



**2018/19 SESSION  
of the  
BERMUDA HOUSE OF ASSEMBLY  
OFFICIAL HANSARD REPORT**

**12 July 2019**

*Sitting number 25 of the 2018/19 Session  
(pages 2061–2152)*

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

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****12 JULY 2019****10:05 AM***Sitting Number 25 of the 2018/19 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mrs. Shernette Wolffe, Clerk]***The Speaker:** Good morning, Members.*[Gavel]***CONFIRMATION OF MINUTES***[Minutes of 5 July 2019]***The Speaker:** Members, the Minutes of the sitting for July 5<sup>th</sup> have been circulated.

Are there any corrections, omissions, amendments required?

There are none.

The Minutes will be confirmed as printed.

*[Minutes of 5 July 2019 confirmed]***MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES****The Speaker:** Good morning, Members. I would just like to make a few announcements here.

As the Members would know, the Regional CPA [Commonwealth Parliamentary Association] Conference is taking place at this time in Trinidad and Tobago. And delegates from Parliament who are representing us are the Honourable Deputy Speaker, Honourable MP Lawrence Scott—

**The Clerk:** Lawrence Scott?**The Speaker:** I mean, not Lawrence Scott, Scott Simmons, sorry, Scott Simmons and Ms. Leah Scott. (Too many Scotts there). And they will be absent today. And traveling along with them is the administrative assistant, Mrs. Place.

Also absent this morning will be MP Weeks, MP Tinee Furbert and MP Gordon-Pamplin.

And I would like to acknowledge that the Sergeant-at-Arms is also off the Island today. And we have acting for us today, Mr. Raoul Ming.

Welcome aboard, Mr. Ming.

*[Desk thumping]***PARLIAMENTARY EMAIL CORRESPONDENCE****The Speaker:** And lastly, I would just like to remind Members to make sure you do have access to your Parliamentary emails that are on your tablets, because the correspondence, as you know, is being sent there.

And we have a couple of Members who have indicated that they have not been able to get the information. So, please make sure that you get access and check your Parliamentary emails.

**MESSAGES FROM THE SENATE****The Speaker:** There are none.**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE****The Speaker:** Members, we have six papers and communications this morning. The first two are actually in the name of the Premier.

Premier, would you like to present your papers?

**Hon. E. David Burt:** Good morning, Mr. Speaker.**The Speaker:** Good morning.**POSTHUMOUS PARDON GRANTED TO THE  
REVEREND CHARLES VINTON MONK****Hon. E. David Burt:** Mr. Speaker, I have the honour to attach and submit for the information of the House of Assembly the [Posthumous Pardon](#) granted to the Reverend Charles Vinton Monk, in accordance with section 22 of the Constitution.**The Speaker:** Thank you. Would you like to do your second paper?

**BERMUDIAN CHARTER  
OF RIGHTS AND RESPONSIBILITIES  
OF THE ELDERLY AND ADULTS IN NEED OF  
LONG-TERM CARE AND ASSISTANCE**

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

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermudian Charter of the Rights and Responsibilities of the Elderly and Adults in Need of Long-Term Care and Assistance.

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

The third paper this morning is in the name of the Minister of Finance. Minister.

**MONEY SERVICE BUSINESS ORDER 2019**

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

I have the honour to attach and submit for the consideration of this Honourable House of Assembly the Money Service Business Order 2019, proposed to be made by the Minister of Finance in exercise of the powers conferred by section 11(7) of the Money Service Business Act 2016.

**The Speaker:** Thank you.

The next paper this morning is in the name of the Honourable Minister Foggo. Minister, would you like to put your paper?

**BERMUDA SPORT ANTI-DOPING AUTHORITY'S  
2019 ANNUAL REPORT AND MARCH 31<sup>ST</sup>, 2019  
AUDITED FINANCIAL STATEMENTS**

**Hon. Lovitta F. Foggo:** Yes. Thank you, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Sport Anti-Doping Authority's 2019 Annual Report and March 31<sup>st</sup>, 2019 Audited Financial Statements.

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

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

**The Speaker:** The next is in the name . . . oh, the second is in your name, as well.

**Hon. Lovitta F. Foggo:** Yes.

**The Speaker:** Would you like to continue?

**NATIONAL TRAINING BOARD  
ANNUAL REPORT 2017/18 AND 2018/19**

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of this Honourable House of Assembly the National Training Board Annual Report for 2017/18 and 2018/19. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

The next paper this morning is in the name of the Honourable Minister of the Cabinet Office. Minister, would you like to put your paper?

**Hon. Wayne L. Furbert:** Good morning, Mr. Speaker.

**The Speaker:** Good morning.

**2018 HUMAN RIGHTS COMMISSION  
ANNUAL REPORT**

**Hon. Wayne L. Furbert:** Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the 2018 Human Rights Commission Annual Report.

**The Speaker:** Thank you.

**PETITIONS**

**The Speaker:** There are none.

**STATEMENTS BY MINISTERS  
AND JUNIOR MINISTERS**

**The Speaker:** This morning, we have some nine Statements.

The first Statement this morning is in the name of the Premier. would you like to put your Statement, Premier?

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

**The Speaker:** Good morning.

**JUSTICE**

*[Posthumous Pardon Granted  
to the Reverend Charles Vinton Monk]*

**Hon. E. David Burt:** Mr. Speaker, just over a year ago, I advised this Honourable House that I had invited the Governor, pursuant to section 22(1) of the Bermuda Constitution, to consult the Advisory Committee on the Prerogative of Mercy with a view to granting a full and free [posthumous pardon to the Reverend Charles Vinton Monk](#).

Mr. Speaker, since that time, I have regularly raised this matter with the Governor, and he has indicated that the case has been the subject of extensive research and review. Mr. Speaker, the Governor confirmed that he had delved into as many aspects of the case as records from 1903 would allow.

Mr. Speaker, Honourable Members will recall that it was the late Ira Philip whose definitive work on Reverend Monk provided the best account of the circumstances of the events that led to his trial and conviction. Monk's story was renewed in earnest by the clarion call of the Pastor of St. Paul AME Church, the Reverend Nicholas Tweed. With the support of the AME Churches of Bermuda, this Government determined to seek the redress a pardon could bring.

Mr. Speaker, it is important to note that there is an inextricable link between the AME Church and the pursuit of social justice. In this year when we celebrate the 60<sup>th</sup> anniversary of the Theatre Boycott, it must be remembered that the movement that led to the desegregation of public places in Bermuda came out of the AME Church.

Mr. Speaker, under Papers and Communications to the House, I have tabled for the records of this Legislature the [writ](#) by which the Governor has granted the posthumous pardon to Reverend Monk.

Mr. Speaker, I wish to thank the Governor for his thoughtful and thoroughly researched consideration of this Government's request. I saw the working file on the case, and it was considerable. This is no flight of fancy, but a decision made on the strength of the facts presented and one that finally does justice after 116 years.

Mr. Speaker, I must also recognise the leadership of Reverend Nicholas Tweed on this issue. Sunday after Sunday he challenges a congregation, swelled by radio and Internet listeners, to look beyond the walls of the church, to see what is possible through commitment to a common purpose and an honest discourse about who we are and what we can become.

Mr. Speaker, it was Dr. Martin Luther King who said, "Change does not roll in on the wheels of inevitability, but comes through continuous struggle." Mr. Speaker, it is through that lens that I view this historic event and this historic pardon.

The pursuit of justice demonstrates who we are as this Island's Government. And we will continue to seek to redress injustice wherever it occurs. Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you, Mr. Premier. I believe you have a second Statement.

**Hon. E. David Burt:** Mr. Speaker, I do.

**The Speaker:** Continue.

#### BERMUDIAN CHARTER OF RIGHTS AND RESPONSIBILITIES OF THE ELDERLY AND ADULTS IN NEED OF LONG-TERM CARE AND ASSISTANCE

**Hon. E. David Burt:** Mr. Speaker, the importance of ageing well and ensuring truly golden years for senior citizens is a priority for this Government. In our 2017 general election platform, the Progressive Labour Party undertook to (and I quote) "review the laws to reflect international best practices to enact a Charter of Rights and Responsibilities for seniors." Our goal is to recognise and respect the rights of people who became more dependent on others due to ageing, illness or disability and to ensure that they lead lives of dignity and independence.

Mr. Speaker, under the leadership of the Honourable Member, the Deputy Speaker, the Honourable Derrick V. Burgess, [Sr.], who is the Chairman of the Ageing Well Committee, and with the technical input of the Ministry of Health, I am pleased today to have tabled for the information of this Honourable House the [Bermudian Charter of the Rights and Responsibilities of the Elderly and Adults in Need of Long-Term Care and Assistance](#).

Mr. Speaker, in short, I am also pleased to deliver on the promise that we made. Mr. Speaker, the Charter is designed:

- i. to be a reference document setting out the fundamental principles and rights that are needed for the well-being of all those who are dependent on others for support and care due to age, illness or disability. And, Mr. Speaker, it is important to note that it is for those persons who are adults who are disabled, as well, who may not be seniors.
- ii. to raise awareness for individuals and the community of people's fundamental rights and responsibilities, who have long-term care needs and to foster best practices; and
- iii. to complement and support other measures which are already implemented or in development.

Mr. Speaker, the Charter has been developed based upon international and local standards and has been adapted from the "European Charter of the rights and responsibilities of older people in need of long-term care and assistance" to suit Bermuda's needs. Whilst advanced under the auspices of the Ageing Well Committee within the Cabinet Office, significant input has been received from the Ministry of Health to ensure that it did complement existing regimes, as intended.

Mr. Speaker, the Charter includes 10 Articles, including the following:

- i. Right to dignity, physical and mental well-being, freedom and security.
- ii. Right to privacy—
  - a. Right to private life, and
  - b. Right to private information and communication.
- iii. Right to high-quality and tailored care.
- iv. Right to continued communication, participation in society and cultural activity.

- v. Right to palliative care and support, and respect and dignity in dying and in death.

Mr. Speaker, this Government is taking care of seniors. In addition to this Charter of Rights and Responsibilities, we continue to respect the ability of some senior citizens to continue to work in the workforce. As the Order Paper will reflect, legislation has now been tabled to increase the mandatory retirement age in the public service from 65 to 68, preserving the ability, on certain criteria, to work until the age of 70. Working people of whatever age can contribute to the economic activity of a society, and where people can work beyond the traditional age of 65, then they should be able to do so.

Mr. Speaker, it is this Government that pledged to increase seniors' pensions each year by the rate of inflation. And it is this Government that has delivered on this pledge for the past two years, ensuring that our seniors—

*[Desk thumping]*

**Hon. E. David Burt:** Thank you.

Ensuring that our seniors' income keep pace with inflation. Promise made, promise kept.

Mr. Speaker, we also continue to take care of war veterans and their spouses. These men and women were prepared to make the ultimate sacrifice in support of their Island home, and we thank them for their service. The Order to increase war pensions from \$800 to \$1,000 per month is, similarly, on the Order Paper, and I wish to make Honourable Members aware that this year marks the 75<sup>th</sup> anniversary of the deployment of the 1<sup>st</sup> Battalion, Caribbean Regiment (Bermuda Contingent).

Three overarching themes drive the Charter tabled today: dignity, rights and responsibilities. Mr. Speaker, as a society, we should be judged on how we take care of our most vulnerable. And those are our seniors and those who are disabled. The adoption of these ideals marks an important step in creating greater awareness around a key and growing demographic in our community.

Mr. Speaker, in closing, I am pleased to advise Honourable Members that, in addition to Mr. Burgess as Chairman of the Ageing Well Committee and myself, I was truly honoured to invite Ms. Helena "Molly" Burgess to sign this Charter on behalf of Bermuda's seniors. As a champion of the rights of workers and all people in this country, it is only right that her decades of fearless service are marked in this way. Her signature now bears witness to the realisation of another landmark achievement in securing rights for Bermuda's people, and in this case, a very special segment, Mr. Speaker, our seniors. Thank you.

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

The next Statement this morning on the Order Paper is in the name of the Honourable Minister Foggo.

Honourable Minister.

### **BERMUDA SPORT ANTI-DOPING AUTHORITY FINANCIAL STATEMENTS AND ANNUAL REPORT 2019**

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, I am pleased today to have had the honour to submit to this Honourable House the [Annual Report and Audited Financial Statements of the Bermuda Sport Anti-Doping Authority](#) for the year ending 31<sup>st</sup> March 2019.

The International Convention Against Doping in Sport of 2005 came into force in Bermuda in June 2006. This was managed locally by the Bermuda Council for Drug-Free Sport, a charity. The Authority as we know it today was created by the Anti-Doping in Sport Act 2011 [the Act]. Its function is to facilitate the control and prevention of doping in sport and thereby enable our athletes to compete on the international stage, in addition to providing sample collection services for many international sporting events that put on competitions locally, including the International Triathlon World Series 2018, Junior Cycling Championships and the Bermuda Marathon, just to name a few, Mr. Speaker.

This important work is done through a programme of education, doping control procedures and results management. This includes following the World Anti-Doping Agency [WADA] standards to establish and implement [the following]:

- comprehensive anti-doping rules, which must adhere to the WADA Code, international standards and many guidelines;
- an extensive education programme for athletes, athlete support personnel, administrators, participants and the general public on anti-doping and the promotion of health, fairness and equity in sport;
- detailed protocols for results management; and
- detailed protocols for therapeutic use exemptions.

The Authority continues to ensure all athletes are tested under the illicit policy, a domestic programme, prior to representing our Island either locally or internationally.

Mr. Speaker, the Act also establishes a board of the Authority, who shall monitor the administrative operations of the Authority; ensure that correct protocols are followed in the process of securing samples; ensure that the rights of everyone involved in the doping control procedures are respected; and assist in ensuring that the Authority receives and manages funds in a prudent manner.



Mr. Speaker, section 17 of the Act also requires the Authority to present to the Minister a report of its proceedings for the year, including the audited accounts, and for the Minister to lay the same within the House of Assembly, which I did so today.

The Auditor General has signed off on the Financial Statements, stating that they present a fair view of the Authority. I would like to take this opportunity to highlight a number of items from the report and audited accounts.

The Authority continues to be fully compliant with the World Anti-Doping Agency requirements. Through their sample collections at the local sporting events and in partnership with other anti-doping organisations from around the world, the Authority has been able to ensure that the testing requirements of both local and overseas-based Bermudian athletes have been fulfilled. Their educational initiatives continue to be of paramount importance, including providing advice to athletes and coaches on all aspects of the illicit and anti-doping programmes.

Mr. Speaker, under the Performance Enhancing Programme, some 83 samples were taken for testing during the year, 73 urine and [10] blood samples. There were two adverse analytical findings, both of which related to the Body Building and Fitness Federation's Night of Champions. There were four positive results under the illicit drug policy, where the substance in all four cases was THC (and that is coming from marijuana). The year saw an extensive compliance audit of the Authority initiated by WADA, and the Authority were pleased to receive a letter, stating that they were in compliance from WADA, in November.

Mr. Speaker, the Authority's revenue for the financial year is \$658,600, which is mainly made up of a grant of \$650,000 from the Department of Youth, Sport and Recreation. Expenses include some \$271,590 for the performance-enhancement testing programme, and \$133,407 for the illicit drug screening programme.

I would like to thank the board under the chairmanship of Mr. Michael Smith, and the staff of the Agency under the leadership of the Chief Executive Officer, Ms. Deborah Hunter, for their dedication and hard work during the year. With that, Mr. Speaker, having laid the paper before the Honourable House, the Bermuda Sport Anti-Doping Authority Audited Financial Statements and Report on Operations [for the year ending March 31, 2019], I say thank you.

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

Minister, the next Statement on the Order Paper is also in your name. Would you like to continue with that one?

**Hon. Lovitta F. Foggo:** I shall, Mr. Speaker. I am just pulling my Statement out so I can.

**The Speaker:** Go ahead. Yes.

## NATIONAL TRAINING BOARD ANNUAL REPORT 2017–2019

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, speaking to the National Board Annual Report for the years 2017/18 and 2018/19, which is in accordance with section 11(1) of the National Training Board Act 1997, "The Board shall, within three months after the end of each financial year, forward to the Minister a report on the activities of the Board during that financial year and on the Board's policy and programme for future years." I am also required by the Act (and I did so today) to lay the report to this Honourable House.

Mr. Speaker, the report for 2017/18 is over a year late, and I apologise to this Honourable House for that delay. The report before you has consolidated the 2017/18 outstanding report with the 2018/19 report, making it one, divided between the years. The report highlights the important work carried out by the [National Training Board](#).

Mr. Speaker, since the last annual report, some of the significant results recorded by the department are as follows:

- a. [The] development of a strategic National Workforce Development Plan.
- b. Significant progress [was] made with persons obtaining national certification due to training personnel in Prior Learning and Assessment Recognition (also called PLAR) in order to assess skilled tradesmen.
- c. Over 200 scholarships have been awarded during the two-year period.
- d. An increase in the number of apprenticeships and training programmes—six interns were sponsored to gain work experience in Canada as part of the airport redevelopment project in April 2017.
- e. Since its launch, the Bermuda Job Board has grown exponentially, with some 155,335 job applications submitted, 1,524 employers registered, 9,300 candidates registered and 2,407 reported hires.
- f. In 2018, over 1,309 clients registered for career development services, and 114 individuals received funding for the national certification training programmes.
- g. The report also includes a sample of profiles showcasing success stories of individuals who received services from the department.

Mr. Speaker, I will provide further detail on the significant results achieved from the 2017–2019 reporting period. The Bermuda National Workforce Development Plan was presented to the House of Assembly and the general public during fiscal year 2018/19. The plan outlines six high-level strategic priorities, which are critical to building a talent pipeline for Bermuda's workforce, a pipeline for all career lev-

els across industries. The priorities include the following:

1. employer and industry engagement;
2. alignment of the workforce development system;
3. creation of career pathways;
4. youth workforce programmes;
5. universal access to education, training and career services; and
6. government resources and funding.

The National Workforce Development Plan [NWDP] prioritises employer and industry engagement and embraces employers as partners within the workforce development system to gain a better understanding of employers' talent needs. Consequently, the work of the department will be driven by industry. The plan provides for increased strategic interaction between the workforce development system and the business community in order to better understand the required skills, occupational growth, and barriers to Bermudians gaining employment and progressing in their careers.

Mr. Speaker, the National Workforce Development Plan recommends a framework for a One-Stop Career Centre. The centre will serve as the hub for the workforce development system or primary location of service delivery. The One-Stop Career Centre will provide comprehensive and coordinated services for adults, youth, employers, special populations (such as people with disabilities), and for Financial Assistance clients.

During the fiscal year 2018/19, the Government advanced initial steps to streamline workforce development services by dissolving the Community Education and Development Programme. This resulted in transitioning staff and resources into the Department of Workforce Development, effective September 2018. The transition has allowed for better utilisation of human and financial resources in the delivery of services to the public. Further, it has reduced duplication of workforce services and has begun to lay the framework for the One-Stop Career Centre, as recommended.

Mr. Speaker, the department has continued to provide professional development training to ensure that Bermudians meet the standards for national certification. During the fiscal year 2018/19, a two-day training course was held, through the Canadian Association for Prior Learning Assessment Recognition [PLAR], to train members of the Occupational Advisory Committees and the Industry Assessment Panels. Participants developed a proficiency in methods for assessing individuals based on their informal learning, prior experience, and on-the-job training. This created a pathway for skilled tradesmen to obtain national certification based on their work experience, demonstrating a level of proficiency and work portfolios.

Mr. Speaker, as a result of PLAR, I am pleased to report that the department has made signif-

icant progress in certifying individuals in the four designated occupations, which are welding, automotive technology, electrical, and landscape gardening, for the fiscal year 2018/19. To date, the total number of persons achieving national certification is 417, compared to 100 for the previous fiscal year. National certification provides a measurable standard for employers to gauge skill sets and has equipped hundreds of Bermudians with credentials attesting to their qualifications.

The number of persons sponsored for training during the fiscal year 2018/19 was 114, compared to 100 in 2017/18. The training programmes create a career pathway for candidates to obtain industry-recognised certification. These included:

- Canadian Association for Prior Learning Assessment Recognition;
- Welding Inspector Training;
- Construction Association of Bermuda Safety Training;
- [American] Hotel and Lodging Education Association Guestroom Attendant Training;
- Bermuda College Horticulture for Landscape Gardeners Programme;
- National Fire Protection Association Electrical Coding Training.

During the reporting period, the department provided scholarships and awards based on local workforce needs, particularly in the areas underrepresented by Bermudians. During the period 2018/19, the department awarded funding for 42 students for overseas studies, of which 29 were new recipients and 13 [were] continuing awards. There were 58 students funded locally at the Bermuda College, of which 34 were new recipients and 24 were continuing awards. Additionally, 17 students were funded for General Education Diploma [GED] programmes. The total number of students funded for the fiscal period 2018/19 was 117, a 23 per cent increase from the 95 recipients reported for the previous fiscal year, 2017/18.

Mr. Speaker, the Apprenticeship and Trainee Programme successfully engaged industry partners in developing opportunity for full-time employment and training for apprentices. The department has been keen to promote employer incentives for formalising apprenticeship and trainee opportunities. Employer incentives and trainee benefits include:

- payroll tax waiver for employers;
- subsidised wages and training for employers;
- paid on-the-job training, work experience and an industry qualification for trainees; and
- sponsored education and professional development for trainees.

A total of 12 companies registered 47 apprentices during fiscal year 2018/19. The participating companies range in size, based on the number of employees they employ, and include:

- NRG Limited;

- the Department of Public Transportation;
- Pinks Salon;
- BAC Group of Companies;
- Crisson Limited;
- Noble Automotive;
- Efficient Technologies Bermuda;
- Otis Elevator Bermuda;
- Bermuda Telephone Company;
- BELCO;
- Fairmont Southampton; and
- Bermuda Energy Services Company Limited.

Mr. Speaker, the department also formed partnerships with industry for short-term trainee programmes for fiscal year 2018/19. These programmes are generally less than two years. The department successfully engaged six new companies to train Bermudians and obtain experience in the fields of information technology, computer programming, residential and commercial cleaning, heavy equipment operators, and water waste management.

The Bermuda Job Board remains a valuable tool to assist individuals with their search for suitable employment. There continues to be considerable activity with the 155,335 job applications submitted since the initial launch in 2013. Upgrades to the Job Board in 2016 provided the ability for employers to report on their recruitment activity. Since March 2016, there have been 2,407 reported hires through the Bermuda Job Board. The hires consisted of 972 in 2016. There were 753 hires for 2017, and 682 for 2018.

Mr. Speaker, a total of 1,499 persons were registered with the Career Development Section as either unemployed or seeking alternative employment. In the previous year, 1,309 persons were registered with the Career Development Section. There was a 15 per cent increase of persons registered from 2017/18 to 2018/19. This increase is attributed to hosting registration drives throughout the community, encouraging registration for unemployed persons.

Mr. Speaker, the Annual Report appropriately showcases a sample of success profiles for persons who utilised the department's services.

Samara Wilson matriculated through the department's Summer Employment Programme and assisted with coordinating the programme, which provided opportunity for her peers, college/university students, to gain meaningful experience in their area of study. Samara also received funding to assist in the completion of her studies. She now holds a Bachelor's Degree in Business Administration and a Master's Degree in International Human Resource Management. Currently, she is employed with HSBC, UK, as a Customer Advocate and Complaints Officer.

She credits the department with equipping her with administrative, organisational, and project management skills that have helped her successfully navigate her academic and professional journey. Samara had this to say: "My experience at Workforce Devel-

opment was absolutely life-changing. It taught me valuable lessons on the importance of work ethic, networking and how to be a team player. I would definitely recommend the department to others."

Mr. Speaker, David Vernon-Bean also participated in the Summer Employment Programme and was awarded funding to complete a Maritime Operations Course in Barbados, and the Higher National Diploma in Nautical Studies with Warsash Maritime Academy in the United Kingdom. David was named Apprentice of the Year and is now employed with the Department of Marine and Ports as a Leading Seaman for the Bermuda Ferry Service. He shared his thoughts on the department's services. "The services" (as I quote him) "at the Department of Workforce Development are vital. I already had the aptitude to succeed; however, I needed the boost financially to enable me to continue reaching for success. Thanks for taking the interest to invest in Bermuda's future!" Those were David's words.

Lastly, Mr. Speaker, Lavita Williams worked with our Career Development Section. And we assisted with her employment goals and soft skills—that is, interviewing techniques, her résumé, things like that. When the opportunity arose for her to participate in the Room Attendant Training sponsored by the Training Section in collaboration with the Bermuda Hospitality Institute, Fairmont Southampton and Hamilton, she was eager. Ms. Williams successfully achieved the Certified Room Attendant credential through the American Hotel and Lodging Educational Institute, and found a new appreciation and passion for creating clean spaces. She developed her new skill and passion into her own business, "Leave It to Lavita," a specialty cleaning company with discounted packages to benefit pensioners with fixed incomes.

She is delighted with the path that her career development journey has taken. She shared the following on her experience with the department: "They sent me on a housekeeping training course for two weeks, where I excelled and became certified. It really boosted my confidence, and this encouraged me to start my own cleaning business." She is applauded for utilising the sponsored training and career development services to blossom as an entrepreneur and create a successful small business. She is also employed in another cleaning business to supplement what she does on her own, Mr. Speaker, as well.

Mr. Speaker, I would like to take this opportunity to thank the National Training Board, the Department of Workforce Development and industry partners who work so closely with this Government to ensure that training and development programmes are successful. Their combined efforts will ensure that Bermudians gain [access] to opportunities and excel within Bermuda's workforce. Thank you, Mr. Speaker.

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



The next Minister on the Order Paper this morning with a Statement is the Minister of Works.

Minister, would you like to present your Statement?

**Lt. Col. Hon. David A. Burch:** Good morning, Mr. Speaker. Thank you.

**The Speaker:** Good morning.

#### LAND VALUATION DEPARTMENT UPDATE

**Lt. Col. Hon. David A. Burch:** The Department of Land Valuation is mandated under the Land Valuation and Tax Act 1967 [the Act] to maintain an up-to-date, fair and equitable Valuation List of all properties on the Island for land taxation purposes, including the five yearly revaluation of all properties, for the people of Bermuda. Additionally, the department provides government and its agencies accurate and timely valuation advice and technical expertise of the highest professional standard.

Mr. Speaker, the department is one of the smallest in government, with a current staff of eight. Correspondingly, the department has one of the smallest budgets within government, of \$1 million, while generating revenue of just over \$85 million, or 7.6 per cent of government's estimated revenue. The department is often credited as being one of the first government departments to reform administrative processes in order to realise a paperless office. This is due to the department's bespoke and purpose-built IT system, MAGI (which stands for Mass Appraisal Geographic Information system).

Mr. Speaker, this database is an invaluable tool to the [Land Valuation](#) Team. Its integrated case management and geographical information system has not only improved management controls and efficiencies in work processes, but has also made it possible for the department to become a "paperless" office when the system first went live on the 31<sup>st</sup> of March 2008. It was a lengthy process to scan decades of files, maps and documents that concluded in November 2017 when the office went completely paperless. As a result, the department no longer maintains a physical filing system, as every piece of correspondence (letters, spreadsheets, emails, reports, et cetera), all digital survey drawings, photos are scanned and saved to the database.

The log feature allows the department to scan and attach documents directly to a case or assessment number. Mr. Speaker, this feature not only applies to paper documents, but also extends to documenting pertinent verbal discussions from phone calls, meetings and counter enquiries into the database. This has proven extremely beneficial in relation to follow-up inquiries by a taxpayer about a property and/or a case. When considering the litigious environment these days, a documented record of a discourse is an

added advantage. Any potential legal actions are not reliant upon an undocumented, vague recollection of a past conversation. Those conversations documented in MAGI have been frequently utilised by the department in cases before both the Land Valuation Appeal Tribunal and the Office of the Ombudsman.

Consequently, the department's numerous filing cabinets have all been removed and redistributed to other government departments, as they are no longer required by Land Valuation. Mr. Speaker, the department has reaped many benefits with going paperless, with the primary ones being as follows:

- more efficient ways of working, as scanned files, letters, emails, photos, property surveys, et cetera, are easy to locate on the department's IT database and are instantly and simultaneously available to everyone who requires them. This results in increased productivity, as valuable time is no longer wasted hunting through filing cabinets for hard copy paper files;
- improved customer service and satisfaction due to the increased accessibility of records, resulting in faster and more accurate response times to customer inquiries. The need to physically locate paper hard copies from numerous filing cabinets in order to assist someone with their query has been eradicated. All pertinent information is now just a click away;
- enhanced data security, as the department's database is backed up regularly and automatically by IDT. There is also zero risk of losing paper files due to a fire, as there are no paper files;
- more efficient use of existing office space, as bulky filing cabinets are no longer required. By going paperless, the department has actually recouped 10 per cent of its office floor space. This regained space now houses a work station for the department's bursary student;
- cost savings, as the volume of paper utilised by the department has decreased, as documents are only printed if a paper hard copy is absolutely necessary. Furthermore, the department no longer needs to purchase file folders and other items associated with maintaining a paper filing system;
- increased environmental and wellness benefits with the removal of four tons of paper, plus heavy filing cabinets, which improves the air quality and reduces floor load-bearing capacities.

The 2020 Revaluation Project: Mr. Speaker, as has been aforementioned, the very reason for the department's formation and continued existence is that of maintaining an up-to-date and accurate Valuation List, as properties are altered on a daily basis as a result of mergers, splits, demolitions, additions and

new builds. Additionally, the Act also mandates a re-valuation of all properties on the Island for land tax purposes every five years. The Island-wide revaluation is a significant project for the department and involves the revaluation of over 36,000 units at the same time to maintain parity in the Valuation List.

Property values change over time, and these changes are not uniform across the market. Since the last Island-wide revaluation in 2015, the Island continues to experience declines in property values in each sector. As some property types and areas have fallen in value more than others, the Island-wide revaluation re-levels the playing field by reflecting these relative changes in value. This mass appraisal of properties not only ensures that all properties are valued on the same basis and on the same valuation date, but ensures equity and fairness between the assessments in the Valuation List. The revaluation project follows three basic [phases]: (1) rental data collection; (2) analysis of the data; and (3) valuation model building and mass appraisal.

Mr. Speaker, rent survey forms will be sent out to all taxpayers this fall, and once the rental data are analysed, the newly compiled 2020 Draft Valuation List will be published on the 31<sup>st</sup> of December 2020. All assessed annual rental values contained therein will be based on levels of rental value around July 2019. Taxpayers will then have six months from the date of publication in which to lodge an objection to their new assessed ARV [annual rental value], should they choose to exercise this right.

Regrettably, Mr. Speaker, paper still remains a medium of communication and cannot be readily and instantaneously expunged from the business environment. However, it is Government's intent that the 2020 Revaluation will be the last time that survey forms are physically issued to the general public. The next revaluation exercise, in 2025, will incorporate the online submission of data. This is in keeping with the Government's drive for all government services to be digitised within the next five years.

Within the Ministry of Public Works, Mr. Speaker, departments and our affiliated quangos will use the Land Valuation example to devise their own plan of action to go paperless. I encourage any member of the public to reach out to the department with any questions.

Mr. Speaker, I would like to commend and thank Ms. Diane Elliott, the Director, and her team at Land Valuation for their commitment and continued dedication, especially for all their hard work in creating this pioneering paperless office.

Thank you, Mr. Speaker.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

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

The next Statement this morning is in the name of Minister De Silva.

But, Minister, before I recognise you, I would just like to acknowledge that in the Gallery this morning we have visiting with us the Minister of Economic Affairs and Communications from the Republic of Estonia.

Minister Lubi, is it?

Welcome.

*[Desk thumping]*

**The Speaker:** And as a courtesy, Minister, we will bring you forward into our Chamber if you wish. The Sergeant-at-Arms will bring you forward now.

Thank you.

*[Pause]*

**The Speaker:** Okay. Good morning. Good.

*[Statements by Ministers, continuing]*

**The Speaker:** Minister De Silva, would you like to put your Statement?

**Hon. Zane J. S. De Silva:** I sure would, Mr. Speaker.

**The Speaker:** Yes.

### BERMUDA WEATHER RADAR SYSTEM

**Hon. Zane J. S. De Silva:** Mr. Speaker, the House will be aware that in this year's Budget Brief for the Ministry of Tourism and Transport I reported that a major capital expenditure for the Bermuda Airport Authority was the delivery of a new [Doppler Weather \[Radar\] System](#) for the Island. I am pleased to report the weather radar will be operational next week, having been completed on time and on budget—under budget. Let us make sure we make that clear—under budget.

Mr. Speaker, I remind the House that the Airport Authority was formed in March 2017 to oversee the performance of Skyport and to directly manage air navigational services, including the Bermuda Weather Service. Shortly after being formed, the Authority team assessed its mission-critical assets, revealing the need to replace the existing weather radar system, which had reached the end of its useful life and was experiencing reliability issues.

Mr. Speaker, the project to replace and upgrade the complex weather radar system commenced in April 2018 and has taken approximately 15 months, at a cost of \$2.01 million versus the budgeted capital cost of \$2.04 million. The various system components were manufactured by German company Leonardo ES and installed at the Cooper's Island site with the assistance of local maintenance technicians. Bermu-

dian technicians and Weather Service staff also received training in the use and maintenance of the advanced system technology. Together with a planned life cycle maintenance programme, this training will help ensure an expected 95 per cent system reliability over the life of the system.

Mr. Speaker, I wish to acknowledge the Authority's board, management and staff for their effective management of this major capital project and the delivery of Bermuda's new weather radar system in time for the peak of the 2019 storm season.

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, would you like to put your Statement at this time?

**Hon. Wayne Caines:** If it pleases you, Mr. Speaker.

**The Speaker:** Please go ahead.

### EXERCISE TRADEWINDS—PHASE TWO

**Hon. Wayne Caines:** Mr. Speaker, I rise this morning to provide this Honourable House with a further update on [Exercise Tradewinds](#). Honourable Members will recall that Exercise Tradewinds, organised by the US Southern Command of the United States military, was a joint international disaster relief exercise in the Caribbean. The 22 countries represented were Antigua and Barbuda, the Bahamas, Barbados, Belize, Bermuda, Canada, Colombia, Dominica, the Dominican Republic, France, Grenada, Guyana, Haiti, Jamaica, Mexico, Netherlands, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United Kingdom and the United States. The exercise was designed to build [increased] regional cooperation in complex multinational security operations, as well as humanitarian assistance and disaster response.

Mr. Speaker, Tradewinds Phase One was a security-based exercise that took place in the Dominican Republic. Phase Two, which is the subject of my update today, focused on Humanitarian Assistance and Disaster Recovery, and took place on the island of St. Vincent.

Mr. Speaker, the Royal Bermuda Regiment deployed about 120 soldiers from B Company for the exercise. The Royal Bermuda Regiment troops from Logistics Company installed high-intensity security lights at a free public clinic. The clinic had been repeatedly targeted by thieves, who stole computers and drugs. Our soldiers cut down trees which hid the clinic from the nearby road, installed barbed wire fencing, and repainted the building inside and out. St. Vincent's Minister of Health, Luke Browne, thanked the soldiers for their community assistance and outreach.

Mr. Speaker, the soldiers assisted the country's Forestry Department by cutting back trees that overhung above-ground power cables on La Croix Road in the Mesopotamia area of the country. The Royal Bermuda Regiment donated 30 sets of public order kit, including shields and protective gear, to the Royal St. Vincent and the Grenadines police.

Mr. Speaker, this exercise provided a valuable training opportunity for the Royal Bermuda Regiment. Our soldiers had the opportunity to work in the Caribbean Task Force [CTF] Headquarters, allowing for the command and control element of disaster response to be developed. This is essential to our on Island response and operations. The soldiers from B Company worked and formed a subunit of the CTF exercise, and the ability to work in tandem with other agencies. This is relevant when Bermuda works along the Bermuda Police Service and other uniformed services.

Mr. Speaker, the scope of Exercise Tradewinds meant that the Royal Bermuda Regiment worked alongside partner countries and had the opportunity to learn and to form its ability to perform well in an international context. Senior military officers from Canada, the US and even Columbia spoke highly of our competency and the professionalism that our soldiers displayed in St. Vincent. The Royal Bermuda Regiment Second in Command, Major Ben Beasley, said, "The Royal Bermuda Regiment has far exceeded expectations, and they have risen to a level they perhaps didn't believe they could achieve. Tradewinds not only confirms our capabilities, it has expanded them and demonstrated to our regional partners our high level of competency."

Mr. Speaker, I had the opportunity to join the Royal Bermuda Regiment personnel in St. Vincent, I, along with the Permanent Secretary for the Ministry of National Security, Mr. Collin Anderson. During the tour, we visited the soldiers at base camp, and engaged with other regional leaders from the various military and law enforcement agencies throughout the Caribbean. Our tour of the St. Vincent Coast Guard facilities was a particular highlight. Whilst at the Coast Guard facilities, we were able to gather information that will be helpful as our Ministry develops our National Security Coast Guard.

Mr. Speaker, to conclude the trip, we attended the closing ceremonies for Exercise Tradewinds. The Royal Bermuda Regiment's presence and conduct in St. Vincent earned high praise from the Acting Prime Minister, Sir Louis Straker, who said at the closing ceremony, "Honourable mention must be made to the Government of Bermuda and to the Royal Bermuda Regiment."

Mr. Speaker, the men and women of the Royal Bermuda Regiment represent the best of Bermuda. I was pleased to see them standing as equals amongst soldiers from larger jurisdictions. I am confident that Exercise Tradewinds not only provided the Royal Bermuda Regiment with valuable security and

disaster relief skills, but it also showed the soldiers that the time that they volunteer with the Royal Bermuda Regiment makes a valuable difference abroad and especially at home. Thank you, Mr. Speaker.

*[Desk thumping]*

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

Minister, the next Statement, also, I believe is in your name. Would you like to present that one?

**Hon. Wayne Caines:** If it pleases you, Mr. Speaker.

**The Speaker:** Do so.

### **GANG VIOLENCE REDUCTION TEAM— SUMMER UPDATE**

**Hon. Wayne Caines:** Mr. Speaker, I rise to provide this Honourable House with an update on the important work of the National Security Ministry's Gang Violence Reduction Team, and the team initiatives that will run throughout the summer.

Mr. Speaker, Honourable Members will recall that the [Gang Violence Reduction Team](#) has been charged with the strategic development of prevention and intervention programmes which target our at-risk population. The programmes include the Primary Prevention Initiative, along with outreach work at the middle and high school levels; a summer work placement programme; the Redemption Farm; a Restorative Justice Programme; support of a summer missions trip; and continued outreach and prevention in the community.

Mr. Speaker, at the commencement of the school summer holidays, the Gang Violence Reduction Team began a new Summer Work Placement and Mentoring Initiative. The Summer Work Placement and Mentoring Initiative is a job placement programme that has selected and employed 15 targeted at-risk young people. These young people have been chosen from the Gang Violence Reduction Team's high school intervention programmes and case management services, or targeted students in alternative education programmes.

Mr. Speaker, the programme provides the 15 students with a six-week paid work experience within local companies. The students are provided with mentoring support to ensure their success in the workplace. The programme was created to address the void in professional development opportunities for young people who have participated in antisocial behaviour and have subsequently been labelled as "troubled teens." The on-the-job work experience, along with the mentorship and coaching, is intended to offer a satisfying and meaningful work experience, whilst building the skills and knowledge needed to transition into sustainable, long-term employment.

Mr. Speaker, the Gang Violence Reduction Team believes that young people are seeking positive attention, approval and guidance from caring adults. By positively engaging young people throughout the summer, mentors and employers can help change the young person's perception of what is possible if they change the trajectory of their lives.

Mr. Speaker, the Summer Work Placement and Mentoring Initiative has four programme goals. The first is to provide the youth with satisfying, meaningful, structured work placement and training experience with coaching and mentoring support. Secondly, the programme seeks to increase the youths' understanding of how their personal beliefs, especially attitudes toward authority, may create problems in the workplace. Third, the programme will strive to improve interpersonal skills such as anger management, expressing concerns, communication skills, emotional intelligence and problem-solving to improve work readiness. The final goal is to build positive and meaningful relationships with the business community, which encourages the business community to hire at-risk young people outside of the structured programme.

Mr. Speaker, the programme has identified 15 community business partners who will provide a meaningful work experience for a young person in each programme. Each company has identified a Business Champion, who will be the main internal advocate and mentor for the young person during their six-week work placement. Each of the students participating in the Work Placement and Mentoring Initiative has successfully participated in a job-readiness workshop and a student orientation; a parent meeting with the Summer Work Placement and Mentoring Initiative Coordinator; interviews with identified business partners; and job training onsite at their various work placements.

Mr. Speaker, I am pleased to report that 13 of the 15 young people have successfully completed their first two weeks of the programme. From the weekly evaluations, it is clear that these young people are excelling and taking advantage of this opportunity.

Mr. Speaker, the Gang Violence Reduction Team continues its work with the much-anticipated Redemption Farm. There will be eight trainees who will be participating in the programme. To date, the contracts for all of the young men have been drafted and signed, and the programme has commenced in its therapeutic form. The Redemption Farm has been supported by way of volunteer service through the donation of the use of tractors and other machinery, and that machinery has been used and has been instrumental in clearing the farming land.

I am happy to report that the Redemption Farm is fit for purpose and that the fields which have been earmarked for use have been properly ploughed, and they have been properly cleared. Currently, there are watermelons and cantaloupes,



squash and pumpkin vines that have all been planted. These plants are similar species, better known as *Cucurbita Pepo*, which allows the plants to cross-pollinate when they are in close proximity.

Mr. Speaker, while there has been much emphasis placed on the physical farm itself, it must be stated that the concept of Redemption Farm is greater than just the physical milieu. Rather, it is an environment that cultivates our young men's minds, their spirits and their souls. The farm will provide the tools that will allow these young men to be trained for life skills, business etiquette, managing and marketing, which undoubtedly will prepare them for other successful endeavours in their future.

Mr. Speaker, a new initiative of the Gang Violence Reduction Team is the Restorative Justice Programme. Restorative justice is an innovative concept widely used in many parts of the world, such as the United States, Canada, the UK and Australia. Restorative justice deals with individuals who have committed a crime. The aim is to repair the trauma and harm caused by the crime. Restorative justice emphasises accountability and making amends, and, if the victims are interested, in facilitating meetings between victims, offenders and affected persons. When victims, offenders and community members meet to decide how harm will be repaired, and if done properly, the results can be transformational.

To date, there have been 53 restorative justice sessions, involving approximately 70 individuals. If the success of the trial programme continues, it is likely to be implemented and will need to be undergirded by legislation.

The Gang Violence Reduction Team Youth Outreach and Prevention Manager has partnered with the overseas mission this summer to provide an opportunity for three at-risk young people involved in our high school initiatives to participate in this year's trip to Malawi, Africa. The overseas mission trip has provided the young people of Bermuda with an opportunity to make a difference in our world by addressing global issues, and building homes and schools and shelters in countries where the critical need exists. The travelling group is [comprised] of 30 locals, and is departing on a [17]-day trip to build six houses in two villages in Malawi in Africa. I know this will be an opportunity to shift the mind-set, and broaden the world view, and change the lives of the young men from our programme who will be going to Malawi in Africa.

Mr. Speaker, during the summer holiday, the Gang Violence Reduction Team will continue to provide services to our existing clients and many other young people who have come on our radar over the summer. The summer break will provide the Youth Outreach Prevention Manager with the opportunity to evaluate the Primary School Prevention Programme Initiative Pilot, and both Intervention High School Pilot programmes. Any necessary strategic changes to the curriculum and overall structure will be made to en-

sure that we are providing the best service to our young people. These programmes will be relaunched within the upcoming school year. The Gang Violence Reduction Team will continue to provide oversight and support to the Gang Resistance Education and Training (G.R.E.A.T.) programme, and the Incident Management Support, Case Management Services, Street Level Outreach, the Redemption Farm and the Restorative Justice Programme.

Mr. Speaker, I wish to thank the Gang Violence Reduction Team, led by Pastor Leroy Bean, for the initiatives that they have implemented.

Thank you, Mr. Speaker.

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

There is a final Statement, I believe, in your name this morning. Would you like to do that one now, as well?

**Hon. Wayne Caines:** If it pleases you, Mr. Speaker.

**The Speaker:** Do so.

#### SALE OF THE POLICE BOAT *GUARDIAN*

**Hon. Wayne Caines:** Mr. Speaker, I would like to provide this Honourable House with some facts that informed the Government's decision with reference to the recent sale of the [marine police vessel, the \*Guardian\*](#). Honourable Members will be aware that the boat was recently sold for \$69,000. The boat was purchased in 2006 as a new marine vessel for the Bermuda Police Service. The boat was bought for [approximately] \$1.6 million from Australia.

Mr. Speaker, it is important that I note from the outset that operational responsibility for the Bermuda Police Service [BPS] is the remit of His Excellency, the Governor. However, after careful analysis, it is clear that the police hierarchy did not conduct the appropriate cost/benefit and operational analysis prior to purchasing the *Guardian* 13 years ago.

During the past 13 years, the vessel has been deployed on a limited number of occasions. It was never fit for its intended purpose as a marine patrol vessel. The operational use of the *Guardian* required six officers and a fuel cost of approximately \$1,000 per daily deployment. The mooring costs were also approximately \$24,000 per year.

Mr. Speaker, in 2018, the vessel was assessed, and it was determined that the value had decreased to between \$300,000 and \$350,000 under normal market conditions. The BPS was advised that it would cost up to \$100,000 [in repairs] to make the boat seaworthy. Without the \$100,000 in repairs, the resale value would likely be not much more than \$50,000. Simply put, the Bermuda Police Service could not afford to maintain the boat any longer.

The Bermuda Regiment was approached by the Bermuda Police Service to determine if the vessel

could be incorporated into the Bermuda Regiment fleet, as the later Coast Guard will soon be unfurled. The Royal Bermuda Regiment declined the offer, as acquiring the vessel presented many challenges. The current maintenance [budget] for the Bermuda Regiment boats in the current budget year is approximately \$10,000. The annual maintenance cost for the *Guardian* is much higher, without accounting for the \$24,000 annually for mooring fees. The Royal Bermuda Regiment currently performs all maintenance on its current fleet. Specialist training and training tools would be needed for the Caterpillar C12 motors on the *Guardian*, and this would require a significant financial outlay of thousands of dollars.

Mr. Speaker, if the Royal Bermuda Regiment took possession of the *Guardian*, based upon the Royal Bermuda Regiment's forecast of events and training days, the vessel would only be operated six or seven times a year for training purposes. This was not practical and does not show value for money for the taxpayers. Additionally, the vessel was not designed to be operated close to shore. The proposed operating area for the Royal Bermuda Regiment Coast Guard is inshore and out up to 12 nautical miles. In short, the *Guardian* was not fit for purpose within the current Boat Troop of the Bermuda Regiment and the current needs projected for the Bermuda Regiment Coast Guard. Also, the cost is too high and does not fall within this year's Royal Bermuda Regiment operating budget.

Mr. Speaker, neither the Bermuda Police Service nor the Royal Bermuda Regiment has the financial capacity or use for this vessel with the current plans. A submission was made for sale under the Bermuda Government tendering regulations. Rather than continue to pour good money into a bad investment, the decision was made to advertise the *Guardian* for sale. Bids were invited into the *Royal Gazette* on the 11<sup>th</sup> and 13<sup>th</sup> of December 2018. Following the tendering process, the two offers were received. One offer was for \$42,000, and the other offer was for \$69,000.

Mr. Speaker, the Accountant General raised no issue with the fact that only two bids were received. As you know, the Accountant General is the ultimate accounting officer for the BPS. The decision on which offer to accept was made by the Commissioner of Police. The sale was agreed, and the highest bid of \$69,000, in line with the requirements for disposal of capital assets, was accepted under Financial Instructions.

Mr. Speaker, the sale of the *Guardian* was a sound financial decision when considering the cost of the mooring at \$24,000 per year, exorbitant fuel costs, ongoing maintenance, and the additional \$100,000 that it would take to be spent to make the boat seaworthy. This was an expensive lesson learned by the Bermuda Police Service. Thank you, Mr. Speaker.

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

Members, you will note that, on your Order Paper, this concludes the Statements that were there. But I am seeking the indulgence of the House in that the Minister of Finance approached me this morning in reference to a Statement that he would like to do in reference to a matter that is pretty urgent and important that has come about and was not on the Order Paper. With the indulgence of the House, we are going to allow him to put that Statement this morning. And it is being distributed now as he prepares to present the Statement.

Minister.

#### **CAROLINE BAY DEVELOPMENT AT MORGAN'S POINT**

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

Mr. Speaker, successive Governments have confronted the challenge of hotel development in Bermuda. In the past two decades, words like "stack hotel," "fractionals"—

**The Speaker:** Is your microphone on?

**Hon. Curtis L. Dickinson:** Yes, it is.

**The Speaker:** Okay.

**Hon. Curtis L. Dickinson:**—"stack hotels," "fractionals," "condo-hotel" and "boutique hotel" have all been employed in a national dialogue aimed at producing a fresh hotel accommodation product to assist in stemming the decline of our tourism fortunes.

Mr. Speaker, developments have met with mixed results. Historic properties that were renovated have still been unable to achieve workable profit margins. New properties that pursued a mix of traditional hotel rooms and freehold ownership have found construction costs discouraging and units slow to sell. Sites zoned for tourism development have lain vacant in the wake of the effects of the global economic downturn of 2008 and the concurrent ultra-conservative lending approach of financial institutions around resort and hotel development.

It is against that background, and with that context in mind, Mr. Speaker, that I feel it necessary to provide this Honourable House and the people of Bermuda with the facts surrounding the former Morgan's Point, now known as [Caroline Bay](#).

Mr. Speaker, Honourable Members will recall that a previously little-known expanse of privately owned land in Warwick, called Southlands, became a rallying point of environmental objections when three Bermudians purchased it and outlined plans to transform that site into a hotel.

The artist's rendition of the plan featured an Aztec-styled development, sloping to the sea, which would be achieved by diverting the existing South



Road to a tunnel. Protesters along the road famously displayed placards saying “The tunnel starts here” and, further along, “You’re still in the tunnel.”

The developers’ then preferred brand partner was Jumeirah, known for signature hotel properties of immense scale, principally in the Middle East.

Mr. Speaker, it became very clear very fast that the conversion of Southlands to a tourism site on the scale then proposed would not enjoy the support of the people. Bermuda needed hotel development, and this had to be balanced with a competing need to preserve a portion of the natural environment on the South Shore. Having lain vacant since the departure of the US and Canadian forces, Bermuda’s base lands represented the last large-scale site for any kind of development. At approximately 180 acres, the land mass was a mix of stunning views, dilapidated buildings and hidden toxic waste. Any development on the site would require remediation to a standard commensurate with its intended uses.

Mr. Speaker, it was largely through the efforts of the former Honourable Member and Premier, the Honourable W. Alexander Scott, CBE, that, by an agreement of April 2011, the land at Southlands was swapped for land at Morgan’s Point. That agreement set out the terms and conditions of the swap and was discussed in this Honourable House as part of an Act of the Legislature to enshrine the permissions and rights over the land to the benefit of the developers.

Mr. Speaker, it is important to note that, in the 2011 agreement, the scope of the proposed development at Morgan’s Point included an 80-room boutique hotel with 313 additional residences, and a 325-room luxury hotel with 337 additional residences.

Additionally, Mr. Speaker, Honourable Members should note that, under section 2.1.1.6 of the Morgan’s Point Exchange Agreement, the developer has the right to sell land, condominium units and villas in the project to non-Bermudians. However, this clause does not specify undeveloped land.

Mr. Speaker, the Government of Bermuda assumed the responsibility to remediate the site and did so at considerable expense to the taxpayer. In the wake of that remediation, construction commenced on the site. Mr. Speaker, it is difficult to trace the progress on various units, but there are some buildings on the site today.

Mr. Speaker, it seems that, as early as January of 2013, both the Government and the developers wished to renegotiate the terms of the agreement to take account of fiscal realities. The originally intended scale of the development was already seen as not financially viable, and revisions to the master plan were submitted by the developer, which included the deletion of the proposed golf course.

Mr. Speaker, the 2011 Act was repealed and replaced by the Morgan’s Point Resort Act 2014, which gave, among other things, in principle planning permission for much of the work required at the site,

as well as subdivision permission and various hotel concessions.

By July of 2014, the then Government announced that the remediation of two parcels of land at the site had been completed and would then be handed over to the developers. In spite of privately expressed misgivings about the scale of the project and its financial viability, phase one, as announced at that time, was still said to consist of “a boutique hotel . . . of 235 units.”

In November 2014, Mr. Speaker, reinsurance company Arch Capital Group Ltd. provided lead financing in support of the first phase of construction on the project, with an initial tranche of \$5 million. By 2016, Arch had been joined by Axis Capital Holdings Ltd. and Validus Reinsurance Ltd. for a total of \$25 million in financing in respect of the Morgan’s Point development.

Mr. Speaker, further to a letter of comfort provided to Morgan’s Point Ltd. in September 2013, the then Minister of Finance advised this Honourable House in December 2014 that the Government of Bermuda had provided a guarantee to Arch Reinsurance Ltd. on behalf of Morgan’s Point to provide credit support for the \$5 million loan.

The then Minister stated, and I quote: “<sup>1</sup>This loan is for the purpose of meeting reasonable expenses incurred by MPL in connection with the first phase of the Morgan’s Point project, including expenses relating to architecture, design, construction engineering and professional advice and services. The Government has guaranteed the full and prompt payment of the principal and interest on the loan.”

Mr. Speaker, it is important for Honourable Members to note that as at 2014 this was apparently the only financing that had been secured in support of these purposes. In fact, the then Minister of Finance [alluded] to this later in the same statement to this Honourable House when he said, and I quote: “<sup>2</sup>I am confident that if satisfactory financing is obtained, this development will turn a brownfield site into a stunning new resort.”

Mr. Speaker, it was in response to questions on the floor of this Honourable House that the people of Bermuda first became aware of the intention for the development at Morgan’s Point to be a Ritz-Carlton Reserve branded property.

In March 2016, the principals of Morgan’s Point announced that they had secured the financing for the first phase of the development through the support of the three reinsurance companies to which I referred earlier.

One of the developers termed this lending as (and I quote) “a huge shot in the arm for our project,” and he declared the developers “overjoyed that these

<sup>1</sup> [Official Hansard Report](#), 5 December 2014, page 375

<sup>2</sup> *Ibid*, page 376

icons of industry in Bermuda are so supportive of our vision for the next level of international tourism development for our island.”

Mr. Speaker, Morgan’s Point became branded as “Caroline Bay” around April 2016, and at that time one of the developers indicated that the project was well underway and that (I quote), “With the funding in place and a five-star global hotel brand secured, the Morgan’s Point development is poised to bring a myriad of opportunities for our fellow Bermudians.”

By November of 2016, it had been announced that construction had commenced on the Caroline Bay Marina, with a view to having it open and operational in time for the America’s Cup the following year. The Marina was opened in April 2017, and its inclusion as part of the first phase of development now made the project consist of 35 branded condominium residences and a five-star boutique, 79-room Ritz Reserve hotel.

What the people of Bermuda did not know was that, even before the marina had opened, the Caroline Bay project was experiencing difficulty. This had to have been known to the then Cabinet and the developers who persisted in providing public updates on the project which were inaccurate. In fact, in January 2018, one of the developers told *The Ritz-Carlton News Room* (and I quote), “Caroline Bay’s construction progress is well on its way, and not only is the first phase of the Ritz-Carlton Reserve Residences at The Cove projected to be delivered on time, but the development of the resort community has brought great prosperity to our island.”

Mr. Speaker, one month later, in February of 2018, after only seven months in office, the developers asked to meet with the then Premier and Minister of Finance to advise that there were significant financing issues and that, in all likelihood, work would slow down and eventually cease without an injection of further capital.

Since that time, Mr. Speaker, this Government has worked with the developers and has attempted to support all reasonable efforts to secure financing. The Premier has made himself available to meet with several prospective financiers, and on every occasion has supported the project and the efforts to secure much-needed financing to complete at least phase one.

Mr. Speaker, I have spent considerable time rehearsing the history of this project to provide necessary context around where things stand today. The financial viability of this project has been in question for at least the last six years, and it is important to note that much of the lending in support of the development has not been the ringing endorsement of its economics that some might claim, but is founded, unfortunately, in a Government of Bermuda guarantee to the tune of \$165 million.

Mr. Speaker, Honourable Members and the public may know that for 15 years of my professional career I have structured, managed and led the execu-

tion of equity and debt financing transactions. My experience is being usefully employed as I seek to robustly defend the public purse from calls on the guarantee, which may or may not come as a result of our obligations in the event of defaults by the developers.

Honourable Members and the public may have heard the announcement that Caroline Bay had secured financing. Whilst it is not for me to comment in this forum on the details of any financing arrangement, I wish to make it clear that any such offer is subject to the financing arrangements complying with Bermuda’s regulatory requirements and the approval of the Government of Bermuda, who, through the terms of the guarantee, is a full partner at the table in matters related to the financing of this development. I have taken the time to advise colleagues and will summarise now that a term sheet, or draft terms of agreement, do not represent irrevocable financing and should not be termed as such.

**An Hon. Member:** Wow.

**Hon. Curtis L. Dickinson:** Mr. Speaker, recent reports regarding inactivity on the site and the failure to pay contractors and subcontractors are disturbing. At a minimum, these businesses should be paid for the work they have done, and it is important to note that the payment of their bills is in no way the responsibility of this Government.

Mr. Speaker, the land at Morgan’s Point continues to represent an important opportunity for Bermuda to renew its claim to being a luxury destination. The economics of the development must be recast and devised with a realistic view of the world economy and the value proposition we need to present in order to be successful in tourism, business and economic diversification. This opportunity is too important to squander. We do not do justice to the people of Bermuda by continuing to shore up a vision that no longer matches reality and which cannot be sustained on any applicable merits. It is well past time to approach this development differently.

Mr. Speaker, we are committed to advancing projects that support the Government’s core aims and objectives, which include:

- investment opportunities for Bermudians;
- employment for workers;
- growth for small and medium-sized businesses; and
- an increase in economic activity arising out of a sensible, fair immigration policy.

Where these ideals are embraced by developers, existing or prospective, we are open to working with them.

Thank you, Mr. Speaker.

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

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

### PREMIER'S QUESTION TIME

*[Standing Order 17(11)(i)]*

**The Speaker:** Members, and particularly for the listening audience, just a quick brief on the Premier's questions. As you know, the Opposition Leader is allowed three questions. All other Members are allowed one question. And only Members asking the question may submit a supplementary, of which there are two supplementaries.

And this morning, the courtesy is always given to the Opposition Leader to start first.

Opposition Leader, would you like to present your question?

#### QUESTION 1: EMIGRATION OF BERMUDIANS

**Hon. L. Craig Cannonier:** Yes. Thank you, Mr. Speaker, and good morning to Bermuda and colleagues.

Premier, just one of the topical things that we continue to hear, and probably yourself, as well, out in the public and on the Internet, is that we seemingly are having a problem with the growing numbers of Bermudians emigrating.

Is the Premier aware that this is becoming more prevalent in Bermuda, that Bermudians are leaving the Island?

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

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

What I would state is that empirical evidence is not currently being collected. It is one of the things that were inside of our platform points. And it is something that I know the Department of Statistics is grappling with; [what is] the best way to collect these statistics.

What I can say is that any time anyone decides to leave Bermuda and to live somewhere else is certainly a sad time. But the facts are that we have to remember, Mr. Speaker, this is an economy that needs restructuring. This is a country that needs restructuring.

And there are some persons who cannot afford to live inside of Bermuda. And it is important. People move away for many different opportunities, Mr. Speaker. People move away for educational opportunities. That is the reason why it is important to make sure our public education system is correct. But people also move away for opportunities for jobs that do not exist here. And it is part of their interest.

So, the thing is, Mr. Speaker, there is a wide-ranging problem. But the best way to arrest that and also to make sure that individuals come back, in our view, is to execute our election manifesto and the pledges of which we set out in our election manifesto, which we are on the way to doing, Mr. Speaker.

**The Speaker:** Is there a supplementary or a new question?

**Hon. L. Craig Cannonier:** Supplementary, supplementary.

**The Speaker:** Continue.

## SUPPLEMENTARIES

**Hon. L. Craig Cannonier:** Yes. Considering the Premier has mentioned that it is difficult for Bermudians to afford to live here, and so some of that is part of the reason why, would he believe that this probably is the major reason why?

We have always had people emigrate for other reasons, whether they are going to other jobs or better opportunities for their careers and the like. But what we are talking about is that many of the people whom we have identified are not going because they are seeking out to improve their career, it is because they cannot afford Bermuda.

So, the question is, does he believe that they are leaving for economic reasons, as a prevalence?

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

**Hon. E. David Burt:** Mr. Speaker, I do not believe that economic reasons are the main reasons why people leave Bermuda.

The main reason why people leave Bermuda is the one of which I have spoken to, revolves around education and also revolves around issues inside of our community—that is, around violence and gang violence.

And so, what I would say is that I do not accept the Opposition Leader's statement that the prevalent reason for that is . . . The other reason is that we have to understand. And this is one of the reasons why, inside of our election manifesto, we are committed to reviewing foreclosure rules. There are persons who will get in a place where they have lost their job, they lose their house and decide, as opposed to sticking around, to leave the keys with the lawyer and get on a British Airways flight.

**The Speaker:** Second supplementary or new question?

**Hon. L. Craig Cannonier:** Second supplementary.

**The Speaker:** Continue.

**Hon. L. Craig Cannonier:** Yes. In consideration of what the Premier is saying, and he has also mentioned that they are looking at how they deal with the situation as far as quantifying the numbers, can he give us an idea of what they have established thus far? I mean, this is not a new problem. Government has been here for two years now. What has been established thus far to try and get a better hold of the numbers of those who are emigrating?

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

**Hon. E. David Burt:** Mr. Speaker, I cannot speak specifically to what has been done in the Department of Statistics on this particular matter. But I am happy to speak to the Minister who has responsibility and attempt to get him to speak to the Opposition Leader to certainly fill him in.

What I can say, Mr. Speaker, is what is more important. The one thing is to count; the other thing is to understand the reasons why and to address the reasons why. And in addressing the reasons why, Mr. Speaker, I will go . . . Again, it is executing on the election pledges that were made by this Government, Mr. Speaker, dealing with the issues of gang violence, dealing with the issue of education and dealing with the issues of economic opportunity inside of this country, Mr. Speaker.

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

Opposition Leader, would you like to put your second question?

**Hon. L. Craig Cannonier:** Yes. Thank you. Thank you, Mr. Speaker.

**The Speaker:** Yes.

## QUESTION 2: CHANGE IN SCHEDULING OF PARLIAMENTARY SITTINGS

**Hon. L. Craig Cannonier:** Second question. Is the Premier considering a change to the scheduling, re-scheduling of the number of and number of times Parliament sits in session, doing the people's business? Let me just restate that. Is the Premier considering the comments that he made in—

*[Inaudible interjections]*

**Hon. L. Craig Cannonier:** Can I state my question, please, Mr. Speaker?

**The Speaker:** Members, we would like to be able to hear the Member on his feet.

**Hon. L. Craig Cannonier:** Is the Premier considering a change to the scheduling of, and number of, times Parliament sits in session doing the people's business, as opposed to his statement in the *Royal Gazette* that there are many other jurisdictions who have shorter sessions and the like?

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

**Hon. E. David Burt:** Mr. Speaker, the short answer to the question is that, as is the purview of the Government in directing government business, the House of Assembly will sit in regular session.

What I can say, Mr. Speaker, is that the short answer to his question is no. But the longer answer to his question, Mr. Speaker, is this. This House of Assembly, in the two years of which we have been in office, has met more often than the first two years of the House of Assembly when that Government was in session, Mr. Speaker.

*[Desk thumping]*

**Hon. E. David Burt:** The fact of the matter is that we met in April, we met in September. We came back early, and we may come back again, Mr. Speaker.

We are doing the people's business. But if the Opposition Leader is, as I say, so upset that we only met two days—twice—in June, I will let the Opposition Leader know that we are expecting to meet every Friday in July.

**Hon. L. Craig Cannonier:** Point of order, Mr. Speaker.

**The Speaker:** Point of order.

## POINT OF ORDER

**Hon. L. Craig Cannonier:** I have never said such a thing, that I was upset with the number of times that we are sitting, at all! In fact, in the paper he made the presumption that I would agree with him. But I have not made any objections to the times that we have sat.

**The Speaker:** Thank you.

**Hon. L. Craig Cannonier:** I just want to know: Is he considering something else?

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

Now, would you like to put a supplementary to your second question? Or would you like to do a third question?

**Hon. L. Craig Cannonier:** Yes, certainly, a supplementary to what he has answered.

**The Speaker:** Okay.

### SUPPLEMENTARY

**Hon. L. Craig Cannonier:** If, in fact, then, in his answer he has said that they have met more times than we as the Government had met in their Parliamentary session, does he feel that the number of times that we have sat has offset, [or been] effective in the charge that they have to lower the cost of living? We have met many times, but it has not led to the lower cost of living. It has not led to the lower cost of land tax. It has led to increased costs to Bermuda. So, has the number of times that we have sat led to a better Bermuda and the cost of living?

*[Inaudible interjections]*

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

**Hon. E. David Burt:** Mr. Speaker, the Progressive Labour Party is focused on executing its agenda. And if we will look at the inflation figures versus the time that they were in office and the time that we were in office, Mr. Speaker, you will recognise that inflation is lower under us than it was under them, Mr. Speaker.

**Some Hon. Members:** Ah!

**The Speaker:** Thank you.  
Second supplementary or new question?

**Hon. L. Craig Cannonier:** Third question.

**The Speaker:** Okay. Third question.

**Hon. L. Craig Cannonier:** Thank you very much, Mr. Speaker. Third question.

*[Inaudible interjection and laughter]*

**The Speaker:** Put your question. Put your question.

**Hon. L. Craig Cannonier:** If we are going to start interpolating . . . failing completely with the cost of living.

*[Laughter]*

**The Speaker:** Put your question. Just speak to me.

### QUESTION 3: PROLIFERATION OF RATS ON THE ISLAND

**Hon. L. Craig Cannonier:** Failing completely with the cost of living.

Third question. With the proliferation we continue to see within the newspaper, front page, actually, over and over and over—

*[Inaudible interjection]*

**Hon. L. Craig Cannonier:** Yes. With the proliferation of rats on the Island in Bermuda, would the Premier consider that, and does he consider the proliferation of rats in Bermuda a challenge or an Island-wide problem?

**The Speaker:** Premier.

**Hon. E. David Burt:** Could I possibly ask the Honourable Member to repeat his question in full? I just want to make sure I am answering correctly.

**Hon. L. Craig Cannonier:** Yes.

**The Speaker:** Repeat the question.

**Hon. L. Craig Cannonier:** Does the Premier consider the proliferation of rats in Bermuda an Island-wide problem?

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I am not entirely certain that I am going to say that I consider it an “Island-wide” problem. What I can say is that there are a number of factors. This is something which was addressed in a Cabinet meeting, because there was a question as to number. Now, I am not . . .

There is the anecdotal thought that it is due to the frequency in trash collection. But there are other factors that apply insofar as the increase of food sources for these [vermin], which is not there, but just in vegetation. And this is due to the reduction of—was it pesticide? And the reason when they are . . . seriously.

It was this whole thing that came. I see that Honourable Members opposite are looking shocked and surprised. Because of the elimination of Roundup (was it?) and the banning of Roundup, that means there is actually more vegetation that rats are feeding on. And these are some of the factors that are—

*[Inaudible interjections]*

**Hon. E. David Burt:** So, here we go, Mr. Speaker.

**The Speaker:** Speak to the Chair. Speak to the Chair.

**Hon. E. David Burt:** So, here we go, Mr. Speaker.

**The Speaker:** I am listening.

**Hon. E. David Burt:** And here we go. So, here is what I am going to say, Mr. Speaker.

**The Speaker:** Address the Chair.

**Hon. E. David Burt:** Here is what I am going to do. I am going, Mr. Speaker, to ask the Minister who has responsibility for environment and health to table the report which they got from the technical officers, so the Honourable Members opposite can read it. Because if I am going to stand here in a dispatch box and answer questions from the Opposition, stating the facts which I know, based upon the information which has been given to me, and they are going to pretend as though I am making it up, then I am just going to give them the evidence from the Ministers, from the scientific persons, and we do not need to do this.

However, allow me to say this, Mr. Speaker. The Department of Environmental Health certainly is always available. In addition to that, the Ministry of Public Works has additional wheelie bins, which have been ordered, which they are giving to certain communities to help to address those problems. And we will continue to work in addressing the issue.

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

**Hon. L. Craig Cannonier:** Yes. Supplementary.

**The Speaker:** Yes.

#### SUPPLEMENTARIES

**Hon. L. Craig Cannonier:** And I appreciated that the Honourable Minister gave an extensive view on what he felt about the rats, as the Premier is referring to. Notwithstanding that, you know, the sources of food for rats have grown. We understand that. What I am trying to understand, with my supplementary, is, exactly what is the plan? Because we do know we have a proliferation of rats. It is not just coming from any particular neighbourhood. It is coming from the public saying this here, Island-wide.

So, has the Premier discussed with the Minister and the department an extensive plan on how to address the real issue? He said there was a plan, per se, but—

*[Crosstalk]*

**The Speaker:** Premier.

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

Mr. Speaker, I can say a couple of things. The first thing that I can say is that there was a public campaign that was done on the need for certain issues in dealing with this particular challenge. And we asked members of the community, to remind people that if they feel that they have an issue in their area, they can call Vector Control. Vector Control will come to their house. Vector Control will set traps. They will put you on a list where they come back every two weeks.

And I am happy to have that campaign, which was done last year, repeated again for Members of the Opposition and also members of the public.

**The Speaker:** Thank you.  
Second supplementary?

**Hon. L. Craig Cannonier:** Yes. Second supplementary.

Bearing that in mind, we are also aware that the Vector Control, for some time, was out of stock when people were calling—

*[Inaudible interjections]*

**Hon. L. Craig Cannonier:** Out of stock of whatever the products were they were using to ward off rats. I cannot remember exactly what it was. But it was well publicised—bait. (Was it the bait?) Bait.

So, the question I do have for the Premier is, Does he consider as part of the solution going back to twice-a-week trash pickup?

**An Hon. Member:** No.

**The Speaker:** Premier.

**Hon. L. Craig Cannonier:** For the summer period?

**The Speaker:** Premier.

**Hon. E. David Burt:** I am thankful that the Honourable Minister . . . or, sorry, the Honourable Opposition Leader (who was Minister at the time) spoke about the shortage. The Minister of Health has informed me that the shortage was there when we came into office in 2017.

**Some Hon. Members:** Ah! Ah!

**Hon. E. David Burt:** Most likely from the issues of which depleted then!

However, allow me to say, Mr. Speaker, at that time we focused on schools and gardens, because gardens were the most important source of food when it comes to rats. In addition to that, Mr. Speaker, what I can say is that since we have come into office and rectified that shortage, there has not been a shortage, as the Minister of Health is indicating to me. And I would remind persons that they can go ahead and call the Department of Vector Control.

But here we go again, Mr. Speaker. So, let us be clear.

*[Inaudible interjection]*

**Hon. E. David Burt:** We have come into office, and we have ordered a number of garbage trucks. There



are garbage trucks which were ordered because of the plain and simple fact that, while under their leadership, there was no . . . maybe, probably, no garbage trucks ordered. The Minister of Public Works is not here, so he cannot clarify.

Mr. Speaker, the garbage fleet, just like the bus fleet, did not get into this problem overnight. And we are not going to get out of it overnight, either. But we are going to continue to get back to the place where we can keep our fleets up and continue to add to it.

And we are not, Mr. Speaker, going to add twice-a-week trash collection until we have a place where we can deliver it on a regular basis. We know the challenges of which existed when collection did not happen on schedule, because [garbage trucks] broke down, additional overtime, et cetera. We are doing it to manage, and we are continuing to invest in getting the fleets back to where it was, Mr. Speaker.

**The Speaker:** Thank you.

That brings us to the completion of the Opposition Leader's three questions.

We now move on to other Members who have indicated that they have questions of the Premier. And the next is the Opposition Whip.

Member, would you like to put your question?

#### **QUESTION 1: IMPACT OF GOVERNMENT'S BLOCK GRANT INSURANCE PAYMENTS POLICY**

**Ms. Susan E. Jackson:** Good morning.

My question is around the recent public display of demonstration, in particular at Gorham's. So, I would like to know, Mr. Premier, whether the recent insurance block grant that has been legislated has had an impact on not only the likes of employers such as Gorham's, but also Matilda Smith and also Summerhaven.

**The Speaker:** Premier. Premier.

**Hon. E. David Burt:** Mr. Speaker, I am not entirely certain what question the Honourable Members is asking me to answer. I know that I am here to answer questions on a question of Government policy. So, if she wants to rephrase the question on a matter of actual Government policy, I am going to do my best to try to answer it.

**The Speaker:** Member, would you like to restate your question?

**Ms. Susan E. Jackson:** Did the recent Government policy around the block grant of insurance payments to the Bermuda Hospitals Board have an impact on the employers, such as Gorham's, Matilda Smith, Summerhaven, who are experiencing difficulties with

the health insurance because, and since, the block grant and the premiums?

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, again I am not sure if she wants me to answer for private businesses . . .

Here is what I can say, though, Mr. Speaker. What I can say is that I happened to read news reports yesterday. And I happened to read news reports of individuals in business. And the persons who were at Gorham's who indicated their displeasure at the situation, were stating that Gorham's was making money hand over fist. And far be it from me, Mr. Speaker, to comment on a private business. But the Honourable Member . . . earlier today, the Opposition Leader was speaking about cost of living and prices in this country. And I have to think that there are certain companies that are doing reasonably well inside of this economy.

**The Speaker:** Thank you.

Supplementary?

No supplementary.

**Ms. Susan E. Jackson:** No.

**The Speaker:** The next Member who has indicated that he has a question for Mr. Premier is the Member from constituency 10.

Honourable Member, would you like to put your question at this point?

#### **QUESTION 1: GOVERNMENT CUP MATCH SUPPORT**

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker. Good morning to you and colleagues and the listening audience.

To the Honourable Premier: Honourable Premier, in 2018, the Government gave a \$75,000 payment to Somerset Cricket Club two days before Cup Match, to support Cup Match. In 2019, will St. George's be receiving a payment to support Cup Match?

*[Inaudible interjections]*

**The Speaker:** Ah, ah, let the Premier . . . the question was to the Premier. Now I am listening to the Premier. Premier, you have the floor.

*[Inaudible interjections]*

**Some Hon. Members:** No! No, no! No! No!

**An Hon. Member:** Twice as much!

*[Laughter and inaudible interjections]*

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, it is clearly the month of July, as I am adorned in my red and blue tie and my red and blue socks. I am going to just make it clear, Mr. Speaker—

*[Inaudible interjection]*

**Hon. E. David Burt:** Pardon me? Oh, do not feel sorry for me. It is okay.

What I can tell the Honourable Member is that, yes, the Government will be supporting the Somerset . . . sorry—

*[Inaudible interjections and laughter]*

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

**Hon. E. David Burt:** It is so hard to say sometimes.

*[Inaudible interjection]*

**Hon. E. David Burt:** I know.

We will be supporting the St. George's Cricket Club, and it was budgeted inside the budget to support them in the exact amount of \$75,000 as was given to Somerset Cricket Club last year.

**Some Hon. Members:** Boo! Boo!

**The Speaker:** Supplementary?

#### SUPPLEMENTARY

**Hon. Michael H. Dunkley:** Yes, Mr. Speaker. I would just like it noted that I object to the support for St. George's this year.

*[Desk thumping]*

**Hon. Michael H. Dunkley:** But in light of the fact . . . in light of the fact that the Premier is trying to be unbiased in his approach, I ask the Honourable Premier: Does he believe this money will be put to good use and they will be able to attract a team to get on the field for the two days?

*[General uproar and laughter]*

**Mr. Hubert (Kim) E. Swan:** Point of order, Mr. Speaker.

*[Laughter]*

**The Speaker:** No, no, no! No point of order allowed in this session.

**Mr. Hubert (Kim) E. Swan:** The Member is imputing improper motives on St. George's.

*[Gavel]*

**The Speaker:** No. No point of order. No point of order.

The next Member who has a question—

**Hon. E. David Burt:** Mr. Speaker!

*[Laughter]*

**The Speaker:** Oh! What is your answer, Mr. Premier?

**Hon. E. David Burt:** Mr. Speaker, I thank the Honourable former Premier for his question. It is my very expectation that the St. George's Cricket Club will put the money to good use. What is important, Mr. Speaker, is to recognise that we are going to do our work and our effort to support our community clubs.

Right at this very moment, the Minister of Public Works is meeting with representatives from the Western Stars Football Club in an exact measure to have a public/private partnership between Government and the private sector to enable them to redevelop their facilities. Those are conversations which are happening throughout the Island, and I am certain that St. George's will put it to good use, as will other clubs who are getting assistance from Government, for their infrastructure, and will put it to good use.

However, in response to the Honourable former Premier's question, I am not entirely certain that it is going to help the team.

*[Laughter]*

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

The next question, Premier, is from the Member from constituency 31.

Honourable Member, would you like to put your question?

#### QUESTION 1: GAY PRIDE PARADE

**Mr. Ben Smith:** Thank you, Mr. Speaker. Good morning, colleagues. Good morning, Bermuda.

Last week, the Member from constituency 16, MP Michael Weeks, spoke regarding the gay pride parade scheduled for August 31<sup>st</sup>. He seemed to suggest that the permission to hold the parade be denied.

Does the Honourable Premier agree with this sentiment?

**The Speaker:** Premier.

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

Mr. Speaker, I do not believe that we have any role in approving or disapproving of a parade that is going to take place. This parade is scheduled for August 31<sup>st</sup>, and I think it is going to take place.

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

*[Inaudible interjections]*

**An Hon. Member:** You can ask him all you want.

**The Speaker:** Would you like your supplementary? Member, would you like to use your supplementary?

*[Inaudible interjections]*

### SUPPLEMENTARIES

**Mr. Ben Smith:** Yes. Just following on from that. I am asking whether he agrees with the position that was presented by the Member last week, MP Weeks.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** I am uncertain what he is asking, Mr. Speaker, if I agree with the position, as I was not in the House last week. But allow me to say this, Mr. Speaker. On August 31<sup>st</sup>, the members of this community in Bermuda are holding a parade. The parade will happen.

**The Speaker:** Thank you.  
Second supplementary? Yes.

**Mr. Ben Smith:** Second supplementary.  
Does the Honourable Premier intend to attend the parade?

*[Laughter]*

**The Speaker:** Premier.

*[Inaudible interjection and laughter]*

**Hon. E. David Burt:** Unfortunately, Mr. Speaker, my wife and children will be, like many other Bermudians, in Florida during that week.

**The Speaker:** Thank you.  
The next Member who has questions for you, Premier, is the Member from constituency 19.  
Honourable Member, would you like to put your question now?

**Some Hon. Members:** Welcome back. Welcome back.

**The Speaker:** Member, speak to the Chair. Speak to the Chair.

**Hon. Jeanne J. Atherden:** Thank you, Mr. Speaker. And, of course, you are the only one who needs to know about my attendance. Thank you.

**The Speaker:** Thank you. Now speak to the Chair.

**Hon. Jeanne J. Atherden:** Thank you.

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** Right, right. That is true. That is true.

### QUESTION 1: GOVERNMENT'S PLANS FOR PROVIDING AFFORDABLE HEALTH CARE

**Hon. Jeanne J. Atherden:** Mr. Speaker, through you to the Premier: Premier, if you could tell me, what is the status of the plans to make health care more affordable to Bermuda?

**The Speaker:** Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. I am very happy that the Honourable former Opposition Leader asked that particular question. It is something that the Government has been engaged with.

The Minister of Health has been in intensive consultation with many sectors of the community as we formulate to deliver on one of the Government's signature election promises. And it is my expectation that the Minister of Health will be making an announcement on that next month.

Correct, Minister? Next month.

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

### SUPPLEMENTARIES

**Hon. Jeanne J. Atherden:** The supplementary is, as part of the information that was put out, there was a suggestion that there is going to be a schedule of twice-a-year reports. Could the—

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** Twice-a-year reports on the progress of your plan. It is in the information that you put out. I read this. And I just wondered whether a schedule been set up in terms of reporting the progress on the plan?

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

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

Mr. Speaker, I think I can help to refresh the Honourable Member's memory that, I would say, during the budget session, the Honourable Minister of Health made a statement on health care financial reform, where we are going there. It has been not half a year since then, but it will be half a year in August. And it will be in perfect time for that announcement, Mr. Speaker.

**The Speaker:** Thank you.  
Second supplementary?

**Hon. Jeanne J. Atherden:** Second supplementary.

And I just wondered if the Premier can confirm that the report will be on the webpage, which is what was indicated? So that not just people in the House will get to know about this, but anybody could go and find it.

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I have heard from the Honourable Minister of Health that the announcement will be a public announcement. It will not necessarily be an announcement here. As I can assure the Honourable Opposition Leader, who is worried about how frequently we sit, we will not be sitting here in August. But we will have the announcement that will be done in August, Mr. Speaker. And the Minister of Health will not only make that announcement publicly, but she will be doing the full media rounds, complete with education campaigns, so people can understand precisely what it is that the Government is proposing.

**The Speaker:** Thank you.

That now brings us on to the next Member who has questions for you, Premier. And that is the Member from constituency 22.

Honourable Member, would you like to put your question?

#### **QUESTION 1: REPORT OF INVESTIGATION INTO DEPARTMENT OF CHILD AND FAMILY SERVICES**

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

Honourable Premier, my question relates to the allegations of abuse and neglect of Bermudian children at the Department of Child and Family Services and the report produced by the Department of Internal Affairs [*sic*], which report, per previous discussions, has not been made public.

Will the Premier—

**An Hon. Member:** Internal Audit.

**Mr. Scott Pearman:** Internal Audit; thank you.

Will the Premier please tell the House who took the decision to use the Department of Internal Audit to investigate the allegations?

**Hon. E. David Burt:** Mr. Speaker, I would only assume that it will be either the Secretary for the Cabinet or the head of the public service. That would be my assumption. It is not something that is an operational decision . . . or, sorry, it is not something that is a political decision which comes to Ministers. That is my assumption. I can clarify for the Honourable Member if he wishes.

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

#### **SUPPLEMENTARY**

**Mr. Scott Pearman:** Yes, supplementary.

Given the answer just given by the Honourable Premier, is the House to conclude that you had no involvement in the decision that the Department of Internal Audit would carry out the investigation?

**The Speaker:** Premier.

**Mr. Scott Pearman:** Given that it falls under your remit?

**Hon. E. David Burt:** Not to my recollection. And the Department of Internal Audit does not fall under the remit of the Premier. It is a reporting line where the Minister who is administratively responsible . . . but I think the Department of Internal Audit has clear reporting lines to the Cabinet Secretary underneath the Act, if I am aware. If I am . . . with my recollection. That is my best recollection at this time, Mr. Speaker.

**The Speaker:** Thank you.  
Second supplementary?

**Mr. Scott Pearman:** Sorry. Was that a no? You had no involvement in the decision?

**The Speaker:** Are you going to do a second supplementary?

[*Inaudible interjections*]

**Mr. Scott Pearman:** Mr. Speaker, I do not believe the Premier answered my question whether he had any involvement. I did not hear him say no.

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I refer the Honourable Member to the answer I gave moments ago.

**The Speaker:** Thank you.

And the last [Opposition] Member who has indicated [he has a question] is the Member from constituency 8.

Honourable Member.

#### **QUESTION 1: CONTRIBUTIONS TO FINTECH DEVELOPMENT FUND**

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

I understand that the FinTech fund may have raised some community capital. And so, my question is this: How much has the FinTech industry made and contributed to the community fund that the Premier once said would be in place?

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I do believe that the Honourable Member is referring to the FinTech Development Fund. Of course, I smile because this is the favourite staple question for the Members of the Opposition, and it is okay. I will give the answer exactly as I gave it in May and exactly as I gave it in March, that, to date, there have been no donations to the FinTech Development Fund. And the minute that there is a donation, Members of this House will be the first to know.

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

**Mr. N. H. Cole Simons:** No.

**The Speaker:** Okay. The next Member who has a question for you is the Member from constituency 26.

Honourable Member, would you like to put your question now?

#### **QUESTION 1: DEPARTMENT OF PLANNING IMPROVEMENTS**

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

Mr. Speaker, whilst [I was] on their doorsteps, a number of my constituents have complained about the Department of Planning and the time that it takes to get work approved. As I know the Premier has committed to making the Government more efficient, can he share what is being done to improve the situation?

**The Speaker:** Premier.

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

Mr. Speaker, Planning is something that is certainly a challenge. And I say it is a challenge, but I know that we are certainly making progress in this matter. I think the Minister of Home Affairs made a

statement to the House in March, speaking about the items that are going to streamline the planning process, such as things which are going to be able to go to the Director directly and not the board, new streamlined procedures for emergency application. The Department of Planning will be holding planning clinics throughout the Island to provide guidance to the general public. And there are going to be new measures to streamline the revisions process to allow certain minor changes to be implemented in the field.

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

**Mr. Neville S. Tyrrell:** Yes, Mr. Speaker.

**The Speaker:** Yes.

#### **SUPPLEMENTARY**

**Mr. Neville S. Tyrrell:** I thank the Premier for that information. However, can I ask, can he tell my constituents . . . sorry, when can I tell my constituents to look forward to the implementation of these changes?

**The Speaker:** Premier.

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

I can tell the Honourable Member that if he is going to be canvassing in August, he will be able to tell his people that in August those changes will be implemented.

**The Speaker:** Thank you.

The second Member who has a question for you, I do not see in their seat.

The next Member on the list is the Member from constituency 11.

I see you are already standing. Would you like to put your question?

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

**The Speaker:** Well, you do not have much time left. You need to put your question.

#### **QUESTION 1: INTERNET SPEED IN SCHOOLS**

**Mr. Christopher Famous:** Mr. Speaker, the Government should be commended for putting Wi-Fi in schools, because certain other people did not. But, Mr. Speaker—

**The Speaker:** Yes.

**Mr. Christopher Famous:** —the teachers in my constituency, because Cousin Evan and I, we canvass.

**The Speaker:** Yes.

**Mr. Christopher Famous:** Elliott, Whitney and another school have complained about the Internet speed. My question to the Premier is—

**The Speaker:** I think you are going to lose out.

**Mr. Christopher Famous:** What can be done to improve the Internet speed?

*[Timer beeps]*

**The Speaker:** Thank you for your question. Thank you for your questions.

## QUESTION PERIOD

**The Speaker:** We now move on to the remainder of the Question Period. And we have questions down this morning as written questions. And actually, we have five written questions this morning which require a response. The first written question is to the Premier.

And, Premier, would you like to respond to the first written question, from the Honourable Opposition Leader?

**Hon. E. David Burt:** Is it written?

**The Speaker:** It is an oral response that normally accompanies a written response. But you can do your oral on your feet.

*[Crosstalk]*

**The Speaker:** Mr. Opposition Leader, would you like to put the question to him?

### QUESTION 1: LIST OF MPs PAID TO SERVE ON GOVERNMENT COMMITTEE, BOARD OR QUANGO

*[Deferred 21 June and 5 July 2019]*

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

Will the Honourable Premier please inform the Honourable House of the names of all the Members of the Legislature from July 2017 until present who have been paid to serve on any Government Committee, board or quango, and the remuneration paid for that service?

**The Speaker:** Thank you.

Premier, it is an oral response.

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

- Mr. H. K. E. Swan, \$750;
- Mrs. Renee Ming, \$7,500;

- Mrs. Nandi Outerbridge, JP, \$200;
- Mrs. Tinee Furbert, JP, MP, \$150;
- Mr. Christopher Famous, JP, MP, \$1,600;
- Honourable Michael J. Scott, JP, MP, \$31,300;
- Senator Jason Hayward, JP, \$100;
- Mr. Neville Tyrrell, JP, MP, \$3,050;
- Mr. Lawrence Scott, JP, MP, \$18,125;
- Honourable Michael Weeks, JP, MP, \$6,450;
- Mr. Scott Simmons, JP, \$4,800;
- Mr. Dennis Lister III, JP, MP, \$1,300;
- Ms. Suzann Roberts-Holshouser, JP, \$600;
- Mr. Rolfe Commissiong, JP, MP, \$22,476;
- Honourable Wayne Furbert, JP, MP, as previously reported in the public domain; and
- Senator James Jardine, JP, as previously reported in the public domain.

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

## SUPPLEMENTARIES

**Hon. L. Craig Cannonier:** Supplementary.

Thank you, Mr. Speaker, and thank you, Premier, for that answer.

Can the Premier tell us, in conjunction with those names—I am sure he has the information—what those committees were with each name?

**The Speaker:** Premier.

**Hon. E. David Burt:** Absolutely I may. I was trying to save time, as it was a number of questions. But I will go through.

- Mr. H. K. E. Swan, JP, MP, CedarBridge Board of Governors, \$50; Public Service Vehicle Licensing Board, \$700;
- Mrs. Renee Ming, CedarBridge Board of Governors, \$300; Immigration Board, \$7,200;
- Mrs. Nandi Outerbridge, CedarBridge Board of Governors, \$200;
- Mrs. Tinee Furbert, Board of Education, \$150;
- Mr. Christopher Famous, JP, MP, Bermuda College Board of Governors, \$0; Broadcast Commission, \$300; Liquor Licence Commission, \$1,300;
- Honourable Michael J. Scott, Broadcast Commission, \$700; Bermuda Shipping and Maritime Authority, \$30,000; Telecommunications Board, \$600;
- Senator Jason Hayward, National Training Board, \$100;
- Mr. Neville Tyrrell, National Sports Centre Board of Trustees, \$550; BLDC, \$2,500;
- MP Lawrence Scott, \$17,475, Bermuda Airport Authority; \$650, for the Bermuda Housing Corporation;



- Mr. Michael Weeks, Bermuda Shipping and Maritime Authority, \$6,000; Water Safety Council, \$400; Bermuda Housing Corporation, \$50;
- Mr. Scott Simmons, JP, Water Safety Council, \$400; Trust Advisory Committee, \$50; Ports Authority, \$250; Treatment of Offenders Board, \$4,000; Bermuda Housing Corporation, \$100;
- Mr. Dennis Lister III, Road Safety Council, \$1,300;
- Ms. Suzann Roberts-Holshouser, Bermuda Land Development Corporation, \$600;
- MP Rolfe Commissioning, Parole Board, \$22,476.47.

**The Speaker:** Supplementary?

**Hon. L. Craig Cannonier:** Yes, supplementary. Thank you, Mr. Speaker.

Considering the list of names that the Honourable Premier has given, I am assuming that they have already been paid. So, my question is then, are there any MPs who have taken on any committees, boards or involved in any quangos who have, as of today, not yet been paid, and the amount?

**Hon. E. David Burt:** That is not information that I have at my fingertips. But I am happy to try to get it back to the Minister *[sic]*. I am just looking at what . . . This came from the Accountant General. So, they gave us the printout, and we went to the various quangos to get it right.

**The Speaker:** Thank you.

**Hon. L. Craig Cannonier:** Thank you.

**The Speaker:** That moves us on to the next written question. The second written question this morning is in the . . . It is actually a written question, but it does not require an oral response. It is a written question to Minister Wilson from the Honourable Pat Gordon-Pamplin, who—

**The Clerk:** Yes. How about Dickinson?

**The Speaker:** I beg your pardon?

**The Clerk:** Dickinson.

**The Speaker:** Oh, oh. I actually missed one.

Minister of Finance, I missed your question. I was moving on. Minister of Finance, you actually have a question from the Honourable Member from constituency 10.

Honourable Member, would you like to put your question to him? And this requires oral response for all three. There are three questions.

## QUESTION 1: BERMUDA CASINO GAMING COMMISSION—COSTS

*[Deferred 21 June and 5 July 2019]*

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

Mr. Speaker, to the Honourable Minister: Will the Honourable Minister please provide to this Honourable House an update on the progress of hiring an Executive Director for the Bermuda Casino Gaming Commission (BCGC), and please provide details of the recruitment process since the Minister's Statement to the House on March 1<sup>st</sup>, 2019, including the dates and contents of any advertising, the number of applicants, and if an applicant has been selected for the position?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I can advise that the Commission continues with its recruitment process for an executive director. A potential candidate has been identified, and they are in the early stages of discussions as to suitability for the role.

**The Speaker:** Supplementary?

## SUPPLEMENTARIES

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

Mr. Speaker, in the Statement that I referred to in the question, the Honourable Minister mentioned that an executive recruiter was going to be hired. Can the Honourable Minister please provide the cost, to date, of hiring the executive recruiter and the name of the company or the person used?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I am not advised that the Commission is actually using an executive recruiter. They have identified a candidate on their own and are engaging in conversations on their own.

**The Speaker:** Supplementary?

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker. Mr. Speaker, then—

**The Speaker:** Supplementary?

**Hon. Michael H. Dunkley:** Supplementary, yes.

**The Speaker:** Yes.

**Hon. Michael H. Dunkley:** So, I am just following the Minister's Statement where he did commit to this House that an executive recruiter would be used. If they have changed the course and the Bermuda Casino Gaming Commission has identified a candidate

on their own, through what channels and what sources did they identify that candidate?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I would need to seek clarity from the Bermuda Casino Gaming Commission on that process with respect to their identifying a candidate on their own. I do not have the benefit of my Statement that I made earlier that the Member is referring to. But I think I mentioned—

**The Speaker:** That phone needs to be off.

**Hon. Curtis L. Dickinson:** I believe that I mentioned that an executive recruitment firm was among the options that would be considered. Whether or not they would use them would be a call that they would need to make on their own.

**The Speaker:** Okay.

**Hon. Michael H. Dunkley:** Mr. Speaker, just for clarification, the Honourable Minister said in his Statement it had been decided to engage the services of an executive recruiter.

**Hon. Curtis L. Dickinson:** As the Member will appreciate, my Statement was largely prepared for me by the Bermuda Casino Gaming Commission, indicating what their plan was at the time. They have subsequently not used an executive recruitment firm, as I am advised.

I will check back with them in respect of the individual whom they have identified and how they went about finding that person.

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

#### SUPPLEMENTARIES

**Hon. Jeanne J. Atherden:** Thank you, Mr. Speaker. My supplementary relates to the other part of the question, the dates and contents of any advertising and the number of applicants, and if an applicant has been selected.

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** The responses prepared for me for these questions did not include any detail on advertisements that have been made. And so, my assumption is that there were not any. The question was very clear. And so, inasmuch as there was no response to it, my reading is that there were not any advertisements made.

**Hon. Jeanne J. Atherden:** Second supplementary.

Just for clarification, are we saying that the recruitment process is still going, that an applicant has not been selected?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** My statement, my response is that a potential candidate has been identified, and the Commission is in the early stages of discussions as to suitability for the role.

**Hon. Michael H. Dunkley:** I believe I have one supplementary left.

**The Speaker:** Yes, you do.

#### SUPPLEMENTARY

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

Mr. Speaker, in regard to that, if a candidate has been identified, is the Minister able to give a loose time frame of when the individual might start and if there is funding available to pay the person?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** I have no information on when the candidate would start, inasmuch as they are selected. Inasmuch as there is an executive director candidate hired, the position will be funded.

**The Speaker:** Thank you.  
You can do your second question now.

#### QUESTION 2: BERMUDA CASINO GAMING COMMISSION—COSTS

*[Deferred 21 June and 5 July 2019]*

**Hon. Michael H. Dunkley:** Thank you to the Minister. I look forward to the feedback from the questions not answered.

Question number two: Will the Honourable Minister please provide to this Honourable House details of the cost to run the Bermuda Casino Gaming Commission, on a monthly basis, from April 1<sup>st</sup>, 2018, through June 30<sup>th</sup>, 2019, breaking down the total cost of each month in the following areas: salaries and wages, consultant fees, administrative costs, rent, and general overhead and other expenses? Thank you.

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** The cost to run the Bermuda Casino Gaming Commission on a monthly basis from April 1, 2018, through to June 30, 2019, breaking down the cost for each month into the following areas—salaries and wages, consultant fees, administrative costs, rent, and general overhead and other expenses were provided in the following summary: For

the 15-month period, total wages and salaries were \$1,373,413. Total consultant and service provider fees were \$336,572. Total administrative costs were \$426,158. Total rent, \$167,171. Total general overhead, \$88,552. Other expenses, \$121,320. So, the total costs for running the BCGC for 15 months was \$2,513,185, or an average cost of \$167,545 per month.

With respect to the monthly detail with respect to salaries:

- April 2018, \$116,121;
- May, \$95,609;
- June of 2018, \$92,044;
- July, \$93,450;
- August, \$94,916;
- September, \$96,120;
- October, \$97,476;
- November, \$91,033;
- December, \$89,666;
- January of 2019, \$91,243;
- February, \$87,769;
- March, \$110,162;
- April, \$88,406;
- May, \$66,029; and
- June, \$62,572.

For consultants and service providers, starting in April of 2018:

- April, \$8,776;
- May, \$22,014;
- June, \$20,059;
- July, \$18,869;
- August, \$24,615;
- September, \$12,584;
- October, \$11,870;
- November, \$24,769;
- December, \$19,890;
- January of 2019, \$14,161;
- February, \$44,465;
- March, \$38,554;
- April, \$45,171;
- May, \$1,588; and
- June, \$29,225.

Administrative costs, starting in April:

- April 2018, \$34,979;
- May, \$50,827;
- June, \$21,350;
- July, \$16,624;
- August, \$29,523;
- September, \$18,371;
- October, \$45,258;
- November, \$19,627;
- December, \$22,177;
- January of 2019, \$32,155;
- February, \$20,998;
- March, \$45,619;

- April, \$17,432;
- May, \$26,761; and
- June, \$24,335.

For rent, from April 2018 through to January of 2019, it was the amount of \$12,142 per month.

- February 2019, \$7,629;
- March, \$11,742; and
- April, \$8,793.

And the April number is the same for May and for June.

For general overhead:

- April 2018, \$5,112;
- May, \$3,174;
- June, \$4,447;
- July, \$3,393;
- August, \$7,706;
- September, \$11,074;
- October, \$4,224;
- November, \$4,918;
- December, \$3,689;
- January [2019], \$3,620;
- February, \$3,360;
- March, \$8,234;
- April, \$12,832;
- May, \$6,804; and
- June, \$5,363.

Other expenses, starting in April of 2018:

- April 2018, \$7,336;
- May, \$7,586;
- June, \$7,147;
- July, \$6,927;
- August, \$6,968;
- September, \$7,154;
- October, \$6,901;
- November, \$12,353;
- December, \$9,554;
- January 2019, \$7,307;
- February, \$20,686;
- March, \$1,956;
- April, \$8,078;
- May, \$8,447; and
- June, \$3,019.

It should be noted that the average monthly cost to run the BCGC, I think I mentioned earlier, was \$167,545, as compared to \$199,784 on a monthly basis for the fiscal year ended March 31, 2018.

**The Speaker:** Supplementary?

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

**The Speaker:** Yes.

## SUPPLEMENTARIES

**Hon. Michael H. Dunkley:** To the Honourable Minister. I notice in the breakdown of the salaries and wages, that it is fairly consistent after a drop-off in April of 2018 of \$90,000 a month. But then, it ramps up to \$110,000 and drops to \$88,000 in April. But then it is the monthly salary bill is [\$66,000] and [\$62,000] in May and June of 2019. Can the Honourable Minister shed some light on that?

And in addition, the consultants have been fairly consistent, at less than \$25,000 a month. But in February and March and April, it jumps up to \$44,000, \$38,000 and \$45,000. Can the Honourable Minister please provide some background on that?

**The Speaker:** Minister.

*[Inaudible interjection]*

**Hon. Curtis L. Dickinson:** Mr. Speaker, I am advised that in April of 2018, the Chief Technology Officer was made . . . there was a redundancy payment to the Chief Technology Officer. And in March of 2019, the Office Manager for the BCGC was made redundant. And so, that number includes some redundancy payments to individuals who had left the organisation.

With respect to the consulting expense for February, March and April of 2019, there was a payment of \$25,000 a month over the course of those three months to a consultant who assisted the agency with correspondent banking issues.

**The Speaker:** Supplementary?

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

**The Speaker:** Yes.

**Hon. Michael H. Dunkley:** In regard to that \$25,000 per month payment, can the Honourable Minister name the consultant? And what have been the results of the work done by the consultant in regard to correspondent banking?

**Hon. Curtis L. Dickinson:** The consultant is Rose Investment. And the work is ongoing.

**The Speaker:** Third supplementary?

**Hon. Michael H. Dunkley:** Third supplementary.

**The Speaker:** Yes.

**Hon. Michael H. Dunkley:** Mr. Speaker, obviously, if the work is ongoing, the consultant is not being paid. What are the current priorities and results of the Bermuda Casino Gaming Commission?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** The priorities are to get the legislation passed in the House in terms of the regulations and the law. That is one priority. Two is getting an executive director in place to run the organisation. And three, is resolving the long-standing issue of getting banks to accept gaming proceeds. Those works are all continuing.

**The Speaker:** Third question, yes.

**QUESTION 3: BERMUDA CASINO GAMING  
COMMISSION—COSTS**

*[Deferred 21 June and 5 July 2019]*

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

The third question: Will the Honourable Minister please provide to this Honourable House details of the staff and consultants as of June 30, 2019, at the Bermuda Casino Gaming Commission and the remuneration, including all benefits to each person?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Details of the staff and consultants as of June 30<sup>th</sup>, 2019, at the Bermuda Casino Gaming Commission and their remuneration, including benefits, for each person, are as follows: The total monthly payroll was \$55,619 for the month. This is a reduction from the \$82,953 that was paid in June of 2018. Total employee benefits, which include health insurance, pension, social insurance contributions, were \$6,952.

Currently, there are six full-time employees. The Chief Financial Officer, who also acts as the Executive Director—benefits paid are between \$13,900 and \$18,000, which includes acting pay. No bonuses are paid for this position.

Next is the Director of Problem and Responsibility Gaming. Benefits paid are between \$9,000 and \$12,000 per month. No bonuses are paid for this position. The Legal Analyst earns between \$9,000 and \$12,000 a month. No bonuses are paid for this position. The Business Analyst earns between \$6,000 and \$9,000 a month. And there are two administrative [positions], who earn between \$4,500 and \$6,000 each month.

With respect to consultants, there is Felicia Daniels, who acts as the Policy Analyst, who deals with AML and NMLAC issues, which are a priority for the country. This consultant was paid \$48,488 for the 15-month period from April 1, 2018, to date.

Princeton Global Solutions, who provide technical gaming advice and consultation, were paid \$60,490 for the 15-month period from April 1, 2018, to date.

Estrella Accounting Services, which provides bookkeeping and accounting services to ensure prop-

er segmentation of duties for the recording of financial transactions, this provider was paid \$29,798 for the 15-month period commencing April 1, 2018, to date.

Decisions, who provide basic IT maintenance services, were paid \$42,015 for the 15-month period.

Lovell Technologies, who provide website development and maintenance solutions, have been paid \$17,626 for the 15-month period from April 1, 2018, to date.

Rose Investments have been paid to work with the BCGC to deliver a correspondent banking solution, have been paid \$116,250 from October 1, 2018, to date.

Dr. Loreen Rugle, who is a problem and responsibility gaming consultant and an international expert who trains Bermudian clinicians, was paid \$21,959 for the 15-month period, April 1[, 2018,] to date.

The financial information for the Bermuda Casino Gaming Commission from inception—that would be September of 2015 to March 2019—those 19 months have been tabled. The total cost was \$2,720,099, which works out to be about \$143,000 per month. This cost is lower now, as the Gaming Commission would have taken up time to ramp up their operations.

The total cost for the year ended March 2018 was \$2,478,098, which works out to approximately \$206,500 per month. The Gaming Commission is unable to provide monthly totals, as they have advised that they have changed bookkeepers and do not have any information for the years that have not been audited. So, those are the numbers, sir.

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

### SUPPLEMENTARIES

**Hon. Michael H. Dunkley:** Yes, Mr. Speaker. I thank the Honourable Minister for that.

The Honourable Minister said on the floor of this House that the budget for 2019/20 would be \$500,000, and it would be done through a grant and potential loan from local institutions. Can the Honourable Minister give an update on the budget for 2019/20, and if money has to be borrowed from local institutions?

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

**Hon. Curtis L. Dickinson:** I do not have the budget in front of me at the moment. What I have instructed the Gaming Commission to do is to make themselves available, avail themselves to the line provided by a local financial institution.

**The Speaker:** Second supplementary?

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

Mr. Speaker, has any money been received into the Bermuda Casino Gaming Commission in the last two years in regard to applications or fees for processes along the Gaming Commission to the final end of somebody getting a casino licence?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** The payment of licensing fees has been deferred by the folks who have provisional licences.

**The Speaker:** That moves us on to the—

**Hon. Michael H. Dunkley:** I think I have one more supplementary.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** I had them both?

**The Speaker:** Yes. That moves you on to your . . . Oh, yes. That is all three of your questions now.

That now moves us on to the third written question this morning. And that was to the Minister of Health from the Member Gordon-Pamplin. The written answers were supplied?

**Hon. Kim N. Wilson:** Yes. That is correct, Mr. Speaker.

### QUESTIONS: BERMUDA HOSPITALS BOARD AND BLOCK GRANT

**Hon. Patricia J. Gordon-Pamplin:** Will the Honourable Minister please advise this Honourable House the basis on which billing is initiated by Bermuda Hospital Board since the June 1<sup>st</sup>, 2019 fee for service was discontinued?

**Hon. Patricia J. Gordon-Pamplin:** Would the Honourable Minister please advise this Honourable House whether the service levels at the emergency department have been cut back, thereby creating unsatisfactory, inordinate delays for patient triage and attention, given that the hospital has been given a block grant which should allow adequate staffing?

**Hon. Patricia J. Gordon-Pamplin:** Will the Honourable Minister please advise this Honourable House how many referrals to outside (including overseas) services have been made by the Bermuda Hospitals Board since June 1<sup>st</sup> 2019 in light of the commitment of funding of a \$300M block grant to provide such services in house?

**The Speaker:** Thank you.

We now move on to question number 4. And it is a question to the Minister of National Security from the Deputy Speaker, who is traveling on behalf of the CPA and has asked that MP Michael Scott put his questions.

MP Scott, would you like to put the question?

#### **QUESTION 1: COST OF INVESTIGATION OF FORMER PREMIER EWART BROWN**

**Hon. Michael J. Scott:** I would, Mr. Speaker.

To the Minister: Will the Honourable Minister please inform this Honourable House what is the total cost of the ongoing investigation (both overseas and locally) into a former Premier of Bermuda as at June 30<sup>th</sup>, 2019, in the following areas:

- the total manhours and costs in Bermuda and overseas;
- the total travel cost for airline and ground transportation; and
- the total cost for accommodation in Bermuda and overseas.

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker and this Honourable House, the funds for the total manhours and costs in Bermuda and overseas for the police investigation are \$4,688,184.10.

The total costs for airline and ground transportation is \$64,345.70. Mr. Speaker, the total cost for accommodation in Bermuda and overseas is \$80,000.

**The Speaker:** Supplementary?

**Hon. Michael J. Scott:** Thank you, Mr. Speaker.  
Question 2. I will go to question 2, if I may.

**The Speaker:** Question 2.

#### **QUESTION 2: COST OF INVESTIGATION OF FORMER PREMIER EWART BROWN**

**Hon. Michael J. Scott:** Question 2: Would the Honourable Minister please inform this Honourable House, what is the total cost of legal fees in Bermuda and overseas, and the names of the local and overseas law firms involved in this ongoing investigation?

*[Timer beeps]*

**The Speaker:** Oh! That brings us to a close of Question Period.

And we will now move on to the next item on the Order.

**Hon. Michael H. Dunkley:** Mr. Speaker, just a question. The questions that are outstanding, will they receive a written reply?

**The Speaker:** The questions that are outstanding? Only if they requested a written response.

**The Clerk:** No, no. No, no. The Member can . . . Mr. Dunkley can either request that they have the questions put in writing so they can be in the Hansard. Or the Member . . . Mr. Dunkley, you can request that they can be deferred until next week.

**Hon. Michael H. Dunkley:** I thank the Clerk for that.

**The Clerk:** According to Standing Order 18(7).

**Hon. Michael H. Dunkley:** Standing Order 18(7). I am aware of that Order. I thank you for the clarification.  
I would like to defer them until next week.

**The Speaker:** Okay. We will have them deferred for you.

**Hon. Michael J. Scott:** Mr. Speaker, on a point of privilege. In light of the public interest, the extreme public interest in the answers to these questions being tendered, would you, as Speaker, consider suspending the Orders for us to continue the questions and answers being presented?

**The Speaker:** No. Because the Standing Orders provide, as we just were informed by the Clerk, that we are allowed the opportunity for the questions to be deferred for another sitting. So, the Member has asked that they be deferred for another sitting. And at that time, the [answers] will be provided.

**Hon. Michael J. Scott:** I am in your hands, Mr. Speaker.  
Put the question.

**The Speaker:** All right.

**Hon. Michael J. Scott:** I am being advised by my Whip that I should ask you, Mr. Speaker, to have the questions deferred.

**The Speaker:** So, you are asking that your third question be deferred?

**Hon. Michael J. Scott:** Yes. Well, the second question to which the Minister has not—

**The Speaker:** Because the Minister answered the first question.

**Hon. Michael J. Scott:** Second question.



**The Speaker:** The second question he was about to answer.

**Hon. Michael J. Scott:** That is right.

**The Speaker:** He has not answered. So, you want that deferred and your third question deferred?

**Hon. Michael J. Scott:** And the third question.

**The Speaker:** Until next sitting.

**Hon. Michael J. Scott:** I understand that the Minister will not be here next week, Mr. Speaker, which is why I was asking for the suspension of the rule so that the Minister can give the answers.

**The Speaker:** Well, the House also allows that if the Minister is not present, another Minister can respond on his behalf.

**The Clerk:** Right.

**The Speaker:** So, if he is not going to be here next week, he can have the other Minister just respond on his behalf.

**Hon. Michael J. Scott:** But . . . and if there are supplementaries, only the Minister of National Security could deal with these, sir.

**The Speaker:** Time has run out on us. Time has run out. But the rules do allow, if time exceeds, as it has done, that it can be deferred. So, the matter can be deferred until next week, and answered and responded to next week. Okay? Thank you.

And, look. I am following the time that is on the clock right now. Deputy Premier, I will suggest that you move us to lunch.

**Hon. Walter H. Roban:** Mr. Speaker, I ask that we adjourn for lunch until 2:00 pm.

**The Speaker:** Any objections?

No objection.

We will adjourn now until 2:00 pm.

*[Gavel]*

**Proceedings suspended at 12:30 pm**

**Proceedings resumed at 2:02 pm**

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

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

I trust everyone had a good lunch. Welcome back.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** Before we broke for lunch this morning we were about to go into Congratulatory and Obituary Speeches.

Does any Member wish to speak?

I recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

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

**The Speaker:** Good afternoon.

**Mr. Christopher Famous:** Good afternoon, colleagues and good afternoon Bermuda.

Mr. Speaker, I missed you last week.

**The Speaker:** You did, did you?

**Mr. Christopher Famous:** I would like to bring thanks to the Protocol Office and the diplomatic drivers on behalf of the Deputy Premier of the British Virgin Islands who visited this week, Minister Kye Rymer, the Minister of Transportation and Public Works, and his wife Mrs. Rymer; his Deputy Secretary, Mr. Andrew St. Hilaire; his Deputy Secretary, Miss Haley Trott (whose father is Bermudian); and his secretary, Miss Joyce Gatcliff.

They came to Bermuda to study our public transportation system, which includes our buses and our ferries, looking to implement parts of it in the British Virgin Islands. So it should [give us] great pride for our civil service to know that people in other countries are studying our system, despite some of the internal criticisms—some justified—that we have a model here that other people would like to—

**An Hon. Member:** Emulate.

**Mr. Christopher Famous:** —emulate.

So, again, on behalf of Deputy Premier, Mr. Kye Rymer, he said to thank everyone in Bermuda. It was his first visit, but it will not be his last. and he loved going to LITT [Lost in The Triangle Restaurant] last night and getting some local food. And they also loved . . . what is that stuff called? Bermuda Swizzle . . . Rum Swizzle.

Thank you, Mr. Speaker.

And I also want to thank the liaison officers in St. Lucia who helped us out last week when we were visiting for CARICOM. So it is great to always see that we have this connectivity amongst the islands.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 22.

Mr. Pearman, you have the floor.

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

There are those of us in this Chamber and elsewhere on this Island who were fortunate to be born Bermudian and we take that with great pride, but we should also stop and remember those of us who are on this Island because they have chosen to come and live here and purchase a home and often give back to Bermuda in great ways.

We lost two such people in the last week and I would like to pay tribute to them.

One will be known to most and that is Mr. Ross Perot, who twice ran for US President, and managed to secure in one of those runs one out of five votes in the United States as an Independent candidate, which is virtually unheard of since at least a century ago. He gave a lot to this Island in many, many ways and he was not the sort of person to be photographed on the front of the paper when he did so, but he often contributed greatly to the charitable sectors of this Island. He was an American patriot and a great man.

Lesser known, maybe, Mr. Per Arneberg, who was a shipping magnate who chose to make his home in Warwick. He died, also this week, the same age, more or less, as Mr. Perot.

It is people such as these who often give to Bermuda in so many ways and we never hear about it. And it is interesting that when we talk about "IB" and "them" we can sometimes not stop and pause to realise how much these people give to our Island. And if there is any doubt about that, speak to the people in the charitable sector, speak to the people who run our charities because they would not survive without the largess of men such as these and others.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 26, Mr. Tyrrell.

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker, and good afternoon all.

**The Speaker:** Good afternoon.

**Mr. Neville S. Tyrrell:** Mr. Speaker, firstly, I would like to ask that condolences be sent to the family of the late Mrs. Dorothy Simons, a former constituent of mine. She was 99 years of age in April of this year and was heading, as you know, as you can see, to 100. A well-liked young lady, she was also a member of my church in Devonshire, Christ Anglican Church, and she will be sadly missed by all.

On a more upbeat note, Mr. Speaker, I would like for congratulations to be sent to a young man, he is 11 years old, he attends Whitney, he is an M1, and his name is Jahmi Douglas. Young Mr. Douglas had a very interesting month of June. He is a cricketer and he was selected as the MVP of his Under-13 cricket game for Flatts—that was in early June. The next day his East team defeated the West team in the Under-11 All-Star game. That Saturday, again, at the Wolves Prize-Giving he was awarded the Golden Glove Trophy for his goal-keeping skills. And finally, later in the month of June, his Under-13 East team was defeated by the West team, but he was the captain of that team. And to top it all off, he has played Mini Cup Match, sorrily, though, for Somerset, Mr. Speaker, and captaining with one victory as well. So he has had a good month of June and I ask that congratulations be sent to him.

And lastly, again, one of my constituents, Robert Bean, has taken over the coaching duties of the Pembroke Hamilton Club [PHC]. Robert has been associated with the Club for a very long time, and in fact from about nine he played in the Under-9 and he has worked his way up through the Club. And he is well deserved to be the coach because he has been assistant coach to a few of the coaches of the Pembroke Hamilton Club, and most recently, Scott Morton. So I wish him well. PHC is not my first team, but I do support them because they are in Warwick.

Thank you very much, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 10. Honourable Member, you have the floor.

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

Mr. Speaker, I too would like to be associated with the condolences to [the family of] Ross Perot on his passing earlier this week. I have known Mr. Perot for some time, and I echo the Honourable Member's comments in regard to his support of the community. He dearly loved Bermuda. With his family he came here as often as he could in his busy schedule and he contributed a lot behind the scenes, and he helped make Bermuda a better place. So it is with great sadness the he passed.

One thing I did like about Mr. Perot was that he was always straight to the point. Conversations did not diddle and daddle all around the block. He would probably have been frustrated to be up in this Honourable Chamber at times. And one of his favourite sayings was that, you know (and I paraphrase it), *in life you have got to get right to the point. If you see a snake, you kill a snake; you do not debate about what type of snake it is.*

So Mr. Speaker, may he rest in peace and may his family and friends take some consolation from the good work he did in our community.

I would also like this Honourable House to recognise and send condolences to [the family of] Alexander Charles Hilgrove “Pop” Smith, who was a long-time starter at the Mid Ocean Golf Club. And I knew Pop for many, many years. He was also a keen fisherman. And he passed just recently after suffering some challenges in life. Pop was a man who was of few words. And the Honourable Member, professional Kim Swan in another place, would like to be associated with that. Pop was a man of few words, but when you stepped on the first tee at Mid Ocean you had better follow his direction, Mr. Speaker. I found him to be a true gentleman and I really appreciated our friendship.

And my last condolence is to the Kyme family on the passing of Mr. William Edward Kyme. I first knew Mr. Kyme when I was a junior—probably 12, 13 years old—when I first started playing squash. Eddie Kyme was definitely one of the top three players in Bermuda, you know, quite often he was the number-one player. And as a budding young squash player, I admired the way he moved around the court, because he was not the fastest, but I admired the way he moved around the court and I admired the skills of his shots, he was very prolific in that area. So it has rubbed off on his family. I know that they will miss their father or husband, and he was a man who I respected tremendously. So may he rest in peace.

Thank you, sir.

**The Speaker:** Thank you.

Does any other Honourable Member . . . ?

We recognise the Premier. Premier, you have the floor.

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

Mr. Speaker, I rise today to be associated with the request for a letter of condolence to be sent to the family of the late Mr. Ross Perot.

Mr. Speaker, I was actually fortunate to meet Mr. Ross Perot last year when the Business Development Agency took a trip to Texas as part of RIMS, which was there. And then we also stopped in Dallas to see the Alliance, or as they call it, the entire “Allied City,” which has been built by the Perots in Texas and to have that demonstration. Most of it was with Mr. Ross Perot, Jr., but we also had an occasion to meet Mr. Ross Perot, Sr.

He certainly has been a friend to Bermuda over the years, sometimes a bit more controversial than others, but at the end of the day, he is someone who has given his life in service in lots of different ways. The opportunity to attend the Perot Headquarters and to actually see his life of service—whether it be in the military, whether it be in the private sector, whether it be in the community sector, charitable sec-

tor, or supporting veterans throughout their lives—is certainly something that is to be commended.

And at the same point in time, Mr. Speaker, Mr. Ross Perot, Jr. is certainly interested in extending their business activities here and looking to do more business. And so I think it would be a great gesture for us to make sure that we extend condolences on behalf of this House to his family for a long life of service, not only in business, but also in serving others.

Thank you.

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

Does any other Member wish to speak?

I recognise the Member from constituency 2. Honourable Member, you have the floor.

**Mr. Hubert (Kim) E. Swan:** Mr. Speaker, thank you very much.

Mr. Speaker, I would like to be associated with the condolences extended to Pop Smith from Tucker's Town. And Pop, along with many who worked at the golf club there throughout the years or may have caddied there, [his] family can be traced there. I am sure I can associate (in his absence) the Honourable Member Derrick Burgess with those comments, as Pop Smith's family certainly would have been [one of] those families who lived in Tucker's Town.

Mr. Speaker, I would like a letter sent to the family of the late Mrs. Stephanie McKey, the widow of reporter, Jim McKey, who has passed away. And the McKey family for some time also lived in St. George's, and we send our condolences to them.

On a happier note, Mr. Speaker, HOTT 107.5 celebrated 15 years. And I am proud to be a part of the Inter-Island Communications family as a radio host on HOTT 107.5. Congratulations to former Member of this Chamber, Glenn Blakeney, and the Pearman family who have done an outstanding job providing community-based radio, bringing community-based radio programming to Bermuda.

A great evening was had by all up at the Coco Reef on Saturday evening. And I want to thank all those who came out and were a part of that evening, especially my good friend Sean “Ninja” Cutty, the Matrix; along with DJ Sha from South Carolina; DJ Younguls; Malcolm “Lethal Weapon” Smith being a part of making that evening most enjoyable; and also a special appearance by the smooth operator himself, Mr. Blakeney.

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

I recognise the Honourable Member from constituency 31. Honourable Member, you have the floor.

**Mr. Ben Smith:** Thank you, Mr. Speaker.

I would like congratulations to be sent to the Bermuda team that is representing at the West Island

Games in Gibraltar. At this point we have reached 11 medals, so I would like to congratulate all of our people that are participating on behalf of Bermuda in Gibraltar.

I would also like to give congratulations to Roy-Allan Burch, our two-time Olympian. He has actually published a book—

**The Speaker:** Yes, yes.

**Mr. Ben Smith:** —that is showing beautiful pictures of Bermuda and giving a bit of a story about his journey to the two Olympics. And I know, having been with him as he went through that journey, from the heights of being at the Olympics to the lows of, you know, having that catastrophic injury, I know that this book has been a labour of love for him, but it has also been something that has helped him to get over the disappointment of not being able to fulfil his ultimate dream, which was to win a medal for Bermuda.

I would also like to say good luck to Madelyn Moore, Jesse Washington, and Elan Daley, who will be travelling out on Monday to go to Gwanju, South Korea to participate in the FINA World Championships. I know that they have been preparing all summer to go and represent Bermuda in the world championships.

And Jesse and Maddie will then continue on to go to Lima, Peru, where they will be representing us in the Pan American Games, so I wish them luck.

**The Speaker:** Thank you.

Does any other Member wish to speak?

No other Member? We will . . . Leader of the Opposition. Leader of the Opposition, you have the floor.

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

I do want to add to the sentiments of our former Honourable Member . . . well, not former, but Honourable Member Ben [Smith] on our team that is in Gibraltar, wishing them luck as they go through. And they are doing extremely well there. It is an interesting place; I thought Bermuda was another world. That place you can drive around it in 15 minutes. So I want to congratulate those who have medalled thus far.

Bermuda certainly is represented well, especially with our swim team. I am looking forward to the Olympics coming. I hope we are going to have some Olympians in there, but if we are not with this next one, I am sure that at the following one we will be prepared with all of the medals that our young people are building up and winning as we speak.

I also would like to add sentiment to Mr. Perot's family and condolences. Way back in 2003 when I had just started out at Collector's Hill Service Station, I knew the name; in fact, if I saw him in per-

son at that time I probably would not have been able to say who he was. But we did get to know one another; he was a customer of ours. And I can recall saying to my son, *Well, look, you know, would you like to go out to the Perot house?* They were getting prepared for a hurricane and they had a large generator and it needed a humungous amount of diesel, actually. So we had the opportunity to service him.

I do recall him coming into the station at one time and no one really knew who he was, he came in in these garden boots, and was very unassuming as he walked about. So I want to say thank you to the family for their support in Bermuda. We continue to think about them as they continue to move forward and show confidence in Bermuda.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

No further Members wishing to speak?  
We will 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:** Introduction of Bills.

I believe we have six Bills to be introduced this afternoon.

The first are in the name of the Minister of Finance. Minister of Health, are you going to do his?

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

**The Speaker:** Okay.

**Hon. Kim N. Wilson:** Yes, thank you.

**The Speaker:** Actually, he has four.

The first is the Fund Administration Provider Business Act 2019.

## FIRST READINGS

### FUND ADMINISTRATION PROVIDER BUSINESS ACT 2019

### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2019

### TRUSTS (REGULATION OF TRUST BUSINESS) AMENDMENT ACT 2019

### INSURANCE AMENDMENT ACT 2019

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

Mr. Speaker, I am introducing the Bills for first readings so that they may be placed on the Order Paper, namely, the Fund Administration Provider Business Act 2019; the Corporate Service Provider Business Amendment Act 2019; the Trusts (Regulation of Trust Business) Amendment Act 2019; and the Insurance Amendment Act 2019.

**The Speaker:** All right.

**Hon. Kim N. Wilson:** Whilst I am on my feet, may I also Mr. Speaker,—

**The Speaker:** Would you like to do your matter?  
Yes.

## FIRST READING

### DENTAL PRACTITIONERS AMENDMENT (NO. 2) ACT 2019

**Hon. Kim N. Wilson:** —introduce 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 Dental Practitioners Amendment (No. 2) Act 2019.

**The Speaker:** Thank you.

And the last to be introduced this afternoon is in the name of the Minister of Education.  
Minister?

## FIRST READING

### CHARTERED PROFESSIONAL ACCOUNTANTS AMENDMENT ACT 2019

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Chartered Professional Accountants Amendment Act 2019.

**The Speaker:** Thank you.

**The Deputy Clerk:** There are no Private Bills and no Opposition Bills.

**The Speaker:** No.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** Members, we are now on the Orders of the Day, and there are three items I believe we will be taking up today.

And the first is the third item on the Order Paper, which is the second reading of the Health Insurance Amendment (No. 2) Act 2019, in the name of the Minister of Health.

Minister?

## SUSPENSION OF STANDING ORDER 29(1)

**Hon. Kim N. Wilson:** Mr. Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Health Insurance Amendment (No. 2) Act 2019.

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

*[Motion carried: Standing Order 29(1) suspended.]*

## BILL

## SECOND READING

### HEALTH INSURANCE AMENDMENT (NO. 2) ACT 2019

**Hon. Kim N. Wilson:** Mr. Speaker, I stand before this Honourable House today to present the Bill entitled the Health Insurance Amendment (No. 2) Act 2019.

Mr. Speaker, the Ministry of Health is responsible for providing the health insurance plans, HIP and FutureCare, to ensure that there are affordable and accessible options for health insurance for the people of Bermuda. The Health Insurance Act 1970 is the Act that establishes these plans and the benefits that they are legislated to provide.

The Health Insurance Act of 1970, Mr. Speaker, also allows for the Health Insurance Committee to provide additional benefits outside of the legislative requirements in the HIP and FutureCare plans. An additional benefit, for example, currently provided for is the personal home care benefit, which allows persons to be compensated whilst caring for elderly and the disabled in their homes.

Mr. Speaker, the Ministry of Health has to ensure that the additional benefits are available for those persons who need them the most. To do this, the Health Insurance Amendment (No. 2) Act 2019 provides for the establishment of some criteria for those additional benefits that would include means testing. The Health Insurance Committee would also be authorised to determine what the criteria will be for these benefits.

Means testing, Mr. Speaker, will only apply to those policyholders who apply for FutureCare and HIP after the commencement of the means testing provision near the end of July.

Mr. Speaker, currently there are 341 participants that are using the personal home care benefit, which costs approximately \$6 million per year. And we want to make sure, Mr. Speaker, to ensure the viability and sustainability of these plans. In order to do this, as to ensure that the population that needs them the most have access to them, we cannot do this without establishing criteria and ensuring that there is a process for persons to show that they are eligible. The amendment today allows for the Health Insurance Committee the ability to do just that.

In addition, Mr. Speaker, it would be best if persons could receive the health care that they need on Island to remain with their family and friends. However, we know that there are times when travelling overseas is warranted and the Ministry wants to ensure that HIP and FutureCare patients still have access to this care. As such, the amendment Act reduces the amount reimbursed from HIP and FutureCare for services by overseas providers that are outside of the HID's preferred network. [For] providers that are inside the approved HID network the reimbursement rate will remain the same.

Providers are selected to be under HID's preferred network based on quality clinical outcomes as well as reasonably negotiated rates. The Health Insurance Department has a process by which overseas providers are researched, based on clinical outcomes first, and once proven to have good clinical outcomes, a negotiated process for fees begins.

Mr. Speaker, it is important for us to remember that the HIP and FutureCare plans are highly subsidised by the Government to maintain reasonable premiums and, therefore, while we are ensuring that the overseas providers in the preferred network have proven quality clinical outcomes, we must also manage cost containment for the plans. Again, there is no reduction in the amount reimbursed from HIP and FutureCare for services by overseas providers that are within the preferred network.

Mr. Speaker, the Health Insurance Amendment (No. 2) Act 2019 will also align the legislated dental benefits, which are currently offered to HIP clients, and increases the coverage slightly for dental implants for FutureCare patients. These changes ensure alignment with the Medical/Dental Order fee rate.

Overall, Mr. Speaker, the Bill entitled the Health Insurance Amendment (No. 2) Act 2019 will allow the Ministry to continue to provide all persons in Bermuda access to health insurance by ensuring that the plans we provide are affordable, focused on the quality, and ensuring access to benefits.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 19. Honourable Member, you have the floor.

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

Mr. Speaker, I thought it might be useful to put HIP and FutureCare in context so that we understand when we make changes, et cetera, to these plans what it means to Mr. and Mrs. "Older" Bermuda. And the reason I say that is because if you go back and think about the history, originally, HIP used to just cover, what I call, things in the hospital. That is the way it started.

And then after that it started to improve so that you . . . and at that point in time not only did it just cover things in the hospital, you could only enrol twice a year—which was in March and September—and if you missed those times then you could not . . . you had to wait. If you were ill in between, too bad.

And then after that, what ended up happening over time, there was the realisation that it was important for people . . . because this plan tended to be more the plan of last resort, it was important that these dates changed. So then, after that we had the rolling enrolment, then after that, even though HIP used to start off with mainly inpatient benefits, we started to add other services.

And the reason I say that is because when you start to look at the changes that we are making it is important to put that in context in terms of the people who are going to be impacted; i.e., the seniors, or the people who do not have a lot of resources available to them. Because back when it first started, as I said, it was mainly for overseas services . . . it was mainly for local services, it was not for overseas, and then after that, we started to add overseas benefits.

And remember . . . I think it is important also to realise that the people who first started to use HIP and FutureCare were those who could not afford private plans. These are what I call the farmers, the fishermen, the taxi drivers, the small business owners. So you have a nucleus of people that viewed these plans as a place where they could go to make sure that they were complying with the regulations that said if you worked, you had to have standard health benefits . . . standard *hospital* benefits—because back then it was standard *hospital* benefits. And you used to have issues where people would have to go abroad and the LCCA [Lady Cubitt Compassionate Association] would



have to step in. And then over time it grew to standard health benefits and then other services were added.

And the reason I am just reviewing all of these things is because we have to put in context the changes that we are making, how it is going to affect some of the people. And I know the Minister said that it is important to be able to recognise that we are trying to control the cost of health and I appreciate that, really, that it is.

So when the other services were added, like dental and open enrolment and overseas treatment, that meant that all of a sudden HIP, if you will, became not just this *hospital* benefit, this *hospital* plan, it became a health plan. And lots of people started to enrol in it, so much so . . . and because, as the Minister said, it is subsidised by government, it meant that the rates were very attractive.

And all of a sudden people started to realise that HIP had evolved, and then when the Government of the day introduced FutureCare, which provided insurance for seniors, it created the scenario where, all of a sudden, seniors had another option for health insurance.

And if you remember, when FutureCare first came out it actually had two . . . I do not want to say two classes, two categories (because I do not want to introduce class wars), two categories, so that you had one group which was paying a very beneficial rate and another group that was paying something higher, and there was a whole lot of controversy about that. And in the end we turned around and we changed it, and said you just had to have one group and therefore the FutureCare premiums were then all put together.

But it is important to recognise that there was an element . . . there has always been an element of subsidisation in HIP and FutureCare and, therefore, that means that the people that are enrolling in those plans are getting a benefit. And when you start to think about that and you start to realise that the Government—whether it be us as the Government who were in at the time and the Government of the day—this means that the Government is turning around and giving somebody a benefit.

And over time what has happened is that as more people start to get into changes in their circumstances, because remember at one stage you could reach 65 [years old] and you would be able to stay on the retirement plan of the company you worked for. And that was great because you got some good rates. As the cost of health and the premiums started to come under pressure, more people started to say, *You can't stay on the retirement insurance plan, you now have to go and find your own insurance*. And that is how people then started going into FutureCare. And that meant that, all of a sudden, they were able to take advantage of some of the benefits that were there.

And I am only saying this to show how the changes that we are talking about today are going to affect people. And they are going to affect some of the

people that, at this point in time, we really would not want to affect, because they are affecting people . . . if you are in HIP or FutureCare . . . a lot of people are in there because that is all that they can afford, that is the plan that allows them to make sure that they have some coverage. Yes, there are some people that are in there that have made conscious decisions that some of the other plans are too expensive and, therefore, they are making a conscious decision to join that.

But the enrolment in FutureCare, as I say, has grown, in my opinion, because the premiums were low and the services made it affordable. And so it meant that those seniors could turn around and continue to be able to live and be able to manage.

So when the Minister is indicating that there is this change, my concern is that you are changing it to affect those people who the Government was just talking about, those people that they want to make sure that they say that the seniors have . . . you know, the seniors are the people that we want to recognise. They have been here, we believe that they should be accorded a sort of . . . almost a higher stature from the point of view of being the group that we want to revere. And then we are turning around and we are saying that we are going to introduce the possibility that maybe their benefits could be reduced by the introduction of means tests.

And I say that because the Minister was very careful to indicate that the means test or anything that they would do would not take effect in terms of anybody that is there now, that it was only going to take effect for people who enrol later on. So then it almost then becomes what I call a “buyer beware,” because it says *if you go into HIP or FutureCare, just be aware that something else could come out afterwards and you might have to be means tested as to whether you are going to get the full benefit*.

And I say that because I know that, at one point in time, there was this whole thing of giving people benefits, and how do you determine whether this person should have the full benefit or that [another] person should have a lesser benefit? Because someone would look at them and say, *Well, he's a wealthy person. He's somebody who doesn't have a lot of finances*. But at the point in time, when you introduced benefits, there was nothing that sort of said you were going to . . . and I will not use the word “discriminate,” you were not going to differentiate between what resources the individual had.

But the other side of it is, which I know is why I believe some of these things are happening now, is that prior to this it had been extremely difficult to determine what, if you will, wealth any individual had. Because the Government, and I mean all of the Governments of the day—whether it be from way back to just now and before—nobody really was able to put their finger on how much money an individual made, other than payroll tax where you had the ability to be able to say, *Well, this is what you earned*. People did

not know what you got in terms of dividends, they did not know how much you got in terms of rental income, but Mr. Premier—and I am saying this to all of Bermuda out there—many more of the changes that are being introduced now are going to allow the Government—whether it be this current Government or any Government of the day—ultimately to be able to understand the wealth that an individual has accumulated.

And, therefore, I know at one stage when we were looking at some things and talking about whether you were going to differentiate, the thing that came up was, *Well, we've got to figure out a way whereby we can decide how much a person can get . . .* even if you talk about age subsidy. Age subsidy is only on the basis of your age. If you are over 65 you get, I think it is, 70 per cent, and if you are over 70 then you get, I think it is, 100 [per cent] or 80 [per cent], I cannot remember. I am not at the other category yet. But all I am saying is that it was something that you differentiated on the basis of a factor that made it easy to implement.

Now when you start talking about a means test, I believe that this is where you are going to start getting into the whole question of, What are you going to introduce now? Now, I know that the Minister has indicated that the Health Insurance Commission has to make the decision on what criteria they are going to use. But I do believe that part of that criteria . . . when you say “means,” to me that talks about wealth, and that talks about income, and that talks about what you can afford. So I believe that it is important for us to recognise that some of what I am talking about might be . . . I will not say an “unintended consequence,” because most times when these things happen there is an intention for it to occur. But it might be something that is designed.

And all I want to raise as the concern for Mr. Mrs. “Older” Bermuda is the fact that you need to understand that when these things get introduced, there is going to be some potential impact on yourselves, on the benefit that you get. But I think the other side of it is that Mr. and Mrs. “Older” Bermuda should not feel as concerned about this if they knew that the Government of the day was paying real attention to reducing the cost of health. If the Government of the day was looking at bringing the cost of health down, that would bring their premiums down. So it would mean that whatever you were going to charge, whatever benefit you get, you knew that it was being looked at and, therefore, you could feel comfortable that what you are going to pay is going to improve.

Mr. Speaker, I am concerned, because I do not see enough to indicate where we are in terms of bringing the cost of health down. I do not see enough to indicate where we are in terms of reducing the utilisation. I do not see enough to indicate where we are with educating people on the role that they play in health care, on understanding that when you go to

your doctor you have to understand what he is telling you. You have to understand what he is telling you with respect to your illness, and what he is telling you with respect to your treatment.

And the reason I say that is because two things have occurred which have come to my attention, which I believe are going to be very significant as this goes forward. One, because the Government has turned around and given the block grant to the hospital, and two, because I understand now that this whole thing of the co-pay or the amount that individuals have to pay with respect to when they go to their doctors is being reduced. Now, that is serious.

The reason I say that is serious is because when I used to go to—

**Hon. Kim N. Wilson:** Point of order, Mr. Speaker.

**The Speaker:** I will take your point of order.

### POINT OF ORDER

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

Mr. Speaker, actually it might be a point of clarification. According to the [Standing Orders], the debate for the [second] reading is meant to be a substantive debate containing the merits of the actual Bill in front of us. Now, I have sat here quite attentively trying to ascertain whether or not the Honourable Member who is speaking is supporting the Bill or not, but because she is veering into other areas that do not directly affect the Bill in place, according to the [Standing Orders] you must contain your conversation in your debate to the actual Bill.

**The Speaker:** She was allowed a little latitude there.

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

**The Speaker:** Yes, just a little.

**Hon. Jeanne J. Atherden:** Mr. Speaker—

**The Speaker:** A little . . . a little, just tie it in—

**Hon. Jeanne J. Atherden:** —and I will continue to say that—

**The Speaker:** —tie it in.

**Hon. Jeanne J. Atherden:** —because these changes affect a group, they affect seniors, they affect . . . FutureCare is all about your seniors, and HIP is all about, in a large measure, people that are vulnerable or they use it as a plan of last resort.

So all I am saying, Mr. Speaker, is the fact that if you end up looking at the plan, and if you have some concerns about the changes that are being made, we have to bear in mind that it is just not the

start of it. Sometimes you have, what I call, the tip of the iceberg. And I am just worried that the iceberg, which is talking about new people that will be affected by the changes . . . the iceberg, which is talking about the fact that if you go outside a plan that you are going to have a reduction in the amount of coverage that you . . . the percentage coverage.

**The Speaker:** Mm-hmm.

**Hon. Jeanne J. Atherden:** And I can understand that conceptually that you want to say that if you want to reduce your costs, you want people to stay within the coverage. I understand that. And if they go outside, then you are going to make it not as beneficial to them by the percentage that you are going to allow them. So I understand all that.

But, to me, if you are going to make those changes in the spirit of saying that you want to reduce the cost of health, then I just go on the basis of there are some other things which I would like to think, and I think the people of Bermuda—the elder people of Bermuda—would like to see happening. And the reason I just mention about the seniors is because they are the group that are going to be impacted from the point of view of having to pay bigger co-pays and then, potentially, get sent off the Island because of their health.

So Mr. Speaker, I am not saying that we do not understand the need. And I am not saying that the idea of a co-pay is not something that has not been considered. But I do believe that the people of Bermuda need to understand that this is the beginning. I really do believe that this is the beginning of recognising that a means test is going to be a way that you are going to differentiate between an elderly group of people that is in FutureCare or people that are in HIP.

And that I would just . . . it would seem to me that if the Government of the day that is introducing this, perhaps, made a statement as to their overall plan in terms of how they are going to reduce the cost of health and whether this is the beginning of the rest of it, then maybe we could have some comfort level that means testing is not the beginning of income tax and that this is not something that is a natural consequence.

So, Mr. Speaker, I think with those comments I want to say that we want the people—the older people—of Bermuda, the ones that are in HIP and FutureCare, to recognise that those that are in there now are not affected by it, but those that come there have to be very mindful of the changes that will be made.

Thank you, Mr. Speaker.

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

Does any Honourable Member wish to speak?

We recognise the Opposition Whip. Honourable Member, you have the floor.

**Ms. Susan E. Jackson:** Good afternoon, Mr. Speaker.

**The Speaker:** Good afternoon.

**Ms. Susan E. Jackson:** Generally I accept the legislation that is being debated today. But I do have a few concerns, in particular around those who are not going to understand fully and be aware of the changes that are taking place.

So as I read the legislation, what I am really seeing is almost a rob Peter to pay Paul. So there has been big conversation about not increasing premiums, but what we are doing is we are going to reduce the amount of reimbursement. And so the client, the patient, is now going to have to pay a larger co-pay for some of the services that they may receive through HIP and FutureCare.

And, of course, what is closest to my heart is the caregiver. So, the term has been redefined or the name has been changed, so now it is “caregiving.” And many of the people that I know, that I canvass that are receiving the services of caregivers and it is being covered under FutureCare, are under . . . they have very controlled budgets, it is a limited budget, and they highly, highly appreciate the services and the support that they receive from the caregivers.

And for many of them . . . and, you know, \$15 an hour to the person who is out there working every day might be fine. But for someone who is in their elder senior years with a very limited amount of money, having to come up with . . . not just \$15, because I believe that is just \$15 an hour. So if they are now having to pay more for the service of a caregiver . . . and I am not absolutely sure what the price will ultimately be. But even if it is an additional \$5 and they are paying \$20 an hour for a caregiver to come in, you can just imagine, Mr. Speaker, how that is going to add up and impact someone who is no longer working and is living on a very controlled budget having to make that sacrifice in order to receive the basic, humane, respectable treatment and care that they require.

Caregivers come into homes and are supporting people who are just trying to find the dignity to be able to get out of bed and be clean and presentable and are fed and are receiving the basics of human survival in some cases. And the idea that these folks will now have to face the additional cost of having that caregiver come in for this sort of fundamental right of human dignity, to me, it seems as though it is unduly punishing and penalising people who have given an awful lot to this community. And now that they are in a limited more vulnerable position, they are faced with paying a higher co-pay for these services.

Now the overseas piece. Any hospital that a client of FutureCare or HIP may have . . . any client who has to travel overseas for services has to now know, before they go, whether that hospital or facility

is within our network. So I guess my big question is, where would an individual who has to travel overseas find this list of approved facilities?

And then, I guess, really on top of it they are going to have to play this balancing act of are the costs going to be the same [as] the approved hospital or facility that is in network versus a hospital or a facility that they may go to outside of network. And I am saying that because some hospitals are quite expensive. And if Bermuda has always had this theme, you know, we are looking for quality care and we are recommending medical institutions that are expensive, then that co-pay in and of itself is going to be more than a number of our FutureCare and HIP clients can afford.

So I guess, you know, I do not even know how people are going to afford that kind of co-pay, especially if they are so sick that they are required to go overseas. And so then, I guess, they have to default to going to the hospital. My concern and, you know, I have nothing in particular to say that is negative about the hospital, but there is one observation that I do have. And that is that some of the illnesses that people get in Bermuda are not illnesses that are seen every day. And there are a number of people that go into our hospital with illnesses or symptoms of illnesses that many of our doctors and medical practitioners in the hospital may not initially recognise because they are not seeing them every day.

Yet, if you go overseas to a medical facility that sees thousands of patients every day, they may find that they are seeing these symptoms and these particular illnesses by the hundreds every day. And so they are able to treat, they are able to recognise, they are able to provide the services in order to either heal or control a particular illness that our local hospital just may not be able to do.

And so I am afraid, I am hesitant, that there will be people in our FutureCare, in particular, policyholders, that are going to default and go to the hospital in Bermuda because they cannot afford to pay whatever the co-pays or no coverage whatsoever would [apply to] them if they go overseas. And so their prospects for any kind of cure or treatment may then be curtailed or delayed because the local hospital is just not familiar with their illness.

The means testing. So, I get it, absolutely. There is no reason why somebody who can fully afford medical services, you know, maybe there is some sort of adjustment in payment or qualification for various services, and I get that. But I would like to know from the Minister what the parameters are around that means testing. And if I could get an answer or some sort of guideline on where the Ministry is going around the means testing, then it would certainly help to alleviate some of the anxiety that our constituents may feel because of the legislation that is coming in and not knowing whether they are going to qualify or not qualify based on a means test.

So, with that I am going to take my seat, Mr. Speaker—

**The Speaker:** Yes.

**Ms. Susan E. Jackson:** —and thank you so much for listening.

**The Speaker:** Thank you.

Does any other Member wish to contribute?

No other . . . ? I recognise the Honourable Member from constituency 10. Honourable Member, you have the floor.

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

Mr. Speaker, I am pleased to have the opportunity to speak in this debate this afternoon.

And let me start out by saying, Mr. Speaker, that health care is one of the most challenging issues of our time and it seems too often that we come up here and we are putting a half-inch Johnson [& Johnson] Band-Aid on stab wounds that need much more attention than that. And that is what I see here today. There seems to be a glaring lack of a holistic approach by this Government in dealing with this issue.

And my honourable colleague from constituency 19, who spoke to this matter earlier—

*[Inaudible interjection]*

**The Speaker:** Member, Member.

**Hon. Michael H. Dunkley:** —gave some suggestions on some of the critical issues that we face.

But if we take a look at this Bill and magnify it out to a further view, you clearly understand, Mr. Speaker, that the train has left the station and it is moving very fast. If you look at some of the stats that were put out in the, I think it was the [Bermuda Health Council's \[Actuarial\] Report](#), which was tabled in this House a couple of weeks ago, you will see that 41 per cent, Mr. Speaker, of the insured population is 55 and over. And that number is predicted to rise at a significant rate every year. That will, in itself, have a great impact on everything we do as far as the cost of health care and insurance for health care.

Look at another fact, Mr. Speaker, that is in that [Actuarial] Report and it is on page 8 of the [Actuarial] Report for anybody who wants to follow it. Page 8 of the [Actuarial] Report shows the cost per capita and the loss ratio and it compares private plans and Government plans. And it shows that in 2017 and 2018 the private plans had a loss ratio of between 80 [per cent] and 89 per cent. In other words, they were on the right side of the equation, Mr. Speaker. It shows that the Government plans had a loss ratio of between 136 [per cent] and 143 per cent, so they were on the wrong side of the equation, Mr. Speaker.

And what that means is that as Government has pushed more out into the private sector, we are going to have more challenges that we have to face. And yesterday was a day when one of those surfaced. A local company reduced benefits to their staff. Whether they did it in the right way or the wrong way, they reduced benefits to their staff, their staff rightly got upset and we had a real reaction.

Now, Mr. Speaker, I can tell you right now this is not the first that I have heard of that, because the cost of health care, as we can see by just those few stats, is getting to be astronomical. And no business can cover those increases and no families can cover those increases as well.

So when we look at this Bill, specifically, and when we look at increasing co-pays, we must also look at, Mr. Speaker, what knock-on effect that has. With people that are already struggling we need to understand that to meet that co-pay it is not going to be something they can run down to the bank and withdraw some money or just go into their closet and draw money. People do not have that money to pay for the co-pay. And while I am on that, why do we think, Mr. Speaker, more and more people are going to the hospital? Because they do not have to worry about going to their private doctor and have a co-pay, Mr. Speaker. And so these are the knock-on effects of this legislation, and maybe they are the unintended consequences that happen. And all the while it is going to make the health care prices become a much deeper and deeper crisis.

When we look at reducing overseas coverage and means testing, yes, should have means testing. We need to make sure that for those who cannot afford it we try to help in every way. But when we look at reducing the amount of overseas coverage it gets back to what I just said, Mr. Speaker, about the knock-on effect.

And so there is no crystal ball which will resolve all of this issue. I know the Opposition, when they were over here, they had the crystal ball, they seem to have lost it in changing sides, Mr. Speaker. But there is no crystal ball that resolves all of this. But it would be nice to see the total plan of what Government is doing, because the last amendment we saw, I said that I did not think it was going to work and I thought it was going to be very bad for people.

This amendment here, to me, is putting a half-inch Johnson [ & Johnson] Band-Aid on stab wounds that need a lot more than that, Mr. Speaker.

**An Hon. Member:** You sound like Ewart Brown.

**Hon. Michael H. Dunkley:** Health care . . . health care is . . . and you know the Honourable Member from constituency 29 says I sound like Ewart Brown. Well, in some areas, I agree with the Honourable Member.

One of the things that the former Honourable Member said was that *if we want to reduce costs, let us cut costs right across health care by 10 per cent and get the reduction that way*. And that might be a way to start. That might be a way to start, because right now we stand in this room, we are making decisions, but everybody you talk to says, *Don't come to me; it's not my problem*. And the utilisation continues, the challenges we face with our seniors' population—all of that continues to manifest itself to a larger and larger case.

So, Mr. Speaker, today, this Bill here is just a small, half-inch Band-Aid on stab wounds and it is not even going to last in the time we put it on.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Leader of the Opposition. You have the floor.

**Hon. L. Craig Cannonier:** Thank you, Mr. Speaker. I will be very brief.

I guess what I am trying to understand is, exactly why? Is this a financial decision, a health decision, exactly why are we reducing the co-pay?

And I ask that question because I do understand that there is some belief that there are some who are on HIP that maybe financially they can afford to do otherwise. And maybe that is where the means testing should come in first, that we should be looking at that, which would obviously increase the opportunity of benefit for those who really need to go on HIP and FutureCare.

So, again, I go back to the question then, exactly why are we making this particular move?

I can think of some loopholes, obviously. I had an experience where a relative of mine was on FutureCare and unfortunately they had a stroke while they were away and the first hospital close to them was where they had to go and it was not on the approved list, and so many of us were participating in helping with the funding just so that this person could get the care that they wanted. And I am assuming there is something in there where you can write in after the fact—I would like to hear that clearly, that you can write in after the fact—if this happens, because they needed that care immediately. The hospital was literally 15 minutes away, but the next closest hospital—which was on the list—was almost 40 minutes away. So I think that there is a loophole there.

But getting back to the real issue here, I just want to hear with some clarity as to exactly why we are making this decision. I mean, we have all heard how the Government is very much concerned about the least of our Bermudians who are struggling. Certainly, health care is very costly. We know it is costly for Government, we understand that. We have been

there as a Government, we understand many of the costs that are involved. But for those of us who will find ourselves in this position of HIP and FutureCare, I do believe that there is opportunity to gain (what would I say?) by doing the means testing, for those who should not be on HIP and are on HIP. There is opportunity so that we do not have to reduce the co-pay. There are many other areas that we can look at within the whole health scheme itself that will go a long way into propping up this particular area as opposed to reducing from it.

So it would be nice to be able to hear some of those—

*[Inaudible interjection]*

**Hon. L. Craig Cannonier:** Sorry, you were interpolating?

**Hon. Zane J. S. De Silva:** So how come you did not do it?

**Hon. L. Craig Cannonier:** So I would like to hear and, of course, you know—

*[Inaudible interjection]*

**Hon. L. Craig Cannonier:** —we continue—

*[Inaudible interjection]*

**Hon. L. Craig Cannonier:** —of course, we continue to get the interpolating of why you did not do it—

**Hon. Zane J. S. De Silva:** Just asking the question.

**Hon. L. Craig Cannonier:** —why you did not do it—

**The Speaker:** Speak to the Chair.

You will be all right, just speak this way.

**Hon. L. Craig Cannonier:** Absolutely. Empty barrels make the most noise, they say.

**Hon. Zane J. S. De Silva:** They sure do.

**Hon. L. Craig Cannonier:** And we continue to hear this, *Why didn't you do it?* When, you know, it can be thrown around in so many circles, especially around the Honourable Member who is interpolating.

So I just want to know—

**The Speaker:** Just send your comments this way, you will be all right.

**Hon. L. Craig Cannonier:** —and understand a little more, Mr. Speaker, as to why. Why we are heading in this direction, and [I want to] hear that fleshed out a

little more. It would be very much appreciated rather than the interpolation.

**The Speaker:** Thank you.

Does any other Member wish to speak?

No other Member?

Minister?

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

Mr. Speaker, let me start by addressing the question that was just asked by Honourable Member who just took his seat.

Do you want me to answer your question? Do you want me to answer your question?

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

**Hon. L. Craig Cannonier:** Would I want that? Yes.

**The Speaker:** Continue, Minister.

**Hon. Kim N. Wilson:** Okay.

Mr. Speaker—

*[Inaudible interjection]*

**Hon. Kim N. Wilson:** Mr. Speaker, the objective of this legislation, as I indicated previously, is twofold. One is to address the issue with respect to cost containment. And the other, Mr. Speaker, is to provide for a means test.

And the Honourable Member that just took his seat spoke about the means testing for HID and FutureCare, and that is actually incorrect. The means testing is only for persons who are applying for the personal home care benefit. Why do we do that, Mr. Speaker? Because there are some members of our community that are more able to afford that particular personal home care benefit than others.

The personal home care benefit is up to \$60,000 per year. And what we are finding is [we need to] make sure—because] we spend almost \$6 million a year for some 341 persons who are currently the recipients of the personal home care benefit—and what we need to ensure is that this money is utilised for those persons who need it the most. Hence, the introduction of a means testing.

And as I said in the brief, Mr. Speaker, the HID department . . . excuse me, the Health Insurance Committee is charged with looking at a means testing, and they will be working with other government departments, including the Department of Financial Assistance, so that they can best ascertain the best method moving forward as to how to assess the means for those individuals who are applying for the benefit of the personal home care benefit.

So, just for clarity, the health insurance . . . the HID and FutureCare are not being means tested.



What is being means tested is the benefit for personal home care benefit.

So, in addition to that, Mr. Speaker, as it relates to the means testing . . . I am sorry, with respect to the network, right now what we have is there are a number of hospitals that are contained within the network. And the Honourable Member from constituency 12 . . . 20? . . . [constituency] 20 asked how does that information get presented to the public. That information is available at the Health Insurance Department. When individuals are on FutureCare or HIP and they are required to go overseas for medically necessary procedures, if they say, for example, they are going to America, then the information concerning which hospitals are in network is provided to that patient.

Let me clear up something else, Mr. Speaker, that may not have been properly understood. That is the reduction in . . . I am sorry, the reduction that we are speaking about in this Bill concerning the co-pay is only for persons that decide that they are going to get treatment *outside* of the network. If you are going to be treated inside of the network, there is no reduction, there is no increase in co-pay—that remains the same. It is for persons that choose to go outside of the network.

Why is the network so important, Mr. Speaker? Because the HID department does extensive research insofar as the hospitals that they choose. The starting point, Mr. Speaker, is to ensure that the hospital has proper health outcomes. What we do not want to do is to encourage our people to go overseas and receive treatment at sub-par institutions. So the first thing that they do is to research the outcomes—the patient outcomes—with respect to that facility. Once that exercise has been completed [and] the Health Insurance Department is satisfied that the outcomes are appropriate, then they start to negotiate the fees and make sure that they can negotiate proper rates for the services. If an individual chooses to go to a facility that is *outside* of the network, this is where there will be an increase in [their cost].

We are trying to dissuade persons from going outside of the network because they have not had the proper research and vetting. We are finding situations where patients are going to places and they are being gouged because they are outside the network; they are having poor health outcomes, only to come back to Bermuda to have to have further procedures being completed.

And, Mr. Speaker, those are the reasons why it is necessary for us to amend this legislation. One is to ensure the proper distribution of the limited resources that are available as it relates to the personal home care benefit, which we know is extremely, extremely successful. I remember when I was in the Opposition and the Honourable Member who spoke on behalf of the [then Government] introduced the personal home care benefit, I commended her and the

Government for that because it is a very, very valuable benefit—which we are not touching. We are allowing for the personal home care benefit to continue; however, we will introduce a form of means testing to ensure that the finite sums utilised for that benefit are still made available.

I want to also add, Mr. Speaker, that the amount—the reimbursement rate—for the caregiving under the personal home care benefit is not changing. That reimbursement rate will remain the same. But what this law seeks to do is to provide a means test for the persons who will receive that benefit.

And on that, Mr. Speaker, I would like to move that this Bill be now committed.

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

I am going to call on the Member from constituency 1 to come to the Chair.

Thank you.

[Pause]

**House in Committee at 3:10 pm**

[Mrs. Renee Ming, Chairman]

## **COMMITTEE ON BILL**

### **HEALTH INSURANCE AMENDMENT (NO. 2) ACT 2019**

**The Chairman:** Good afternoon.

Honourable Members, we are now in Committee of the whole House for consideration of the Bill entitled the [Health Insurance Amendment \(No. 2\) Act 2019](#).

I call on the Minister in charge to proceed.  
Minister.

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

Madam Chairman, I move that all clauses be read for a second time.

**The Chairman:** Is there any objection?  
Proceed.

[Inaudible interjections]

**The Chairman:** Oh, I am sorry. Okay.

**Hon. Kim N. Wilson:** Madam Chairman, the Bill would amend the additional benefits orders made under sections 13(2) and 13B(2) of the Health Insurance Act 1970 (herein referred to as “the principal Act”) in respect of the Health Insurance Plan (or “HIP”) and the FutureCare plan, respectively, and allow the Minister, in an order made under those sections, to make any additional benefit subject to criteria, including

means test criteria, and authorise the Health Insurance Committee to determine the criteria.

Madam Chairman, clause 1 is self-explanatory.

Clause 2 allows the Minister, in an order pursuant to section 13(2)(b) of the principal Act (which empowers the Minister to prescribe additional benefits for the health insurance plan) to: (a) make an additional benefit subject to certain criteria, including means test criteria, and (b) to authorise the Committee to determine the criteria.

Clause 3 allows the Minister, in an order under section 13B(2)(b) of the principal Act (which empowers the Minister to prescribe additional benefits for the FutureCare plan) to: (a) make an additional benefit subject to certain criteria, including means test criteria, and (b) to authorise the Committee to determine the criteria.

Clause 4, Madam Chairman, amends the Schedule to the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988. Clause 4(1)(a) amends the dental benefits listed in paragraph 12 to correctly reflect those benefits that are under HIP, and clause 4(2) deems this amendment to the dental benefits to have taken effect on 1 July 2018. Clause 4(1)(b) amends paragraph 13A to provide that, in respect of any person who becomes enrolled in the plan after the coming into operation of this Act, the personal home care services benefit under this paragraph shall be subject to a means test that is to be determined by the Committee. Clause 4(1)(c) amends paragraph 14 to reduce the reimbursement rate from 50 per cent to 40 per cent in respect of treatment provided overseas and *outside* of the approved network of hospitals. However, the amendment also provides that treatment in a hospital or other facility that is outside the approved network of hospitals will not be covered at all if the hospital or other facility does not meet the criteria, in respect of treatment or billing, as required by the Committee.

Clause 5 amends the Schedule to the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009. Clause 5(a) amends paragraph 7(b) to increase the maximum amount of the coverage for periodontia (treatment of the gums) from \$1,500 to \$2,000 per policy year. Clause 5(b) amends paragraph 9B to provide that, in respect of any person who becomes enrolled in the plan after the coming into operation of this Act, the personal home care services benefit under that paragraph shall be subject to a means test that is to be determined by the Committee.

Clause 5(c) amends paragraph 11 to reduce the reimbursement rate from 65 per cent to 55 per cent in respect of treatment provided overseas and outside the approved network of hospitals. However, the amendment also provides that treatment in a hospital or other facility that is outside the approved network of hospitals will not be covered at all if the hospital or other facility does not meet the criteria, in re-

spect of the treatment or billing, required by the Committee.

Thank you, Madam Chairman.

**The Chairman:** Would any Member wish to speak?

I recognise the Member from constituency 19.

**Hon. Jeanne J. Atherden:** Thank you, Madam Chairman.

The Minister made a statement . . . and I guess this is the appropriate place to raise the question. The Minister indicated that the means test was only going to be utilised for caregiving, but when you read the . . . where it goes into the amendment, it says that you are going . . . after subsection (2) you are going to insert:

“(2A) An order under subsection (2)(b) may provide that an additional benefit—

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** I am at clause 13 . . . clause 2 . . . clause 2.

**The Chairman:** Clause 2?

**Hon. Jeanne J. Atherden:** Clause 2.

**The Chairman:** Okay.

**Hon. Jeanne J. Atherden:** Clause 2 of the amendment says: “In section 13 of the Health Insurance Act 1970, after subsection (2), insert—

“(2A) An order under subsection (2)(b) may provide that an additional benefit shall be subject to certain criteria, including means test criteria, and the order may authorise the Committee to determine the criteria.”

Now, the Minister indicated that the only new test . . . the only new area that was going to be subject to criteria was going to be the caregiving. But there is nothing in here that says that it is limited. It just says that you can introduce additional testing. And I think you can introduce additional benefits and, I guess, that is the question and concern that we have.

Once you indicate this open insert of this amendment that says “additional benefits shall be subject to” the criteria and that they may be authorised by “the Committee to determine the criteria,” then to me it says this week it is caregiving, next week it is co-pay for doctor visits, do you know what I am trying to say? I do not see anything here in this legislation that indicates that there is a specific benefit. It just seems to me that it gives the Minister the ability to be able to add these benefits and to put the criteria in. And I know that the criteria has to be identified by the Committee, but I do not see what she said is the limited element that she is putting in.

Thank you, Madam Chairman.

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

Would anyone else like to speak?

I recognise the Member from constituency 22.

**Mr. Scott Pearman:** Thank you, Madam Chairman.

Madam Chairman, I do not know if you would prefer to take the approach where the answer is given to each particular question or if you would prefer or the Minister would prefer me to ask questions.

**The Chairman:** No. The Minister will answer everything at the end.

**Mr. Scott Pearman:** Minister, I have four questions and I hope you do not mind if I do not go in the correct order of the clauses, but I am going to pose the question that I think might take you the most time to answer first, so that that can be put to anyone that is here.

Madam Chairman, this question goes to the issue of retrospectivity. If you look at clause 4 and you look all the way down to the bottom at [subclause] (2) you see here that an element of the Bill is coming into operation on 1 July 2018, right? So you see there that this element of this Bill is retrospective. And you can contrast that with two other places in the Bill where the Bill is not retrospective. And one of those is just above at clause 4 [new insertion after subparagraph (3)], (3A): "A person who becomes [enrolled] to the health insurance plan after the date of the coming into operation of the Health Insurance Amendment (No. 2) Act 2019." So that is this one. So the one we are looking at right now, any new changes will change going forward, but the one we looked at a moment ago will have retrospective effect going back to the 1<sup>st</sup> of July of last year.

And just for completeness, if we turn over the page, on the last page 3 of the Bill, under clause 5 [new insertion after subparagraph (3)] (3A), we also see an effective date in relation to the amendments. And there we see, again, as we did before, that the effective date is the coming into operation of the Health Insurance Amendment (No. 2) Act 2019. So, again, here the changes are coming into effect when this Bill comes into effect.

So, in two places in this Bill what happens . . . the changes that we are debating today and the amendments thereto as a result of these changes will just be forward looking. They will go forward from when this Act comes into effect and they will take effect from then onwards.

But one change, the change I first identified, at clause 4(2) will be retrospective in effect.

Now, the reason I raise this question is because retrospective legislation is demonstrably unfair—I have said this to the House before—because it changes the goalposts on people. So people who have been doing things since July of 2018 until today

are having the rules retrospectively imposed upon them in a different way.

And the question I have to the Minister . . . and I do not think it is a typo, I think it is intentional. But the question that I have for the Minister to address to the people from the Attorney General's Chambers is, what are the practical impacts of this retrospective change? Because if we look at clause 4(2) and we see "Subsection (1)(a) shall" have retrospective effect all the way back to last July, what does that really mean? What is that really going to change for people? How are we really changing the rules on them after the fact?

And that is the first of four questions, Madam Chairman, which is the one that may take the most time to answer, which is why I put it first.

**The Chairman:** Okay.

**Mr. Scott Pearman:** My . . . I am sorry, I do not know if I should pause while the Minister is taking instructions or not. I am in your hands.

*[Inaudible interjection]*

**Mr. Scott Pearman:** Keep going?

My other three questions are these—and this follows after the question put by the Honourable Mrs. Atherden, and it relates to clauses 2 and 3 and we see here means testing of an additional benefit. I know it is an outstanding question that the Honourable Minister is going to answer. And I just want to just clarify with respect to "Committee" which appears several times in this amending Bill.

I am assuming, having looked at section 11A of the primary Act, the 1970 Act, that all these references to the "Committee" who will have the power to means test and the power to determine which hospitals will not be covered is, in fact, the Health Insurance Committee, on which sits the PS for Health, the Chief Medical Officer, the Financial Secretary, the PS for Financial Assistance, the CEO of BHC among others. But I think it is that Committee which will be empowered to make these means testing decisions, and I just would like that clarified so that we know who it is, in whose hands these decisions will be.

The third of four questions that I have is in relation to clause 4 and we see two entries. And this, again, was a point picked up by the Honourable Member earlier. But it is this idea that the definition "caretaking, companion or homemaking" is being narrowed, or I think it is being narrowed, to "caregiving." So I understand that reference there in [clause] 4(b)(ii) and also in the Bill at clause 5(b)(ii) to be a narrowing of coverage. And I would be grateful for the confirmation of the Minister if I correctly understood that this is a narrowing of coverage. It appears to be, but if she could confirm.

And then, my final fourth question is a practical one. And that is in relation to clause 5 under [subsection] (c), the insertion of (1A). And it is the bit the Minister was speaking about during the debate and, indeed, in her earlier answer. And it is this: "Treatment received outside Bermuda is not covered if—

"(a) it is provided outside the approved network of hospitals; and

"(b) the hospital or other facility does not meet the requisite criteria, in respect of treatment or billing."

And my question is, how will this work in practical terms? Let me give an example. If a Bermudian is abroad and [needs] urgent care and goes to hospital A and hospital A is *not* on the approved network of hospitals, it reads to me as if [subclause] (b) will allow the Committee (that I previously referenced) to have discretion to determine whether this "Hospital A" will still be paid and that Bermudian will still get medical coverage, notwithstanding that this hospital is *not* on the approved network of hospitals. And I think that is what this says.

And the question I have is this: How is it different? Because the test in [subclause] (1A)(b), which is a test in respect of treatment or billing, appears to be the very same test that the Honourable Minister described when talking about how hospitals would get onto the approved network. And so I would just be grateful for some clarity, because it seems to me that it is the same test. Perhaps there is some discretion there for the Committee that I am missing.

Thank you, Madam Chairman.

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

Does anyone else wish to speak?

We are doing the Health Insurance Amendment (No. 2) Act 2019, clauses 1 through 5.

I recognise the Member from constituency 20.

**Ms. Susan E. Jackson:** Thank you, Madam Chairman.

I have a question, too, regarding the term "caregiving" which is used in [clause] 5(b)(ii) and it is also referenced in [clause] 4(b)(ii). "Caretaking, companion or homemaking" is being substituted with "caregiving." Is this a move for a more qualified person? Or is there going to now be some sort of training in order to be providing the care services to clients of FutureCare? And if that is the case, just what would be involved? Because people who are the caretakers may not be aware of these changes, and so if there is a move toward training and qualification, how is the Ministry just going to get that message across to the number of seniors that are receiving care through their companions and homemakers, in particular?

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

Would any other Member wish to speak?  
Minister?

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

Madam Chairman, with respect to the two questions—the last one in particular—as it relates to the term "caregiver," "caretaker" and the like, within the public persons have a different perception of what a caretaker is, what a caregiver is. We are not changing the benefit; we are just changing the terminology.

So we are utilising . . . so there is no narrowing of the benefit. We are changing the terminology so that everyone knows whether it is a caregiver, a caretaker . . . you may call it a caregiver, somebody else make call it a caretaker, we are just trying to provide clarity by saying that the terminology itself is changing, but the coverage is not.

So you will still be able to receive the coverage if you qualify, but the terminology is just more consistent, because some people will say it is a "caregiver" or a "caretaker" or a "minder," whatever. We are just changing the terminology for clarity. And we are not adding for any further qualifications that are required, it is just a change in terminology. The actual benefit will not be changing.

Madam Chairman, also with respect to the questions concerning the Health Insurance Committee, yes, it is the Committee that is referred to in this legislation that will be poised with making decisions as it relates to the mechanisms or the criteria.

There was a question asked about the criteria. That is still being developed, as I indicated previously. They will be consulting with other government departments, one in particular the Financial Assistance Department who, obviously, uses a means test with respect to the provision of those benefits. So the criteria itself is still being worked on, but it will be completed by the Health Insurance Committee.

There was also a question concerning clause 4(2) . . . oh, I am sorry, first of all, the clause with respect to one part of the Act seeming to be retrospective. What that does . . . [clause] 4(2), sorry. What that is addressing is it is actually putting in legislation the practice. So under FutureCare because of the Medical/Dental Order, the FutureCare payment for that dental procedure is \$2,000 anyway, so they are putting in legislation what has actually been happening in practice because it was being done under the Medical/Dental Order. It was done under HID, but it was not in legislation for it to be under FutureCare. But those benefits are the same. So that is what is effectively being done. It is a housekeeping mechanism to ensure that what is happening in practice with respect to the payment of \$2,000 for that dental procedure for FutureCare is actually legislated.

And then the other issue concerning clause 4(2), it is providing that subsection (1)(a) is retrospective to the commencement of the Health Insurance Amendment (No. 2) Act 2018, which came into force on July 1, 2018. And that inserted the paragraph 12(b) and 12(c) which is now being replaced. So we are referring to another piece of legislation that was an

Amendment (No. 2) of 2018, to answer to the honourable and learned colleague who would have, no doubt, picked that up using his eagle eye.

I think that answers all the questions.

**The Chairman:** Any other Member wish to speak?

I recognise the Member from constituency 19.

**Hon. Jeanne J. Atherden:** Sorry, that did not answer my question with respect to clause 3 where it had been suggested that the . . . in terms of the means test, that it was related to people that were going to have caregiving services.

Obviously, clause 3 does not relate to FutureCare, which means that you are not getting into the caregiving service. But also the second side of it and maybe if I ask this question it might clarify something else. My understanding was that to be eligible for . . . whether you want to call it the caregiving, care-taking . . . sorry, "caretaking," "companion," or "homemaking," there was some element that you had to have certain illnesses and then you had to have some sort of qualification.

So you had to have some sort of training, whether, it be medical or something else, to be able to be eligible for it. And if you start doing that, then it made it clearer that you were not just getting a caretaker, or a companion, or a homemaker, because you had to have certain things that you had to have, in terms of an illness, and then you had to have a certain qualification to say that you would be eligible and then you would be paid.

But my first thing relates to the fact that according to this, I cannot see that it says that the Minister is just restricted to adding additional benefits which are related to caregiving.

**The Chairman:** Thank you.

Would any other Member wish to speak?

I recognise the Member from constituency 22.

**Mr. Scott Pearman:** Yes, thank you.

You did very kindly, Honourable and Learned Minister, answered three of my four questions. The fourth one was outstanding, which was the practical question on the very end of the Bill about the hospitals and the example given, whether or not . . . yes, thank you.

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

Any other Member?

Minister?

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

Yes, as the Honourable Member who once was actually in this position would be aware, that there are different levels of care. So, of course, depending . . . and different levels of care require different skill sets. So if, for example, it is a skilled nurse, or

whatever, and that is a provision that is provided for . . . that level of care, I am sorry, is what has been assessed as required by the patient, then the amount of money that they will receive under the personal home care benefit will be higher because it relates to the level of skill that this person requires.

Madam Chairman, the question that was asked concerning overseas care . . . if a client does actually have to seek hospital [care] outside of the network, as in the case that was discussed a little while ago, perhaps for an emergency, and so forth, then that same Health Insurance Committee would evaluate that and vet that, recognising that those circumstances are such that there was an emergency and they will vet it and they will consider all the options and the like. But the Committee will meet them about that. There have been cases like that, the Committee will meet and they will make a determination because they recognise emergencies do happen.

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

Anyone else?

I recognise the Member from constituency 22.

**Mr. Scott Pearman:** Thank you, Madam Chairman.

Honourable Minister, I just have a follow-up on the answer that you gave. It was the question that I posed about the retrospective effect of clause 4(2).

Now, this subsection treats (1)(a) as having been deemed to have come into operation on the 1 July 2018. And what [clause 4](1)(a) does is revoke paragraphs 12(b) and 12(c) from the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988.

And what paragraphs 12(b) and 12(c) of that 1988 Order appear to me to be doing . . . and I accept that I have just looked it up now, but it appears to be granting coverage in respect of two different dental procedures. And I can read them out. It appears to be granting coverage for:

"(a) Basic dental care, including endodontia, at the approved rate;

"(b) Periodontia, at 50% of the approved rate to an amount not exceeding \$1,500 per policy year."

So if I read this, this is actually taking away two rights, or two coverages, in respect of dentistry and it is taking it away all the way back to last July. So it is not regularising the position as it stands, but it is removing existing coverage.

But, as I say, I have only looked at the Order this moment and I would be grateful for clarification.

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

Any other Member . . . ?

I recognise the Member from constituency 19.

**Hon. Jeanne J. Atherden:** Thank you, Madam Chairman.

And I think I am going to ask this question in the simplest manner possible. This relates to clause 2.

I would just like the Minister to clarify that, on the basis of the amendment that is being put in place, the Minister—regardless of who the Minister is at the point in time—can add additional benefits, and the additional benefits can be subject to criteria, and the criteria, then, would be determined by the Committee.

Because all I want to make clear is if the Minister decided that the criteria was going to be that as of tomorrow you are no longer eligible to have doctors' visits covered, let us just say—

**The Chairman:** Mm-hmm.

**Hon. Jeanne J. Atherden:** —I just want clarification that this section turns around and says that it could be introduced provided the Committee says that this will only be for those people who, based on a means test, you know, earn under \$20,000.

I just want that clarification, that it is not, as she says, related to the caregiving. It gives the Minister of the day the ability to be able add additional services and to put some criteria based on a means test.

**The Chairman:** Thank you.

Would any other Member wish to speak?  
Minister, you have a few questions.

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

Madam Chairman, with respect to [clause 2, insertion of subclause] (2A) the existing legislation does allow for the Health Insurance Committee to add benefits. What this is doing is saying in addition to them having that ability to add benefits, that those benefits would be subject to a criterion, perhaps a means test or whatever other criteria that is established by the Health Insurance Committee as it relates to the addition of those benefits. So this is adding a provision that says that they must have a criterion.

In addition to the other question with respect to clause . . . sorry, Madam Chairman, [clause] 4(2), effectively what that clause seeks to do is to remove . . . and, again, this is the Health Insurance Amendment (No. 2) of 2018, is to remove [paragraphs] 12(b) and 12(c) which speaks to periodontia and restorations, and replace it with [subclause] (ca) which is a more general provision that allows for surgical and minor restorations at the approved rate, which, as the previous legislation said . . . I am sorry.

So what we are doing is we are removing [paragraphs] 12(b) and 12(c) existing, which listed two particular procedures, and we are generalising it and saying that they can have a surgical or minor restorative treatment at an approved rate.

So effectively, they are not losing a benefit. We are just . . . previously it was a very specific benefit that they could have . . . sorry, a specific procedure that could be had. Now we are saying that procedure

can continue as well as other surgical and minor restorative works at the approved rate. And the rate is . . . the dental charges . . . the medical/dental charges, but instead of just narrowing it to periodontia and restorations, whatever surgical and minor restorations work—at the approved rate in the Act—is what would be prescribed for and what would be permitted under this particular amendment.

So we are referring to the amendments of the Health Insurance Amendment (No 2) Act 2018.

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

Are there any other questions?

I recognise the Member from constituency 22.

**Mr. Scott Pearman:** I thank the Honourable and Learned Minister.

I think I have understood her answer. What I would just query is that there were specified rates in the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988, which are now being removed from paragraphs 12(b) and 12(c). In [paragraph] 12(c), for example, there is a specified rate of \$1,500 per year. We are now substituting, as the Minister has explained, and clearly explained, "approved rate." And I am just assuming, without knowing, that those rates would therefore be the same. So no one is losing out in monetary terms, it is just a shift in terminology.

I would be grateful to know if that is correct.

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

Would any other Member wish to speak?  
Minister?

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

Yes, it is a change in terminology, that is correct. And then as [clause 5](a) states, we are deleting the sum of \$1,500 and substituting the sum of \$2,000. So \$2,000 for the surgical and minor restoration work at approved rates.

**The Chairman:** Member from constituency 22.

**Mr. Scott Pearman:** All right, yes.

And I think there is just that one outstanding question I posed about the example of the Bermudian overseas who goes into a hospital that is not on the approved network of hospitals, and if you could just practically explain how that would work.

So presumably they would get treatment, they would be presented with a bill, they would then have to go to the Committee and seek the Committee's discretion for that hospital to be added. I am speculating, but perhaps the Minister can clarify.

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

Minister?

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

Actually, the Honourable Member was exactly right except for the last part. They would not be added to the network, but the patient—

*[Crosstalk]*

**Hon. Kim N. Wilson:** —the patient overseas that is seeking treatment because of the emergency circumstances, then they will go ahead and receive that treatment. And when the family returns they will present their bills, et cetera, et cetera, to the Health Insurance Committee who will then make an assessment as to the payment, et cetera.

So those are rare circumstances. However, they are able to be met by the Health Insurance Committee because of an emergency circumstance. It does not mean that that hospital provider will then become part of the network; it is just that the circumstances are such that the family had to do what they had to do and the HIC will go ahead and address that accordingly on a case-by-case basis.

**The Chairman:** Thank you.

Member from constituency 22.

**Mr. Scott Pearman:** I am grateful to the Honourable and Learned Minister for that answer.

Can we just press a little further on that? If the family member of the patient is standing in the US and wants to know whether or not this urgent care is going to be covered or not, is there any sort of preapproval mechanism? Is there going to be any way for clarity to be obtained by that family member so that they know whether or not potentially massive and expensive medical treatment in the United States will be covered? Again, all on the assumption that the particular hospital is not already on the approved network of hospitals.

**The Chairman:** Minister?

**Hon. Kim N. Wilson:** Yes, Madam Chairman, again, we have the listing of the hospitals that are in network.

I understand that this is a scenario and talking through practical terms with a family who is an emergency situation. I am not sure the first part on their mind is going to be whether or not this is going to be a place that is preapproved or not. They are going to seek the treatment, as the Honourable Member spoke about, where a hospital is 15 minutes away versus 40 minutes away. They will seek the treatment, have the treatment done, and then when they return to Bermuda, they will meet with the HIC and they will make an assessment on a case-by-case basis as to the extent of the coverage.

**The Chairman:** Any other Member wish to speak?

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

**The Chairman:** I recognise the . . . you are satisfied? Okay.

Does any other Member wish to speak to the Health Insurance Amendment (No. 2) Act 2019? We are doing clauses 1 through 5.

Minister, you can move your clauses.

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

I move that clauses 1 through 5 be approved and stand and form part of the Bill.

**The Chairman:** Is there any objection?  
So moved.

*[Motion carried: Clauses 1 through 5 passed.]*

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

**The Chairman:** Is there any objection?  
So moved.

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

**The Chairman:** Is there any objection?  
No objection.  
So moved.

*[Motion carried: The Health Insurance Amendment (No. 2) Act 2019 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 3:44 pm**

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

## **REPORT OF COMMITTEE**

### **HEALTH INSURANCE AMENDMENT (NO. 2) ACT 2019**

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

Is there any objection to the Health Insurance Amendment (No. 2) Act 2019 being reported as printed?

There are none.

It has been reported.

We now move on to the next item on the Order Paper this afternoon and that is item . . . the second item is the second reading of the Public Access to Information Amendment Act 2019 in the name of the Minister responsible for the Cabinet Office.

Minister?



## BILL

### SECOND READING

#### PUBLIC ACCESS TO INFORMATION ACT 2019

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

Mr. Speaker, I move that the Bill entitled the Public Access to Information Amendment Act 2019 be now read the second time.

**The Speaker:** Any objections?  
Continue on.

**Hon. Wayne L. Furbert:** Mr. Speaker, the Government wishes this Honourable House to give consideration to the Bill entitled the Public Access to Information Amendment Act 2019.

The purpose of the amendment is to amend section 4 of the Public Access to Information Act 2010 to exempt the records obtained or created by the Financial Policy Council in the course of carrying out their functions from the provisions of the Public Access to Information (PATI) Act.

For the record, Mr. Speaker, Honourable Members are advised that currently the following records are exempt from PATI: records relating to the exercise of judicial or quasi-judicial functions by any court, tribunal or any body or person; or records obtained or recreated by any of the following public authorities in the course of carrying out their functions—the Office of the Auditor General, the Human Rights Commission, the Office of the Information Commission (which is PATI), the Office of the Ombudsman, and the Department of Public Prosecutions.

Honourable Members are advised that the Financial Policy Council (FPC) was established by the Ministry of Finance and the Bermuda Monetary Authority to provide a framework for financial stability policy in Bermuda with the objective of identifying, monitoring and responding to emerging vulnerabilities and risks in the Bermudian financial sector and in the Bermudian economy as a whole.

The Council was established under a memorandum of understanding between the Ministry of Finance and the BMA, signed by the Minister of Finance (that is, the Honourable Bob Richards), and the CEO of the Authority. There is no legislation governing the Council.

Mr. Speaker, the role of the Council is to ensure the overall coherence of financial policy in Bermuda and to provide a channel through which, as necessary, financial policy issues can be exposed to and assessed by Cabinet. The Council is also responsible for ensuring that agreed actions are carried through effectively and in a timely manner.

The Council is chaired by the Minister of Finance. Its members are the Minister of Finance, the Chief Executive Officer of the Bermuda Monetary Au-

thority, and such other persons as the parties mutually agree. The Council is supported by an analyst and a research undertaking at the Ministry of Finance and the BMA.

The Council meets three times a year in Bermuda with a mandate to advise the Ministry and the BMA on matters relating to the maintenance of financial stability in Bermuda.

Honourable Members are advised that the FPC qualifies as a public authority under paragraph 14 of the Schedule to the Public Access to Information Act 2010. It is controlled by the Government.

*[Gavel]*

*[Pause]*

**The Speaker:** Minister?

**Hon. Wayne L. Furbert:** The head must also ensure that the FPC complies with the provisions of the Act. All records produced and held by the FPC, which include emails, minutes and other records, are subject to disclosure under PATI, unless they fall within the category of records which are exempt under Part 4 of the Act.

In summary, there is no blanket exemption that applies to the records of the FPC. Requested records must be analysed by the FPC information officer and decisions made in accordance with the provisions of the Act.

Mr. Speaker, the records of the FPC contain very sensitive technical matters which could have adverse effects on the country and be subject to misinterpretation, or rumour, if released under PATI.

The FPC, the BMA and the Ministry of Finance have major concerns with regard to the possibility of FPC records being disclosed under PATI. Examples of adverse effects include, but are not limited to, the undermining of the Bermuda dollar pegged to the US dollar, or sharp and sudden withdrawals of deposits from Bermuda banks (that is, a run on a Bermuda bank).

Mr. Speaker, the Government recognises that some of the exemptions in Part 4 of the PATI Act “Exempt Records,” for example, sections 29 and 30, which relate to deliberations and operations of public authorities, and the financial and economic interests of Bermuda may already apply to exempt some or all deliberation of the Financial Policy Council. However, those exemptions are not absolute as records are not exempt if disclosure is in the public interest, which is defined in section 21 as follows, as applied by the Commission:

“Public interest test

“21 For the purposes of this Part, the test of whether disclosure by a public authority of a record or the existence of a record is in the public interest is

whether the public interest would, on balance, be better served by disclosure than by non-disclosure.”

Mr. Speaker, to address this problem it is proposed to amend the PATI Act to provide a PATI exemption to the FPC.

Honourable Members are advised that exemption was provided to the Tax Reform Commission, the Tax Reform Commission Act [2017] contains a blanket exemption in section 16(2), which is as follows: “The provisions of the Public Access to Information Act 2010 do not apply to the Commission.”

The Ministry of Finance, BMA and FPC are looking for a specific exemption to avoid any debate on what is the “public interest.” Therefore, it is proposed to insert an exemption in the Act itself because of the FPC is not a statutory body whose Act could be amended, like the TRC provision, but an advisory body falling within section 61(4) of the Constitution.

Mr. Speaker, the BMA [and] the Ministry of Finance have conducted some research on this matter and consulted with the Commissioner and provide the rationale for seeking this exemption.

The Commissioner has expressed her position on this matter recently in the daily *Royal Gazette*, which the Government respects. Despite the Commissioner’s position—and as we said, their Commissioner’s information is exempted from PATI—the Government is still of the view that it is prudent to make this exemption for the reasons provided above. Accordingly, it is proposed to amend the PATI Act to provide a PATI exemption to the FPC.

Mr. Speaker, it must be noted that the FPC publishes a communication following each one of their meetings, which includes key issues discussed at the meeting. I can also confirm that in order to provide additional publicity the FPC will consider appropriate additional transparency arrangements and this issue will be discussed during upcoming FPC meetings.

Mr. Speaker, for the record, it should be noted that this matter has not just “come up.” Since its inception in 2015, the FPC has raised issues of PATI requirements on the FPC. The former Chairman, the Honourable Bob Richards, never raised any issues with addressing this matter. I provide this information on context only just to show that this initiative was not proposed by the current Government.

In closing, the Government reiterates its full support for the Office of the Information Commissioner and the Public Access to Information Act 2010. Bermuda has a long-standing dedication to international tax cooperation, transparency and enforcement standards, and the sole purpose that this amendment is being considered is to protect the financial stability of the country, and to suggest otherwise is without merit.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

It is a small Bill, but, nonetheless, a small Bill in a very important area of public life. This, as I have said before, is a small Island, but we have very big problems and, therefore, I think it is important to pose the question: With all the problems that we are currently facing, why the most important piece of legislation we get to deal with this afternoon is a change to PATI to prevent disclosure of material from the Financial Policy Council.

Why now?

Why are we now deciding to put the Council’s records beyond the watchful eye of PATI, and beyond the information of the public?

What is it that is so urgent, or immediate, that this has to be done today rather than all the other Bills that are currently tabled?

*[Inaudible interjection]*

**Mr. Scott Pearman:** And, therefore, I have a direct question for the Honourable Minister who presented the legislation and that is this: Has there been a PATI request made of the Financial Policy Council? And is that the real reason for this amendment?

And if I am wrong in that speculation, no doubt, the Minister can tell me I am wrong, and we can move on.

The Minister referred to the Information Commissioner’s comments on this proposed piece of amending legislation. And the Information Commissioner already notes that under the main PATI legislation there is already sufficient protection for records related to finance and the economy. There is already sufficient protection in cases where anything in those records might have a serious adverse effect on the financial interests of Bermuda. So that protection is already there; that already allows the Government or, indeed, more specifically, the Financial Policy Council, in the face of a request, to refuse the request on that reason. But that could, of course, be adjudicated by the Information Commissioner.

The other observation, also mentioned by the Honourable Minister, is that the Financial Policy Council at the moment does not have any robust framework for transparency to ensure that which is shared and that which is not. And I am very pleased to hear the Minister suggest that this will be dealt with. And that gives rise to my second question, which is when?

Could the Minister please give a more specific timetable as to when we will have that protective legislation as well?

It will no doubt please the Minister and, indeed, the Minister of Finance who is in Chamber to-

day, to know that the Opposition is supportive of the change—notwithstanding the questions I have posed. We do understand that sensitive economic advice sometimes needs to be given, and that full and frank discussion by members of the Council with the Minister or the relevant Minister or Premier may be needed.

Our reservation is to know why; and why now? And that reservation is coupled with a concern, not least because of the comments made in the Chamber last week where a Government Minister said that this Government would not be following the decision of the Information Commissioner, which decision is tantamount, under the statutory legislation, to an order of the court.

We do not know—at least I do not know—whether or not the Government will be appealing that specific decision. But all we can say from this side is, notwithstanding our support for the amendment, we hope that this does not become a slippery slope where the PATI protections for the public and the integrity of the institution of the Information Commissioner has itself watered down rights.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member Brown from constituency 17. Honourable Member Brown, you have the floor.

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

Mr. Speaker, the PATI legislation is probably among the most important pieces of legislation to be passed in this House in the last 20 years. It is a fundamental piece of legislation designed to provide for a wide range of information to the public. It allows the public to submit requests for information and, in most cases, it would ordinarily be provided.

It is critically important that we have this legislation. It is critically important that it be allowed to carry on in its way.

Mr. Speaker, the previous Government did not seem to value the PATI legislation very highly. In 2015, within a month of the legislation being passed by Parliament, the person who sits as the Opposition Leader now committed a fundamentally and egregious violation of PATI by disclosing into this Chamber the identity of someone who had submitted a PATI request. And that was me, Mr. Speaker.

That was a very serious violation.

*[Inaudible interjections]*

**The Speaker:** Talk to the Chair. Talk to the Chair.

*[Inaudible interjections]*

**The Speaker:** Speak to the Chair.

**Mr. Walton Brown:** He refers to it as a trap, Mr. Speaker. Those words came out of the Honourable Member's mouth on his own. No one forced him to make those comments. It represented a fundamental violation of the principles in PATI where you are supposed to safeguard the integrity of the person who makes the application for a PATI request.

That matter was later adjudicated by the courts and we achieved an out-of-court settlement. So that was resolved through an out-of-court settlement, Mr. Speaker. But it shows you the extent to which the now Opposition valued the PATI legislation. They did not view it very . . . they did not take it very seriously. They did not view it very highly. And that was a serious misstep, Mr. Speaker.

Mr. Speaker, as the PATI legislation meandered its way through the courts of government, you had many applications for PATI requests. You had one particular example where someone made an application for their own records. This was denied. They were denied their own records under PATI, Mr. Speaker. That too was a serious violation. But that has never been publicly satisfied through the courts.

It is a challenge for us all.

Mr. Speaker, the PATI legislation is critically important for us. It is something that we should value and something that we should treasure. We have a piece of legislation before us today which is designed to provide an example for the [Financial] Policy Council, and this should be put out. I recognise the point of the Information Commissioner that she feels that it should not be supported, but we disagree with that, Mr. Speaker. We recognise that this amendment is an important piece of legislation to have on the books and we certainly support its passage, Mr. Speaker.

On that note, I take my seat.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member from constituency 10. Honourable Member, you have the floor.

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

Mr. Speaker, before I deal specifically with this amendment here this afternoon, let me deal directly with the Honourable Member who just spoke.

Mr. Speaker, the Honourable Member who just spoke seemed to try to make this House and those listening on the radio believe that the OBA Government did not support PATI legislation and did not take it seriously. Well, nothing could be further from the truth, Mr. Speaker. In fact, it was misleading the House, because what the PLP has tried to make it seem like through the years is that they were the ones who made PATI legislation happen. But here are the facts, Mr. Speaker, as you probably know.

In 2010, I believe, legislation was passed under the PLP Government.

**Hon. Wayne Caines:** Say thank you.

**Hon. Michael H. Dunkley:** Thank you, very much.

The Honourable Minister for National Security interpolates. He said, *say thank you*. So, I will say thank you.

But, Mr. Speaker, here is the rub. Until regulations were passed, the legislation meant nothing. It sat in some cupboard somewhere, or on some computer disk, waiting to be enacted. And when the OBA became Government—specifically, Mr. Speaker, when I became the Premier in 2014, on the 9<sup>th</sup> of [June]—I announced during a [national televised broadcast](#):

“[R]egulations will be tabled in the House of Assembly this session to advance Public Access to Information.

“The plan is to have a PATI Commissioner in place by the Fall and have PATI fully operational by April 2015, enabling people finally to shine new light on the work of government—asking questions, getting answers, bringing new levels of transparency and accountability to the public sector.”

And that is exactly what happened. The debate took place, I believe in July, two weeks after it was tabled, and a Commissioner was appointed. And then the work started and people could actually have their questions asked and information be given.

Now, Mr. Speaker, I am not going to get into too much of a detail of what the Honourable Member who just preceded me spoke about on the PATI request. But my recollection of what happened in that case is that the Honourable Member put in a PATI request and put in parliamentary questions which were substantially similar. So it was like one of those movies, *Entrapment*, Mr. Speaker.

**An Hon. Member:** It was the exact same.

**Hon. Michael H. Dunkley:** It was like that movie *Entrapment*, where you are trying to get somebody. So the Honourable Member should be comforted that it was handled in the appropriate way and it was dealt with. And the Honourable Member received an out-of-court settlement, Mr. Speaker.

But here is the big issue that we need to remember, because I have two ongoing challenges with PATI. I support it 100 per cent. We knew that when we made that legislation [and it] become law, and a vibrant living piece that people can use, we knew that it was going to put a lot more pressure on every single Ministry to handle those requests. But we also knew that it would bring that sunshine that, quite often, we do not like. And we knew in bringing that sunshine, that transparency. . . in a busy day there would public officers who would be pushed and stressed at times to

deal with the information that came in, the requests that came in, the PATI questions that were submitted.

And we also knew that when it started in April of 2015 that there would have to be a learning curve. That is one of the reasons we had the time lag between the passage of the regulations, and some amendments in this House at the time, to allow the learning curve. But we also knew that once it was passed, people would still need to be learned up.

One of the challenges I am sure that the current Government faces, which we faced, was that every department has a PATI officer. They are [stretched]. They have a lot of work that they have to do.

**An Hon. Member:** And stressed.

**Hon. Michael H. Dunkley:** And stressed, Mr. Speaker.

And we need to give them the support that we can, because let me assure you, if Government Members say they support this legislation, we support it more because we brought it in. And sometimes it was aggravating to get those requests, because they are saying, *Right now, this has got to be done*.

Now, Ministers should not really be aware of PATI requests. The only time I became aware of PATI requests was when the request was made directly [for] information that pertained to me and questions might have had to have been asked of me or emails might have been sent out. And all I said was, *Look, do what you have to do, but any information that is released I would like a copy of what is released so when it gets in the public domain I know the full scope of what is out there*. And, Mr. Speaker, I am happy to talk about it now because the individual [who] asked questions ran right out and put it all over social media. But I was asked, and at the time—

*[Inaudible interjections and laughter]*

**Hon. Michael H. Dunkley:** No, it wasn't the current Premier.

But I was asked at the time, Mr. Speaker, for every email for a certain period of time—I think I was the Minister of National Security. [I was asked for] every email for a certain period of time that had the word “marijuana” in it, or some connotation of that. And I thought, *Man, that's going to be a lot of messages*. And so I said, *Just supply me with whatever has been given*. And when I looked through it, there were reams of email messages. And none of them really meant anything. Well, the person had a right to know; and I do not know what they found out about . . .

But there was a lot of work by somebody within the Ministry to find that information and send it out. So we need to understand and accept and support them as legislators in this place with all the infor-

mation and all the tools they need to get that information out there. And that is one of the living challenges we face with the PATI legislation. We get the requests, and the requests have to be dealt with. But we understand that somebody has got to put that information together. And there is always the right for the person who gets the information to then go back to the person in the Ministry and ask further questions. So it is a back and forth.

So we need to make sure that they are trained and we need to make sure that, yes, if there are exemptions, that we respect those and we bring changes to legislation in this House to do it.

I believe, Mr. Speaker, when I brought the regulations, I also brought a Bill that had some more exemptions put to it, at the time. And I did say four years ago, five years ago now, that we knew that there would be further exemptions coming forward. And so with the Financial Policy [Council], it is something that we support on this side. But we need to understand the reasoning behind the Government doing it because, obviously, we have reasons why we support it, but we would like to hear what the Government's reasons are, and we would like to know what information might be available because in my view—

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** In my view . . . and the Honourable Member who interpolates can listen.

In my view, Mr. Speaker, when the former Member, the Finance Minister, the Deputy Premier at the time, started the Financial Policy Council, it was with clear intent to provide an independent view of what was going on. It was a council that would be started and there would have to be changes to it over time. Now, I understand that there is some information from that Policy Council that the Finance Minister will probably want to make public. And he should bring the reports. But if we are going to get the best and the brightest and those with the most experience to sit on a Financial Policy Council, they have to be able to sit in a room, or have conference calls, and have conversations that are straight-up and just between those people involved in those conversations.

So we accept that. We accept that 100 per cent. But what we do not want to see, Mr. Speaker, is abuse of the PATI regulations and the legislation which we have discussed in this House and has been discussed in the media over the past couple of weeks.

We support this amendment today. We know that there will probably be further changes to the document as we go forward, and we look forward to that.

So I will take the opportunity to thank you for allowing me to speak on this matter, Mr. Speaker, and leave you with the fact that it is important that we continue to explain what we are doing and why we are doing it. It is important that we continue to support those public officers who have the onerous task of

making sure that this information is gotten out there. And it is important that we, as people affected by the legislation, get out of the way and let people do their jobs so that transparency and accountability bring confidence [to] the people we serve. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Minister of Finance. Honourable Minister, you have the floor.

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

Mr. Speaker, first let me thank the Opposition for their support of this amendment. And thank them also for the work that they did in getting the legislation and the regulations put into place.

As with most legislation and the passage of time, and with experience, we learn more and, when opportunities present themselves, we make changes to reflect better thinking [and] current circumstances. As it relates to the timing of this amendment, I can tell you that for the last two or three months we have been involved and engaged in fairly robust conversations with the Information Commissioner's Office with respect to our thinking around the proposed amendment. And the timing of this item showing up on the Order Paper is purely serendipitous and has nothing to do with anything else that Members may be concerned about.

I can tell you that as the Minister of Finance one of the first things that I learned on day one in my job is the awesomeness of the responsibility that I have. As I sat through my first Financial Policy Council meeting, I was also in awe of the information that was coming before me and was very impressed with the members of the Council, who include the likes of the Executive Chair, Jeremy Cox; Sir Andrew Large; Dame Amelia Fawcett; Dr. DeLisle Worrell; Michael Butt; and Mr. Gil Tucker.

In my deliberations at the Financial Policy Council I rely on the membership to provide me with their frankest and best thinking. And if those deliberations are put into the public domain without the benefit of context, we run the risk of creating all kinds of bad behaviour, potentially, which is not the intended consequence of me getting information that I asked them to give me in those discussions.

The issue here, as far as I was concerned, (there are two) the first is the issue of clarity around the exemption. And from all of the feedback that I have received from technical officers and others, that clarity is not certain. And inasmuch as an ironclad exemption provides a certainty that I would like to see with respect to our deliberations, then that seemed to me to be the best way to achieve that objective.

The Financial Policy Council will continue to evaluate how we communicate what our work is and

what deliberations we have, because I also believe in transparency, as do the other members of the Council. But we have to be responsible in communicating what we think is appropriate so that we do not do anything to create any unintended consequences.

I would also say, Mr. Speaker, that my decision on this has also been informed by my experience as the head of a public authority. Prior to becoming a Member of Parliament, and prior to becoming a Minister, I was the Chairman of the Bermuda Hospitals Board. And as a Chairman of the Hospitals Board, I was the head of the authority. And there were PATI requests that came and which were responded to appropriately. And there was an instance in which we were advised that the information that we shared with the Information Commissioner's Office would not be shared with the requestor of the information until a review had been done.

Inadvertently, the information was shared. And the context around that information was misinterpreted. And it took a call from me to the publisher of the daily to intervene in the publication of a story around the information that had been provided, because I wanted to invite them in to provide them with context around the information, which led to a much, much different story. And so I had my own concerns around how the process works. And for me, the best way to allay my own concerns was to seek an exemption and then to work with the Council to ensure that we have time and the benefit of proper thought to figure out how we would share with the general public the deliberations that go on within the Council. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

No other Member?

Minister of the Cabinet Office, would you like to wrap us up?

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

I appreciate the support given by the Opposition. But I just wanted to point out one point, Mr. Speaker. The Honourable Michael Dunkley talks as if the PLP was not very much involved in the PATI legislation. We all know that the PATI legislation was passed in July 2010. And we all know that we go down for summer. We all know that we come back in November for the Throne Speech. We all know that after that is the Budget [Debate], and a few other things. That was 2011. And we all know that in 2012 there was the election.

The Honourable Member knows that the regulations for the PATI were passed in 2014. If you think that the civil servant just started working on it when [the Honourable Member] arrived, I doubt it. I am sure he was working on it well before he got there.

*[Noise from electronic device]*

**Hon. Michael H. Dunkley:** Point of order, Mr. Speaker. Somebody is calling the Honourable Minister on the phone and telling him to sit down.

**The Speaker:** Somebody needs to turn that phone off.

*[Inaudible interjections and laughter]*

**Hon. Michael H. Dunkley:** It is not my phone, Mr. Speaker. I throw it out of the house.

**The Speaker:** Ah! Ah! Ah! You can't fool him in the slips. He just dropped that one.

**Hon. Michael H. Dunkley:** He is St. George's fan. That just proved it.

*[Inaudible interjections]*

## POINT OF ORDER

*[Misleading]*

**Hon. Michael H. Dunkley:** He dropped it. It was right at it.

Mr. Speaker, no, but in all seriousness, the Honourable Minister is misleading the House. I stated it was passed in 2010. But until the regulations were laid in this House, it meant nothing. And if the Honourable Minister thinks that from 2010 onward, they could not get it done, no, it was a lack of resolve to get it done, Mr. Speaker.

There was a lack of resolve to get it done!

**The Speaker:** Thank you.

**Hon. Michael H. Dunkley:** It was one of the first things that I did and I knew that work had to be done, so go on another tack, Minister—

**The Speaker:** Thank you. Thank you—

**Hon. Michael H. Dunkley:** —and keep yourself on the straight wicket.

**The Speaker:** —for your comments.

**Hon. Wayne L. Furbert:** Mr. Speaker, I do not want to go in that direction. What I did say was in 2010—

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** I did say that in 2010 the legislation was passed. I did not mislead the House at all. All I am saying is that every Minister knows that civil servants work on legislation.

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

**Hon. Wayne L. Furbert:** The PLP lost the election in 2012 and I am sure it was being worked on. It just takes time to work on certain things. And like I said, he just did not appear and the legislation and regulations were there. But we know in 2012, they were Government, and thus we know, it takes time. All right? So we understand that.

So, we are aware . . . and the Member did say that it is possible as time goes on, there may be further amendments for sensitive information that the Government may have out there that needs to be protected. I have literally sat in those meetings. I sat in there for two years, and there was highly sensitive stuff coming out, and it is right. We did actually state during the . . . the reason why. It is sensitive information. I don't have to tell you what sensitive information is. But we actually said why we feel there needs to be some amendments to the PATI legislation.

We made it very clear that the persons—the very office of the PATI [itself] is exempted. The very same office is exempted. And as time goes on, the Government may create some other things. There may be some other further exemptions and their reasons why.

So, Mr. Speaker, with those few comments I move that the Bill be committed.

**The Speaker:** Thank you.

I call on the Member from constituency 1, Honourable Member.

#### House in Committee at 4:18 pm

*[Mrs. Renee Ming, Chairman]*

### COMMITTEE ON BILL

#### PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2019

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for consideration of the Bill entitled [Public Access to Information Amendment Act 2019](#).

I call on the Minister in charge to proceed.

**Hon. Wayne L. Furbert:** Thank you, Madam Chairman.

Madam Chairman, I move clause 1 and 2.

**The Chairman:** [Clauses] One and two. Yes. Thank you, Minister.

**Hon. Wayne L. Furbert:** I would like to explain.

**The Chairman:** Proceed.

**Hon. Wayne L. Furbert:** Madam Chairman, clause 1 is self-explanatory.

Clause 2 amends section 4(1) of the Public Access to Information Act 2010 to include the Financial Policy Council as a public authority [to] which the Act does not apply.

**The Chairman:** Would any Member wish to speak? Minister.

**Hon. Wayne L. Furbert:** Madam Chairman, I move that the preamble be approved.

**The Chairman:** You have to move the clauses first.

**Hon. Wayne L. Furbert:** Sorry. I move clauses 1 and 2.

**The Chairman:** Are there any objections?  
So moved.

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

**Hon. Wayne L. Furbert:** I move that the preamble be approved.

**The Chairman:** Is there any objection?  
So moved.

**Hon. Wayne L. Furbert:** I move that the Bill be reported to the House as printed.

**The Chairman:** Is there any objection?  
So moved.

*[Motion carried: The Public Access to Information Amendment Act 2019 was considered by a Committee of the whole House and passed without amendment.]*

#### House resumed at 4:21 pm

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

### REPORT OF COMMITTEE

#### PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2019

**The Speaker:** Members, are there any objections to the reporting to the House of the Public Access to Information Amendment Act 2019 as printed?

No objections.

So moved. It is reported.

That now moves us on to the next item on the Order Paper for today, and that is the Superyachts and Other Vessels (Miscellaneous) Act 2019, in the name of the Minister of Tourism and Transport.



Minister, would you like to present your matter?

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

**The Speaker:** Thank you.

## BILL

### SECOND READING

#### SUPERYACHTS AND OTHER VESSELS (MISCELLANEOUS) ACT 2019

**Hon. Zane J. S. De Silva:** Mr. Speaker, with the Governor's recommendation I move that the Bill entitled the Superyachts and Other Vessels (Miscellaneous) Act 2019 be now read a second time.

**The Speaker:** Any objections?

None.

Continue on.

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

Mr. Speaker, the purpose of this Bill before the House of Assembly is to make amendments to a series of Acts in order to create a tourism product that makes Bermuda more attractive as a destination for yachting, and for superyachts in particular. This Bill is intended to move superyachts from vessels that attend a single event for a limited time to vessels that stay in our waters and in that way create a charter industry. This Bill will also streamline processes for permissions to conduct business. Government anticipates Bermudians will benefit through jobs associated with businesses that support the charters and from fees that will go into the Consolidated Fund.

Mr. Speaker, this legislative framework sets in motion a series of measures to assist the development of a superyacht industry in Bermuda. In particular, this framework outlines the required legislative and policy changes to our existing regulatory framework and puts in place the permissions, licensing concessions and release necessary to allow both local and international participants to operate with the same set of rules. It also seeks to address a number of operational challenges that have historically impacted the local tour boat industry. Some of the legislative proposals will directly and positively impact this industry to facilitate its commercial sustainability.

Mr. Speaker, this initiative is one that has been considered for a number of years, and has been thoroughly researched, with the aim of allowing the people of Bermuda to take advantage of any benefits the industry has to offer. In the process it was determined that a restructured legislative framework would be needed to establish and support a sustainable superyacht industry in destination Bermuda while also

protecting, stimulating and enhancing the business of local vendors.

First, Mr. Speaker, amendments will be made to include a definition of "superyacht" and exempt them from compulsory pilotage with provisional conditions. The objective is to allow the superyachts to be operated with their crew as they do internationally and to operate in alignment with industry best practice.

Mr. Speaker, the second set of amendments relate to the addition of charges for new transit, cruising, and charter permits, and to repeal the passenger departure tax. Further, an exemption is required for the period of time a vessel may be in port to facilitate the purchase of needed goods and services.

Mr. Speaker, visiting yachts will be eligible for transit and cruising permits. In addition to transit and cruising permits, the superyachts will also be permitted to charter and provide a range of chartering services, all of which will be charged to their charter guests and managed by a local agent.

Mr. Speaker, the third set of amendments pertains to the provision of new fees for yachts and superyachts that will transit or cruise and for the superyachts that will charter. The new permit fees will replace the passenger departure tax for pleasure craft. While it may seem that there will be a loss of revenue for the government by eliminating the departure tax, in actual fact the benefit of [the] 6 per cent charge of the charter's gross fee, as well as the permit fees based on the size of the vessel, significantly offset the departure tax.

Currently, the passenger departure tax that is applied to all boating visitors, in particular, yacht arrivals, is the same, \$35 per person, whether they arrive on a 50-foot yacht or a 150-foot superyacht. The amendments will make it fairer to the smaller yachts, but at the same time generate more revenue for government by charging a fee based on the size of the vessel.

Mr. Speaker, the fourth set of amendments pertains to the Customs Procedure Codes, also known as CPCs, in the Customs Tariff Act. The proposed changes to the CPCs reallocate and recode the items necessary to operate commercial boats by reducing the duty rate on parts, equipment, furnishings, et cetera, and extending the fuel rebate from the current period of the 1<sup>st</sup> of May to the 31<sup>st</sup> of October to year round for commercial boat operators.

Mr. Speaker, the proposed amendments to the code will also remove the import duty requirement for superyachts owned by Bermuda residents when imported to Bermuda for six months or less, and also remove the duty requirement for equipment, furnishings, fittings, fixtures, and parts to equip, furnish, refit, repair, maintain, or provision for visiting superyachts, with attached importation restrictions.

Mr. Speaker, the objective of the changes to the Customs Tariff current duty rates is to position Bermuda so that it simplifies the cost of doing busi-

ness in this industry and, by extension, stimulates the local economy. These changes will enable Bermuda residents to bring their superyachts into our waters to operate in the same way that we are welcoming non-resident owners to come and enjoy the Bermuda superyacht product.

The current duty requirement for Bermudian's superyachts has the unintended consequence of preventing expenditure in the local economy. By removing the duty barrier and encouraging yachts to arrive, there are several economic benefits for small businesses that provide goods and services to the industry. Additionally, these amendments demonstrate that this Government has listened to the smaller Bermuda-based tour boat operators. As mentioned, this Government is making adjustments, in particular, duty rates, that will directly benefit this category of small business to assist owners in being competitive in a struggling industry.

Mr. Speaker, the fifth set of amendments relates to Customs supervision fees. Yachts are already exempt, so we are including "superyachts" in the exemption to simplify and streamline transactions. Again, it is anticipated that the 6 per cent fee on [the] gross charter fee will compensate for this exemption.

Introducing this initiative represents our commitment to diversifying Bermuda's economy. Also, it provides the Bermuda Tourism Authority and the Bermuda Business Development Agency with a new product to take to the marketplace for ultra-high net-worth individuals [UHNWI].

Mr. Speaker, potential employment opportunities for Bermudians will also be created. Consultations revealed the captains of the superyachts often ask their agents for assistance in finding crew for a variety of duties whilst they are here in Bermuda waters.

Mr. Speaker, in 2018, a total of 957 yachts arrived in Bermuda. Of this number, 68 vessels were of superyacht size; that is more than 24 metres in length. This legislative initiative seeks to grow those numbers and encourage the yachts to stay for longer periods.

Mr. Speaker, this Government consulted widely with all major stakeholders, internally and externally of the government, on this important initiative. Stakeholders included relevant government agencies, marine and yacht clubs, dock managers, private sector service providers, local tour boat operators, and environmental agencies. We would like to take this opportunity, Mr. Speaker, to thank all stakeholders for adding value to the outcome of this work. Thank you.

**The Speaker:** Thank you for your contribution, Minister.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 8. Honourable Member, you have the floor.

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

First of all, I would like to make it clear that we in the Opposition support the legislation. But before I get into my presentation proper, I listened attentively to see whether the Minister would give any acknowledgement to the benefit of America's Cup—

*[Laughter]*

**Mr. N. H. Cole Simons:** —and where we are today in regard to the legislation, Mr. Speaker.

Mr. Speaker, if it wasn't for the America's Cup, Bermuda would not be on the superyacht agenda.

**An Hon. Member:** Really?

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** It would not be on the superyacht—

**The Speaker:** Members! Members!

**Mr. N. H. Cole Simons:** —map as they are today, Mr. Speaker.

*[Inaudible interjections]*

**The Speaker:** Members! Members!

**Mr. N. H. Cole Simons:** Mr. Speaker, they came, they enjoyed themselves, and we have more opportunities than ever before in regard to this industry, and hence the legislation that we have today.

Mr. Speaker, as I said earlier, I support this legislation. And, Mr. Speaker, I want to acknowledge the fact that the PLP has brought the work that we have done to fruition.

*[Inaudible interjections and laughter]*

**Mr. N. H. Cole Simons:** In addition, they have crossed the line, Mr. Speaker. Mr. Speaker, let me give you some history as to the work that we had done on this.

Mr. Speaker, in September 2015, the OBA Government worked with the America's Cup Bermuda Limited [ACBDA], superyacht working group, to basically produce a report on superyacht policy and recommendations. Mr. Speaker, it took us a while to get the information together, and this framework that we have today is a direct result of that policy report that was crafted by the America's Cup Bermuda [Limited], superyacht working group.

**An Hon. Member:** Where is the report?

**Mr. N. H. Cole Simons:** Mr. Speaker, in addition, in February 2016, the Minister of Economic Development and Tourism, the Honourable Grant Gibbons,

presented to Cabinet a paper which summarised the superyacht policy recommendations. Again, most of the issues raised in the OBA's superyacht policy recommendations are presented today under this legislation.

Mr. Speaker, in February 2017, the Minister of Economic Development and Tourism at that time also secured the approval of the framework for the legacy of superyacht policy. So, again, Mr. Speaker, we have done the heavy lifting, and we do not mind doing that, as long as the legislation crosses the line. And that is why we are here to support this legislation today, because we know that the fruits of our labour, irrespective of who brings it across the line, will benefit this country, Mr. Speaker.

Mr. Speaker, just to continue from an industry perspective, I am just going to talk generally about the industry. Again, this is from the work that was done during our tenure. And it is general information on the superyacht industry, globally. Mr. Speaker, based on the research done, there are over 4,000 vessels over 100 feet long in the world.

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

**The Speaker:** I will take your point of order, Minister.

#### POINT OF ORDER

**Hon. Zane J. S. De Silva:** If the Honourable Member is going to give numbers, I wish he would at least do a little homework, because there is at least double that number in the world. He said 4,000; there are at least double that. I would venture to say it is closer to 10[,000].

**The Speaker:** Thank you, Minister.  
Continue on, Member.

**Mr. N. H. Cole Simons:** Thank you, very much, Mr. Speaker.

*[Inaudible interjection]*

**The Speaker:** That's all right, Member.  
Minister! Minister!

**Mr. N. H. Cole Simons:** So that even strengthens my point, Mr. Speaker. So I thank him for his contribution.

Mr. Speaker, these are floating palaces. And most of them were built in the last 10 years and we have around 6[,000] to 7,000 companies worldwide that service the superyacht industry. The industry, globally, hires between 250[,000] to half a million people. The global industry basically provides as an industry, around \$32 billion, which is half of the cruise ship industry revenue. So, again, it is vital industry to shipping, and it is a vital industry to tourism. And we

thought that it was important that we have a larger presence in this space. And again, that is one of the reasons that we are supporting this legislation.

Mr. Speaker, as for Bermuda's statistics, the Harbour Radio indicated that on average 850 yachts come to Bermuda each year, of which approximately 10 [per cent] to 12 per cent are superyachts, and most of the arrivals occur between May and June.

Mr. Speaker, as the Minister said, the case for Bermuda is, obviously, to enhance Bermuda's tourism; provide revenues for government through permit fees; licencing fees and other assessments; job creation, new career opportunities for Bermudians.

Mr. Speaker, as you may or may not know, there are a number of young Bermudians working in this industry overseas. They are crew on a number of yachts that, basically, go through the Caribbean and the Mediterranean. I know a couple of these young people. They went to school with my children and they are enjoying their careers and opportunities in this space. So, again, I would encourage that we would also provide those similar opportunities for Bermudians when these jobs come here, that the yacht owners consider taking some of our youngsters who are interested in maritime careers on board as interns while they are here to provide training opportunities for young Bermudians.

Mr. Speaker, in addition, we try to appeal to the high-net-worth space. Again, to me, you cannot get any higher when it comes to high-net-worth individuals [HNWI], so we support having these just here because it expands the high-net-worth space and provides greater opportunities for direct investments in Bermuda. Again, there is the trickle-down effect of Island spending.

Mr. Speaker, another recommendation that we had when we were in Government was to have a Bermuda Yachting Authority. In essence, the Authority will work along the lines of the BTA and the BDA (that is the Bermuda Tourism Authority and the Bermuda Development Agency) in order to help coordinate yachting policies and to market Bermuda. In addition, we would consider having an international advisory board, that is, a superyacht advisory board that can provide assistance, support and guidance to the Yachting Authority. So I think that this is one issue that the Government could consider taking on and exploring further, as there was no mention [of it] in the presentation.

Mr. Speaker, the other issue that I would like to address is the issue of infrastructure. I was listening attentively to the Minister and, at the end of the day, for us to provide world-class services our infrastructure has to be world-class. Our marina facilities, they must be world-class, and you know, at a level and at standards that are second to none. They should have water and sewage services. They should have luxury services. In addition, there should be facilities for tender boats.

In addition, Mr. Speaker, I have learned that most of the shipowners come here with their private planes. So there is a boost of income in the private plane industry here in Bermuda and the service that we provide for them. In addition, some of them of come with their helicopters on-board their yachts. Again, Mr. Speaker, we need to have a facility for the helicopters.

I know at the America's Cup we had the helicopters land in the field behind the prison. And, again, we need to look at those provisions because if we are going to provide and encourage the super-high net-worth individuals here, we have to make sure that we have everything that they need to ensure that their business can be done in Bermuda and that they are comfortable and their lifestyles are maintained while here in Bermuda.

**An Hon. Member:** And our horse stables too, right?

**Mr. N. H. Cole Simons:** Absolutely. Absolutely.

*[Laughter]*

**Mr. N. H. Cole Simons:** Mr. Speaker, in addition, if you go down to the islands or . . . I was in Cannes, in France, and there were so many mega yachts moored right down in the heart of the square. The people on those yachts were able to get off, have dinner, go on to the night clubs or get off, go to the gym, and go shopping to elite designer stores. And, again, these are the things that we have to make available to our guests when they come on mega yachts. They want world-class amenities and services. And, again, in Bermuda, we have to strive to improve the services that we provide in our tourism industry if we want to maintain ourselves as market leaders in this space.

The other issue that we have to speak to, Mr. Speaker—I mean, the Minister spoke to the tax issue, obviously, we have to reshuffle for the redesigned tax structure because we have moved from basically a “per head” tax to a tax that is levied based on the size of the ship. And, again, that was a recommendation that was put in place by the One Bermuda Alliance Government.

Mr. Speaker, in addition, we also recommended the issuance of a duty-free fuel voucher that will enable a superyacht to have duty-free fuel, on one occasion while they are here. Right now they are only allowed to get the duty-free fuel once they are cleared to leave Bermuda. But going forward, if we are encouraging the yachts to stay here longer, then it may be wise and prudent for us to give them a duty-free voucher which will allow them to only have one load-up of fuel while they are here, and if they basically use all their fuel then they have to pay regular taxes on that, Mr. Speaker. Just as another accommodation that will help us in the industry.

We have heard about the spending. The Tourism Authority has said, you know, some of the larger vessels will spend up to \$127,000 a week. And that is very, very reasonable, given the size of the yacht and given the resources that are available because of the owners and how much it costs to maintain [them].

I read an article somewhere that there was a 150-metre yacht, and it costs approximately \$4 million a year to run that yacht. So, again, the amenities here mean nothing for some of these superyachts, but what is important to us is that we provide value for money and world-class service, Mr. Speaker, because, quite frankly, these superyachts are floating palaces. And when you enter a palace, you expect to have a certain level of service. And that service is provided as a result of supplies and world-class amenities that they have on board from food, wine, flowers, laundry, and so on and so forth. So, again, we have to up our game to the services that we provide to the owners of these floating palaces.

So, Mr. Speaker, I am not going to go on much longer, but I just wanted to say that it is important that we recognise that this is a very integrated industry. It touches everyone in the community. It impacts, as I said, our aviation registry, our private aircraft industry, our health care industry, our grocery industry, our floral industry, our hotel industry, our restaurants, and general maintenance, and also those service providers in the maritime repair industry.

Mr. Speaker, I applaud the Minister for the waiver for Bermudian yacht owners in extending the permit for six months and allowing them to have concessions. Again, this was an issue that we had summarised in our report, so I stand here again willing to support this initiative.

So, Mr. Speaker, generally speaking, we in the OBA support this unreservedly and, at the end of the day, we make one comment that we as a Government, we as the people of Bermuda, will have to up our games and provide the quality of service that is second to none if we want to sustain this industry. Thank you, Mr. Speaker.

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

I now recognise the Honourable Member, Minister Simmons. Minister Simmons, you have the floor.

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

After listening to the remarks of my honourable colleague, I am reminded to paraphrase the book of Revelation where [it] said, not this but something similar, but *I thought as though the hearing would envy the deaf*.

Mr. Speaker, I think I want to begin by congratulating the Minister of Tourism and Transport for bringing this to the House of Assembly. I think that, you know, many have wondered about the impact of

the America's Cup and the effect it has on things and how it so-called "inspired" this. And one of the reasons why I think this has come at this time, and I am glad it has come at this time, is because the work that had been done to address something that concerned us deeply when we looked at the economic impact of the America's Cup.

Mr. Speaker, when you look at the report that was produced on the economic impact of the America's Cup, 16 per cent of the people to benefit economically describe themselves as black; 8 per cent describe themselves as mixed or other. So, Mr. Speaker, there has been a lot of boasting and a lot of bragging and a lot of chest-thumping about this event. And while we supported this event, we have always been concerned about the reach and the scope and how it benefits the majority—the many and not the few. And sadly, the results that we saw benefitted the few and not the many. Mr. Speaker, 16 per cent, is a number that sat in my craw; 8 per cent mixed race sat in my craw because that is not right.

So, Mr. Speaker, when I held the position of Minister of Tourism and Economic Development, the first thing I wanted to do is make sure the existing boat operators in Bermuda were fully consulted so that they were not squeezed out of . . . we are not displacing Bermudians of any race in exchange for this new economic opportunity.

The second thing, Mr. Speaker, is that we sat down with the Bermuda Economic Development Corporation and we said, *What was not done in the lead-up to the America's Cup that gave you this result? And how can we prepare the many and not the few to benefit from this?* Mr. Speaker, that is the driving force of this Government and the difference—the many not the few.

So as we enter into this new arena and we provide the foundation for an economic success story for our tourism product, there are also other opportunities for our people to own businesses, for our people to be in the concierge business, to be able to make a piece of the pie, to be participants not just spectators in our own economy.

And so, Mr. Speaker, when we . . . it is very, very exciting when you look at the opportunities that this presents. Mr. Speaker, when I was doing research on it there was an event called Black Yacht Week in Greece—African descent people, superyachts, a week in Greece. This is the scope and reach and the economic impact and the diversity of impact. This is not just your daddy, grandpa, great grandpa's thing; there is a wide range of people into this. And I think that with the understanding that you have a Government that welcomes all, wants all to participate and spend your money here, combined with a framework that helps our people become the main recipients and beneficiaries, we are looking forward to the success of this.

I commend the Minister and look forward going ahead with this exciting initiative and seeing our harbours filled, frequently, with yachts of this calibre. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 2. Honourable Member, you have the floor.

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

I appreciate the contribution made by my colleague who just took his seat, Minister Simmons, for certainly articulating that we need to do all we can to make sure that all can benefit, more can benefit across the board when we introduce mechanisms that are going to boost our economy in this way.

I want to speak about the marina that we need in St. George's. When persons come to Bermuda, they have to pass right past St. George's, and we need that marina in order for us to have the first crack of the whip! It is where tourism started and I just want to say that I know that work is being done, but we need that marina, Mr. Speaker, particularly now that we are putting forth legislation for superyachts and other vessels here in 2019.

And I heard Members talking about the America's Cup. I am going to go back a little bit. I think all of us will remember . . . I don't remember when it was launched but I remember, you know, hearing reports about the Royal Yacht *Britannia* going around the world. It called into Bermuda, and the like. I think it fits in the category of a superyacht. I think the great 1 per cent in the world now have latched onto this type of initiative and are making that type of travel commonplace.

Let's move forward to the 1990s and the late 1980s when a yacht that was very frequent in St. George's harbour, named the *Fleurtje*. It was well over 100 feet, owned by Tucker's Town resident, Mr. John Deuss.

Now, I certainly know how a superyacht like the *Fleurtje* would function in a community. Many people would think that the owners spend all their time on the yacht. The people who do spend all their time on the yacht would be their crew, who may move in and out in certain time periods, who would have an expense account, who would need receipts on Island when they need services provided. They may see their local tennis pro or their local golf pro. And so the knock-on effect of superyachting is not something that just came around in 2017. Bermuda has benefited from these types of superyachts. In fact, Bermuda benefited from yachting—period—when you look at [the] Newport to Bermuda [race]. And from the community of Newport, we have in our Gallery a gentleman who is more than familiar with Newport. He and I share a profession, golf. And I often say that yachting

and golfing go hand in hand because sometimes the golfing community loses some of its regular patients—not patients . . . yes, they are my *patients*—

[Laughter]

**Mr. Hubert (Kim) E. Swan:** —but lose some of our regular clients to the yachting community and then they trade back.

But communities like Newport and like Southampton and the like will have those types of higher net-worth communities. And the Honourable Member Simmons who just spoke encouraged us as [the Bermuda Tourism Authority] is looking to attract more high-net-worth individuals from the African American, and basically the African community globally, who enjoy this type of lifestyle and would appreciate the Bermuda experience as well. So we need to diversify.

I looked at an article, published in May 2019, not too long ago, where Japan itself is looking to get into this market. [They] are very much a sea-faring nation in certain communities and [seaports], where it would be of benefit.

But as it relates to Bermuda, we need to look at those communities who can facilitate this type of superyachting community and service it. I certainly have mentioned St. George's. We need to move heaven and earth to make sure that St. George's has that marina—post haste, dare I add. We need it! Not only for these super ones over 150 metres long, but we also need it, Mr. Speaker, for those 70-, 80-, and 90-foot vessels that I would have seen in great abundance just last week on July 4<sup>th</sup>, making their way.

And while I am talking about that, that beacon off of Port Royal Golf Course that only has that small little green or reddish beacon marker, needs to be put up because I am afraid one of those 90-footers might lose its bottom if we are not careful.

[Inaudible interjections]

**Mr. Hubert (Kim) E. Swan:** They are.

I watch them slow down. I grew up going through that cut all the time with my grandpa, before I turned to golfing. And they would slow down and they would be more careful than *Paradise One*, going out. And we need to make sure that our landmarks are in place because our reefs are equally as treacherous today as they were years gone by when there were less devices.

And even with modern devices, as the Honourable Member was trying to interpolate, even with modern devices you cannot play around with the sea. I know that; grandson of a fisherman. Oh, I know that, all too well. I spent all my time on land now. I know what it is like to be out on that sea and not take it respectfully, and not understand our waters the way you need to.

But let me speak to the communities in our country that would best facilitate the yachting. We have seen the good work that was done in Dockyard back in the late 2008/09 (which became a political football). That is of benefit today for the yachting community and the cruise community.

I saw a picture with the Minister, and I salute the past and current Ministers who have participated, as the past Minister of Tourism who just spoke before me, in a picture with the Greens, down there at the Hamilton Princess, who have gravitated toward superyachts. And you will see the superyachts today will allow . . . some of them will allow a 60- or 70-foot fishing vessel to go right up in their stern, right there.

Some of them will allow a 60- or 70-foot fishing vessel to go right up in their stern right there, an old James Bond-style situation. And they will stay on land in hotels or rent a luxury home and facilitate that. It did not just start in 2017, 2016. It has been going on for quite a long time in our communities.

The challenges that are faced in Morgan's Point need to be looked at. The opportunities of having a world-class public facility within their grasp, the opportunity with the PGA Tour coming to our shores in October, who have a reach around the globe—a reach around the globe. And when that drone zooms down and shows you Port Royal, they will see the Morgan's Point facility there and the opportunities that can be realised. If the current-day investors are having difficulty, they need to hobnob and interact with those who have the resources to be able to appreciate it.

Listen. I am just a country boy, who grew up wanting to play football for Chelsea, ended up playing professional golf in the same time. But the owner of my club, Abramovich, owns a superyacht. you know? Those are the folks around the world who have their toys because they can afford it. And what we need to do is look at how we are going to strike up the relationships with the persons, be it in the African community around the world, be it in the Asian community around the world, be it in the Scandinavian community around the world.

Where I would start, respectfully, having hobnobbed with a few folks who have a dollar or two in life . . . there are many communities that build boats, which build these superyachts. Fish where the fish are! And so, I see this as a glorious opportunity. Let it not be said that on this day I did not say that we need our marina. What is that commercial? *We need our marina, and we need it now!*

Do I hear an Amen, MP from constituency 1?

**Mrs. Renee Ming:** Amen!

**Mr. Hubert (Kim) E. Swan:** We need our marina, and we need it *now* in St. George's!

Do I hear an Amen?

**Some Hon. Members:** Amen!

**Mr. Hubert (Kim) E. Swan:** That is right. Why? Because if we are going to bring legislation here for the benefit of yachting, and St. George's does not have the resources to be able to be competitive, we are going to be left behind, and I cannot afford that to happen!

We need our marina, and we need it now.

And we will have the amenities to go along with it. We will have a lovely golf course, which is being restored. We are seeing people's home values increase. And I give kudos to those who came along and paved the way, and I give kudos to us for continuing on in that vein. And we need to continue on to make it work! We need to continue on to make it work for us in our community.

And let us not forget, Mr. Speaker, the opportunity that this legislation presents. And let us not fail to look at a problem as an opportunity to be solved in a way which is going to be beneficial. So, as we look at legislation aimed at the great 1 per cent, let us look to see how it can be utilised for the benefit, as the Honourable Member, Minister Simmons, had said, to be more wide-reaching in our community.

And I will close on this note, Mr. Speaker. Bermuda has the opportunity to attract capital because there are many things that we have going for us, going our way. A superyacht may pull into Bermuda, because we are strategically located on their path. There may be a storm in the midst, and Bermuda is the place to pull into a port in a storm. Let us be more than just a port in a storm! Let us be the place that they choose because of our aesthetic beauty. Let it be the place because we promote that you can put your superyacht in port in St. George's at that new marina that the PLP Government has put forward there. And you do not have to be hostage in your superyachts! You can venture all around this Island. You know, Bermuda is just one big all-inclusive.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** And so, as I pitch for our place in this superyacht legislation—

*[Inaudible interjection]*

**Mr. Hubert (Kim) E. Swan:** We have a lot that we can . . . Bermuda is one of the few places where you can be in Dockyard and want to be in St. George's and feel like you have to be in St. George's, and feel like you must go to Hamilton and feel like you should be at Clearwater Beach. And you are missing something if you are not at Horseshoe Bay. And now that, you know, you have got to see what that Shelly Bay looks like because it is the Bible Belt right down there where Brother Derrick and Brother Wayne are.

And I say that because, up and down this Island, we have so much to offer. I often look at the people who do service Bermuda today, those in the transportation industry, those who would cut their cloth according to this opportunity. Let them, Mr. Speaker, be able to do so in the East End as well.

So, as I am here to beat the drum on behalf of the Minister introducing this, and the Minister who came before and spoke in favour, let me remind them that we still need to see the marine barges down in St. George's getting our marina ready so that we can participate fulsome, fully . . . fully in this legislation.

Thank you, Mr. Speaker.

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

I recognise the Honourable Member from constituency 21. Honourable Member, you have the floor.

**Mr. Rolfe Commissiong:** Thank you. Mr. Speaker, thanks so much.

Mr. Speaker, as I would say, I guess, an avowed progressive, I am not always keen on seeing government subsidies and then tax breaks and exemptions going to the, as my colleague just said, the 1 per cent. I think this was one of the issues that divided opinion when it came to the America's Cup. Still, there are Members on the other side who just do not get that. It was a legitimate issue, especially for what became a sort of one-off event, which was the America's Cup.

However, I am happy to report that I do support this. And I am happy that the Opposition has indicated its support, because this has the ability to, I think, jumpstart a sustainable business opportunity for Bermudians, and be a welcome sort of addition to our overall economy. It is not going to cause GDP to go through the roof over the next few years. But, certainly, it can provide an increase in opportunities in terms of the ability of Bermudians to provide goods and services to these rather well-heeled owners of these yachts and the persons who work on the yachts, and the people who lease the yachts. And we need to be on the radar screen with respect to this burgeoning industry. And so, I do agree with this.

In Bermuda, you know, we have a long and storied maritime history. But I want to speak more recently, as opposed to going back a couple of hundred years ago. I remember vividly, and I hope it still goes on today, where, during that short window after the hurricane season (I would think we are talking about November, getting into late November or early December), you have that window by which you would have a number of sailing yachts coming through our destination as they made their move to the Caribbean for the winter season.

The thing about that was, again, it did provide a lot of business opportunities, opportunities for businesses to provide goods and services to, and make



provisions for, the persons who were making provisions for the yachts, themselves. But it also provided opportunities every now and then for Bermudian mariners to join the crew. Our late, great friend from St. George's, Phoopaa Anderson, for example (who passed away not too long ago), was one that, for a number of years, made that journey as an employee on these yachts, down to the Caribbean.

And I always used to marvel at him, you know, and guys like him, who were able to get those jobs, as we would say in the Bermudian parlance, *that hustle*, and to go down on that exotic journey to the Caribbean at a time when our weather was beginning to change.

And so, I think this is the right way to go. Frankly, it should have been done 20 years ago. I remember in the PLP circles, and when we were in Government last, 15 to 20 years ago we were talking about this. But it never seemed to get done. And I think the same would apply to our colleagues on the other side when they were in Government. I am happy about this, and I do want to lend my support for the calls to get the marina done, accomplished, down in St. George's. It needs to be done.

To be honest about it, we have seen some great things happening up in Dockyard. I had occasion to be up there a couple of weeks ago, and some of the renovations, for example, to Prince Albert Terrace. We had some foreign friends who were here . . . oh, it is just extraordinary. It is a great atmosphere up there. And we have to ensure that when it comes to providing amenities and everything else our Town of St. George's is not going to be left behind. So, I do hope that we can find the necessary financing to get it done, to get that marina done down there so that we can really become a resort destination that provides a number of well-honed and great amenities for our guests, including those who may be traveling here via superyachts, as this long-overdue raft of legislative changes is meant to ensure, that we can be on the radar screen with respect to that industry.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?  
MP Dunkley.

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker. Thank you to the Honourable Member from my neighbouring constituency for allowing me to speak before him.

Mr. Speaker, let me start out by saying, *Well done!* Well done to the Minister. Well done to the former Minister. Well done to the former, former Minister under the OBA.

[Laughter]

**Hon. Michael H. Dunkley:** And well done to—

**Hon. Zane J. S. De Silva:** The former, former, former Minister!

**Hon. Michael H. Dunkley:** No, I do not think we went back that far, when we get confused.

But, well done to the BTA [Bermuda Tourism Authority] for the work that they have done on this, because that has not been mentioned here today.

And, you know, the Minister came over, and we had a brief conversation about something. And I said that I was going to take him to task. And the Minister said, *Well, make sure you do—*

**Hon. Zane J. S. De Silva:** You did not put it like that!

**Hon. Michael H. Dunkley:** No, I did not put it like that. But we cannot discuss that.

And he said, *Well, make sure you do it very strongly.* That is not my style. My style is to say what needs to be said and move on.

But, you know, in events like this, we need to show that we are rowing in the right direction. None of us here can afford a superyacht, so we have to row that boat in the right direction, Mr. Speaker.

But, Mr. Speaker, I read last night, or early this morning, and I will quote: "<sup>3</sup>As the Minister of Tourism and Transport, it is my responsibility to identify opportunities to grow Bermuda's tourism and maritime sectors. This includes making the necessary legislative changes to strengthen Bermuda's competitive position on a global scale. This Government has done [exactly] that . . ."

Well, Mr. Speaker, that is a stretch of superyacht capacity, because this legislation here today did not have the genesis under this Government.

And before I come back to that, let me just say that my honourable colleague mentioned the number of superyachts, and there was some discussion about the numbers now. There are over 10,000 superyachts at this time. But they are making 150 superyachts a year. And if you go back, and the Honourable Member who just spoke before me talked about it was discussed under the PLP 20 years ago. I highly doubt it. Why, Mr. Speaker? Because superyachts only started to be built in the last 10 to 15 years at the rate that they are being built now—at the rate. So, 20 years ago the number of superyachts in the world was miniscule compared to what it is today.

That is why the opportunity to capitalise on superyachts is now, and it started to grow in the last couple of years, because the numbers have risen and they are being built at a faster pace. And I do not know what it is about men and their boats. And I do not fall into this category because I do not own a boat.

**An Hon. Member:** I do not either.

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<sup>3</sup> [Bernews](#) 11 July 2019

**Hon. Michael H. Dunkley:** I am not looking at you, Minister.

But my father had a boat, and I enjoyed going on the boat. But when my father passed away, my mother sold the boat. And I did not argue with my mother.

But, Mr. Speaker, I do not know what it is about men and their boats, because if they get a 50-foot boat, they want a 100. If they get 100, they want 150. And these superyacht owners, they get rid of a boat that they bought for \$15 million—

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** No, no.

They get rid of a boat that they bought for \$15 million for \$7 million, and then buy a \$50 million boat. And it continues. It is the most amazing thing. But if you have money and you want to spend the money, all the glory to you. And do what you have to do.

And that is why it is important that we today capitalise on this investment. And this seed, you know, started a few years ago around the America's Cup. We tried assiduously to bring legislation around the America's Cup. You remember, Minister, that *rich-white-guys' boat race* that you talked about? That is what it was referred to at that time. Those are not my words; those were the Minister's words. It is true! But here we are today. We have not heard any talk about that.

**An Hon. Member:** Not a word!

**Hon. Michael H. Dunkley:** We just want the legislation. Now we are on this side. But you cannot forget what you said in the past, because it comes up.

But, Mr. Speaker, we wanted to get the legislation here, because we wanted to make sure we could attract as many superyachts as we could during that event and then to have it continue on after that. And we got close, because we attracted superyachts. At one point, there were about 100 in Bermuda at a specific time—I do not know, 10, 15 days before the finals. They were lined up on Front Street, St. George's; they were all over the Island. It was a pretty sight.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** The Minister says he was on one. I was too busy to go on the superyacht.

**Hon. Zane J. S. De Silva:** Well, you were going to be Opposition.

**Hon. Michael H. Dunkley:** In Opposition, you have still got to do things.

But, Mr. Speaker, the challenge is that, with the legislation, we managed to make sure that we

could attract them for the America's Cup and, at the same time, work on that legislation. But what happened is, Minister Gibbons (as my honourable colleague [Cole Simons] who spoke for the Opposition first on this side, alluded to) brought a Cabinet paper to the House. And then that was stalled when the election was called because, obviously, you are not supposed to carry on any new initiatives during the writ period.

But the superyacht discussion really started in 2015 about the same time that the America's Cup was being finalised. And so, a lot of the research was done at that time. And we looked, and we said, *Look. This is a great opportunity, not only for America's Cup, but for us going forward.* And now we need to capitalise on that, because, obviously, as colleagues who have spoken before me, they have been very clear on the opportunities that we face, the opportunities that we should capitalise on.

And I heard the Honourable Minister without Portfolio speak about some of the potential. And he referred to people opening their businesses and being participants in this. But he was very vague on what he meant about that. I mean, that is political-speak, and it all sounds good. But if we are successful in having a steady stream of superyachts come to Bermuda . . . and let us face it. There are a number of months in the year where they will just be passers in the wind and the waves. Because the Northern Atlantic, which, you know, Bermuda is located in, is not a well-cruised place from the months, I would say, middle of December to early April. The rest of the time, the Northern Atlantic is the place to be. And we can capitalise on those months.

And these superyachts, they do not stay at docks anymore. They are out in the ocean. They are cruising the ocean. And these individuals who own these yachts, they want to maximise the potential to get some revenue back for them for the time that they are not using them.

Let us face it. I saw where one of the greatest soccer players in the world (and I will not name names) owns his superyacht, and he wants to sell the superyacht, and he only spends about two to four weeks on it a year. The rest of the time, he tries to charter it out, lease it out, and do what he can, and let them cruise around the world for big fees. And that is difficult in this environment because it costs a lot of money. But most importantly, there are 10,000 superyachts now. So, everyone is trying to do that. They do not keep them at the dock. These guys want them out there. They have a professional crew. Those crews look after the boat 365 days a year. And those boats work better when they are on the water, being used. So, this is an opportunity that we need to capitalise on.

So, *well done*, to the PLP for bringing it, but also *well done* to the OBA for having the vision and for trying to capitalise on it where we can.

Now, I was pleased to see the Honourable Minister refer to consultation, because it is critically important that we get it right in that area. There is business for Bermudians in the maritime trades. And we know that the charter business in Bermuda is quite small, and it is really over the summer season, where, like tonight, you will have the *UberVida* cruise, and things like that for the smaller charter boat owners in Bermuda. So, we need to make sure, Mr. Speaker, that we are well aware of the challenges they face in the industry and make sure that there is some potential for them within the industry.

So, I thank the Minister for giving a bit of an overview about the consultation that was done to bring this paper here.

Now, I look forward to the explanation in Committee from the Honourable Minister, because a lot of that will certainly help answer questions that we have as it relates to the specific clauses. And this legislation appears to be a pretty sound framework for us to move forward on. But I think the underlying thing has to be, with everything that I have said about superyachts, that these owners are not afraid to take their craft anywhere in the world. Money is not the first thing that crosses their mind. It is something that is important to them; but they do not mind spending the monies required to do things in the appropriate way.

So, once we set up and attract superyachts here because of the legislation, we need to make sure that we offer them the convenience, because they can go anywhere in the world. We need to make sure that we offer them the services.

And that means seven days a week, Mr. Speaker. And let's be real about it. I know the Honourable Minister is well aware, as the Minister of Tourism and Transport, that services have to happen seven days a week. But sometimes, we as Bermudians do not want to work certain days of the week or certain hours! Now, if a superyacht wants to come in at a certain time of day and on a certain day, we have to make sure that they are welcome here, Mr. Speaker, because they can go anywhere. And they will go anywhere.

We have to make sure that we continue to keep our country safe. Because they want safety. They do not want to bring family and friends, or charters, and not be safe. Safety is an issue in many parts of the world. That is why the Caribbean is widely cruised. That is why the Med is widely cruised, because they can offer safety in large areas of those jurisdictions.

And when the superyacht owners come here, they need to be able to have the entertainment and the activities that are important for them to do. They are not just going to sit on the back of the boat on a chaise lounge and chill out. That does not happen. These people are generally very active, and they want to be involved and do some stuff, Mr. Speaker.

And so, with those comments, I thank the Minister for bringing this forward. It certainly has taken a bit of time to get here, but you know what? Time could be served well if we get it right, and we attract those people. We have lost some people since the America's Cup, but it is a beautiful thing to see a couple of superyachts in town because of the marlin tournament! That is a beautiful thing. And it is not a coincidence that they are here. They are here because of the marlin tournament. They bring the big ship and the small ship because they are fishing every day.

And these are the types of events and activities that we need to continue to work with, as the Government and the Opposition, with the BTA, to attract events like the fishing tournament over the past three weeks. Work with the PGA Tour to make sure that we can leverage the golf events that we have coming to Bermuda, because no single event is the answer. While we are very pleased with what took place with the America's Cup, we always said no single event is the answer. But it could be a stimulus to better opportunities down the road, Mr. Speaker.

So, this is one small peg here that could be exciting for us, could provide opportunities for Bermudians. And at the end of the day, any Bermudian who wants an opportunity has to remember: In the world that we live in in 2019, it is not a nine o'clock Monday job. You might have to provide those services any time of the day, any day of the week. And if you do that, we will be successful. Thank you, Mr. Speaker.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Before I recognise the next Member, I would just like to acknowledge in the Gallery the former Premier, Dame Jennifer [Smith].

Welcome.

[Desk thumping]

[*Superyachts and Other Vessels (Miscellaneous) Act 2019, second reading debate, continuing*]

**The Speaker:** Mr. Famous, you have the floor.

**Mr. Christopher Famous:** Good afternoon, Mr. Speaker. Good afternoon, colleagues, and good afternoon to Bermuda.

Mr. Speaker.

**The Speaker:** Yes.

**Mr. Christopher Famous:** They have a saying, *Give Jack his jacket*. What that means is, give credit where it is due. Give credit where it is due. Now, I will give

credit to the OBA saying, they have been, you know, for the last few years, *Where is that superyacht legislation? Where is that superyacht legislation?* But it goes a little far than when Honourable Member from constituency 8 says, the superyachts only started coming here when America's Cup started. Big boats have been coming here for quite some time—400 years, to be precise.

*[Inaudible interjections]*

**Mr. Christopher Famous:** Moving on, Mr. Speaker. We are in a situation where we have to diversify our economy. We are in a situation where we have to reinvent tourism. We are in a situation where we have to play catchup to the Caribbean.

Let me call off some places, Mr. Speaker: Christophe Harbour, St. Kitts. Rodney Bay, St. Lucia. Simpson Bay, St. Martin. Spanish Town, Virgin Gorda (which is in the British Virgin Islands). What are these places, Mr. Speaker? These are places that have superyacht harbours. They have had them for, like, 20 years. We are just catching up.

But be that as it may, I will not be long because I do not know much about superyachts. But what I do know is that in that legislation it says Bermudians should be able to get jobs. I want to take it a bit further. Bermudians *must* get jobs out of this—not just MarketPlace, not just the milk providers, but every Bermudian who wants to get something out of this should be able to get it. So, I am calling on the BTA and this Government, our Government, my Government, to work with the BEDC to help Bermudians start businesses that can cater to these mega yachts. Because if they are only going to serve to make the rich richer, what are we really getting out of it? Not too much.

So, in closing, Mr. Speaker, I have to leave with this. We are playing catchup to the Caribbean. We have played tortoise and hare for too long. We thought we were number one; now we are probably number ten or something. So, I am happy to see this legislation. I am happy to see that we are going to get more government fees. I am happy to see, potentially, more Twizys are going to be rented. But again, I emphasise to the Honourable Minister, who is in charge of the BTA (kind of), to speak to the BEDC to put things in place for Bermudians who normally do not get a piece of the pie to get a piece of this pie. Thank you, Mr. Speaker.

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

Deputy Premier, would you like to add some comments? You have the floor, Honourable Member.

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

Just some brief comments around this, because I was listening from my office to the debate. And I heard some interesting comments and had not

really planned to contribute to this, because I am elated to be a cheerleader for my honourable colleague who sits for Tourism and Transport for this, only because this is important, critical legislation in the whole push of the Government towards the diversification of the economy and creating opportunities.

But I heard some interesting comments about, and it seems to start, kind of, with the Member for [constituency] 8, who put forth some sort of a fairy tale sort of proposition that the America's Cup equals superyachts. I mean, it is amazing how the America's Cup is equated with everything other than, perhaps, the soon in-the-future coming of Christ, perhaps . . . It is the only other thing that it has not been associated with up to this point.

*[Inaudible interjections]*

**Hon. Walter H. Roban:** But be that as it may, there seems to be great effort to associate the America's Cup with anything that has happened good since then, and that no one else has anything involved, or attached anything else. But clearly, that cannot be the truth, Mr. Speaker, for a number of reasons.

But in speaking to this issue of superyachts and what it is sought to achieve for the country . . . and it does appear that both sides of the House support the legislation and, of course, are trying to take credit for its very inception. But the reality is this. Not only does Bermuda have a long maritime history of attracting seafarers to our Island from all backgrounds, but the effort to try and conceptualise an opportunity for the country around yachting certainly is not new. Newport to Bermuda, Marion to Bermuda, Charleston to Bermuda races have all sought to bring this similar opportunity for the country and have been clearly successful at some levels.

But when it comes to this issue and . . . and let's perhaps separate it into two things because I did hear an Honourable Member say something about, *Oh, the superyachts have only really come around in the last 10 years.* So, let us just, for argument's sake, accept there may be some inkling of fact and that the superyachts that we see now that are built by some of the ultra-billionaires of the world, did just come along. But they are not new. You might want to put them in the category of luxury yachts. So, let us move from the superyachts to the luxury yachts. And the luxury yachts have been around for a long time. Right? So, again, there cannot be credit attached just because it was wrapped around a bit to the America's Cup, that the opportunity for superyachts suddenly has been created as a result. Well, that certainly is not true.

The effort to attract luxury yachts goes back a considerable number of years. And I am not even suggesting for one inkling that this is an exclusively PLP effort. But what I am suggesting is that past Governments have made a concerted effort to try and develop this business for the country. And obviously, to

this date success has not materialised in a way that it potentially is now, coming with the Bill that is being led by the Honourable Zane De Silva, Minister of Tourism and Transport.

But I can recall as my connection or my involvement with marine goes back long before I was Transport Minister in a previous rendition, and even in a more recent rendition. It goes back to . . . I remember being chairman of the marine board in the late 1990s and early 2000s, where there was a concerted effort then to try and shape the opportunity at the time around attracting luxury and mega yachts to Bermuda, by the then Ministry of Transport. And I sat as a chairman of the Ports Authority with full understanding of what the Government of that [time] was trying to achieve. And, clearly, there was seen an opportunity there. And I am not suggesting for one point, Mr. Speaker, that this was an exclusive idea of the Progressive Labour Party Government at the time. But, certainly, it precedes the America's Cup.

The effort was made to see what opportunity could be done to develop a luxury yacht port in Bermuda. Here I attach my Municipalities responsibilities, because St. George's was the identified place to attract this potential business. And I will refer back to my honourable colleague, the Honourable Member who sits for constituency 11, referring to our Caribbean friends and relatives on what has happened down there. And anyone who has travelled to the Caribbean in any minimal way will see that the presence of yachts down there is dominant all the way from the Bahamas right down to the eastern Caribbean, through the Grenadines, through the Leeward and Windward Islands, Jamaica—everywhere. BVI, in particular, plays a big role in yachting. There are regattas all through the Caribbean during certain times of the year which are meant to attract yachting. There is almost like a huge caravan of yachts, or a mecca equal perhaps to the movement of animals through the Serengeti, from the northeast out of Europe down to the Caribbean during certain times of the year. That is a fact. And it is only amazing that Bermuda has not taken advantage of this all these years. It has been going on for decades, for years.

But places like Christophe Bay, Rodney Bay, Spanish Town, parts of the Grenadines . . . I can even say if anybody who has visited Atlantis, Nassau, you will see the superyachts lined up, parked. They are beautiful, you know, beautiful pieces of technology, sitting there. Clearly benefitting from whatever services are being provided there.

Certainly, Bermuda can take advantage of this market. I can remember one experience which I had in St. Lucia. And I have told this story before, but it crystallised to me what Bermuda could do if Bermuda put its mind to it, and, having had in my mind the opportunity that was lost in 1990s when those who run St. George's at the time refused—and I am going to say it again, refused—to see beyond perhaps their

rose-coloured glasses at the time where there was a real opportunity for St. George's to have a sustainable presence in the luxury yacht market.

The St. George's people who were running [things] during that time, long before certain people were extended the right to vote by the then future PLP Government—so we know who was in charge down there. [They] could not see beyond their noses to the opportunity that St. George's could have had to have a luxury yacht port. But this place [I just mentioned] in the Caribbean is called Marigot Bay. And St. Lucia is a beautiful island under any account. So, perhaps you will take a little sea tour of the island and you will come into Marigot Bay.

Marigot Bay seems like it is in the middle of nowhere. But what I saw there was extraordinary for what I experienced. And it made me [say,] *Why can't Bermuda do this?* It is a harbour. It seems like it is in the middle of nowhere from the standpoint . . . it is not like it is connected to a city or anything. But it is a yacht port with perhaps a village nearby. And when you come into it, it is a beautiful bay with a beautiful area with a dock and everything, and there are these massive beautiful yachts parked up there.

And then there are luxury accommodations in the hills going up from the bay. There is shopping or other facilities there. And I was like, *Man, this reminds me of St. George's just the way it looks, and St. George's is much prettier than Marigot Bay. Why couldn't St. George's have this?* It could have had it if certain people could see beyond their noses, and some other parts of their bodies, to actually see what the future could be for the town, as the town now struggles to find an economic lifeline. It would have had one.

So, Bermuda has missed out on an opportunity that . . . and certainly, back in the early 2000s, mid-2000s, many of these places had not even been on the list that the Honourable Member Chris Famous from constituency 11 listed. [They had] not even really been developed. They have come on line within the last decade, or perhaps 15 years or so. And, so, here we are.

Certainly, other Governments past have tried to bring this to the table for the country. But many people in the country just were not ready, or refused to see the opportunity that it brought. And even getting to this point, having been a former Transport Minister, I know the work that particularly members of the BDA had been doing, going around the world (and I am sure the Minister of Transport can attest to this) trying to market Bermuda in this area, in Monaco, which is obviously a big place for luxury yachts, and other capitals of luxury yachting in the Mediterranean and other parts of the world, to champion Bermuda as a potential place.

Certainly, the America's Cup was just another episode in this area where an opportunity was sought to be shaped.

As I recall it, not as many yachts did come as predicted. But there was clearly a presence. We saw them. I do not know how one can attest to what has happened since then, but certainly, this Bill as tabled by the Honourable Minister is a way to solidify and institutionalise that effort. And this is good for Bermuda.

I do hope that those that are in parts of the Island where there may be a potential opportunity for this . . . certainly in my capacity as the Minister for Municipalities, I am doing some work around marina development. And we may see work in the country and in this House around other opportunities for marina development so that we can materialise what can be developed and will come under a legislation that the Honourable Member is tabling today.

So, I do not want to speak that much more other than make it clear, Mr. Speaker, that to attach this piece of legislation that we are discussing today, exclusively to the America's Cup initiative is a fairy tale, to be mild with my language, to keep within the realms of parliamentary language. Governments prior to that have made the effort to bring about this particular type of business to the country, and it is wonderful that we have cross-party support for it. And it is certainly the hope of this side, but certainly it must also be the hope already stated by the other side, that this will materialise economic development, job opportunities and, yes, Bermudians must be the players in this industry and what it can bring.

We must not be the side-line operators or the spectators in the economic stadium of some of what can be earned by the country in this potentially great industry that can be developed. Obviously, there is some work that has to be done because we need to get Bermuda's image out there as a place for business in the luxury yachting community. I am sure our friends at the BDA and the BTA and in other areas are putting together those plans so that we can position Bermuda just like a Marigot Bay, just like a Christophe Bay, just like a Rodney Bay, and just like Atlantis and other . . . just like the Grenadines, and just like parts of the eastern Caribbean, other eastern parts of the eastern Caribbean, that are benefitting every year from that migration from Europe and from parts of North America.

And like was said, it is not just the European market and the North American market just growing. We have the affluence growing in Asia that is looking for interesting opportunities. Let us not miss potentially going out there and pulling some of their interest here as the super-rich around there sail around the world and see Bermuda as a potential stop or a potential place where there will be facilities and infrastructure to support the presence of their luxury yachts.

So, let us go for it, Bermuda! Let us make it happen. This legislation is here. It is laying the infrastructure and the opportunity. It is now for us to take it.

Thank you very much, Mr. Speaker.

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

Does any other Member wish to speak? I recognise the Opposition Leader. Honourable Member, you have the floor.

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

From the onset let me just say that I am very happy that we have this piece of legislation before us. I am grateful that we are now putting the opportunity for Bermudians out [there with] this piece of legislation. I am grateful that it is here today.

I want to thank the Minister for getting it here to us. You know, some of us have been saying, you know, it has been a couple of years. But I am just grateful it is here. I am grateful that the Bill is actually here.

I wanted to speak to three different areas of this here and just make sure that the public is aware that what we are talking about with this piece of legislation is those vessels that range in the 78-plus feet category. We have seen, of course, with the different events that have taken place in Bermuda, and even outside of the different big events in Bermuda, that these vessels can get up to 300-plus feet, and so they are fantastic, quite frankly, to watch as they come into the waters of Bermuda—and incredibly fast as well, at that size. So, it is good to see that this is before us

One of the areas that I wanted to speak to was there has been some talk, and my colleagues from the east, myself being from the east seeking out the opportunity to get a marina down in St. George's, it is important. I think before I speak to that, what I would like to say is I am hoping that, along with this piece of legislation, our Government also is looking at a facility that can maintain these vessels.

What I mean by that is, I understand that there are hundreds of them that pass by Bermuda in need of repair for different reasons. So, as we invite them to our shores, obviously we want them to be able to buy supplies and the likes. I can recall being in the Bahamas as well and watching cases of shrimp go onto one of these particular vessels that we are talking about—an opportunity.

So, I recognise that it does bring opportunity for merchants in Bermuda. And I would also like to see our Government moving and looking at an opportunity, or speaking to private [Bermudians] so that, possibly, we could have something that could actually hoist these large vessels up out of the waters and then begin to look at repairs. While we did look at [this], several years ago when we were Government, we understood that many of these vessels were going past us to get repairs down in the Caribbean. I think we have a great piece of property up alongside Caroline Bay there which belongs to Government. It would be a great area. There is deep water there. It could handle those size vessels. It would be nice if we complemented that at some point in time with a facility that

can hoist these things and allow for repairs to be made.

Many times these vessels do not even have the owners on them, and are just passing through, whether it is coming to Bermuda or going down to the Caribbean. And the opportunity, to have the opportunity to repair these vessels for whatever the reasons may be, whether it be radar and the likes, would offer opportunity, entrepreneurial opportunities for Bermudians to get involved in that and to supply that kind of facility to these vessels.

So, again . . . and I will continue to repeat as I speak, we want to thank . . . we are grateful that this piece of legislation is here today. But if we could move swiftly on some of those other things, it would be great as well. It would be nice to hear something about that.

In relation to the Honourable Member from constituency 2 (where I live) who brought up about seeking to get these vessels, many of them, down into St. George's, we certainly probably could not fit too many of the 300 footers there. But certainly we need to get a marina down there that can handle these size vessels.

One of the concerns that I had with the initial proposal when we were Government that came to us from the Corporation there . . . quite frankly, I was concerned for two reasons, which kind of held up the marina getting there. And that number one [reason] was, as the Honourable Member from constituency 33, the Honourable Simmons brought up, was that I felt that the whole shebang was going towards a certain persuasion of Bermuda, and those people of colour were not even included in some of the opportunities for this marina to be built. And I made that known to the Corporation that this was a major concern of mine. Even the shop that was going to be built there was going to be owned by the proposers that were putting it there. And I said well, you need to share this thing up.

I was concerned about the numbers as well, and the numbers were not making sense. But the fact is that we need a marina there and we need to get it as soon as possible. It is a great opportunity to get it up and going. It will provide jobs in facilitating getting it built, and in addition to that hopefully it will facilitate the [Bermudians of all persuasions] to have opportunity to supply these vessels with whatever goods they need. But I wanted to make sure that this House was clear. The main reason I spoke to the Corporation about turning down the initial—and I say initial—proposal was because it did not include blacks. I was like . . . we can sell grocery stuff, too, even though we have a grocery store down there. But I felt that we needed to do some more work on that. And I wanted to make that clear.

I love the water, and have a boat of my own.  
I—

**Hon. L. Craig Cannonier:** Not a superyacht, no. It would not fit in this category.

*[Laughter]*

**Hon. L. Craig Cannonier:** Not at all. They would put my boat on there very easily. It would fit on their back platform with plenty of room.

But I do spend quite a bit of time on the water and have missed many a reef. I have been the victim of one reef out off of St. David's, and I certainly [have] pride in knowing the waters off of there, but I did hit it anyway.

But I had watched on YouTube a couple that sailed around the world, and it is called "[Sailing] La Vagabonde." And they have a large catamaran that they sail around on. I learned something from this here about when they were going to different countries and sailing. There was another catamaran, friends of theirs, and when they got to Greece they picked up captains, actual captains, local captains from Greece, to go on the vessels to help sail them around.

This provides a huge opportunity for many of our Bermudians, especially our young men who are looking for opportunities to get themselves involved in the waters internationally. So, I can see where this would be great opportunity, Mr. Speaker, for Bermudians to be able to exercise the opportunity.

We certainly know that in the past we saw where these vessels were taking on board ship . . . I remember one particular night we knew of \$50,000 that was spent just on alcohol alone for an event that they put on the ship that night. We also know that flowers on one of these particular large vessels . . . almost a full container of flowers was brought in by a friend of mine who owns a flower shop, on Front Street (who happens to be of colour), and provided the flowers just for this one vessel. This provides a huge, huge opportunity for local entrepreneurs to weigh in.

So, I am grateful. I think, I know, that we are all in agreement with this particular legislation that we are bringing forward. Again, I compliment the Minister for bringing it to us and look forward that we now have an opportunity for these vessels to be here in extended periods of time, and I will reiterate it would be nice if we could get a facility that can also seek at hoisting these things out of the water so that many of our marine technologists can get involved with repairing these large vessels.

Thank you, Mr. Speaker.

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

Is there any other Honourable Member? Minister of Education?

**Hon. Zane J. S. De Silva:** You have a big boat?



**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, for giving me this opportunity to speak. Thank you, all Members that have spoken on this.

Mr. Speaker, it was not my intention to speak on this Bill, but after sitting here and listening, I just felt it was my civic duty to, not only Members that sit within these Chambers, but to the listening public that it out there.

Mr. Speaker, what we have seen is a piece of legislation brought through by the Government that will only enhance the product of Bermuda. What we have heard from the majority of Members that sit opposite is this back and forth tit for tat. There is, *If it was not for the America's Cup, this would not happen.*

It stuck with me because [during] the previous legislation that we did, the PATI legislation, Mr. Speaker—not reflecting on previous debates—it was said that, yes, the PLP passed the legislation but we brought it into effect. And then literally five minutes later, we had a Member from constituency 8 get up and say, *Why did you not give respect to the America's Cup for the legislation because we laid the ground work?* And this is the petty type of politics that drives people away from the good things that do happen up in this House because these are the things they hear.

When you get up and start your conversations like that, but then go on and say it is a great thing that we are doing this, that secondary part gets lost in the conversation because people have tuned out because all they see is bitter back and forth arguments that actually have no relevance to what it is that we are actually trying to do. What we are trying to do is move Bermuda forward. Yes, you can get up and support, then get up and support. Do not do it backhandedly where it is *we are supporting; but, if it was not for us you would not be able to do it sort of thing* because that is the stuff that drives people and turns them off from what it is that we do up here, Mr. Speaker.

This is a good piece of legislation. It will enhance the product that we have in Bermuda. It will encourage superyachts to come to Bermuda. And I fully endorse all of the other things that have been said. We need to . . . the [Member] who just sat down, perhaps there is a way that, if they are coming here, we can figure out how to service them even more so than what we are doing now. Right now, we are saying that you can come, you can park, you can utilise our services. But if we are able to repair them, that is even another market that can be explored.

Another [Member] spoke about having the marina in St. George's that will enhance. Of course, that is something that the Government is working on. That is something that will come to fruition.

But, Mr. Speaker, the crux of the remarks that I really wanted to say is we need to be careful of how we talk about items here in the House because the public is getting wary, they are getting tired of hearing the petty partisanship conversations that are kind of

coded over with *but we support*. If you are going to support, then just support; leave the other pettiness out of it.

Thank you, Mr. Speaker.

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

I recognise the Opposition Whip. Honourable Member—

**Ms. Susan E. Jackson:** Mr. Speaker—

**The Speaker:** Yes?

**Ms. Susan E. Jackson:** I would just like to get up and take a step back even before America's Cup. There was a time in 2012/13 when I had the privilege of sitting on the WEDCO board and they had a very defined vision of what to do in the mega yacht market. Their vision was that we develop land so that we could create a drydock and a marine repair location —

**An Hon. Member:** On Cross Island?

**Ms. Susan E. Jackson:** On Cross Island. That was how it originally started.

And the vision was great. I happened to be living in Dockyard at the time, I was taking the ferry. I was talking to a lot of the folks that are up in Marine and Ports in Dockyard and there was buy-in around the concept of having a drydock that was large enough to put these mega yachts onto the drydock in order to paint the bottom and do a lot of the services and repair work that these mega yachts are looking for when they are on sort of the shoulder months or when their owners are transitioning their boats from one country to the other.

One of the, sort of, short pieces for Bermuda was that in the Bahamas I know they have a drydock and facilities for mega yachts. But they also have certified mechanics from manufacturers that are in the Bahamas that are qualified and able to handle the maintenance and repair of these mega yachts. I know that that was one of, sort of, our development areas. Should we attract the mega yachts to Bermuda for maintenance and drydock services that the owners and the operators of these ships often wanted to have the certified mechanics on Island in order to accommodate their needs and, I guess, to keep warranties, et cetera.

There I saw an opportunity for many more Bermudians to get involved and to get involved through mechanical engineering versus the hospitality side. And it seems as though that concept has gone to the wayside, which is unfortunate, because it seems as though . . . and my colleague just mentioned even around the Caroline Bay area, that there are locations on this Island that would accommodate the servicing and the maintenance of these mega yachts. Personally, I believe that in and of itself would attract more of

these mega yachts to the Island, if they knew that they could, you know, drydock, paint the bottom of the ship and then continue on their way to the Mediterranean and beyond.

I would hate for this piece of legislation to put, you know, a cubbyhole into this one piece of the hospitality and the chartering of these mega yachts, when there are still a number of other opportunities for Bermuda to explore so that we might be able to grow this facet of our tourism and hospitality industry.

I am not quite sure what the real demand is going to be around the chartering of these mega yachts. To be honest with you, I see the ships that are here on the Island, and there are not a lot of locations for them to go to. And as you can imagine, when you have the islands and you have got chains of hundreds of unoccupied islands and the like that many of these yachts can go to, we just do not have that landmass here. I think that we should be realistic. There are some limitations around this particular industry for Bermuda and we have to be extremely imaginative in how we might be able to develop this going forward.

I am hoping that this is just the beginning and that we are able to expand our services and the like. But there is no doubt that this industry, these superyachts, will bring some financial stimulation to the Island. In particular, you know, the use of fuel, the consumption of food and the like, so through the purchasing of things, like fuel . . . I mean, I know these mega yachts can take, you know, three and four truckloads of fuel. And certainly the taxes that are applied to fuel will provide some revenue for the government. There are ways in which we will make money in this very defined concept. But I certainly look for us to expand on it in the future, Mr. Speaker.

Thank you.

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

Does any other Honourable Member wish to speak?

Minister, would you like to do your wrap up?

**Hon. Zane J. S. De Silva:** Thank you. Thank you, Mr. Speaker, and I would like to thank Honourable Members for their contributions today.

I did make a few notes, Mr. Speaker, and I think it is only right that I make a few comments myself. But before I do that, Mr. Speaker, usually Ministers thank those that assisted with legislation when they are all said and done. But I would like to start in that space, Mr. Speaker. In fact, Mr. Charlie Brown and certainly Lisa Johnston and Mr. Swain and my PS are here. And I would certainly like to thank them for the work that they put in along with Richard Amos who certainly made significant contributions to this legislation. So, I would like to highlight the work that they did to bring it to this place today.

But, Mr. Speaker, I would like to comment on a few things that were said by, in particular, the Members of the Opposition, and I will paraphrase a bit.

The Honourable Member from constituency [10], Mr. Dunkley, the former Premier, said that, you know, this . . . I think it was some words to the affect that it did not have the genesis under a PLP Government. The MP Cole Simons certainly said that if it was not for the America's Cup the superyachts would not be on the agenda. Well, I think, you know, sometimes we have to . . . not everybody in this House remembers history. Mr. Speaker, I would like to start off by just reminding everybody, all right, that Mr. David Allen, the Honourable late David Allen, I would say was a pioneer for superyachts in this country.

And why do I say that? Well, just a few minutes ago, I believe it was the Honourable Member the Opposition Leader, Mr. Cannonier, or maybe it was Mr. Dunkley, who talked about the superyachts that are in the harbour at the moment, and there are five of them. And he said that they are here because of the fishing tournament. And he is absolutely correct. But do we remember the brainchild of that fishing tournament [came from] none other than the late Honourable David Allen. And you might remember that, Mr. Speaker, because you were in this House at that time.

And the Honourable Member, my colleague, Chris Famous, said give Jack his jacket. Well, I would like to give the Honourable former Member, the late Honourable David Allen, that jacket because he was the one that actually started it way back when.

So, you know, this talk from the Opposition about, you know, the superyachts started under their watch, I think they are way off base, because superyachts have been coming to the country for a while. In particular, in particular, since that fishing tournament started under the PLP Government. So, I think it is important that we do not forget that.

The other thing that the Honourable Member Michael Dunkley said was that . . . you know, he sort of contradicted himself, because in one breath he said that, you know, they were the ones that thought about the superyacht legislation but, of course, they ran out of time because they lost the election. And then in the same breath (you can check Hansard), he said that the superyacht idea started in 2015. So, if it started in 2015, why didn't they get it across the line, Mr. Speaker, if it was that important?

Just asking.

**An Hon. Member:** Keep asking.

**Hon. Zane J. S. De Silva:** I think it is important for me too to thank most Members in the House, even those on the other side, Mr. Speaker, for their contributions today, because outside of a few odd comments by them, and a little bit of history that they did not know about, I think that everyone, including the Opposition,

realises how important this is to the country. I would like to think that outside of the economic benefit of the superyachts coming here to the country, spending money on fuel, groceries, restaurants, taxis, concierge . . . you know, the list is endless. I would like to think that this spurs some entrepreneurship from our people. And, certainly, it will be my intent as the Minister to remind some of our people that, you know what, this legislation will pass and it is an opportunity that you should grasp—and grasp it and run with it.

One thing that no one really touched on today, Mr. Speaker, and I would like to touch on, was that there is the opportunity of charters, which is important. I can tell you that I had one of the greatest experiences of my life about three years ago when myself and former Premier Ewart Brown, and a couple of friends, flew to the Bahamas, we stayed in a hotel, we enjoyed ourselves for a couple of days. We jumped on one of these superyachts and we cruised around for two or three days down in the Bahamas. We came back, spent another couple of days at Atlantis, and then flew home.

The reason I mention that, Mr. Speaker, is this: That this yacht had to have food and fuel. It had staff on board (a staff of 12). And the fact that we had to fly to the Bahamas . . . we spent a couple of days in a hotel, we enjoyed ourselves on the cruise, we spent a couple of more days in hotel and we flew home. So, think of the economic benefit it was for the Bahamas for us arranging to do this cruise.

So, I would like to think that certainly now that this legislation will pass . . . as I mentioned in my brief, you have the Bermuda Tourism Authority, in particular, and, of course, my PS, who is here today, certainly said, *Look, if we can get this across the line, there are certain boat shows or yacht shows or these events that take place*—I am sure MP Cole Simons knows about it. There is one in September in Monaco. And I would certainly hope to see him there, being as he is the one that sort of took the lead on this in the Opposition. I hope to make it myself. But, when we attend these shows, we can now promote Bermuda in a big way with regard to the superyachts.

I think that between the Tourism Authority and everyone in this House who wants to see this industry grow, we will certainly push it.

With that, Mr. Speaker, I ask that the Bill now be committed.

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

The Honourable Member from constituency 1, would you like to take the Chair for us?

**House in Committee at 6:07 pm**

*[Mrs. Renee Ming, Chairman]*

## COMMITTEE ON BILL

### SUPERYACHTS AND OTHER VESSELS (MISCELLANEOUS) ACT 2019

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Superyachts and Other Vessels \(Miscellaneous\) Act 2019](#).

I call on the Minister in charge to proceed.

**Hon. Zane J. S. De Silva:** Thank you, Madam Chairman.

Madam Chairman, I propose, with the indulgence of the Opposition, that we move all the clauses at once, 1 through 9.

**The Chairman:** Is there any objection?

**An Hon. Member:** No.

**The Chairman:** No objections. You can proceed.

**Hon. Zane J. S. De Silva:** Thank you, Madam Chairman.

Madam Chairman, this Bill seeks to amend the Marine Board Act 1962 in relation to superyachts; to amend the Passenger Ships Act 1972 to introduce transit and cruising permits for pleasure craft and superyachts, and charter permits for superyachts, with fees prescribed in the Government Fees Regulations 1976; to amend the Miscellaneous Taxes Act 1976 by repealing passenger departure tax for pleasure craft; to amend the Fifth and Sixth Schedules to the Customs Tariff Act 1970; to amend the Customs Department Act 1952; and to make consequential amendments.

Clause 1, Madam Chairman, is self-explanatory.

Clause 2 amends the Marine Board Act 1962. Section 2 of the Act is amended to insert a definition of “superyacht,” which means a vessel measuring in excess of 24 metres in length irrespective of tonnage with passenger accommodations not exceeding 12 persons, excluding crew, but does not include passenger ship or any vessel used for the transportation of goods for commercial purposes. The length of 24 metres to classify a superyacht is the industry standard. Section 2 is amended to also provide that superyachts are exempt from Part V (sections 77 through 91, licensing, et cetera) and the Marine Board (Island Boats) Regulations 1965. Section 25(2) (exemption from light tolls) is amended to include superyachts granted a charter permit. Section 48 is amended to exempt superyachts from the requirement to be piloted by a branch pilot if the Minister issues an exemption certificate.

Clause 3 amends the Passenger Ships Act 1972. It does so by amending the title; by adding new definitions in section 1; and by modernising section 3 to remove references to appeals to the Governor.

Clause 3 also amends the Act by inserting section 3A to provide for a transit permit for pleasure craft and superyachts, section 3B to provide for a cruising permit for pleasure craft and superyachts, section 3C to provide for a charter permit for superyachts, section 3D to provide fee exemptions in specified circumstances, section 3E in relation to revocation of permits, and section 3F to provide a right of appeal on a point of law to the Supreme Court against the refusal to grant permits, the revocation of permits, or imposition of conditions. Further, it amends section 5 (offences) to include breach of the new permit conditions and increased maximum penalties.

A transit permit for pleasure craft and superyachts shall be granted by the Minister provided the prescribed fee has been paid. A pleasure craft or superyacht which has been granted a transit permit shall not remain in Bermuda in excess of five days or provide chartering services. A cruising permit for pleasure craft and superyachts shall be granted by the Minister provided the prescribed fee has been paid. A cruising permit allows a visiting vessel to remain in the waters of Bermuda for more than five days, but no more than six months. The cruising permit holder is not permitted to charter. A cruising permit applicant must provide documentation as required by the Minister. If a superyacht owner or operator chooses to apply for a charter permit, the cruising permit fee paid will be credited towards the charter permit. A charter permit for superyachts shall be obtained from the Minister. A charter permit shall be valid for a period of not exceeding six months. A charter permit issued to a superyacht under this section shall apply to any smaller vessel on board the superyacht if the proposed usage of the smaller vessel has been disclosed in the application for the charter permit for the superyacht. The application for a charter permit must include all relevant documentation required for a cruising permit. In order to protect the local tour boat operators, a charter permit must be issued for a maximum of 12 passengers and for a minimum of 24 hours.

There are exemptions for pleasure craft and superyachts in respect of the following:

- a) arriving in Bermuda solely by reason of being in distress or emergency;
- b) traveling on behalf of or at the expense of the Government of Bermuda or the Government of the United Kingdom or any foreign government;
- c) for the time being used solely for scientific research or nautical exploration;
- d) which is a sail training pleasure craft or superyacht;
- e) participating either as a competitor or support vessel in a sailing race or event approved by the Minister for the purposes of this section;
- f) arriving solely for the purpose of obtaining fuel, water or ship stores; or

- g) arriving solely by reason of assisting in the salvage of any other ship

Clause 4 amends the Government Fees Regulations 1976. It amends the Regulations to insert Head 51A, which prescribes the fees for a transit permit, cruising permit and charter permit as follows:

- transit permits for pleasure craft and superyachts will be charged at \$5.00 per metre;
- cruising permits for pleasure craft and superyachts will be charged at \$6.50 per metre for vessels under 24 metres and \$8.50 per metre for vessels over 24 metres; and
- charter permits for superyachts only will be charged at 6 per cent of the gross charter fee plus a one-off fee of \$8.50 per metre.

Clause 5 amends the Miscellaneous Taxes Act 1976. It repeals section 32G of the [Miscellaneous] Taxes Act which provided for a passenger departure tax for persons arriving in Bermuda by pleasure craft. It also repeals section 9B(2)(a) of the Miscellaneous Taxes (Rates) Act 1980 which prescribed a rate of \$35.00 per passenger and crew member.

Clause 6 amends the Customs Tariff Act 1970. It amends and inserts various CPC codes in the Fifth Schedule (end-use reliefs) and Sixth Schedule (temporary importation reliefs) to provide certain reliefs for commercial tour boats and superyachts. These reliefs include a 5 per cent duty rate on equipment, furnishings, fittings, fixtures and parts for commercial tour boats licensed under the Island Boat Regulations and an extension of the fuel rebate to one that is year-round for those licenced tour boats. For superyachts there is a 0.0 per cent duty rate on equipment, furnishings, fittings, fixtures, parts and ships of stores provided the imported items are used only for the superyacht and the superyacht has been outside Bermuda for a continuous period of three months within the previous 12 months before importation.

Clause 7 amends the Customs Department Act 1952. Specifically, it amends section 3 of the Act to insert an exemption from the customs supervision fee for superyachts chartered in accordance with the Passenger Ships and Other Vessels Act 1972 (as amended by clause 3).

Clause 8 makes consequential amendments including section 7(4) of the Revenue Act 1898 by inserting [(ca)], which is a requirement that all fees for transit, cruising or charter permit required under the Passenger Ships and Other Vessels Act 1972, have been accurately accounted for and paid. This brings these fees within the enforcement regime of the Revenue Act.

Clause 9 provides for commencement.

Thank you, Madam Chairman.

**The Chairman:** Thank you, Minister. Is there anyone that would like to speak to . . .

I recognise the Member from constituency 8.

**Mr. N. H. Cole Simons:** Thank you, Madam Chairman.

Madam Chairman, I would like to direct the Minister to clause 2, subsection (5) and it speaks to the exemption of using the pilots when these ships come into our waters and the issuance of exemption certificates for pilots.

My question is, Do we have in place, within our contracts, a hold harmless agreement when the captain decides to apply for the waiver or the exemption from the use of pilots when they come into our waters? I do not want them to end up on the rocks and saying that Bermuda owes them \$1 million.

So, my question again is, Do we have a hold harmless agreement when a captain or yacht owner elects to be exempted from the use of the pilots?

My second question is just for edification, because I do not quite understand why. This is page 4, [clause] 3B, "Cruising permit for pleasure craft and superyachts." Why can't a cruising yacht—

**Hon. Zane J. S. De Silva:** Is that page 4, Cole?

**Mr. N. H. Cole Simons:** Yes, page 4, [clause 3, inserting section] 3B (at the top [of the page]).

Why can't a cruising yacht unload or load a passenger in Bermuda? Is there some maritime law that prohibits it? I just want that for clarification, because what you will find is you may have a yacht owner that steams from say the Bahamas to Bermuda, and they may drop off his wife and she flies back to New York and picks up his son and continues cruising to Europe. So, can they speak as to why this may be a problem?

Thank you.

**The Chairman:** Would any other Member wish to speak?

No?

Minister, you have some questions to answer.

[Pause]

**The Chairman:** Members, we are just giving the Minister a minute to answer his questions.

[Pause]

**Hon. Zane J. S. De Silva:** Madam Chairman?

**The Chairman:** Yes, Member?

**Hon. Zane J. S. De Silva:** What clause are we . . .

**The Clerk:** One to nine.

**The Chairman:** We did all clauses.

**Hon. Zane J. S. De Silva:** Thank you.

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

**Hon. Zane J. S. De Silva:** Thank you, Madam Chairman, and I thank the House for its indulgence.

With regard to the hold harmless agreement, no, there is no hold harmless agreement. I mean, if someone hits . . . if they had what we call . . . what do you call them? Captain crunch. If they will do a captain crunch on their own.

**Mr. N. H. Cole Simons:** I am concerned they might try to sue the Government.

**Hon. Zane J. S. De Silva:** Well, I mean, I guess if . . . I mean, I do not have a boat. And MP Dunkley does not have a boat. But I guess if he and I took a boat out there, we would probably hit a reef. But I do not think we are going to, you know . . . I do not think we would be too successful in holding the Government to account.

Certainly, with the change in legislation they can come in without a pilot and, you know, most of the captains who have the superyachts . . . I think are pretty slick. I mean, my experience with traveling on those superyachts is those guys are pretty good. And the technology they have on board is pretty good, too.

[Crosstalk]

**Hon. Zane J. S. De Silva:** Well, they go on the rocks a lot. Oh, trust me. I know, I can tell the Honourable Member that I think it was two years ago, you know, we had . . . well right now we are right in the midst of the big-time fishing tournament. You had a fellow that had been coming here for 25 years. He ripped his hull right out about two years ago. I mean, Member Kim Swan remembers that. So, you know, these things happen.

The other question that you had asked is about the . . .

**Mr. N. H. Cole Simons:** Unloading passengers.

**Hon. Zane J. S. De Silva:** Yes, unloading passengers. You can, but you would have to get a permit for it. And, of course, that includes filling out all the paperwork which includes immigration.

**The Chairman:** Would any other Member wish to speak?

No? Minister—

**Hon. Zane J. S. De Silva:** Thank you, Madam Chairman. I move that the preamble be approved.

**The Chairman:** You have to move your clauses first.

**Hon. Zane J. S. De Silva:** Oh, sorry. I would like to move clauses 1 through 9.

**The Chairman:** Is there any objection?  
So approved.

*[Motion carried: Clauses 1 through 9 passed.]*

**Hon. Zane J. S. De Silva:** I move that the preamble be approved.

**The Chairman:** Any objection?  
So moved.

**Hon. Zane J. S. De Silva:** I move that the Bill be reported to the House as printed.

**The Chairman:** The Bill has been moved to the House as printed.  
Thank you, Minister.

*[Motion carried: The Superyachts and Other Vessels (Miscellaneous) Act 2019 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 6:24 pm**

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

## **REPORT OF COMMITTEE**

### **SUPERYACHT AND OTHER VESSELS (MISCELLANEOUS) ACT 2019**

**The Speaker:** Thank you.

Members, are there any objections to the Superyacht and Other Vessels (Miscellaneous) Act 2019 being reported to the House as printed?

There are none.

It is reported as printed.

So moved. It is done.

This now brings us to our third readings of the . . . this brings us to a close to the orders of the day. So we will do our third readings for the items that have been done today.

The first is the Health Insurance Amendment (No. 2) Act 2019. And Minister of Cabinet . . . you are going to do it for the Minister of Health?

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

**The Speaker:** Go right ahead.

### **SUSPENSION OF STANDING ORDER 21**

**Hon. Wayne L. Furbert:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Health Insurance Amendment (No. 2) Act 2019 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections.  
Continue.

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

## **BILL**

### **THIRD READING**

#### **HEALTH INSURANCE AMENDMENT (NO. 2) ACT 2019**

**Hon. Wayne L. Furbert:** I move that the Bill be now read by its title only and passed . . . a third time by its title only and read and passed.

**The Speaker:** Yes, thank you, it has been done.  
Approved.

*[Motion carried: The Health Insurance Amendment (No. 2) Act 2019 was read a third time and passed.]*

**The Speaker:** The next item is actually in your name, Minister.

### **SUSPENSION OF STANDING ORDER 21**

**Hon. Wayne L. Furbert:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Public Access to Information Amendment Act 2019 be now read the third time by its title only.

**The Speaker:** Any objections to that?  
None.  
Continue, Minister.

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

## **BILL**

### **THIRD READING**

#### **PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2019**

**Hon. Wayne L. Furbert:** I move that the Bill Public Access to Information Amendment Act 2019 now be read for a third time only and passed.

**The Speaker:** It has been read and passed. So moved.

*[Motion carried: The Public Access to Information Amendment Act 2019 was read a third time and passed.]*

**The Speaker:** The third item is that in the name of the Minister of Tourism. Would you like to do your third reading?

**Hon. Zane J. S. De Silva:** Thank you, Mr. Speaker.  
Mr. Speaker, I move that Standing Order 29(1) *[sic]* be suspended to enable the House to proceed with the second reading of the Bill entitled—

**The Speaker:** Ah, ah, ah! Third reading, third reading.

**Hon. Zane J. S. De Silva:** Oh, sorry.

**The Speaker:** Your third reading.

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Oh, sorry, sorry.

### SUSPENSION OF STANDING ORDER 21

**Hon. Zane J. S. De Silva:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Superyachts and Other Vessels (Miscellaneous) Act 2019 be now read the third time by its title only.

**The Speaker:** Any objections to that?  
No objections. Continue.

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

## BILL

### THIRD READING

#### SUPERYACHTS AND OTHER VESSELS (MISCELLANEOUS) ACT 2019

**Hon. Zane J. S. De Silva:** I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** It has been moved and read and it is passed.

*[Motion carried: The Superyachts and Other Vessels (Miscellaneous) Act 2019 was read a third time and passed.]*

**The Speaker:** Mr. Premier, if all other matters have been carried over, would you like to rise to your feet at this time?

## ADJOURNMENT

**Hon. E. David Burt:** Thank you, yes, Mr. Speaker.  
Mr. Speaker, I move that the House do now adjourn until Friday, July 19<sup>th</sup> at 10:00 am.

**The Speaker:** Does any Member wish to speak to that?

No?

*[Inaudible interjections and laughter]*

**The Speaker:** I recognise the Honourable Member from constituency 11, Honourable Member Famous.

**Mr. Christopher Famous:** Mr. Speaker—

**The Speaker:** Mr. Famous.

*[Laughter]*

**Mr. Christopher Famous:** It seems like I missed all the fun last week.

You know, I was down in St. Lucia and I was sitting there, and I am getting all these WhatsApp and I am like, *Wow, things are just lighting right up in the House on the motion to adjourn. Where are you at? Where are you at?*

And I am like, *Well, I am not there.*  
But, you know, Mr. Speaker—

*[Inaudible interjection]*

**An Hon. Member:** You are back.

**Mr. Christopher Famous:** I am back now.

But, guess what, Mr. Speaker? The Minister of Education made a valid point. Sometimes we go at each other just because we want to go at each other. And last week, Mr. Speaker, when I was in St. Lucia, I was in a room with some people who, you know, are politicians. And sometimes they go at each other, sometimes. But at the end of the day, they came out with something constructive for the people of the Caribbean.

So, you know what, Mr. Speaker? I am going to take a different tack today. I am not going to go after these guys, there is really nothing to say to them.

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

**Mr. Christopher Famous:** So, I am going on an informative tip today, Mr. Speaker. And I want everybody to take their pens out because this is going to be a lesson that everybody in Bermuda needs to listen to.  
Mr. Speaker—

**The Speaker:** Yes?



**Mr. Christopher Famous:** Imagine a day with no TV, no *Jerry Springer*, no *Judge Judy*, no *Sesame Street*—

**The Speaker:** Some of us lived through those times, you know.

**Mr. Christopher Famous:** I do not know what you watch—

**The Speaker:** Some of us have lived through that, you know. You may not be able to go back that far, but some of us did.

**Mr. Christopher Famous:** Imagine a day with no radio. No Sherri J—

**An Hon. Member:** I do not listen to that.

*[Inaudible interjection and laughter]*

**Mr. Christopher Famous:** No Shirley Dill on Sunday.

*[Inaudible interjections]*

**An Hon. Member:** Keep trying. Keep trying.

**Mr. Christopher Famous:** No YouTube. Imagine a day, during the summer, with no air conditioning.

**The Speaker:** Been there.

**Mr. Christopher Famous:** [It's] 80 degrees, 85 degrees, 80 per cent humidity. No air conditioning.

*[Inaudible interjections]*

**Mr. Christopher Famous:** Imagine . . . imagine . . . imagine you are Sir John Swan, you are in a 10-story building and there is no elevator. You have to walk all the way up.

**The Speaker:** Good exercise. Good exercise.

*[Inaudible interjections]*

**Mr. Christopher Famous:** And finally, Mr. Speaker, and to everybody listening, imagine a day with no Internet. How would we make out?

**The Speaker:** We would have a quiet day.

*[Laughter]*

## BELCO

**Mr. Christopher Famous:** Well, that will be a day without electricity. So, just think about all those things and billions of other things that need electricity.

Today, I am going to speak on behalf of everyone who has ever worked at BELCO and still works at BELCO; everyone who has provided this country with over 100 years of those things of which we speak about. Steady supply.

Okay, let me declare my interest. I have worked at BELCO for 30 years, almost 30 years.

**An Hon. Member:** Well done.

**Mr. Christopher Famous:** Thank you. I do not own a lot of shares, like other people.

Mr. Speaker, BELCO is 95 per cent Bermudian, a company of almost 300 workers, 95 per cent Bermudian. So, let us have that as a lesson, first lesson. If a company really wants to Bermudianise, they can do it. Key words, *if they want to*. They do not make excuses why they do not hire Bermudians or do not train Bermudians. They just do it. And that is what BELCO has done. For all its warts, that is what BELCO has done. So, you know what that means? All the money that those 95 per cent Bermudians make gets spent in our economy, except for maybe a little bit on Amazon.

But, anyway, so we have operators, we have mechanics, we have welders, we have electricians, we have linesmen, we have underground spicers, we have cooks, we have carpenters, we have administrators and we have customer service when those odd times that the wind comes up and you have no lights. You call them and say, *Hey, I ain't got no lights!* And they say, *We will be right on it*.

So, again, I reiterate, if any company in this Island really wants to Bermudianise, they can do it. I just read off just a small fraction of the skill sets that are at BELCO. Just a very small fraction.

Let me move on to the realities of power generation, Mr. Speaker, because a lot of people do not fully understand how power is generated. They think that, all of a sudden, we can just put up some windmills and everything would be cool.

Bermuda on average needs about 100 megawatts of electricity per day, on average, at any given time. Sometimes more, sometimes less. During the summer, more; during the winter, less . . . until people like others put on those little . . . what do they call those things? When you got those air conditioners that do dual heat? Sometimes during the cold, electricity soars up because everybody is putting on their heater.

At Tynes Bay we get through waste-to-heat energy, we get . . . depends, six to eight megawatts—depends how much trash is being burnt at any given time. At the Finger, which is coming on line soon, we are going to get at most six megawatts. So, if you add six plus six, that is what?

**An Hon. Member:** Twelve.

**Mr. Christopher Famous:** Twelve, right! Good notes!

[Laughter]

**Mr. Christopher Famous:** So, that still means from 100 take away 12, [leaves] 88. So, 88 megawatts still have to come through diesel generation.

At BELCO, we have 12 diesel generators, four gas turbines—that is not counting the new ones that just came. These generators run 24 hours a day. Some of these generators are out for maintenance because we do routine maintenance, that way we do not have run to failure. So, that employs the operators operating those machines 24 hours a day, and when the machines are down for maintenance, that employs the mechanics and the electrical fitters keeping them serviced.

Following me so far? Okay.

Now, let us move on to alternative energy. People are of the concept that suddenly, *Oh, I saw on the Internet that such and such country is 100 per cent green*. Well, the reality in Bermuda is not the same as any other country. The reality is we do not have the landmass to put up windmills. The reality is that the windmills that can go up will have to go far offshore and would take quite a lot of money. The reality is that solar power . . . you can only get solar power when the sun is up. You cannot get it when it is raining. You cannot get it at nighttime. So that means you have to have—what? But you do not have . . . the technology for storage is not yet there where you can store power for 12 hours. Okay, so you are right back to having diesel generation.

Again, another point about solar, it takes one acre of land to create one megawatt of power. So, what that means is we would have to have 100 acres of land to create 100 megawatts of power. Now, if anybody here is into real estate, we know that one acre of land costs how much? A million dollars. So, we would need to spend a hundred million dollars just on land to have a solar farm to provide power for all of 10 hours. Does not sound too feasible.

These concerns about the environment . . . well, let's go back. Every BELCO worker breathes in the same air as those who are concerned about environment do. We drink the same water. So, BELCO is moving towards alternative energy. One of the things that we have done is install a battery system which allows us to cut down on the running of machines. In an emergency, we can go to this battery storage. But that battery storage only lasts for half an hour.

All of this is what provides us with air conditioning, elevators and Internet—trained technicians. On behalf of the people who have worked at BELCO, I want to thank you all for your support at the end of the month.

**An Hon. Member:** For your salary?

**Mr. Christopher Famous:** No, that is when you pay your bill.

But more importantly, Mr. Speaker, let us move on to another topic.

BELCO would not exist without trained technicians. Skilled, technical workers. Mr. Speaker, a few weeks ago, myself and a few of our colleagues attended graduation of the senior schools. We saw a total of 250 young Bermudians graduate—a proud moment. As each person graduated, they read off what this young person was going to do—where they are going to college, what they are going to study, what they plan to do.

I sat there and took notes and out of 250 graduates, less than 20 said they wanted to go into any form of technical work, less than 10 per cent. Mr. Speaker, if we went into the digest of jobs, there are thousands of well-paying jobs such as electricians, plumbers, carpenters, masons, auto mechanics, marine mechanics, barbers, hairdressers, nail techs, air conditioning techs, bakers and chefs. The reality is, if we do not have our Bermudians going into those jobs, the Minister of Immigration is going to continue to see work permits coming in for those jobs to be filled.

That is something that we have to take seriously, Mr. Speaker. We have to encourage our young people that these are well-paying jobs. These are honourable jobs. For those who say, *Oh, we need to bring back the tech, we need to bring back the tech*, there is some validity to that. But the reality is, the senior schools have technical classes—motor work, carpentry, building construction, electrical. Yet they are undersubscribed. The Bermuda College has these same things, yet they are undersubscribed.

If we as a country want to see our people employed, we want to see our money being spent in this economy, we have to encourage our young people to take up these trades because, barring that, five years after graduation they may find themselves without skill sets and become unemployable.

Mr. Speaker, I am going to keep it real. I have worked at BELCO for 30 years. I take pride in my job, as does every one of my co-workers, and BELCO is the exception to the rule right now, and as a country that needs to be the rule that these jobs are filled by Bermudians.

On that, Mr. Speaker, I thank you for allowing me to use your electricity. Have a good night.

**The Speaker:** Thank you. I recognise the Minister Burch.

Minister Burch, you have the floor.

### **SANDYS 360 PATI REQUEST—MINISTERIAL STATEMENT**

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

I have been accused of a lot of things in my life, Mr. Speaker, and many of them I have been guilty of.

[Laughter]

**Lt. Col. Hon. David A. Burch:** But hiding things has never been one of them, or being dishonest has never been one of them, Mr. Speaker. I take pride in the fact that I tell the truth. I have spent a lifetime doing that and now that I am a little older, with my memory being somewhat doubtful, it is critical to me to tell the truth because I do not want to . . . I do not want to tell a different story tomorrow because my memory is failing me.

But, Mr. Speaker, to say that I had some interest in reading Hansard, and albeit a draft copy that was sent out this morning about the comments that were made by the Honourable Member Trevor Moniz last week in reference to me and a statement that I made, and some of the assertions that he made, I find . . . I want to try and be kind, Mr. Speaker. But I am challenged in doing that, because I think of the two D's, one of the two D's. He is either "dishonest" or just "dumb."

Mr. Speaker, I indicated last week that Parliament was supreme, and I believe it is, in making laws. But it certainly is not supreme in ignoring the laws. I have been accused of implying that Parliament stands above the law. And as someone who . . . unlike the Honourable Member who is a draft dodger—

**An Hon. Member:** Now!

**Lt. Col. Hon. David A. Burch:** —spent 20 years enforcing the law, Mr. Speaker, I do not think that I would do anything to break the law.

Who is going to stand up for him? I hear him. Nobody?

Mr. Speaker, the Honourable Member also stated in the House last week, he wanted to know what I was afraid of. And I quote, from Hansard, "What is he afraid of? What is he hiding? I mean, I am familiar with the content of that report."

Well, Mr. Speaker, I am currently the Minister of Public Works. And I have been in that post since shortly after we won the election. I believe the former Government had three Ministers of Public Works, and I am not quite sure what they did in that job, because we spent a fair amount of time cleaning up mess. But if the Honourable Member was aware of the content of the report, I only have one question, Mr. Speaker, why did he not release it?

Why did he not release the report, Mr. Speaker, if he was aware of the content?

And I can say quite clearly, Mr. Speaker, I have not seen the report, have not read the report . . .

I ain't interested. Because I do know for a fact that whilst the daily goes around talking about *What money has been spent on Sandys 360? And the public don't know and what do we have to hide?* The last time I checked, Mr. Speaker, the House of Assembly has to approve every penny that is spent in this country. So, it has got to be a matter of public record already how much was spent on Sandys 360.

It is interesting to me, Mr. Speaker, that there is also the suggestion by the Honourable Member and I quote again, "<sup>5</sup>But the fact is that when the Information Commissioner has issued her ruling, it is a ruling." (I agree.) "It is a ruling, and it must be obeyed." (I disagree.) "It is exactly the same as an order of the Supreme Court. It is as if the Chief Justice were issuing an order to the Government. They have to obey that order. It is not a matter of choice."

Mr. Speaker, I have only been called to one bar—

**An Hon. Member:** Which one is that?

**Lt. Col. Hon. David A. Burch:** It is down on Queen Street.

I have only been called to one bar, Mr. Speaker. That Honourable Member, I suspect, has been called to two. But I have to question his competence as a lawyer, because even I know that downstairs of this building, currently, is a court that is called the Supreme Court.

**An Hon. Member:** Yes, it is!

**Lt. Col. Hon. David A. Burch:** And what is it there for, Mr. Speaker? It is there for when a court disagrees, or when an accused disagrees with a decision of that court. You know who sits down there, Mr. Speaker? The Court of Appeal. And maybe it is because . . . well, I am not even going there with that.

And, then if you do not like that, Mr. Speaker, you go to that place across the water.

**An Hon. Member:** The Privy Council.

**Lt. Col. Hon. David A. Burch:** Yes.

Am I getting it right, lawyers in the room?

And you appeal to them. And it is only when *they* decide that it is a final ruling, Mr. Speaker.

Now, in his haste to defend and accuse me of scurrilous accusations against the incumbent Information Commissioner, I did not make those scurrilous accusations, Mr. Speaker. I made an assertion based on her own words.

Mr. Speaker, today's paper, aided and abetted by them, and this is the second time that I am in this headline *Burch Refusal to Release Sandys 360 Report; Could End Up in Court*. That is probably true,

<sup>4</sup> [Official Hansard Report](#), 5 July 2019, page 2018

<sup>5</sup> Ibid.

the second part of it. But that is the provision in the law, Mr. Speaker. That is the recourse that she has. I am not . . . as I said, Mr. Speaker, I have only been called to one bar. But before I got called to that bar, I think I was gifted with a bit of common sense. And a report that was not commissioned or paid for by the Government of Bermuda, in my mind, does not give us the authority to release it to anyone.

Now, clearly, one of the former Ministers of Public Works disagrees with that view. And so I am saying, when he was sitting in this seat, we would not even need to be having this conversation if he actually went into the office and authorised the woman to have the damn report.

**The Speaker:** Watch your language.

**Lt. Col. Hon. David A. Burch:** I apologise, Mr. Speaker. That is the worst it is going to get up here.

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** And in this article, Mr. Speaker, the Honourable Member, it says, got my “law entirely mixed up” and was not supposed to get involved with PATI requests.” I did not get involved, Mr. Speaker. But I am the only person in the Ministry of Public Works who could speak in this House. I am the only person in this House that could bring a Ministerial Statement to this House. Unlike a certain Information Commissioner, my information is the one that presented in the budget.

I know how that works if you do not get elected. But anyway, Mr. Speaker, in this same article—

*[Crosstalk]*

**Lt. Col. Hon. David A. Burch:** I do not make stuff up. You can check it.

In this same article, she states, the Information Commissioner states, that she may have to go to court in order to get a court order, in order to order us to release the report. And if she does so, and they order that, and we do not wish to go . . . we will release the report, Mr. Speaker.

So, I am not making decisions of this nature on my own. You could say I was stupid enough to take legal advice, too, because the Attorney General’s Chambers of this Island are the ones who actually gave me advice not to release the report. Okay? And if that Honourable Member actually came to the House on a more regular basis, he would not have to rely on the written word; he would hear the questions that were asked from his side and the answers that were given.

Now, I am finished with that, Mr. Speaker, and now my next subject . . . how much time do I have left,

Mr. Speaker, because this could be a serious . . . I do not mind, how many? Eleven?

**The Speaker:** Eleven minutes.

## PROLIFERATION OF RATS AND GARBAGE DISPOSAL

**Lt. Col. Hon. David A. Burch:** Oh, I may need a little more than that, so I will come back next week to do the second part.

I want to talk about rats, Mr. Speaker, not the two-legged kind, the four-legged ones that are running around the country—

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** —because, Mr. Speaker, I really have to question whether . . . and last week, I talked about personal integrity and responsibility. And I talked about it at some length.

Mr. Speaker, I have come to this House on at least three occasions to talk about waste management in this country because, unlike the former Government who did not invest in infrastructure, did not invest in any garbage trucks, we inherited a situation where we had twice weekly garbage collection—

**Hon. L. Craig Cannonier:** Point of order. Point of order, Mr. Speaker.

**Lt. Col. Hon. David A. Burch:** —and could not guarantee collection to anybody.

**The Speaker:** We have a point of order—

**Hon. L. Craig Cannonier:** The Honourable Member is misleading the House.

**The Speaker:** Let us take your point of order.

## POINT OF ORDER

*[Misleading]*

**Hon. L. Craig Cannonier:** Yes, the Honourable Member unwillingly is misleading the House. He said that we as a Government did not invest in trucks. When he became the Minister, trucks were already on their way.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker—

**The Speaker:** Yes?

**Lt. Col. Hon. David A. Burch:** That is a bold face untruth. That is a bold face untruth.

**An Hon. Member:** Uh-oh.

<sup>6</sup> [Royal Gazette](#), 12 July 2019

**Lt. Col. Hon. David A. Burch:** That is a bold face untruth, Mr. Speaker.

I have reported repeatedly in this House that we sent people to England to inspect for trucks. We sent a driver, an engineer, a mechanic, and one of those people that work on the back.

**Hon. L. Craig Cannonier:** It was already done before.

**Lt. Col. Hon. David A. Burch:** No, they were not.

**Hon. L. Craig Cannonier:** Yes, it was.

**Lt. Col. Hon. David A. Burch:** The trucks were selected by those people.

Mr. Speaker, he does not know . . . no money for them. Mr. Speaker, I do not know what planet he is living on. The trucks were not ordered when we came.

**Hon. L. Craig Cannonier:** They were funded for.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I know. I am not even going there. They are trying to take me off of where I really want to go.

**The Speaker:** Just speak to the Chair—

**Lt. Col. Hon. David A. Burch:** I will speak to the Chair.

**The Speaker:** —about your rats.

**Lt. Col. Hon. David A. Burch:** I will speak to you, Mr. Speaker.

**The Speaker:** Speak about your rats.

**Lt. Col. Hon. David A. Burch:** So, I am going to speak about the rats. And what I have said, Mr. Speaker—

**An Hon. Member:** Two-legged or four-legged?

**Lt. Col. Hon. David A. Burch:** Both of them!

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** What I have said, Mr. Speaker, I repeatedly reported to this House, even when we got the new trucks. I could decide tomorrow, or the Government could decide tomorrow, to go back to twice-a-week garbage collection. You know what we are going to get, Mr. Speaker? We are going to be back to where we were more than almost two years ago. Total unreliability of collection!

**An Hon. Member:** Total.

**Lt. Col. Hon. David A. Burch:** Total!

**An Hon. Member:** Preach it.

**Lt. Col. Hon. David A. Burch:** Because you do not have enough vehicles, even today. And I said that in this House—check Hansard—that even with the five new trucks, because we had not invested in vehicles and garbage trucks for a number of years, even the eight that we had on the road before the new five, some of them would have to go off the road.

Mr. Speaker, the decision in relation to waste management is not a Works decision alone. It is not a decision that is made just by plucking it out of the air. It is based on data and facts and statistics. And I would venture to say that the Opposition Leader is standing on quicksand on this one, you know.

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Yes, with the rats, that is where you are standing, when you call for just the institution tomorrow to pay the money, pay the overtime and reinstitute twice-a-week garbage collection. I can guarantee you, Mr. Speaker, it would be a fool to make that decision, no matter who is in this job, because you know what would happen next week when you reinstitute it? The complaints to the office of the Minister of Public Works, *My garbage has not been collected on the day you said you were coming* will go through the roof.

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** It would go through the roof.

Mr. Speaker, it makes no sense. And what I can say, Mr. Speaker, is that a number, a majority, of the people in this country—a majority—have accepted once-a-week garbage collection.

**An Hon. Member:** You do not know that.

**Lt. Col. Hon. David A. Burch:** Even if you went back to twice-a-week garbage collection . . . of course, I do know.

**An Hon. Member:** No, you do not.

**Lt. Col. Hon. David A. Burch:** I am going to give you the statistics, man! I do not make it up.

**An Hon. Member:** You did a poll?

**Lt. Col. Hon. David A. Burch:** No, I did not do no poll. I base it on . . . oh, anyway, Mr. Speaker, I am going to talk to you.

**The Speaker:** Talk to the Chair, talk to the Chair.

**Lt. Col. Hon. David A. Burch:** I am going to talk to you.

**The Speaker:** Do not get sidetracked.

**Lt. Col. Hon. David A. Burch:** Because he did not do [anything] when he was the Minister of Public Works.

**The Speaker:** Talk to the Chair and you will be all right.

**Lt. Col. Hon. David A. Burch:** He is trying to do it now.

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, there was the data, there is the data to support . . . and go look at the online comments. I do not normally do that, but yesterday I did.

**An Hon. Member:** Yes, you do.

**Lt. Col. Hon. David A. Burch:** For that article—

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** I did it for that article. No, I did it for that article because I knew, I knew that some people in this country, and a significant number of them, will come and say—hold on a minute. So, let me see if I understand this. You have one person in your neighbourhood who puts out their garbage when they like, in paper bags or plastic bags, and they give no regard for the day it is being collected. But it is the Government's fault—

**An Hon. Member:** That is right.

**Lt. Col. Hon. David A. Burch:** It is the Government's fault and it is everybody else's fault.

I have had a number of people, Mr. Speaker, including Members on that side, come to me and say, *What can I do about the one person in my neighbourhood that just ignores all the rules?* They are the cause of the problem, Mr. Speaker.

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** That is the cause of the problem. Their irresponsible behaviour is the cause of the problem.

Of course, they encourage rats. If you put out your garbage and you have a buffet in your garbage for rats and cats and dogs in a plastic bag or a paper bag, what are they going to do?

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Come for dinner!

**An Hon. Member:** They will have a feast!

**Lt. Col. Hon. David A. Burch:** They are going to come for dinner. The people that put out their garbage in lidded bins do not have a problem, Mr. Speaker.

**An Hon. Member:** Tell them about compost.

**Lt. Col. Hon. David A. Burch:** They do not have a problem, Mr. Speaker. I announced in this House . . . how much time do I have left now, Mr. Speaker? Because there are a couple of things I really want to say.

**The Speaker:** Four minutes, four minutes.

**Lt. Col. Hon. David A. Burch:** Four minutes. Okay, let me go straight to this.

I announced in this House, Mr. Speaker, that we were going to purchase wheelie bins and make them available to the general public in order to assist in this regard. I took the decision . . . unfortunately, I do not have the email of when I sent it, but I can tell you this, Mr. Speaker—

*[Crosstalk]*

**Lt. Col. Hon. David A. Burch:** I announced in this House that we would buy and purchase both wheelie bins for garbage and for recyclables. I also made the decision, Mr. Speaker, to offer a number of those wheelie bins to Members of this House—every Member of this House would have gotten an email from me some time ago—

**An Hon. Member:** No.

**Lt. Col. Hon. David A. Burch:** You can say no all you like, man.

**An Hon. Member:** I did not.

**Lt. Col. Hon. David A. Burch:** Okay, then—

**The Speaker:** Talk to the Chair and you will be all right.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, if he—

**The Speaker:** Talk to the Chair.

**Lt. Col. Hon. David A. Burch:** —did not get the email, he is not getting any email from this House.

*[Inaudible interjections]*

**The Speaker:** Talk to the Chair.

**Lt. Col. Hon. David A. Burch:** Because that is what I use, the email that sends us Hansard, I push “reply to all” so if he did not get an email from me, he does not get Hansard either.

In any case, and I will tell you what email address it went to. What is your name?

[Laughter]

**Lt. Col. Hon. David A. Burch:** Dunkley.

**The Speaker:** Just keep talking to the Chair.

**Lt. Col. Hon. David A. Burch:** Anyway—

**The Speaker:** Just keep talking to the Chair.

**Lt. Col. Hon. David A. Burch:** In any case, Mr. Speaker, every single Member of this House got an email from me offering up three bins of each type—free of charge, on some conditions. Talk to the Honourable Member that sits in front of you, because he actually answered and said *I will take some*.

**An Hon. Member:** I will take anything for free.

**Lt. Col. Hon. David A. Burch:** Only three Members of the OBA in this House actually answered, Mr. Speaker.

**An Hon. Member:** There’s only three of them here.

[Laughter]

**Lt. Col. Hon. David A. Burch:** No, no. Do not go too far because on my side only 12 answered, too. Okay?

So, 21 Members of this House, no reply. That does not mean they lose out, Mr. Speaker, that means they still . . . that means, I suspect now they are going to go and check.

But what I am saying, Mr. Speaker, is that . . . and what we are after doing, Mr. Speaker, is getting some data. And I will give you the example of what I am going to do in my district. Okay?

I know that there are certain areas in my district where the trash truck cannot get down the road and so there is a communal spot where they drop garbage. I am going to take my three bins and I am going to personally buy three more and I have got people who live in that neighbourhood who are going to be responsible for those bins. So, that they will be . . . now the bins are numbered. You cannot go and steal nobody else’s. And what they are going to do, as long as you got a lidded bin, you are not going to have the problem that we face.

And, so we are . . . and that is not the only step we have taken, Mr. Speaker. We extended the opening hours at the Tynes Bay public drop off. I do not have time to go through . . . and I reported to this

House a significant increase in the amount of waste that is being delivered. And I go there on a regular basis because I do not like trash around my house.

**The Speaker:** Cars are backed up when you go down there.

**Lt. Col. Hon. David A. Burch:** It is backed up, yes.

**The Speaker:** Yes, every time I have been it has been backed up.

**Lt. Col. Hon. David A. Burch:** I have got suggestions about expanding the road and all the rest of it. I do not know if that is necessary, Mr. Speaker, because I think it only happens on two days a week, and we just have to have a little bit of patience.

**The Speaker:** I picked the wrong two days.

**Lt. Col. Hon. David A. Burch:** But I am greatly encouraged, Mr. Speaker, not only by the people who I see taking advantage of it when I go there, but by the data.

The tonnage of waste that has been collected at the public drop off since we went to once-a-week garbage collection has gone up exponentially, Mr. Speaker, because of a couple of things that this Government did. The times are far more convenient.

**An Hon. Member:** Yes.

**Lt. Col. Hon. David A. Burch:** Previously, it was nine o’clock when they opened. Who is going to take their garbage at nine o’clock? They are going to be in the same position I am in—or was in.

**An Hon. Member:** It is about common sense!

**Lt. Col. Hon. David A. Burch:** I put the garbage in the truck and said I am going to remember at five after nine to go there and it is eight o’clock at night when I came home.

**The Speaker:** Sat in the car all day.

**Lt. Col. Hon. David A. Burch:** I am thinking what is smelling so nice? And I knew what it was. The garbage was still in the back of the car because I forgot. Now, when they open at 7:00, I am there at seven o’clock and they are open and ready to receive. So, it is about personal responsibility, Mr. Speaker.

In addition to that, Mr. Speaker—

**The Speaker:** Twenty seconds.

**Lt. Col. Hon. David A. Burch:** Twenty seconds?



**The Speaker:** Nineteen, eighteen, seventeen, sixteen—

[Laughter]

**The Speaker:** Fifteen.

**Lt. Col. Hon. David A. Burch:** Okay, Mr. Speaker, I think I made my point.

**The Speaker:** Yes, you have.

[Laughter]

**Lt. Col. Hon. David A. Burch:** Thank you. I will end there.

**The Speaker:** I recognise the Honourable Member from constituency 7. Honourable Member Richards, you have the floor.

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

[Timer beeps]

#### PROLIFERATION OF RATS AND GARBAGE DISPOSAL

**Mr. Sylvan D. Richards, Jr.:** I am going to stay on the rat theme, Mr. Speaker, you know, we are talking about rats. Seems to be a topical discussion.

But I am going to tell a little story. I have a cat.

**The Speaker:** Afraid of the rats? Is it afraid of the rats?

**Mr. Sylvan D. Richards, Jr.:** It is a big fat cat, and I love him to death.

**The Speaker:** You better stop feeding him so he can chase those rats.

**Mr. Sylvan D. Richards, Jr.:** And a couple of weeks ago, Mr. Speaker, I was at my car doing something and my cat . . . sometimes he thinks he is a dog. He acts like a dog, so when I drive up to my house he runs up to the car. He sits, he waits for me to get out. He flips over, and he flips over there, and he looks at me and then his eyes say, *Come feed me*, and I feed him.

Well, I came home, I was at my car and he was doing his usual walk up to the car, and, as he was approaching me, out of the other corner of my eye was a rat. A big rat. A rat like I have not seen that size in a long time. So, my cat is walking towards me and the rat is sitting there looking at my cat.

**The Speaker:** Your only cat, your only cat, right?

**Mr. Sylvan D. Richards, Jr.:** I said, this is going to be interesting. So, my cat is walking, and the rat looks at my cat and starts walking—

**The Speaker:** Towards the cat.

**Mr. Sylvan D. Richards, Jr.:** Towards my cat.

**The Speaker:** Yes.

**Mr. Sylvan D. Richards, Jr.:** And this rat walked up to my cat and put his nose on my cat's nose and looked at my cat like, *What?*

[Crosstalk]

**Mr. Sylvan D. Richards, Jr.:** And my cat looked at me like, *What is going to happen now?* And the rat turned on his heels and walked away. And that is when I knew that my cat had lost all his skills for hunting.

It is a funny story to me—

**The Speaker:** You need to stop feeding that cat! Stop feeding it.

**Mr. Sylvan D. Richards, Jr.:** I got to stop feeding him.

**The Speaker:** Let him learn to hunt.

**Mr. Sylvan D. Richards, Jr.:** But the point I am making is this: There are rats everywhere on the Island. Everybody is talking about it. Everybody is blogging about it. It has been a topic of conversation for weeks now. So, we have to acknowledge that rats are a problem on the Island.

Just last night, I slipped out to get a little bit to eat and when I was driving home—it is dark now—as I am parking, my headlights pick up a gang of rats frolicking in the hedge of my neighbour's property. So, I am like, you know what, I am tired of seeing rats.

Now, I have a covered bin. I put my trash out on the day that it is due to be collected. As far as I can tell, my neighbours have covered bins. So, this is a responsible neighbourhood which is putting out their trash on the day it is supposed to be collected. We still have rats.

My point is this: We can sit here and talk about—

**The Speaker:** You got fat cats.

**Mr. Sylvan D. Richards, Jr.:** Are the rats proliferating because we have gone to once-a-week trash pickup? I do not know. All I know is that I see rats everywhere. And it is to the point now where it is not just where you see rats and say, well, it is unsightly and there should

not be so many rats. It is becoming, and it is going to become a health hazard, a real health hazard because rats carry disease.

Just this week in the daily, Mr. Michael Ashton, Chief of Medicine of the Bermuda Hospitals Board, basically put out a statement saying rats could transmit serious diseases to humans and animals. Rat urine contains a bacteria called, now let me pronounce this right, leptospirosis, which is a bacteria transmitted through urine to other animals and humans by urinary contamination of food or water.

Now, Mr. Speaker, we are encouraging Bermudians to grow their own food, have community gardens, plant vegetables and fruits to help deal with the increased cost of food in Bermuda. Well, rats are going to eat that produce. I had a constituent call me yesterday, coincidentally (and this is why I am talking about rats today). He said, *Listen, I like to garden. I plant tomatoes, and the rats are eating my tomatoes. And I am worried that the rats will contaminate the produce.*

In addition, rats also transmit salmonella through faecal contamination of food or water carried by humans.

So, the point I am making is this: I am just hearing excuses. Is it the trash? Is it not the trash? Is it increased vegetation? Is it not? We have a rat problem. And rats, we all know this, reproduce quickly. So you could have two rats this week and next week you have 10, and a month later you have 20. Then you got 30, and it continues on and on and on. So this increased rat population is posing a risk to humans and other animals due to the potential to transmit infectious diseases.

Now, we do not want it to get to that point, so between the Department of Public Works and the Department of Health, they have to sort this out, because I am not used to seeing so many rats in my neighbourhood, and I know other people around the Island are not happy with seeing rats proliferate through their neighbourhoods.

There is increased pressure being put on Vector Control. I called them this morning based on what I saw last night. And I have called Vector Control in the past. And when I called in the past, someone answered the phone, I spoke to a live body, a voice, I told them what the problem was and two days later they were there laying their bait, laying their traps. And the rats disappeared. When I called today, maybe it was just me, the lady who answered the phone, it went to a voice mail, I left a message, *Sylvan Richards, calling about rats in my neighbourhood.* So, I am hoping that they respond. But my feeling is that they are probably so overwhelmed with calls from all across the Island that it may take a while for them to get to me.

My point is this, Mr. Speaker: We have got to get on top of this. No more excuses. I understand what the Minister for Public Works is trying to do. He

is trying to regulate people's behaviour. Well, good luck with that. Good luck with trying to get people to do what they should be doing. My point is, let us get on top of this rat problem. Because, you know, locals do not want to see it. Tourists sure do not want to see it. Maybe they are renting an Airbnb, or they are staying at a hotel and they see rats running around. Come on. Come on, now. This is unsightly. So let us get on top of this rat problem, no more excuses, before people start getting sick.

I want to switch gears a little bit because the same constituent who called me about the rats said, *Okay, in addition to the rats, there is an increased pigeon population in Bermuda.*

[Crosstalk]

**Mr. Sylvan D. Richards, Jr.:** An increased pigeon population in Bermuda because it appears that the pigeons are inhabiting the nests left by the longtails when the longtails are not here. So, that is another issue. A couple of years ago it was feral chickens. Well, the feral chickens, that [problem] seems to have subsided down a bit.

[Crosstalk]

**Mr. Sylvan D. Richards, Jr.:** Well, if it has not, they need to get on top of the feral chickens, too! I am talking about rats and pigeons tonight. Maybe next week I will talk about feral chickens, Honourable Member.

[Inaudible interjections]

[Mr. Hubert (Kim) E. Swan, Acting Speaker, in the Chair]

**The Acting Speaker:** Speak to the Chair.

**Mr. Sylvan D. Richards, Jr.:** The individuals who cull the pigeons, I have heard, are also being run off their feet. So, we got rats, pigeons and chickens—

[Inaudible interjection]

**Mr. Sylvan D. Richards, Jr.:** According to . . . I am not laying blame at any Government. I am just saying let us deal with the issue. You see, everything becomes partisan up here. I am speaking about an issue. I am not saying it is the Government's fault. I am saying let us deal with the *issue*. Let us fix the *issue*.

There are too many people up here who are too sensitive, their skin is thin. They think everything is because of where they sit. I am a Bermudian. I do not want to see rats running around my neighbourhood. I do not care who is the Government.

**An Hon. Member:** You said the Minister is making excuses, so what does that insinuate?

**Mr. Sylvan D. Richards, Jr.:** Let us deal—

*[Inaudible interjections]*

**Mr. Sylvan D. Richards, Jr.:** Let us deal with the issue at hand, Mr. Acting Speaker. Let's—

*[Gavel]*

**Mr. Sylvan D. Richards, Jr.:** This Honourable Member can get to his feet after I finish speaking. He can get to his feet and he can say whatever he wants to say, just like he said last week. And then he can take all the heat for it this next week coming up, just like he did based off of what he said last week.

This is not political to me. This is about the health of our people. This is about how Bermuda looks when you have a proliferation of rats. So, let us deal with that. All this other stuff is just background noise like tree frogs singing in the rain. It is all about dealing with the issue.

*[Crosstalk and laughter]*

**Mr. Sylvan D. Richards, Jr.:** So, Mr. Acting Speaker, I sat in this seat as the Minister of the Environment. I had to deal with these issues, when I was the Minister. When it was brought to my attention when I was the Minister, I did not say, *Oh, you are blaming the Government*, and get all defensive. I spoke to my people and said what can we do to deal with the issue at hand. And that is what we need to do. Now stop making excuses. Let us stop trying to deflect and get all defensive for no reason at all. Let us deal with the issue at hand.

Thank you.

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

Does any other Honourable Member care to speak on the motion to adjourn?

**Hon. Michael J. Scott:** Very briefly, Mr. Acting Speaker, I would like to.

**The Acting Speaker:** I recognise the Member from constituency 36.

#### **PROLIFERATION OF RATS AND GARBAGE DISPOSAL**

**Hon. Michael J. Scott:** Mr. Acting Speaker, thank you.

Mr. Acting Speaker, Bermuda is a modern, wealthy, small, well-contained, wealthy jurisdiction with great health infrastructure. People who have residence who do not have any trials and tribulations with keeping trash cans prolifically distributed across the country. We live in stone homes. So, we are the least

likely candidate for a rat contaminant or a rat epidemic. We are. And because the *Royal Gazette* prints one story, like *One swallow doth not a summer make*, we should—as responsible Members in the House—not detect rat epidemics because the daily is discharging its responsibility of putting out a story about rats.

Now, it may have been helpful to draw attention to the fact that . . . and I heard my cousin, the Honourable Member, say he has noticed rats. And I have noticed them, too. And I have noticed them just running across the street.

But back to the point. Listen, the Honourable and gallant Member who speaks and who has the responsibility for Public Works, his decision for one-day garbage collection is not the silver bullet to the removal of rats. He is quite right, and I want to stand up and support him. If he were to introduce two-day garbage collection, it is not—

*[Gavel]*

**Hon. Michael J. Scott:** —going to reduce the sightings of rats. I guarantee you. He said it and I concur with him.

*[Crosstalk]*

**Hon. Michael J. Scott:** One of the things that helps to proliferate rodents is nesting grounds. Let's listen to and look at the science first before we as political leaders, in this House start supplementing a story in the *Royal Gazette* that we have a rat epidemic in the country. There are probably some very good scientific reasons.

**An Hon. Member:** There is.

**Hon. Michael J. Scott:** I know there are reasons for why we are seeing an uptick in sightings.

**An Hon. Member:** Why is that?

**Hon. Michael J. Scott:** Well, I heard the Honourable and gallant Member talk about the absence of the poisons that we are putting on the streets, and so we have got a lot more. Mr. Acting Speaker, we have a lot more foliage and nesting areas going on in the country. But, for heaven's sake, we have had pigeons and feral chickens. We had dogs at one stage.

All of these things take resources. So that is another scientific fact. It takes resources to help manage in a pristine and well managed way, all of these issues. But we do not have a rodent epidemic in our country, which takes me back to the whole question of responsible reporting.

### SANDYS 360 PATI REQUEST—MINISTERIAL STATEMENT

**Hon. Michael J. Scott:** Mr. Acting Speaker, the Honourable and gallant Member, Colonel Burch and I were twinned in newspaper this week. A great deal of red and black ink was expended on making stories about our attacks, and I know that the Honourable and gallant Member has responded adequately to the whole question about Ms. Gutierrez and the attempts to paint in a poor light our role in the respect for PATI.

Here is my concern that I had with Sam Strangeways and anybody else who decides they are going to weaponise information in this country, gotten from PATI or any other source, and cause a stir in the country. Because this is a deepening and frequent methodology now being deployed across all media in the world and we are not exempt from it. And my major concern has been the misuse of information.

I sit on the Criminal Injuries Compensation Board [CICB]. That entity called PATI must not be used to inquire into sensitive information that is concerned with the kinds of cases that we deal with in a legal context about persons making applications for compensation. The chairman of the Criminal Injuries Compensation Board is a respected jurist and judge in this country, and we all recognise—I as a lawyer and Madam Justice Stoneham as a chairman and judge—that we are not going to get caught up in baying on the part of the media for the release of all manner of inappropriate information relating to CICB.

We have already experienced in this country, Mr. Acting Speaker, patient files taken from Dr. Brown's surgery on the pretext that it is part of some investigation into some yet unnamed charges against Dr. Brown and Dr. Reddy. But patient files . . . I mean, we are going a bridge too far. Going a bridge too far. And no wonder . . . there has not been a charge yet, because as the hapless police service are going to be depending on patient files to try and make a case against Dr. Brown for corruption, it is no wonder that we began to hear today, Mr. Acting Speaker, about this extraordinary expenditure on this extraordinary investigation and there being no charge yet.

If they are going to be relying on random files, patient, sensitive files, to try and calculate the proper admissible evidence in court to demonstrate corruption, it surprises me not a little that there has been no charge yet if this is where they are placing their store on bringing evidence admissible in a court against the former Premier of this House.

These are incidents that should make us even more sensitive to protecting privacy in this country. And as we deal, Mr. Acting Speaker, with the whole question of striking the balance . . . and we have only just had PATI as we have sought . . . and this Government, and the PLP Governments of the past, have introduced the sunshine of openness in Government. We introduced it and we respect it. But as we travel

the road, balances will have to be struck. But it must not be treated by the media or the Royal Gazette or any other media as a tool for driving a coach and horse through privacy, or being used to weaponise the information against chosen victims of the media.

This is too common. And I am sensitive to it. I am aware of it and I can spot it a mile away any day of the week. And it is part of the reasons why I spoke in the way that I spoke last week. These were my concerns about this rumbling narrative that has been going on and that has resulted in all of the ink that was completely a mismatch of a artless, pointless set of stories that just showed people venting their spleen, missing the forest for the trees.

So, these are important matters for us as legislators and [for which] we have a responsibility. We have had enough experience of testing before we calculate that there is an epidemic of either rats or pigeons or feral chickens. We all know that these things require resourcing and money to manage. But we should take comfort in the fact that in a country this wealthy, this hardened by infrastructure, the way we build our homes, the way we are house proud. We are the least likely candidates to be experiencing any kind of epidemics in this area.

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

The Chair recognises the Member from constituency 10. You have the floor.

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

To the Honourable Member who just sat down, next time he has a problem and he calls the "hapless police," as he suggested, I am sure they will take care of him.

Before I speak on what I wish to speak about tonight, I am pleased that we did have a little bit of debate up here about rats. And I am pleased to see the commitment that the Honourable Minister—

### POINT OF ORDER

*[Imputing improper motives]*

**Hon. Michael J. Scott:** Point of order. Point of order. The Honourable Member is imputing improper motive to me, and I will not have it.

I am looked after quite well, I will have that Honourable Member know, by the police at all occasions. And nothing I say . . . or that he says, to suggest that I am losing that shield is appropriate.

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

Continue on.

## PROLIFERATION OF RATS AND GARBAGE DISPOSAL

**Hon. Michael H. Dunkley:** Mr. Acting Speaker, I was just speaking about his comment in regard to them.

So, I am glad we had the discussion up here tonight about rats. And I am glad the Minister has made the commitment. I sent the email to the Minister to put in contact with the right email address. The only thing I will say about rats is that it is a problem because everyone is talking about it, and perhaps the Minister of Health should talk to the environmental health people to see if there are staff shortages, if in the short-term, in the interim, we can get some staff to get out there and allow those inspectors to do what they have to do.

I understand that is the crux of the problem. Not enough staff out there to be able to do what they have to do. That might be a quick fix to work along with what the Minister of Public Works is doing.

## FIFTY REASONS TO LEAVE THE PLP

**Hon. Michael H. Dunkley:** But, Mr. Acting Speaker, Paul Simon wrote a song a number of years ago entitled "50 Ways to Leave Your Lover." It starts out with words like this, Mr. Acting Speaker,

*[Singing]* "The problem is all inside your head, she said to me"—

**The Acting Speaker:** Oh my gosh!

**Hon. Michael H. Dunkley:** *[Singing]* "The answer is easy if you take it logically"—

**The Acting Speaker:** Are you auditioning, Honourable Member?

**Hon. Michael H. Dunkley:** *[Singing]* "I'd like to help you in your struggle to be free, there must be fifty ways to leave your lover."

*[Laughter]*

**Hon. Michael H. Dunkley:** Well, Mr. Acting Speaker—

**The Acting Speaker:** I have to interject, Honourable Member. I think . . . I do not think you can take Wayne's job; but I see you are trying to compete.

**Hon. Michael H. Dunkley:** I think I can take the Minister's job and the karaoke job, too, but maybe we would be good together.

But, Mr. Acting Speaker, in all seriousness, next week the calendar will turn on two years since the PLP Government was elected in 2017. And with that song in mind, in the two years since that election in 2017, many supporters of the PLP have more than

50 reasons to leave the PLP. Let me list those reasons:

1. More taxes and higher taxes amongst them an increase in land tax. Stamp duty, the foreign currency purchase tax being increased, a dividend tax only on local business, and the sugar tax, to name a few.
2. The rising cost of living.
3. Increased healthcare costs and recent legislation ramping up costs even more, Mr. Acting Speaker, burdening Bermudians, especially our seniors and the less fortunate.
4. Hiring of more civil servants.
5. Increased levels of staffing to support the Premier.
6. A larger Cabinet with a Minister without Portfolio and a Minister in the Cabinet Office.
7. Consultants and advisors throughout ministries with significant compensation—and one of those in Legal Affairs who has no legal background.
8. A large contract for Inter-Island Communications for propaganda to be put out.
9. [There was] \$70,000 paid to a Junior Minister to work on an efficiency report and only acknowledged when questioned.
10. A Minister resigns then is reinstated after a large payment is made to a former Premier's business.
11. Pastor Bean is given a raise from \$92,000 to \$125,000 and it is not made public until a PATI request.
12. The resurgent use of GP cars.
13. The sham review of the airport contract.
14. Hypocrisy by Government members in posing for pictures at the new airport terminal roof wetting after doing everything in their power to block that development.
15. The Premier's silence when questioned—

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

**Hon. Michael H. Dunkley:** —about the Department of Justice allegations—

**The Acting Speaker:** Take your seat. Point of order?

## POINT OF ORDER

*[Misleading]*

**Mr. W. Lawrence Scott:** The Honourable Member is misleading the House on several different aspects.

When it comes to HOTT 107.5, that is for commercial use not for propaganda. When it comes to the GP cars, we are using just the same number of

cars as they did, but they changed the licence plates from GP to regular numbers. And when it comes to the airport—

*[Inaudible interjections]*

**Mr. W. Lawrence Scott:** I can speak for myself, I am the chairman of the Airport Authority, so it was my *duty* to be there. It is not hypocrisy. It is taking responsibility for running the country and which is what the people have asked us to do. So, the Honourable Member is misleading the House.

**Hon. Michael H. Dunkley:** Thank you—

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

Continue on.

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

The Honourable Member can speak in a motion to adjourn any time he has an opportunity to later tonight.

16. The silence by the Premier on Arbitrade questions.
17. The PLP's Government support of Arbitrade in spite of the many valid questions being asked.
18. The sale of Bermuda land to a non-Bermudian entity with the company having no ability at the time to conduct business in Bermuda.
19. [There was] \$175,000 paid for an empty office in Washington, DC.
20. The hypocrisy of a tea in Tucker's Town by PLP First Ladies all the while the area is berated occasionally.
21. A \$75,000 payment to the Somerset Cricket Club in 2018—

**The Acting Speaker:** Point of order. Point of order, from the Speaker.

Please take your seat.

You made reference to a tea that was put on, a fundraising tea. I think you are misrepresenting those good persons that put on that tea.

I declare my interest. I actually happened to have worked that tea. I think you are misrepresenting that. I understand what you are trying to do, but I think you are misrepresenting the intent of those good people.

**Hon. Michael H. Dunkley:** Mr. Acting Speaker, you can interrupt me in the Chair; you do not have to do a point of order. I accept your comments.

As I was saying:

21. A \$75,000 payment to the Somerset Cricket Club in 2018 to assist in hosting

Cup Match after threats over building a wall and a trophy presentation.

22. A Government travel website that is sadly lacking in updated travel information.
23. Tabling of Bills without consultation in this Chamber. I refer to [October 10, 2017] Immigration Bill and the Sugar tax, to name just two.
24. A Minister reacting to being appointed saying no one will tell him what to do and he does not have to go to Government House.
25. A Minister on official Government business making rude, insulting and derogatory comments on social media posts about women.
26. Racist barbs and derogatory comments in Parliament by Government Members to a Chief Justice, an appointed Chief Justice, and to Government House.
27. A Minister insults a black Opposition Member in the House by saying she carries their water.
28. A dismissal of the CEO of the Bermuda Health Council.
29. Interference in the BTA.
30. Interference in Gaming.
31. Continued attacks on the free public media.
32. The dismissal of the Education Commissioner.
33. Blacklisting by the EU.
34. PATI interference.
35. Attempts to take over the Corporation.
36. FinTech lacking and distant MOUs, but where are the jobs?
37. A FinTech site is put on hold.
38. Education sick-out in December 2018.
39. Teachers Work to Rule.
40. Principals industrial action.
41. Ongoing mould in schools.
42. Numerous protests by corrections officers.
43. A new bus schedule imposed and then reversed.
44. Snub of the UK Foreign Affairs committee.
45. The once-a-week trash collection and the increased rat population.
46. The PLP Domestic Partnership Bill trying to challenge a court ruling.
47. Confidence in Bermuda waning and the lowest business index confidence ever.
48. Thirteen consecutive months of lower retail sales.
49. Business closures.
50. Pay out to protesters on December 2<sup>nd</sup> without transparency.

And one bonus one to leave the PLP, Mr. Acting Speaker, emigrate—and that is what many Bermudians are doing in increasing numbers.

**An Hon. Member:** Why don't you leave?

**Hon. Michael H. Dunkley:** Mr. Acting Speaker, this is a serious indictment. This is a serious indictment of the PLP Government, and it does not bode well for Bermuda.

And one Member on that side, *said why don't I leave*, I will never leave Bermuda.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** They must do better.

*[Inaudible interjections]*

**The Acting Speaker:** Does any other Member care to speak on the motion to adjourn?

*[Crosstalk]*

**An Hon. Member:** No.

**The Acting Speaker:** Minister?

*[Crosstalk]*

**The Acting Speaker:** Motion to adjourn—

*[Crosstalk]*

**An Hon. Member:** Nobody is standing up.

*[Gavel]*

**Lt. Col. Hon. David A. Burch:** The House stands adjourned.

**The Acting Speaker:** This House stands adjourned until Friday next.

*[At 7:30 pm, the House stood adjourned until 10:00 am, Friday, 19 July 2019.]*