before Mr. Wade starts his contribution tonight, let me remind Members that this is his Maiden Speech. We would just like to acknowledge the fact that he is on his Maiden Speech and that comes with the courtesies that we normally attribute to a Member's Maiden Speech.

Member, you have the floor.

MAIDEN SPEECH

Mr. Jason Wade: Mr. Speaker, first let me thank you for giving me the opportunity to make my Maiden Speech in this Honourable House on a Bill that is near and dear to my heart.

Mr. Speaker, for those who do not know I was an educator in the Bermuda public education system for nine years prior to joining this Honourable House and I can say without a doubt that I enjoyed each and every day educating the future leaders of our country. I repeat that: I enjoyed each and every day educating the future leaders of our country.

To say I have a vested interest in ensuring this Bill was implemented successfully is an understatement. Mr. Speaker, if I may I would like to "set the field" as they say as to why I first became an educator which will preface why I am speaking on this Bill today.

Mr. Speaker, education is entrenched in my blood. Blanche Wade my grandmother taught for over 30 years in this very system that we are looking to revitalise today. The lesson she taught me before passing helped shape so many of the views that I took forward into my classroom. As a young child I was fortunate enough to assist my godmother, Ms. Shernette Wolffe, who was an educator, on numerous occasions in setting up her classroom at the old Berkeley Institution and the old Warwick Secondary School.

Mr. Speaker, with these two early childhood examples I would like to add how this Government has actually shaped my journey over the education field. Mr. Speaker, while attending St. Mary's University the former Premier, the Honourable Dr. Ewart Brown, visited the Bermudians in Halifax, and I had the very encouraging conversation with him during his visit. I asked the Honourable former Premier, *How can I help my country?* I explained to him my passions and he said the country was in desperate need of young, male teachers. From that conversation onward, the rest is, as they say, history.

Mr. Speaker, for far too long, as a lifelong educator, I have been asked the question of *Why?* Why was the technical institute taken away? Why would they takeaway an institution that has produced so many of our brightest minds in this country? Why haven't we brought back this outlet for our young Bermudians to thrive? Mr. Speaker, there have been many reasons given as to why this took place. But I will not delve into those reasons because we would be here until the sun rises.

Mr. Speaker, if I may, I would like to give an example that I personally experienced within the education field that laments the fact that these signature schools are what Bermuda desperately needs. May I speak to that experience, Mr. Speaker?

The Speaker: Go ahead, Member.

Mr. Jason Wade: I appreciate it.

So, whilst teaching at CedarBridge Academy, I encountered a student who struggled. He struggled with basic math, basic English, basic science. He was in the functional academic class at CedarBridge Academy. And on one occasion on my lunch hour, I was a year ahead at CedarBridge Academy, a student ran into the office and said, *Mr. Wade, there's a student riding a bike in the hallways.* I ran out of my office, ran down to North Block and proceeded to stop the student from riding the bike, brought the student to the office and we discussed what had happened.

The student had gone into the mechanics workshop, found a Mini Scrambler that had not been used in years, the worker said—years. And it sat there. On this student's lunch hour for four straight days he managed to fix this bike. He fixed the bike—a bike that the mechanics who worked in this workshop could not fix! A 15-year-old boy fixed this bike. Now, I

do not condone his riding the bike up and down the hallways of CedarBridge Academy. And he was rightfully punished for his actions. But what I say to this is that with this student you could see that we were not servicing his needs.

I saw this same student whilst I was canvassing for the last election, and I spoke to him. And I said, *Do you remember that day we spoke in the office and we talked about what you did wrong when you fixed it, but I praised you for being able to fix that bike?* I said to that student while I was canvassing, I said, *We failed you. We failed you because we did not give you the opportunity to succeed in the field that you wanted to succeed in.* He was not cut out for normal math, normal English, normal science. He did not want to do that. All he wanted to do is work with his hands. Mr. Speaker, this Bill speaks to implementing that into our system.

Mr. Speaker, soon we will be able to say *Promise made, promise kept.* Mr. Speaker, this Bill will allow us to leave the three-tiered system and bring in signature schools that this Island so desperately needs. This Government is committed to ensuring that this time around, unlike when middle schools were introduced, it is done right. Mr. Speaker, this Government is committed to listening to all stakeholders—I will repeat that again—all stakeholders in ensuring the success of this transition. As a former educator, I am encouraged by the fact that teachers will receive the training needed to execute this transition thoroughly and as deliberately as possible.

Mr. Speaker, what many of my former colleagues will tell you about me is that I absolutely loved working with students with special needs. With the transition to signature schools, it means that these students will finally receive the support they need to be successful. This Government is committed to ensuring that no matter what challenges the student may have, their needs are met and this signature school promises to address the lack of support many feel these students with exceptionalities are receiving. Mr. Speaker, if you cannot tell, I am passionate about education on this Island. There is nothing I will not do to ensure that this public education system on this Island is successful and the number-one choice for all Bermudians.

Mr. Speaker, my parents, Russell and Jeanne-Marie Wade, did not raise no fool. They instilled in me the guidance; they instilled in me the principles that have led me to where I am today—giving back to a country that has given me so much. Mr. Speaker, I would not be here today speaking to the implementation of the signature schools if I did not believe that this is in the best interests of all Bermudians. The Bill speaks to the mistakes that were made with the implementation of the middle schools. Mr. Speaker, we will not fall into that trap. We will phase in these signature schools and ensure that it is done right.

Mr. Speaker, it would be remiss of me to not reiterate to our listening audience that this Government is committed to ensuring that our students have everything they need to be successful. In closing, Mr. Speaker, I would like to thank my entire circle of family and friends who have been with me on this journey so far. Your love and support push me to lead by example and to ensure the voice of the people will always be heard, listened to and acted upon. To my education friends and family, your voice will continue to be heard, listened to and acted upon. You have my unwavering pledge to fight for what our children rightfully deserve, and in turn what our teaching staff rightfully deserve.

And with that, Mr. Speaker, I thank you for you giving me the opportunity to speak to this Bill today.

The Speaker: Thank you, Honourable Member.

[Desk thumping]

The Speaker: We appreciate your contribution as your Maiden Speech. We wish you well as you continue to contribute on other occasions in this Honourable Chamber.

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

Mr. Dennis Lister III: Yes, Mr. Speaker.

The Speaker: It sounds like the MP from constituency 28, MP Lister.

Mr. Dennis Lister III: Yes, it is, Mr. Speaker.

The Speaker: Continue.

Mr. Dennis Lister III: Good evening, Mr. Speaker. Good evening to my fellow colleagues, to the Opposition and to the listening public.

I first want to commend the previous speaker before me, Mr. Speaker, MP Wade, on his maiden speech. I actually wanted to tear up my speech because his sounds almost exactly like mine, Mr. Speaker. As we are both around about the same age (I believe I might be a year older than he is), I guess we both had the same experience, which is why our speeches are similar.

But, Mr. Speaker, before I get into my speech, I do want to just comment back to the speaker before MP Wade, MP Jackson. In her comments she mentioned with regard to the phasing-out of middle schools, [she asked] what statistics led to this or proved this, the reason to phase out middle schools, Mr. Speaker. Well, I just want to—in the *2019 Digest of Statistics*, section 2, page 25, section 2 refers to education statistics. Those statistics prove—and it gives a breakdown over a 10-year period from 2009 to

2019—enrolment levels at government schools versus private schools at all different levels, primary, middle to high school, broken down [by] sex, and breakdown of enrolment by each grade level. As I said, it is a 10-year period.

But even if you just look at the last three years, 2017, 2018 and 2019, Mr. Speaker, you can look and see the kind of enrolment at the middle school level, because what it shows is that parents have confidence in the primary school level. But as we all know, the middle school was the weakling where many students, especially young males, were lost in the middle school system. So these statistics show that the enrolment levels dropped at the middle school level (but then again) for government schools. But then again at the high school level the enrolment levels increased, Mr. Speaker. So the statistics showed and proved that what we are doing in phasing out our middle schools is the right thing to do. So I just wanted to comment back to MP Jackson, Mr. Speaker.

Now I want to get into the meat of my [contribution to this] debate. Like I said, Mr. Speaker, I almost tore up my speech because it is almost the exact same, mirroring MP Wade's. But I will continue, Mr. Speaker.

I thank the Education Minister and his team for bringing this Education Amendment 2021 Bill to the House, Mr. Speaker. There is a quote attributed to Albert Einstein, which said, "Everybody is a genius. But if you judge a fish on its ability to climb a tree, it will live its whole life believing that it is stupid." Mr. Speaker, that is a very important quote, and I will come back to that later.

Similar to MP Wade, I highlight the signature schools, Mr. Speaker. Why? Because I also have a passion for signature schools and the impact, the positive impact they will bring to our students. But far after they have finished high school, furthered their education and gone into their lives, the impact, the positive impact they will bring to our community, Mr. Speaker.

It is well known that there are four main groups of learning styles: Visual, audio, reading/writing and kinaesthetic. Mr. Speaker, in my high school years I actually broke it down to even two more distinct classifications—hands-on and hands-off. That is how I broke it down, Mr. Speaker. Hands-on you are more visual and kinaesthetic. Hands-off you are audio and reading or writing. Why do I say this, Mr. Speaker? Because I learnt at an early age what my learning style was. And I learnt that I was a little bit of both. I was good with my hands, but I was also good academically, which would be hands-off. And, Mr. Speaker, you can attest to this because numerous times you saw me. I could come home. I could strip my peddle-bike—not my peddle-bike, when I was 16 I could strip my motorbike apart, fix stuff, do this, do that. You know, I was good with my hands. I liked getting my hands into things.

But just as good and as comfortable as I was doing that, Mr. Speaker, I was just as comfortable in the classroom setting, reading, writing. I love to read. Well, as you will know also, Mr. Speaker, by the age of 13, I had read every book in our house, whether it was an atlas, an encyclopaedia, a dictionary, novels, autobiographies, biographies—whatever it was, I just read. Because I wanted to learn. I love to get knowledge, Mr. Speaker. And even writing, I love to write. Which I do today—I write speeches when I speak, Mr. Speaker. So those are my passions. But just as easily was I comfortable with the hands-on learning, I was with the hands-off learning, Mr. Speaker.

But unfortunately, a lot of young students, my fellow students, you know, those older, younger and those in the system, not all of us learn or know our learning styles at an early age, Mr. Speaker. And not all of the schools are able to reach those learning styles, Mr. Speaker. I grew up in, and even the model that we have today is the standardised learning model, a one-size-fits-all model, Mr. Speaker. You either get it or you do not, basically. That does not work for those who, as in the brief, the Minister mentioned, which he said he detests saying, are not academically inclined, Mr. Speaker. So if you were considered that, school under the standardised learning model did not fit you, Mr. Speaker.

And as a personal experience, I can say there were many of my classmates, my own classmates who were brilliant. You know, they were not the best when it came to taking tests in the classroom. But creative-wise, you know, what they can think of outside the box was brilliant. It was genius. Unfortunately, as the speaker before me said, Mr. Speaker, our system failed to reach them. One thing that always baffles me, and it goes to prove my point, Mr. Speaker, which is when you read the news, whether here locally or internationally, about illicit drugs, when they are confiscated by police enforcement around the world and you see pictures where they show or they talk about the different ways that these illicit products were smuggled into the country, you know, the different ways they took, it baffles your mind when you think about the creativity. And it is unfortunate that that creativity has always been used for bad and not for good.

A lot of the problems that we have in this world today are built from persons and people, those with such creative minds could use that for good. We could have solved a lot of these problems, Mr. Speaker.

And my comments tonight, Mr. Speaker . . . I am not going to be long. But when I was in college, Mr. Speaker, I had the privilege of reading the book *The Mis-Education of the Negro* by Carter G. Woodson. And that opened my mind and really changed my mind-set on life and learning, Mr. Speaker. What I got from that book was that life—the present model of life, how it is, is teaching people to be employees and not

employers and that we should be teaching people to be independent and to be employers so that they can be self-reliant, Mr. Speaker.

So with the introduction of signature schools, and in the Minister's brief he called [them] *learning areas* where specific learning, the business school, Mr. Speaker, and also the specific signature school, trade schools . . . I think those are very important, because it goes to what I mentioned about Carter G. Woodson about teaching our people to be employers. If you teach them business skills, they can be entrepreneurs. As I said, not everyone is a hands-off academically inclined person.

You know, a person who is good with—I will use an example, spray paint. They could be good at spraying cars, spraying bikes. And they have to be able to take that talent and use it to earn a living, Mr. Speaker. So we teach them business skills in school. By 15–16 years old, they can learn how to take a talent from something that they just love to do and it is a passion for them, and make it into a business, a living so that they can live off of work they love. And it is like the saying goes, Mr. Speaker, *If you love what you do, you are not working.*

So, Mr. Speaker, as I said, I support holistically and wholeheartedly this Education Amendment Act and the introduction of signature schools. I believe that this will bring about a positive impact to our students today and our society in the future. Because what they will be getting out of this new change of system, you will reap those benefits later on in the future, Mr. Speaker.

So as I said, my comments are brief and short. But in closing, what I want to say, Mr. Speaker, is a quote from Gerald Belcher. He said, "The best education is not given to students; it is drawn out of them."

So, Mr. Speaker, that rings loud. You know, we have to reach our students to get the best potential out of them, Mr. Speaker. So again, I support this. I thank the Minister and his team for bringing this, Mr. Speaker. And those are my comments for this evening.

The Speaker: Thank you, Honourable Member.

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

Mr. Christopher Famous: Good evening, Mr. Speaker.

The Speaker: Good evening, MP Famous.

Mr. Christopher Famous: Yes, good evening. How are you, Mr. Speaker?

The Speaker: I am well.

Mr. Christopher Famous: I am speaking from the new Robin Hood corner, located to the west of you. So I am still staying West.

The Speaker: As long as you are in the West, you are in a good spot. Continue, Member.

Mr. Christopher Famous: I am surrounded by three beautiful women—

An Hon. Member: And all representing blue and blue.

Mr. Christopher Famous: And all representing blue and blue. I was told to say that.

The Speaker: Well, you have got them in the West, so you have got them in a good place. Continue.

Mr. Christopher Famous: Mr. Speaker, let me first congratulate MP Jason Wade on his maiden speech, a speech full of passion, not just about politics but about something that he himself has invested his life into. His grandmother invested her life into it, so he is carrying on a legacy. Mr. Speaker, I also want to congratulate the MP from constituency 28, commonly known as "DL3." I have noticed he has overtaken me in motion to adjourn now, so I think I need to retire a bit because he is coming with some passionate speeches as well.

I am going to be slightly different, Mr. Speaker. Mr. Speaker, as you know my job is to follow what is going on in other Overseas Territories. As such I have been following what has been going on in the Cayman Islands, which has an upcoming general election in three weeks' time, April the 14th. And here are some of the topics of concern to the electorate in the Cayman Islands: cost of living, affordable housing, lack of jobs for Caymanians, importing mass labour for skilled jobs, and most of all—education. Does anything sound familiar? Sounds exactly like the concerns that Bermudians have. Some may call this "First World" problems. Others may say that this is how the First World actually regresses to another point that they should not be at.

If the people of the land do not know how to maintain their country, then effectively it is going to become a failed state. Persons who cannot and do not have skills—no matter what type of skill they should have, if they do not have it—they cannot get a job. They cannot get a job, they cannot get decent housing. If they cannot get decent housing, they cannot afford the cost of living. So we see the vicious circle. It starts off with having a skill.

Now, where do you get a skill from, Mr. Speaker? Yes, you can get a skill from a school. But you get most of your skills from being on the jobsite. Whether it be an industrial jobsite, a commercial jobsite, this is where it starts. So let me dovetail into where we are now, these signature schools, Mr.

Speaker. One of the signature schools is going to be a trade school. It is imperative, Mr. Speaker, that we get our people, our Bermudian people, our Black people especially, back to basics. One plus one will always equal two. For the last few decades, we have tried to avoid the obvious, and we have ended up in disaster.

I listened to the lone speaker from the OBA thus far say how middle schools were a failure or whatever they use—I kind of lost track at one point. But let us remember, Mr. Speaker. It was the UBP that put middle schools in place. Some may say it was a conspiracy; others may say, *Well, the PLP let it go too long*. Well, this PLP Administration is putting a stop to it. There are those who for whatever reason think that it is wrong for us to put a stop to it. But I have in my (how can I say?) midst someone who is a trained educator, a biologist, a schoolteacher who did that empirical evidence not just from reading it from others, but from their own knowledge base that the middle school system was not working well.

Mr. Speaker, we look at the numbers of people in the public school system. It is declining year after year. Some would say, *Oh, it's just the birth rate. That is why it's declining*. Well, yes, that is kind of part of the reason. But the full story is if you look at the private schools, there has been a mass exodus of Black people over the last 20-something years from the public school system to the private school system. Why is that? Some people have—everybody has different motives. But suffice it to say part of those motives will be lack of faith in the middle school system. So do we need further evidence? What more evidence do we need to understand one plus one is always equal to two?

Mr. Speaker, I am going to stay in my line and length, as you like to say. It is imperative that we get our young people back into the skilled trades. That would be construction, automotive works, landscaping, plumbing, carpentry, electrical and welding. And let us be clear. I disagree with one thing some of the previous speakers said. You cannot just be good with your hands to be in trades. You have to know mathematics. You have to have a large degree of academic knowledge. You cannot just get out there and say, *I'm going to build a house* and not know how to measure, *I am going to fix a car* and not know what the ratios of the gears are. All of that is part and parcel of being in skilled trades.

That is why the narrative—my focus today, Mr. Speaker, is the narrative. The narrative of, well, Johnny is not good with maths; send him to a trade school. Johnny will not make it in a trade school. He will not get past—you have to put in (what do you call it?) remedial [*sic*] classes.

An Hon. Member: Remedial.

Mr. Christopher Famous: Remedial, sorry. (I need to go back to school.)

[Laughter]

Mr. Christopher Famous: Remedial classes if he wants to get to trade school. So let us be clear.

When we move forward with these signature schools, academics and trades go hand in hand. Mr. Speaker, as you know, the trades are worth tens if not hundreds of millions of dollars annually. Yet, sadly, not enough for our people. Not enough for our Black people. Let us be real—[not enough] are involved in the trades at this point. Go to Gorham's. Go to SAL. Go to any hardware or construction-related industry. See who is driving those trucks. See who is [staffing] those companies. And then ask yourself, *Where did we go wrong as a people?*

Mr. Speaker, every house is built by a collective or tradesperson. To get from here to (what is it called again?) railroad track in Somerset, they are going to need transportation. As the Honourable Minister of Transport says, *Without transportation, there is no tourism*. All of that is by tradespeople. Go to any garage in Bermuda and ask yourself how many Bermudians you see. Go to any construction site and ask yourself how many Bermudians you see.

And here is the thing, Mr. Speaker, most of those people who are working at these places did not go to a trade school in Bermuda. If they are Bermudian, they did not have a trade school. But what did they have? They had people encouraging them to learn a trade. So I am going back to the word *narrative*, Mr. Speaker. We have to start way before high school trying to get our young people, whether they be male or female, into the skilled trades. We have to start in primary school. And I implore the Minister and his team to understand that whether you change the system today or a year from now, the narrative has to start in the primary school about our young people being involved in the trades.

We have to give people opportunities to be apprentices, get certifications, entrepreneurial skills and building their critical thinking. As the previous speaker said, there is no one-size-fits-all. I went to Berkeley. I graduated with honours. And when I told them I am going to college to learn mechanics, they looked at me like, *Why are you wasting your life?* You see the narrative, Mr. Speaker. The narrative from over 30–40 years ago was that if a Black man is getting into the trades, he is wasting his life. Well, look at what is happening in our society, Mr. Speaker. The Black men no longer control the trades. We have abdicated our positions. Now we have our Black children trying to beg somebody to hire them, beg them to hire them for a job that they know they are not going to get, because we have abdicated our place.

So along with changing the school system, we have to change the narrative of those who are in school, Mr. Speaker. This is where we keep it real. Just like the Cayman Islands has money, they could build all the fancy schools. And we could build all the

fancy schools. Some may agree or disagree of which school is getting closed or which school—we understand the heritage. We understand that fully. For those who do not understand it, it is a sad story. But that is neither here nor there.

It is not what building. It is not what is in that school. It is what we are telling our children, what they intend to come out of that school with. If we tell our children going into these new fancy schools, signature schools, *Don't do mechanics! Don't do construction! Don't do electrical!*, we are wasting our money and in another 20 years down the line we are going to be trying to figure out something else again.

Here is the thing, Mr. Speaker. I go back to those who control the construction trade right now. Most of them—not all, but most of them never went to a trade school. They had people say, *Okay, you want to learn a trade? Come out with your uncle. Come out with your cousin.* They learned their trades. They did the time in the fields. And now they have started their own businesses. Again, we have to be real. Go to Gorham's. Go to SAL. Look at the trucks that roll in. Look at the names on the trucks. They ain't Black people's names, Mr. Speaker. Very few Black people are in the trades.

So, Mr. Speaker, in closing, I and my colleagues support this move. I support it with a caveat (not caviar, caveat) that I implore the Ministry, the Minister, the teaching professionals to change the narrative of what they are telling the young people in this school.

An Hon. Member: Hear, hear!

Mr. Christopher Famous: Stop telling them that if they go into this trade it is because, *Oh, you're not good with your brain, so you've got to use your hands.* It is the smart people who are in the trades, Mr. Speaker.

So I say let us reverse the problems that were started under the old UBP. We took too long. Let us be real—we took too long to change this system. Now our people are sending their children and their money to those schools that never wanted us. And guess what? They are teaching children trades at those schools. So, Mr. Speaker, just like the Cayman Islands, just like the Virgin Islands, we find ourselves in a position where we are importing skilled workers because our people have told our children for too long, that they should not learn these trades.

The signature school is just a building. It is what we put in our people's minds that is what is going to change the outcome and the output. So I thank the Minister for all the licks that he has taken and all the licks that he is going to keep taking. And just know I will be one of them giving the licks if the narrative does not change. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, MP.

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

Minister.

Hon. Diallo V. S. Rabain: Mr. Speaker, I do believe there is one more Member on our side who wishes to contribute. They are probably having difficulty with the microphone.

The Speaker: Well, if they have not got their technical sorted out, you are going to have to do your part.

Hon. E. David Burt: Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: If I may?

The Speaker: Premier?

Hon. E. David Burt: That is me.

The Speaker: Premier, you have the floor.

Hon. E. David Burt: Thank you very much, Mr. Speaker. Mr. Speaker, good evening to you and good evening to our listening audience.

Mr. Speaker, before I go into my substantive remarks, I want to first thank the Honourable Member from constituency 30 for his excellent maiden speech today. And I want to say that because the Member from constituency 30 has a passion for education. And you can see, feel, understand it. And if you know Mr. Jason Wade, then you know that he has always had a passion for education. And the Progressive Labour Party is proud to have persons on our team who have varied backgrounds. But many have backgrounds in education. I think it is great that he provides the support, advice and counsel to the Minister and also serves as the Chairman of the CedarBridge Academy Board of Governors.

And the presentation which he made, Mr. Speaker, laid out very plainly and simply what we are facing and what is the objective of what we are trying to accomplish with this Amendment Act today, Mr. Speaker. Now, this, Mr. Speaker, is a very short Bill. It is only two pages with its explanatory memorandum and four clauses, Mr. Speaker. But the impact of it is significant. And when I speak in this Honourable House, Mr. Speaker, every single time I take the opportunity to remind the listening public and Members of this Honourable House, one thing about this Progressive Labour Party Government is—we make promises to the electorate and we deliver on the promises that we made to the electorate.

And, Mr. Speaker, the objective of this Bill as the Minister of Education said is *to phase out the three-tiered system and return Bermuda to a two-*

tiered education system. And so in the return of Bermuda to a two-tiered education system, this Bill in and of itself is the execution of the promise that the Progressive Labour Party first laid out in our 2013 Throne Speech Reply, Mr. Speaker. And it was under that that the Progressive Labour Party, under the leadership of the former Shadow Minister of Education Lovitta Foggo, also former Shadow Minister of Education and Workforce Development at the time Diallo Rabain, and under the leadership of the former Leader of the Party, travelled the country speaking about the education reforms that we would put into place when the Progressive Labour Party was elected to Government.

Mr. Speaker, if you will allow me to please read from the 2017 Election Manifesto of the Progressive Labour Party?

The Speaker: Continue.

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

Mr. Speaker, in that election platform it says, under Long-term Objectives on page 8, and I quote: “Reform public education by phasing out middle schools and introducing signature schools at the secondary level, which focus on the learning styles and interests of our children, including academic, technical and the trades, business, sports, arts and special needs education.” And following our election in 2017, the Ministry of Education, under the leadership of the Minister of Education, who led off this debate, has been engaged in this task.

And there are many who would have wanted change to have been delivered already. But it is important that in all things we learn from the mistakes of the past. And when we are dealing with Bermuda’s future, when we are dealing with our children who are in the public education system, Mr. Speaker, we have to make sure we get it right. The Member who just spoke was speaking about trades. And in trades they say, *Measure twice and cut once*. In this case and instance, you can measure three or four times to make sure that you get it exactly right and plumb, Mr. Speaker.

And so over the last three and a half years, the Ministry of Education has been engaged in an education reform effort, planning out what education reform looks like, understanding the various dimensions of education reform, consulting on education reform, engaging in what we need to make our new system look like—all while keeping in mind the promise that was made to the electorate. When you let the persons who know the system, who understand the system, who are passionate about the system give their input and their formulation into what the future of the system would look like.

And we also recognised, Mr. Speaker, that it would be difficult for us as a Government, with all of the other challenges that we have to face (and this

was even pre-pandemic), with all of the other challenges that we had to face, recognising the most important thing when it comes to change is the actual implementation of that change was that it would be difficult in managing the current system while trying to build a new one with the resources that we have. So we put out an RFP to find change managers who would assist in public education reform, Mr. Speaker. Not persons who would design a system in Bermuda for Bermudians, but persons who have the experience in understanding the challenges that arise when you have changes, significant changes for a public education system to make sure that we have the proper change management to support that which is necessary, Mr. Speaker.

And so we go to 2020. And in our 2020 Election Manifesto, Mr. Speaker, if you will allow me to quote, it says, “The PLP has spent the last three (3) years working hard to carefully plan the necessary reform you entrusted us to implement. As we embark on the most significant change to our public education system since 1996, we have been careful not to repeat the mistakes of the past. While education is about the future, we must use the past to guide us. What we do today will affect how successful we are in the coming years. We are on the right path, a deliberate path, and the next five (5) years will see these plans realised for the benefit of our children and, by natural extension, our country.”

It goes on to say that we would implement “Learning First—Collaboratively Designing an Improved School System for Bermuda . . .” (and implement) “a more equitable education system that produces graduates who can . . . pursue either vocational or academic careers.” And it says what I just stated, Mr. Speaker, that since being elected in 2017 the Progressive Labour Party has worked on the implementation of a two-tier system with the phasing out of middle schools and the introduction of signature schools at the secondary level.

That, Mr. Speaker, is what we are doing this evening. And this is a first step in our legislative change because many people do not know that middle schools are actually enshrined in law. In the laws of our country in the Education Act it states what schools there are and what they apply to. It is stated in law, Mr. Speaker. And this is going to change the law so that we are able to phase from a three-tiered system, Mr. Speaker, into a two-tiered system.

Now here is something I will say, Mr. Speaker. And it is about the system of public education that we have in Bermuda. I have never attended a public school in Bermuda. I went to Saltus until the age of 11, and after the age of 11 I went overseas to the Florida Air Academy. I was actually in school with the Honourable Member from constituency 23 and the Honourable Member from constituency 24, overseas. And, Mr. Speaker, recognising that I know that my experience . . . I cannot speak from experience to the

public education system. But I will remember when I canvassed the hills of Pembroke West Central in 2012 and I was asked about public education and my thoughts, my comments were this, Mr. Speaker, that if inside of government my children would be in public education, and the day that they would not be in public education is the day that I would resign. And I have held true to my word to my constituents, Mr. Speaker, because I believe that the people who are leading the system must also have confidence in the system.

Now, public education and private education, whatever you do is a choice for all persons. But I am proud that the Minister of Education and I have our children in the public school system. And I want to say, Mr. Speaker, that it is an amazing experience. My daughter has been at the Northlands Primary School for two years. And it is an incredible experience for her. And the teachers inside of that school, the administrators inside of that school, the young men and women—not the young men and women, but men and women who are part of our education system delivering education year in and year out under incredibly stressful circumstances, Mr. Speaker, are heroes.

And what we must do is that we have to recognise that we have to ensure that, one, they have the ability to have better facilities, better support in which to teach our young people. And we also have to be responsive to their needs so that we can deliver education in a 21st century style, Mr. Speaker. So what we are laying out in this Bill is a seismic change and the delivery of an election promise, Mr. Speaker.

Now I want to just touch on something very briefly, Mr. Speaker, as I will not be speaking in Committee. But I think it is important for the Members who are listening to understand what this Bill does. It allows the Minister of Education to implement a signature learning programme in our signature schools that have focus—there may be one signature in one school; there may be two signatures in a school—that have focus on business, English, health and physical education, languages, media and communications, mathematics, personal and social development, science, social science and humanity, technical and engineering, the arts and such other learning areas intended to build the skills and competences of students to pursue a career or further education goals.

Now, Mr. Speaker, there is one thing that stands out. And it is this: Technical, technology and engineering. A simplified way of saying that is *technical education or trades*. But what is important to know, Mr. Speaker, is that the world is certainly different from the world that my parents grew up in and went to school and learned trades [in]. But the thing that I will say, Mr. Speaker, is when you are knocking on doors throughout this country, that is the one hue and cry that you hear door to door to door to door. And the question of leaders of which we have to ask is, Are we going to be responsive to what the public wants? Are we going to recognise that in the past we

may not have done some things entirely correct? Or are we going to have the courage to plough through and to fix what needs to be fixed, Mr. Speaker?

In 2008 there was a report that was done when the Progressive Labour Party was in office, and it was the Hopkins Report. And there will be many who will say that the reform at that time was a missed opportunity. And it was said that the disruptions to the system would be too great to revert back to a two-tiered system, Mr. Speaker. Here is the truth. The disruption is going to be significant. Mr. Speaker, from your constituency to the Attorney General's constituency, the Honourable Members from 33 and 32 and 31, the constituencies all around here are hearing the cry from persons who are fearful of what change to our public education system will mean. But there is one thing that is for certain: We cannot continue in the way in which we are going. Our children deserve better. And our future requires something different.

The Minister of Education has picked up the mantle. And for the last three and a half years, he has worked, he has toiled, he has taken licks, he has consulted. He gets up and keeps on going, pushing forward. Because I know inside of his heart and inside of the hearts of all Members on this side, Mr. Speaker, we want to ensure that we deliver the best public education system. And I remember when we were in our caucus retreat speaking about the changes and the challenges that were there and how they were presented and how difficult it would be. There was no doubt that all of us wanted to make sure that we delivered something better.

So, Mr. Speaker, as I wrap up, I want to pay homage to not only the Minister of Education; not only the Commissioner of Education, a wonderful Bermudian who works hard day in and day out for her students; the entire team at the Department and Ministry of Education; all of our teachers and principals, Mr. Speaker. But most of all I want to thank all Bermudians who are part of the education reform effort, Mr. Speaker, from the Members of the Board of Education, the members of the various school boards in the country and the Learning First Team, a group of (I want to say—I will get the number wrong; it is either 45 or 54) volunteers who are working on delivering and designing the future of our public education system. You heard me speak about Northlands Primary, a school that is near and dear to my heart and inside of my parliamentary constituency, Mr. Speaker. In the proposal which has been put out for consultation, Mr. Speaker, it is slated for closure. I love Northlands Primary, Mr. Speaker. I love the experience that my daughter is having at Northlands Primary.

But what I know and recognise and understand is the needs of the many must outweigh the needs of the few or the one. The Minister of Education and this Government is committed to making sure we do the best for the many. And I am proud today to lead a party that is finally taking on this effort and is

delivering on our promise to return Bermuda to a two-tiered education system, Mr. Speaker. Thank you.

[Desk thumping]

The Speaker: Thank you, Mr. Premier.

Are there any other Members who wish to make a contribution to this debate?

Mr. Minister, would you like to wrap up and take us to Committee?

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker. And, Mr. Speaker, I want to thank all who have spoken, both on this side of the aisle and the other side of the aisle. You will often hear me speak about education and say that it takes all of us walking hand in hand in the same direction in order to show Bermuda that we care about education as much as we say we care about education, Mr. Speaker.

Now, Mr. Speaker, I just want to take a few minutes to answer a few questions that have come, and they are from the other side. Mr. Speaker, the narrative about middle schools is, anyone who has been paying attention to what has been going on around middle schools for about the last decade will see what is happening with our middle schools. Mr. Speaker, a middle school audit was done in the previous Administration. And it showed all of the areas that required improvement, Mr. Speaker. And we have taken that and the best option that we have said is to remove the middle school system. Mr. Speaker, our parents are showing that they do not trust the middle school system, with their feet.

And as MP Lister III articulated quite well, the data are there for anyone who wishes to see them, Mr. Speaker. The percentage of the cohort who leave P6 and enters into M1 shows a precipitous drop of around 22 per cent of children who disappear out of the public school system before they hit middle school. And it shows about a 14 [per cent] to 15 per cent increase in the private schools. But, Mr. Speaker, that same cohort of P6s when they reach the S1, we show an increase in public schools of around 16 per cent and a decrease in private schools of around 8 per cent. The people do not trust the system, and if they do not trust the system they will not participate in the system. We have to show deliberate change.

Another question that came, Mr. Speaker, is about the training that will be for the staff. Mr. Speaker, we plan to match existing skills and qualifications in all teaching areas of need. And in our recent primary school consultation, we talked about that. And we talked about when we create signature schools there will be additional worlds that will be created. There will be training put in place. We have talked about that *ad nauseam*, Mr. Speaker. And Members opposite have attended some of the Zoom sessions and I know for a fact that they have in their possession printouts

of all of our plans and such. So they know what the type of training it is that is upcoming, Mr. Speaker.

Unfortunately, COVID-19 has put a real dent in some of the plans that we had moving forward in terms of town halls. This week we have had to cancel prototyping, which would have been the start of showing the public what it is that this new system—they can have a glimpse into what that new system would look like and be able to participate and give feedback and help us to guide. As we have heard Members say, this particular process that we are going through has had a lot of consultation. We have consulted, we have consulted, we have consulted. And we will continue to consult as we move forward.

We will continue especially when it comes to the signatures because we anticipate this system, while we are talking about four signatures now, we know that there are going to be plenty of other signatures as we move forward. There will be consulting with the private sector, there will be consulting with the small businesspeople, consulting with the trades, consulting with entrepreneurs. There will be consulting because what the ultimate goal is to ensure that we prepare our students for what is out there and what makes Bermuda Inc. move forward, whether that be, as my friend MP Famous would say, the trades or whether it be a bit on Pitts Bay Road in IB, Mr. Speaker. We have to prepare them. We have to give them the opportunity to move forward with their lives.

The only other question I do want to address, Mr. Speaker, because I do not want to leave this hanging out there. And it is something that the Member Jackson touched upon from the Budget Book. And, Mr. Speaker, the performance measures in the Budget Book as she was articulating about math scores and English scores, say that we wish, that we need to have 50 per cent of our schools at the level that we want them to be. Now, Mr. Speaker, some read that—and I want to clarify to the listening public it does not mean 50 per cent of our students. And as I articulated during the Budget Debate, if the pass mark for school is that 85 per cent of all students must be at the pass mark and the school is at 84 per cent, that school is deemed to not be reaching the criteria. It does not mean that all of the students are failing.

So if you have got a cohort of 100 students and that means instead of the 15 students who need additional work, we now have 16. So it is unfair to put the narrative out there that we are talking that—we are implying that we are talking about 50 per cent of our students when that is not what is going on in that area, Mr. Speaker. Mr. Speaker, I just wanted to touch base and thank Mr. Famous, thank MP Famous for what he did say because it is about changing the narrative. It is about getting people to think differently.

And as I spoke to in my brief, Mr. Speaker, I said “we” (meaning us, the persons who are making the decisions) have to look at this through a different lens. We cannot look at this through what it is that we

remember about when we were in school, because if we continue to do that, we will continue to fail our children. We cannot continue to create boxes and try and push our children into boxes when they just want to explore. They just want to be able to be given the tools to go in a room and create. That is what we need to be providing for our students. We have to move away from putting them into boxes, Mr. Speaker.

Now before I move on into Committee, Mr. Speaker, I would like to emphasise that education reform is much broader than careers and the economy. But let us not underestimate the power and the strength of being able to sustain oneself, to have hope for a future of dreams and to be able to find and live one's passion.

Mr. Speaker, it is finally time for us to put in place the necessary changes that are required to transform our education system as the people of Bermuda have tasked this Government to do in two successive elections, Mr. Speaker. It is incumbent upon us to provide the framework and create conditions so that all of our children are entitled the great future that they deserve. Now, Mr. Speaker, I would ask your indulgence to quote W. E. B. Du Bois.

The Speaker: Go ahead, Minister.

Hon. Diallo V. S. Rabain: And, Mr. Speaker, I want us to listen carefully and take these words to heart. Mr. Du Bois said, "Now is the accepted time, not tomorrow, not some more convenient season. It is today that our best work can be done and not some future day or future year. It is today that we fit ourselves for the greater usefulness of tomorrow. Today is the seed time, now are the hours of work, and tomorrow comes the harvest and the playtime."

Now, Mr. Speaker, it is time for us to hold hands and to commit to education reform, not for ourselves but for our children and for the future generations that are to come. We stand here today at the start of something great. We stand here today ready to make the change our system needs. The time is now, Mr. Speaker. The time is now to make the changes we all know in our hearts our children deserve.

And, Mr. Speaker, with those remarks, I now move for the Bill to be committed.

The Speaker: Thank you, Minister.
Deputy.

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

House in Committee at 10:57 pm

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

COMMITTEE ON BILL

EDUCATION AMENDMENT ACT 2021

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the Education Amendment Act 2021.

Minister Rabain, you have the floor.

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman.

Mr. Chairman, I would like to move all four clauses.

The Chairman: Continue, Minister.

Hon. Diallo V. S. Rabain: Mr. Chairman, this Bill seeks to amend the Education Act 1996 (the principal Act) to reduce the age at which students may be enrolled in an aided or maintained school that provides senior school education, and to introduce the concept of signature learning programmes into senior school education.

Clause 1 provides the citation for the Bill.

Clause 2 amends section 2 of the principal Act by providing for the enrolment at an aided or maintained school that provides senior school education of students who have attained the age of 13 years.

Clause 3 amends section 2 of the principal Act to provide (a) a definition for "signature learning programme" including programmes related to tourism, finance, insurance and trades; amends section 8(2) of the principal Act to provide for (b) the Minister to prescribe additional learning programmes; amends section 22 of the principal Act to provide (c) for the Minister to direct an aided or maintained school that delivers senior school education to provide for one or more signature learning programmes at that school (section 22); and amends section 23 of the principal Act to provide (d) for the Minister to determine a curriculum that includes one or more learning areas referred to in the new section 23(1A).

Clause 4 provides for the Act to be brought into operation by notice published in the *Gazette*.

Thank you, Mr. Chairman. Those are the four clauses.

The Chairman: Thank you Honourable Minister.
Are there any further speakers?

Ms. Susan E. Jackson: Yes, Mr. Chairman. I just have one question.

The Chairman: Yes. Continue.

Ms. Susan E. Jackson: One moment. My question, Minister, is around the change of the ages. And I am not sure whether there is social promotion, and I am

just curious whether a child who reaches the age of 13 who is not ready to transition into the senior school—what do we do? Do we push them ahead anyway? Or is there the risk that there would be a 14-year-old in primary school? Thank you, Mr. Chairman.

The Chairman: Thank you.

[Pause]

Hon. Diallo V. S. Rabain: Oh, I was just wondering if there was anyone else Mr. Chairman. I do apologise.

Mr. Chairman, the simple idea of “social promotion” is something that I believe was coined by one of the previous Ministers, Minister Scott, from the OBA. He coined it and it seems to have caught on. Mr. Chairman, appropriate interventions are always put in place to ensure that students have the support necessary to ensure they get to the level that they need to be at. I would be naïve to sit here and say that there have been cases where children have passed on through the system and perhaps have not been at the ready level that they should have been. But, Mr. Chairman, as we implement the various programmes we have in place now, the idea is to catch those persons before they get too far into the year.

So, let me talk about things like standards-based grading and updating and checking in on students every two weeks versus once a term at the end of the term. We are putting in interventions. We are putting these interventions in place so we can catch these types of things early on and then give the necessary support to get that child where they are supposed to be.

So, Mr. Chairman, I do not anticipate social promotion, as the Member has articulated. And I will implore that we think about education moving forward, as we have talked about today, a little bit differently than what we have always been taught to think about it as, and understand that it is no one's intention to promote any child who is not ready. But it is our intention to ensure that we catch that child as early as we can by putting the necessary preventions and interventions in place to ensure that they are ready to move to the next step. Thank you, Mr. Chairman.

The Chairman: Thank you, Minister.

Are there any further speakers?

There appear to be none.

Minister, do you want to move these clauses?

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman.

Mr. Chairman, I would like to move clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.

Are there any objections to that?

There appear to be none, approved.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Diallo V. S. Rabain: 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. Diallo V. S. Rabain: Mr. Chairman, I move that the Bill entitled Education Amendment Act 2021 be reported to the House as printed.

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

Are there any objections to that?

There appear to be none; the Bill will be reported to the House as printed.

Thank you, Honourable Minister and the Honourable Member, Ms. Jackson.

[Motion carried: The Education Amendment Act 2021 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 11:03 pm

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

REPORT OF COMMITTEE

EDUCATION AMENDMENT ACT 2021

The Speaker: Thank you, Deputy.

Members, the Bill entitled the Education Amendment Act 2021 has been reported to the House as printed.

Are there any objections?

There are none. It has been reported.

That now brings us to the close of the matters that are to be dealt with today. And we will now do third readings for the items that need third readings.

Ministers.

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Customs Tariff Amendment Act 2021 be now read the third time by its title only.

The Speaker: Are there any objections?

No objections, continue on, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****CUSTOMS TARIFF AMENDMENT ACT 2021**

Hon. Curtis L. Dickinson: Mr. Speaker, 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 has passed.

[Motion carried: The Customs Tariff Amendment Act 2021 was read a third time and passed.]

The Speaker: The next item.

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021 be now read the third time by its title only.

The Speaker: Any objections to that?
No objection, continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****RETAIL SHOPS (TEMPORARY CUSTOMS DUTY RELIEF FOR CAPITAL INVESTMENTS) AMENDMENT ACT 2021**

Hon. Curtis L. Dickinson: Mr. Speaker, 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 passed.

[Motion carried: The Retail Shops (Temporary Customs Duty Relief for Capital Investments) Amendment Act 2021 was read a third time and passed.]

The Speaker: Continue, Minister.

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Payroll Tax Amendment Act 2021 be now read the third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****PAYROLL TAX AMENDMENT ACT 2021**

Hon. Curtis L. Dickinson: Mr. Speaker, 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 passed.

[Motion carried: The Payroll Tax Amendment Act 2021 was read a third time and passed.]

The Speaker: Thank you, Minister.
Minister of Education.

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Education Amendment Act 2021 be now read for the third time by its title only.

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

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****EDUCATION AMENDMENT ACT 2021**

Hon. Diallo V. S. Rabain: Mr. Speaker, 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 has passed.

[Motion carried: The Education Amendment Act 2021 was read a third time and passed.]

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.

The Speaker: Members, that brings us to a conclusion of the items on the Order Paper for today and all business for today.

Mr. Premier, would you like to move us to the close?

ADJOURNMENT

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

Mr. Speaker, I move that this Honourable House of Assembly do now adjourn until Monday, March the 22nd.

The Speaker: Thank you, Mr. Speaker.

No Member wishes to speak to that.

The House now stands closed. We will see you bright and early on Monday morning. Good night, Members.

[Gavel]

[At 11:05 pm, the House stood adjourned until 10:00 am, Monday, 22 March 2021.]