



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

26 July 2019

*Sitting number 27 of the 2018/19 Session
(pages 2301–2442)*

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

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****26 JULY 2019****10:11 AM***Sitting Number 27 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 19 July 2019]***The Speaker:** Good morning, Members.

The Minutes of the July 19th sitting have been circulated. Are there any amendments or corrections required?

There are none. The Minutes stand confirmed as printed.

*[Minutes of 19 July 2019 confirmed]***MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****APOLOGIES**

The Speaker: We have actually been informed that there are Members who will be absent today. The Member Ben Smith is still traveling with the swimming team. And MP Gordon-Pamplin and MP Richards have also indicated that they will be absent today.

MESSAGES FROM THE SENATE**The Speaker:** There are none.**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE****The Speaker:** There are none.**PETITIONS**

The Speaker: I believe we have one petition this morning, in the name of MP Ming.

MP Ming, would you like to do the petition?

Mrs. Renee Ming: Mr. Speaker, I move that Standing Order 33(8) be suspended to enable me to present the following petition.

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

STENPROP LIMITED ACT 2019

Mrs. Renee Ming: Mr. Speaker, I move for leave to introduce the following petition: The Petition by Stenprop Limited requesting that legislation may be enacted to enable the company to discontinue out of Bermuda, as set out in the Bill entitled Stenprop Limited Act 2019 (the Bill). I ask that the said petition be referred to the Joint Select Committee for Private Bills for consideration and report.

The Speaker: Thank you, Member.

**STATEMENTS BY MINISTERS
AND JUNIOR MINISTERS**

The Speaker: We have some nine Statements this morning. The first Statement this morning is in the name of the Premier.

Premier, would you like to present your Statement?

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

The Speaker: Good morning.

BETTER MANAGEMENT OF PATI

Hon. E. David Burt: Mr. Speaker, the [public access to information \[PATI\]](#) regime is well known to Honourable Members and the public. It began with the Act passed in 2010, followed by Regulations in 2014.

Mr. Speaker, today the management of requests made under the Act has begun to stretch the administrative capacity of the information officers. The results are the mistaken release of information which

is rightly exempt under the Act, delays in the processing of requests and the information officers so burdened with requests that the performance of their core duties suffer.

Mr. Speaker, section 17 of the PATI Regulations 2014 sets out the 12 specific functions of information officers. The duties are considerable and are clearly designed to ensure great care is taken in the management of requests. The demands placed on information officers and some departments have so affected their work that some officers have relinquished the role, while others have complained about the all-consuming nature of the tasks. It is important to note that both the Act and the Regulations contemplate the administrative burden that can be caused and provide criteria by which requests can be refused where they would (and I quote) “cause a substantial and unreasonable interference with or disruption of the other work of the public authority.”

Mr. Speaker, I am advised that this is seldom invoked by information officers or heads of public authorities, as the spirit of the Act, namely, to encourage access to information, is honoured by the hard-working men and women within the public service.

However, Mr. Speaker, I think it important to provide Honourable Members and the public with an example of what is sometimes required to fulfil PATI requests. The Permanent Secretary in the Ministry of Health requested assistance from the Policy & Strategy Section [PSS] to respond to PATI Request 341, a request for records related to inspections, complaints, investigations, safety concerns and accidents involving day care centres and providers. The Ministry of Health had initially denied access under section 16(1)(c) of the Act because fulfilling the request would cause a substantial and unreasonable interference with or disruption of the work of the Ministry.

The internal review decision upheld the denial of access for this same reason and denied access for specific components under exemptions of personal information, section 23(1); commercial information, section 25(1)(c); and information received in confidence, section 26(1)(a). The Ministry of Health believed it had evidence of the volume of time required to garner the relevant documents. However, the Information Commissioner’s Office rejected the Health Ministry’s decisions, finding that fully processing the request (and I quote) “will not cause a substantial and unreasonable interference or disruption” of the other work of the Ministry. It is important to note that whilst addressing the original request, the information requested was expanded to include an even longer period of time.

Mr. Speaker, I can advise Honourable Members that it took 12 public officers almost 400 hours, at a cost of \$20,000, to process this request. The almost 400 hours required to fulfil this request did not enable the information officer alone to handle the request within the time frame required, and the associated

duties could not be delegated, as there was a shortage of staff. It is for this reason that the Ministry of Health sought the assistance of the Policy & Strategy Section to facilitate the request. Whether the Ministry devoted an individual or multiple resources to administer this process, it would have resulted in a substantial interference with and disruption of the work of the Ministry. Notably, Mr. Speaker, this was only one request, and until PSS’s assistance was engaged, the Ministry of Health had to suspend its policy/legislative development initiatives as its three policy analysts had to be deployed to processing PATI requests.

Mr. Speaker, it was the former Government that abolished the PATI Unit, which had previously provided a secretariat-style suite of services in support of PATI. Four posts were abolished, and the then-Cabinet determined that the Policy & Strategy Section of the Cabinet Office would continue to undertake any functions required to be performed under the PATI Act 2010.

Mr. Speaker, whilst it is not proposed to re-establish the PATI Unit presently, I wish to advise this Honourable House that I have invited the leadership of the public service to examine a means by which to re-engage a level of centralised expertise. This will make use of training in PATI management received by officers within the PSS and will provide an additional layer of support to the management of requests under the Act.

Mr. Speaker, it would be remiss of me not to mention a disturbing trend with respect to the use of information pursued and received pursuant to requests under the Act. I was not in the Legislature when the 2010 Act was passed, but it bears repeating that the purpose of the Act is to:

- give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others;
- increase transparency and eliminate unnecessary secrecy with regard to information held by public authorities;
- increase the accountability of public authorities;
- inform the public about the activities of public authorities, including the manner in which they make decisions; and
- have more information placed in the public domain as a matter of routine.

Mr. Speaker, those are honourable goals and speak to a modern democracy’s need to better engage the people it serves. However, Mr. Speaker, there is now a clear culture of weaponising these objectives to serve political ends and other agendas. The result is an increasing atmosphere of undue caution in the provision of advice to Ministers and a reluctance to commit to writing or any form of permanent record legitimate, contemporaneous views and think-

ing around critical policies on behalf of the people of Bermuda.

Mr. Speaker, this is dangerous. Legitimate scrutiny will encourage accountability, but “gotcha journalism” or wanton political use of PATI, even by Honourable Members, will yield a shrinking culture of efficient decision-making. This Government is determined to provide a framework for the management of PATI that fully embraces the original intentions of the Act and supports a regime that provides the people of Bermuda with the fullest information about the work done every day in their name and on their behalf.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

I understand that the second Statement is also yours. Would you like to present that at this time?

POST-BREXIT WORKING GROUP

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

Mr. Speaker, now that the leadership process in the United Kingdom has been completed and the new Prime Minister [has] signalled a clear intention for the United Kingdom to leave the European Union as at the 31st of October, Bermuda, like many other Overseas Territories, must renew their preparation for these events. This is especially important where there is the growing likelihood of a no-deal Brexit.

Therefore, Mr. Speaker, I can advise this Honourable House that, as part of Bermuda’s ongoing preparation for this scenario, I have determined to strike a [Post-Brexit Working Group](#) to consider and address those issues required to prepare Bermuda for the likely post-Brexit scenarios which may obtain in the United Kingdom.

For the information of Honourable Members and the public, considered views on the impact of a no-deal Brexit can be summarised as follows:

Trade. The United Kingdom would revert to World Trade Organisation rules on trade. While Britain would no longer be bound by EU rules, it would have to face the EU’s external tariffs. The price of imported goods in shops for Britons could go up as a result. Some British-made products may be rejected by the EU as new authorisation and certification might be required. Manufacturers could move their operations to the EU to avoid delays in components coming across the border.

People. The UK would be free to set its own controls on immigration by EU nationals, and the bloc could do the same for Britons. There could be long delays at borders if passport and customs checks are heightened.

Laws. Relevant EU laws would be transferred over so there would be no black holes in Britain’s new law book. Britain would no longer have to adhere to the rulings of the European Court of Justice, but it

would be bound to the European Court of Human Rights, a non-EU body.

Money. The UK Government would not have to pay the annual £13 billion contribution to the EU budget. However, Britain would lose out on some EU subsidies—the Common Agricultural Policy gives £3 billion to farmers in the United Kingdom. It is likely that both the European Union and the United Kingdom will have to honour financial commitments under the 2019 budget.

The Irish border. The issue of the border between Northern Ireland and the Republic would remain unresolved. While physical infrastructure has been vetoed, the border would become an external frontier for the European Union in the event of a no-deal Brexit. There would be pressure to enforce customs and immigration controls. However, the UK Government has said it would aim to avoid a hard border, and for a temporary period there would be no new tariffs on goods crossing the border from Ireland into Northern Ireland.

Mr. Speaker, I am pleased to advise this Honourable House that HM Treasury has confirmed that Bermuda’s EU Solvency II equivalence will be automatically maintained between Bermuda and the United Kingdom after the United Kingdom’s departure from the European Union, in either a “deal” or “no-deal” scenario as part of existing EU legislation that is being moved over into domestic UK law upon Brexit. Mr. Speaker, in anticipation of the eventual Brexit scenario, a draft Bill has been prepared by counsel in Chambers, and that Bill will address any resultant lacunae in Bermuda law. Honourable Members can expect to be invited to consider the Bill when we return in September.

Mr. Speaker, the full impact of Brexit on Overseas Territories generally and Bermuda in particular is difficult to measure, particularly against the background of the competing and unsettled political interests in the United Kingdom. Considerations must include the prospect of a snap general election, the potential for a change in the UK Government and therefore its policy towards the Overseas Territories. It is therefore proposed to strike a Post-Brexit Working Group to examine these scenarios and prepare Bermuda for eventualities arising out of the post-Brexit UK.

Mr. Speaker, I have invited the Honourable Member for constituency 17, the Honourable C. Walton Brown, to chair this working group. Honourable Members will recall the key role played by the Honourable Member in securing visa-free travel for Bermudians in the Schengen countries and of his keen insight into issues related to the EU. Additionally, Mr. Speaker, the group is proposed to consist of the following representative members:

- a Trade Union Congress representative;
- an Opposition representative;
- a Progressive Labour Party representative;

- a business community representative;
- a youth representative;
- an NGO and Third Sector representative; and
- a civil servant, who will serve as ex officio and secretary for the working group.

Mr. Speaker, as part of its remit, the working group will examine possible responses of Bermuda to any changes in UK relations with OTs, including any necessary constitutional change, as well as any necessary changes to the existing regime of self-governance presently enjoyed by Bermuda.

Mr. Speaker, this is new territory, not just for Bermuda but for the world. A European Union without the United Kingdom is something that has often been discussed, but is now on the cusp of becoming reality. This Government recognises the uncertainty this can bring for Bermudians who live in and travel to the United Kingdom and Europe, and for those businesses who operate here and in those jurisdictions. We have been preparing for some time, and our London Office team is actively engaged in the work required to ensure we have the best intelligence to support our policymaking. Come what may, Bermuda is well-placed to manage the change that Brexit will bring.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

The next Statement is in the name of the Minister of Finance. Minister, would you like to present your Statement?

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

The Speaker: Good morning.

NATIONAL PENSION SCHEME UPDATE

Hon. Curtis L. Dickinson: Mr. Speaker, I rise today to advise Honourable Members and the general public on recent developments and proposals under consideration relating to Bermuda's [National Pension Scheme](#). Honourable Members will be aware that the National Pension Scheme (Occupational Pensions) Act 1998 and related Regulations were introduced to provide for the registration, administration and funding of mandatory occupational pension plans in Bermuda and related matters. This legislation has been amended over the years to better address the needs of the members of pension plans, with the most recent relating to financial hardship withdrawals in 2010 and 2011.

Mr. Speaker, the Pension Commission [the Commission], as the supervisor and regulator of occupational pension schemes, has undertaken a review of the National Pension Scheme (Occupational Pensions) Act 1998 [the Act] and regulations made thereunder, and has recommended a number of significant enhancements such as to provide it with more effective

regulatory and enforcement powers, introducing regulatory fees and monetary fines for non-compliance, reducing the audit burden on small pension funds, increasing the existing small pension amount that plan members can receive in a lump sum and to provide the Commission with the power to exempt plans from specific requirements under the Act.

The Commission's Advisory Committee, which is made up of a wide range of private sector representatives, has reviewed and discussed the above recommendations and is broadly supportive of the proposed enhancements.

Mr. Speaker, the Commission has also recommended further amendments to the Act to provide for more withdrawal freedoms for plan members at retirement and extending the scope of financial hardship applications to include funeral expenses, removing the restriction on persons receiving a pension from being able to apply and including off-campus housing as an eligible educational expense.

Mr. Speaker, Honourable Members will be aware that the Government's 2017 election platform stated that it would (I quote) "Address the current structural imbalance of pension benefits that exists between guest workers and Bermudians by requiring equal treatment for Bermudian and expatriate labour. Currently, employers are not required by law to provide the same level of pension benefits to guest workers as they are to Bermudians, thus making it more expensive to employ Bermudians." I can report that the Ministry made a request to the Commission to seek industry feedback on this proposal. Accordingly, members of the Commission's Advisory Committee were invited to discuss and provide input on the aforementioned proposal.

The standing committee comprises representatives of third-party plan administrators, law firms, unions, employers, international companies and the accounting profession. In addition, representatives of the Association of Bermuda International Companies, Hotel Employers of Bermuda, Restaurant Association, Construction Association of Bermuda, Landscaping Association, Bermuda Human Resources Association and a former board member of the Human Rights Commission were invited to make representations on the implications of introducing the proposal on their respective industries or areas.

Mr. Speaker, the Commission's board considered the advisory committee's comments and provided the following comments and recommendations to the Ministry:

- a. The Commission supports the international labour principle that pensions are good for all employees;
- b. The current legislation should be amended to require all non-Bermudians satisfying the eligibility requirements to be enrolled in a registered pension plan;

- c. Exemptions should be provided for non-Bermudian work permit holders employed for a short term (that is, two years and under). However, upon receiving a renewal of their work permit, they would be required to be enrolled;
- d. Non-Bermudians leaving Bermuda permanently should be allowed to receive their accumulated pension balances, as is currently in place;
- e. The current contribution rates (5 per cent for employers and 5 per cent for employees) should be phased in for non-Bermudians, as was the original practice when the legislation was first introduced for Bermudians and their spouses;
- f. It could be argued that the current exemption is contrary to the Human Rights Act, as it appears to discriminate against non-Bermudians based upon their national origin; and
- g. The Commission recognised that some employers have a competitive advantage and benefit from a lower cost of operation by their employment of non-Bermudians and the savings that result from not having to make the required pension contributions into a pension plan for these types of employees.

Mr. Speaker, the Ministry is generally in support of the Commission's comments and recommendations, and proposes to amend the Act to give effect to these proposals, along with those items mentioned previously. Accordingly, I can confirm that during the next legislative session a Bill containing all of the proposed amendments will be tabled and debated in this Honourable House.

Mr. Speaker, the proposed enhancements will, upon their introduction, represent the most significant legislative change since the Act was first introduced. They are sensible, reflect the needs of the members of pension plans and are in line with the pension provisions and regulations in other jurisdictions.

Mr. Speaker, in closing, as this Government continues its time in office, the proposed amendments to the National Pension Scheme (Occupational Pensions) Act 1998 represents just another step in our effort to establish a better and fairer Bermuda that was promised in our election platform.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister. Your second Statement, would you like to do that, as well?

Hon. Curtis L. Dickinson: Yes, Mr. Speaker.

The Speaker: Thank you. Continue.

OECD FORUM ON HARMFUL TAX PRACTICES— ECONOMIC SUBSTANCE LEGISLATION

Hon. Curtis L. Dickinson: Mr. Speaker, I am pleased to advise this Honourable House and the listening public that the [OECD's \[Organisation for Economic Co-operation and Development\] Forum on Harmful Tax Practices](#) (the FHTP) has formally reported its approval of Bermuda's economic substance regime legislative framework, including the most recent amendments exempting entities that are engaged in a relevant activity, but resident for tax purposes in another jurisdiction, from economic substance requirements.

By way of background, Bermuda, the Crown Dependencies and other British Overseas Territories have each developed economic substance legislative frameworks that were built upon principles provided by the FHTP, which falls under the OECD's Base Erosion and Profit Shifting [BEPS] Inclusive Framework, as well as those set out in the European Union's Code of Conduct Group's [COCG] Scoping Paper regarding economic substance requirements.

The recent public announcement by the OECD FHTP means that our legal framework is in line with the OECD standards and that Bermuda is recognised as a non-harmful tax jurisdiction.

Mr. Speaker, as a matter of necessity, the Ministry of Finance has now turned its attention to other areas of our legislative framework that require amendment to ensure that our legislative framework is similar to that of other equivalent jurisdictions. Indeed, the EU and OECD recognise that the economic substance framework must reflect a level playing field across all equivalent jurisdictions. In order to harmonise our legislation with equivalent jurisdictions, Bermuda initiated preliminary discussions with the relevant EU and OECD officials in April, and those engagements are continuing, both at the political and technical levels, to ensure that any proposed amendments are acceptable to both the EU and the OECD.

Mr. Speaker, following the assessment of the economic substance framework of all jurisdictions, the Ministry of Finance has now been able to do a jurisdictional comparative analysis to ensure that (1) there is no economic disadvantage as a result of jurisdictional arbitrage; and (2) any amendment meets the EU Code of Conduct Group/OECD standards.

Mr. Speaker, the most significant amendments under consideration are related to holding entities, finance and leasing, shipping and local companies. The Ministry of Finance has consulted with specific stakeholders to ensure the best possible legislative outcome. The Code of Conduct Group has indicated that it will consider Bermuda's proposed amendments in September, but must receive our submissions (i.e., draft Bills together with the explanatory memoranda) by the 26th of August. We will also submit our proposed amendments to the OECD FHTP

for consideration by the 26th of August for their review and consideration.

Mr. Speaker, another area that requires legislative amendments relates to collective investment vehicles [CIVs]. The BMA [Bermuda Monetary Authority] has been engaged in discussions with the EU Commission about the proposed legislative framework for CIVs. The CIV framework will also be considered by the Code of Conduct Group in September.

Mr. Speaker, the Economic Substance Act allows the Minister of Finance to give guidance on how the Act will be applied. To that end, the Ministry of Finance, through the Registrar of Companies, has adopted a two-phased approach in preparing guidance notes. In the first instance, the "Guidance Notes: General Principles" were developed and released in draft to industry stakeholders for feedback and comment. We have now begun the second phase, namely, the development of industry-specific guidance notes through a comprehensive engagement with sector-specific professionals and experts. Specific guidance notes will be finalised once we have completed level-setting legislative amendments.

Finally, Mr. Speaker, Honourable Members are advised that there are two parts of the OECD assessment of the economic substance regime of the 2.2. jurisdictions, namely, the legislative framework and the effectiveness of the monitoring mechanism to ensure compliance with the legislation. As reported in my introductory remarks, Bermuda's economic substance legislative framework was approved by the FHTP in the June legislative assessment.

In December, the OECD will assess Bermuda's effectiveness of the monitoring mechanism to ensure compliance with the legislative provisions. This assessment will involve the examination of the Registrar's resources and methodology. In order to achieve such effectiveness, the Registrar plans to utilise technology, as well as additional staff, to ensure the successful implementation of the ES legislative regime. To that end, the Registrar is in the process of developing an e-registry system that will allow him to collect and analyse economic substance information and to enforce economic substance requirements.

Mr. Speaker, in advance of the December 2019 Fully Equipped Monitoring Mechanism [FEMM] assessment by the FHTP, the Registrar has requested additional resources dedicated to compliance monitoring and enforcement. Such requests were approved during the 2019/20 budget process. The recruitment process is underway, as is the development of the Registrar's compliance mechanism for economic substance. The Registrar of Companies plans to leverage and incorporate its experience with performing risk-based corporate compliance monitoring into the mechanism for economic substance compliance.

Mr. Speaker, in closing, I wish to personally thank the hard work and dedication of the various government and Bermuda Monetary Authority officers

for coordinating and managing the Government's responsibilities at home and abroad in relation to this initiative.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Minister down for Statements this morning is Minister Foggo.

Minister, would you like to put your Statement this morning?

Hon. Lovitta F. Foggo: Good morning. Yes, I would, Mr. Speaker. Good morning to you. Good morning to the listening public.

MODERNISATION OF BERMUDA'S LABOUR LAWS

Hon. Lovitta F. Foggo: Mr. Speaker, I am pleased to rise today to provide the Members of this Honourable House with an update on the progress of the [modernisation of Bermuda's labour laws](#) that I spoke about on July 5th, 2019.

Mr. Speaker, the tabling today of the Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 2019 is the first of a number of proposed changes to the legislation that will be completed this year. This particular Bill fulfils the Government's platform and Throne Speech promise to increase maternity leave and provide for paternity leave for the first time in the legislation.

[Desk thumping]

Hon. Lovitta F. Foggo: The Bill also provides for flexibility in the use of vacation leave.

Mr. Speaker, further Legislation will be tabled later this year in this Honourable House, to include the following:

- The reduction from 10 arbitration/assessor/tribunals in four Acts to a single tribunal for all labour and employment matters. This will reduce the administrative costs and streamline the functions of the tribunals;
- provision for zero tolerance of violence and harassment in the workplace. In keeping with the ILO [International Labour Organization] adoption of the Violence and Harassment Convention, the amendments will also deal with bullying, harassment and, in particular, sexual harassment in the workplace. Employers will be required to have in place a zero-tolerance policy for harassment in the workplace and recourse for employees for any contravention of the policy;
- provision for current statements of employment to remain the same or benefits to increase in line with amended legislation, and not change or be altered to the minimum

standard as set out in the amended legislation;

- provision for probation periods for new employees to be fair and reasonable;
- streamlining the provisions relating to mediation;
- the introduction of a civil penalty regime for certain specific offences and clear breaches of the legislation;
- provision for automatic certification for union representation when specific parameters are met;
- provision for confidentiality and protection of workers during application for union certification;
- reduction of response time by employers to an application for union certification; and
- provision for parties to agree terms of reference for disputes prior to reporting the dispute to the Labour Relations Section.

Mr. Speaker, other matters still under review and consideration include the following:

- employment protections for persons who are currently designated as nonemployees, including—for example, casual, temporary, part-time workers;
- protection for employees who are coerced into working overtime for straight-time wages;
- tips and gratuities, and who should rightfully receive them;
- managing expectations regarding out-of-hours contact for employees. The issue is that when an employee, including a public officer, is issued with a work cell phone, the expectation is that the employee be available 24 hours a day, seven days a week, including vacation, with no break or additional remuneration;
- protections for employees who have been promoted; and
- the status of a union bargaining unit when a sale or merger [of the employer organisation] occurs.

Mr. Speaker, as many of these changes have been agreed by the social partners, including the unions and employers, we look forward to this House taking a bipartisan approach, similar to the Wage Commission Bill, when we return for the debate following the summer recess. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Minister, the next Statement is also in your name. Would you like to do that one, as well?

Hon. Lovitta F. Foggo: Yes, Mr. Speaker.

The Speaker: Continue.

DEPARTMENT OF WORKFORCE DEVELOPMENT 2019 SCHOLARSHIP AWARDS AND STUDENT SUMMER EMPLOYMENT

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

Mr. Speaker, the Government is committed to developing and strengthening the workforce by supporting the educational pursuits and career development of Bermuda's youth. We recognise that providing access to higher learning and meaningful workforce opportunities strategically positions our young people on the path to developing sustainable careers. Therefore, it gives me great pleasure to today share with this Honourable House the 2019 [scholarship and award recipients funded by the Department of Workforce Development](#). Further, I will also highlight the summer employment initiatives coordinated by the department.

Mr. Speaker, for many students in pursuit of attaining tertiary education locally or overseas, the goal can be far-reaching. For various reasons, families may experience financial hardship, which becomes a barrier to further education. The traditional student we once knew has changed over the years. Many students work part-time or full-time while attending college. Additionally, with increased college and university tuition costs, textbooks, room and board, and other associated costs, it makes it more difficult for families to be able to afford higher education for their children.

This Government continues to invest in our young people. We are delivering on our pledge to provide greater opportunities for Bermudians that assist them to meet their educational and training needs. This is further demonstrated by providing financial support to students to help defray the costs of tuition and create a talent pipeline for Bermuda's workforce.

Mr. Speaker, I had the opportunity to present this year's recipients with their awards on Thursday, June 27, at a lunch reception held at the Department of Workforce Development. Recipients shared their future aspirations upon graduation. The selection committee takes great care each year to understand the needs for Bermuda's workforce, utilising available employment statistics and work permit data.

Applications for new awards are received online, using the Bermuda Scholarships website, www.bermudascholarships.com. Successful students must demonstrate a minimum grade point average [GPA] of 2.7 on a scale of 4.0. Returning students must provide proof of enrolment and their official transcript, indicating that they will continue their studies. Providing they meet the minimum GPA requirement per semester, continued funding is granted until the completion of their programme.

Mr. Speaker, I am pleased to announce that a total of 35 recipients were awarded scholarships for 2019. All recipients were awarded funding, valued up to \$10,000 per student, annually for the length of their

programme of study. I am honoured to present this year's scholarship recipients. And they are as follows:

1. John Barnes;
2. Donnika Bean;
3. Milon Bourne-Outerbridge;
4. Lucas Bridges;
5. Lance Brown, Jr.;
6. Tabia Butterfield;
7. Mason Cartwright;
8. Caroline Caton;
9. Nia Dailey;
10. Jermayne Dears;
11. Andre Durham, Jr.;
12. Ari Edwards;
13. Amari Ebbin;
14. Sharmila Harris;
15. Jelania Hassell;
16. Niyokiei Hassell;
17. Chantae Hollis;
18. Shapri Joell;
19. Cameron Lee-Ming;
20. Cholae Martin;
21. Ciera McGhie;
22. Ter-Rae Morrison;
23. Mikaela O'Brien;
24. Phoebe Osborne;
25. Haley Place;
26. Seth Samuels;
27. Kyla Sinclair;
28. Alana Smith;
29. Rosemary Swain;
30. Jeremy Taylor;
31. Tiontae Thomas;
32. Shaunte Young;
33. Shayla Gift;
34. Dominique Johns;
35. Zhiyah Wolffe-Simpson.

Mr. Speaker, to date, funding has also been awarded to 10 students [studying] locally at Bermuda College, ranging from \$500 to \$3,000 per annum. Last year, 58 students received funding locally. This year, that figure is expected to remain fairly stable, with \$175,000 budgeted to support local students. However, the final numbers cannot be determined until the end of August when registration closes for Bermuda College, Mr. Speaker.

The total cost for overseas funding for this fiscal year to date is up to \$350,000, for a total of 35 students, of whom 18 are new and 17 are returning students.

Mr. Speaker, the department consults with the Ministry of Education to make certain that there is no duplication of scholarship recipients. Verifying this information assists in ensuring that the Government's investment in our young people is awarded in a fair and equitable manner.

Mr. Speaker, \$50,000 is budgeted each year to assist individuals in obtaining their General Education Diploma [GED]. These funds are allocated equally

to C.A.R.E. Computer [Services] and the Adult Education Centre. Due to the variation in costs of tuition for each establishment, 10 students are sponsored with C.A.R.E. Computer [Services] and 10 students with Adult Education [Centre] Classes. This financial support provides persons a second chance to obtain a GED. We wish all students every success as they further their studies locally or overseas, and look forward to their return to Bermuda's workforce.

I now move to the Summer Employment Programme for college and university students, which assists participants in the development of their career goals by connecting work experience to academic learning. Work assignments are professional in nature and based on entry-level roles within a specific industry. Mr. Speaker, programme applicants must demonstrate full-time enrolment in a college or university and possess a minimum [cumulative grade point average] of 2.5 or higher. Community involvement, a formal interview and a personal statement of career goals are required. Interns receive placements within government, and private and non-profit sectors, where they develop leadership, decision-making, time-management and problem-solving skills. In addition, they gain exposure to career and work competency standards within their chosen profession.

Monday, the 20th of May, marked the commencement of the Summer Employment Programme. Over the course of the summer, each intern will complete up to 10 weeks of work experience. For their efforts, they will receive a \$5,000 stipend over the 10-week period, or \$500 weekly. I have been advised that this year we have a group of extremely talented interns. Some of the academic programs which our interns are pursuing include the following:

- Law, Social Policy, Political Science;
- Business;
- Health and all the health-related areas;
- Sciences and many of the science-related areas;
- Human Services;
- Education;
- Electrical Engineering, Architecture, Advanced Automotive Technology;
- Television and Film, Graphic Design, Music Technology; and
- Criminology and Criminal Justice.

Mr. Speaker, this Government remains heavily vested in developing Bermuda's youth, as demonstrated by our continued commitment and support of the Summer Employment Programme. Although we have found it necessary to reduce budgets and curtail spending, the programme this year afforded 87 interns with work experience. And these are the high school students.

Further, we partnered with Cabinet Office this year to offer the Enhanced Summer Employment Programme. The enhanced programme offered competitive internships, where interns are tasked with signifi-

cant projects related to policy and strategy in the delivery of Government's initiatives. This year the enhanced programme provided four talented students the opportunity with Cabinet Office. We have learned from our students that there is no shortage of summer employment opportunities. We have been pleased to find that opportunities in the private sector have grown. Returning college students are often faced with multiple offers for summer employment. This is coming from those students. There is also an increased trend in students remaining abroad for the summer months to continue their academic studies or participate in overseas internships.

Mr. Speaker, the benefits of the work experience opportunities and participation in the Summer Employment Programme extend well beyond the summer to influence career development over the long term. Several former programme participants over the years have secured full-time employment with the employers with which they were placed while participating in the programme. Going forward, we intend to put a process in place to better track employment outcomes resulting from the summer programmes.

Mr. Speaker, others reveal the Summer Employment Programme is an excellent opportunity to build experience in their respective areas of study. Many also find the exposure to real-world work experiences solidifies their chosen career path; they endeavour further to pursue graduate degrees. In addition, several students use the programme for college credit towards fulfilment of their coursework.

With the closure of the Department of Community Education and transfer of staff to the Department of Workforce Development, this year the department assumed the responsibility of coordinating the Summer Internship Programme for high school students. The programme is four weeks in duration and provides the participants with an opportunity to watch/shadow professionals in their chosen area of interest. As a result, they are better equipped to make more informed choices about their future studies and career path. And as I mentioned earlier, this year there are a total of 87 participants. This year's participants attend the senior, private and home schools throughout the Island, as well as overseas boarding schools.

Before I close, I must extend my thanks to those who have helped make those initiatives a success. Special thanks, of course, to the individuals at the Department of Workforce Development for continuing to go above and beyond to help young Bermudians.

My final comments today are directed to our employers, as well as to our participating interns. To our business partners, I want to offer my sincere thanks to all of you for opening up your establishments to our young people. Without your support, the programmes would not be successful. Our youth truly

benefit from your guidance and generosity. Thank you to the many government departments and quangos providing the opportunity for our young people.

Lastly, thank you to the private sector and non-profit companies who participated in the Summer Employment Programme and Summer Internship Programme.

To our award recipients and young people participating this year in the summer programmes, *you are Bermuda's future!* We will continue to help in any way we can, equipping you to successfully make your way in what is becoming an increasingly competitive workforce. I wish you success in your work experience and upcoming studies.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Minister Burch, would you like to do your Statement?

Lt. Col. Hon. David A. Burch: Yes, thank you, Mr. Speaker.

The Speaker: Thank you.

ENGINEER'S UPDATE

Lt. Col. Hon. David A. Burch: Mr. Speaker, I am pleased first to report that the Land Valuation Department's bursary student, Ms. Andesha Busby, has successfully completed her three-year Bachelor of Science Real Estate Degree programme at the University of Reading in the United Kingdom. Mr. Speaker, this summer, she has also completed seven weeks of work experience with the Department of Land Valuation and recently returned from attending her graduation ceremony in the UK. We are currently awaiting confirmation from the UK Valuation Office on the placement location for the two-year secondment that Ms. Busby will undertake as a graduate student. It is anticipated that she will commence her work experience in the UK in September 2019.

Mr. Speaker, I would like to commend the Director of the Department of Land Valuation, Mrs. Diane Elliott [and Ms. Busby], both of whom are in the Gallery this morning, for her unwavering support of the bursary student and her efforts at securing her a secondment in the UK.

Mr. Speaker, I also reported in October last year on the progress being made in filling critical vacant posts in the Engineering Section in the Ministry of Public Works. I rise today to give a further report on additional progress in this area, as well as highlighting summer student support this year.

Mr. Speaker, Bermudian Remi Subair, a former trainee and graduate of Western New England College (now University), following a secondment to Associated Engineering in Edmonton Canada, returned to a full-time post in 2009 as an electrical engi-

neer and was promoted to Principal Electrical Engineer in September 2017. Mr. Speaker, since that time, he has been instrumental and unrelenting in pursuing the recruitment of staff for the Electrical Section.

Mr. Speaker, Dr. Martin Biffin joined the department as the Mechanical Engineer in July 2011.

[Crosstalk]

The Speaker: Yes, Minister. Continue on.

Lt. Col. Hon. David A. Burch: Well, your people were louder than I am, Mr. Speaker, so I thought I would wait.

[Laughter]

The Speaker: Continue on.

Lt. Col. Hon. David A. Burch: I will start over from that one then, Mr. Speaker.

Dr. Martin Biffin joined the department as the Mechanical Engineer in July 2011. He briefly assumed the role of Principal Electrical Engineer in January 2015 before moving to Principal Mechanical Engineer in August of that year. In that position, he is responsible for all fleet vehicles maintained and operated from the Quarry Depot. He will be retiring at the end of this month and returning to his native Wales. It is expected that he will be succeeded by a Bermudian.

Mr. Speaker, Attila Fustos joined the Ministry over a year ago as a Principal Structural Engineer. He is responsible for the government-owned heavy civil structures on the Island. He states, "It has been a challenging and exciting experience working for the Bermuda Government and I am fortunate to be part of such a motivated Bermudian team. I look forward to continuing to encourage the future generation of engineers on the island."

Mr. Speaker, Tarik Christopher, Chemical Engineer, began his career in 2001 as a trainee operations engineer for water and sewage. Having completed a year's secondment with the Infrastructure Planning Division of KMK Consulting in Brampton, Ontario, he returned to the department. A former Bermuda Government bursary student with an Associate Degree in Political Science from the Bermuda College, he graduated from Dalhousie University with a Bachelor of Engineering Degree in Chemical Engineering, and he currently serves as the Principal Engineer Water and Sewage.

Mr. Speaker, Tina Beer-Searle, a Bermudian who holds a Bachelor's Degree in Civil Engineering with a Minor in Structures, joined the Ministry in September 2009 as Assistant Highways Engineer, followed by a year's secondment with Associate Engineering in Edmonton, Alberta, Canada, to obtain her professional designation. She left the Ministry in October 2015 to join Public Works in Sedona, Arizona,

returned as Consultant Engineer in July 2016, and then was hired as Civil Engineer Highways in August 2018. She is currently the Acting Principal Highways Engineer.

Mr. Speaker, Carmen Trott will be known to you as the lead engineer on the recently completed Kings Wharf project. She has served as a trainee civil engineer, Assistant Civil Engineer in 2005 and then Civil Engineer (Structures) in 2010. In 2013, the Ministry sent Carmen on a one-year secondment to Mott MacDonald in London, UK, working in their maritime and bridge design teams. In 2015, she took a position in the private sector, where she is currently employed. The Ministry hired that firm under a structural services support contract in 2016, and she returned to the Ministry as a full-time in-house consultant in January 2018, working on the Artemis Building relocation, King's Wharf and the bridges projects.

Mr. Speaker, Bermudian Daniele Bortoli re-joined the Ministry last year after an almost three-year hiatus working for one of the leading design engineering firms in Manchester, BDP Ltd. There Daniele was employed as an electrical design engineer, working predominantly on new hospital projects and university campus developments. He holds a Bachelor's Degree in Engineering from the University of Leicester and a Master of Science Degree in Sustainable Electrical Building Services from Manchester University. He has extensive international experience, having worked with some of the best engineering consultancies in North America and Europe. With experience in the industrial, commercial, residential and health care sectors, Daniele brings a unique skill set and a deep practical know-how to this post, having started his career as an electrician.

Mr. Speaker, Bermudian Austin Kenny first worked for the Ministry as a trainee engineer in 2010/11. He left to gain experience overseas, working in Canada and Australia on maritime, oil and gas projects. He completed his undergraduate degree in Civil Engineering (Structures) in 2010 and Master of Engineering Structures Degree in 2013. He returned to Bermuda and the Ministry of Public Works in late 2018 as the Senior Structural Engineer.

Mr. Speaker, Carolina Drew has been with the Ministry since May 2008 as the Highways Design Engineer. During this time, she has been involved in several road designs and widening projects such as Pender Road, Sandy's, bridges, walls and roundabout designs, such as Blue Hole and Black Watch Pass roundabouts, and is now working on the new alignment of the St. David's roundabout in preparation for the new swing bridge.

Mr. Speaker, Bermudian Curtis Charles is registered [as an] engineer in Arizona and has a Civil Engineering Degree from North Arizona University. He was a trainee in 1979 and began employment in 1986. He is currently the Construction and Maintenance Engineer for the Highways Section.

Mr. Speaker, Bermudian Ricardo Graham-Ward has been a trainee structural engineer since 2015, having started with the department as a summer student in 2010. He holds both Bachelor's and Master's Degrees in Civil Engineering. He has completed a secondment in Toronto, Canada, and recently returned from a year-long attachment with the new bridge consultants, Ramboll, in the UK.

Mr. Speaker, Bermudian Zeeko Johnstone joined the Ministry in April last year. After achieving his Associate Degree, he transferred to Florida International University where he studied Mechanical Engineering. In 2017, he graduated Cum Laude [with distinction], with a Bachelor of Science Degree in Mechanical Engineering. During the last six months, Zeeko completed a secondment in Canada where he worked with H. H. Angus, designing and drafting heating and cooling systems for numerous commercial buildings. He also learned cutting-edge technology in 3D modelling of buildings and structures, which he has already trialled on Kings Wharf since returning home. Zeeko is currently working towards his professional engineering licence and registration with the Professional Engineers Ontario.

Mr. Speaker, Bermudian Jamar Dill started in the Ministry in May 2018. He has a Bachelor's Degree with Honours in Electrical Power Engineering and a Master's Degree in Maintenance Management with an emphasis on Reliability. He too has recently completed a six-month internship in Toronto, at Mulvey & Bani, where he worked on large, complex projects, gaining valuable international work experience. He is also currently working towards his professional engineering licence and registration with the Professional Engineers Ontario.

Mr. Speaker, Bermudian Tabia Butterfield has been working with the department since December 2016. She first came to the Ministry as a summer student working in the Highways and Structures Section. After a short placement during Christmas 2016, Tabia returned to Seneca College where she completed her Civil Engineering Technician Diploma in June 2017. That summer she designed and managed the building of a bus shelter and curb realignment on Palmetto Road. She was also awarded a Works and Engineering government bursary to pursue a four-year Master's of Engineering Degree at Cardiff University. She returned to the Ministry during the summer of 2018 and has been involved with the bridges and Kings Wharf projects.

Mr. Speaker, Jarreau Daniels graduated from Florida International University in May last year with a Bachelor of Science Degree in Electrical Engineering, Power Systems and Network Telecommunications. He joined the Ministry at the beginning of 2019 as an electrical engineering energy consultant. Jarreau is currently identifying ways to reduce government's energy consumption, beginning with primary and middle schools. He has already completed surveys at several

schools and identified significant cost-saving measures.

Mr. Speaker, let me now turn to the four summer students we have in the Engineering Section. The dean of those students, Mr. Speaker, is Lance Brown, who is returning for the third summer with us, an electrical engineering student currently attending Aston University. The programme involves him in various projects around the Island and includes many aspects of the electrical engineer's professional life.

Cody Simons, Mr. Speaker, returns for a second year, working alongside the electrical engineers, gaining valuable insight, knowledge and experience, not only as to what an engineer does, but how they approach a problem from different perspectives. Mr. Speaker, Cody is currently studying mechanical engineering at the University of New Brunswick.

Mr. Speaker, Alex Doyling first started the Public Works engineering programme in 2018, as a work placement student, as one of the requirements of his high school. That summer he began with the structural engineers. After his first year of university this year, he returns and re-joined the structural engineers. Currently, he is studying computer engineering at Kutztown University in the United States.

And finally, Mr. Speaker, Jaire Lawrence-Salaam is the newest and, at 17 years of age, the youngest summer student in the Structural Engineering Section. During his short time at the Ministry, he has been exposed to a number of new concepts and technologies, including working with the Chief Engineer to construct a tender document, on the online application Orbidding, for the upcoming PGA tournament. He has been exposed to AutoCAD in 3D and other assignments to help him become more proficient with this programme.

Mr. Speaker, Kirk Outerbridge currently serves in the dual role of Plant Manager at the Tynes Bay Waste-to-Energy Facility and Assistant Chief Engineer. Kirk is a former trainee and operations engineer who has managed the Tynes Bay Facility since 2007. He championed the Power Engineering Training Programme at Tynes Bay, introduced a solid waste contingency system for the Island and acted as owner's representative for the major plant refurbishment, including the installation of a new turbine generator. As Assistant Chief Engineer for the last three years, he has not only shadowed the Chief, but assumed responsibility for and overseen the Operations Section, assisted with the day-to-day running of the department and learned all aspects of the department in preparation to assume the Chief Engineer post next month.

Mr. Speaker, these are just a few of the outstanding young Bermudians doing amazing work in the Ministry of Public Works and the wider community.

Mr. Speaker, I am sure that you and colleagues will agree that this is an outstanding array of young professionals, the majority of whom are Ber-

mudian. Many of them have joined us in the Gallery today.

The Speaker: It has been noted.

Lt. Col. Hon. David A. Burch: So that they will know, we are all proud, we are all very proud of their accomplishments thus far, and to serve as encouragement to them that we will assist them in reaching their full potential.

[Desk thumping]

Lt. Col. Hon. David A. Burch: Mr. Speaker, there are many people who are responsible for the progress we have made in the [Engineering Department](#) over the last three years, but none more worthy of our thanks and appreciation than the current Chief Engineer, Mr. Yves Lortie. Since joining the Ministry just under three years ago, our Chief Engineer, better known to all as simply “Bob”—

Some Hon. Members: Bob! Bob! Bob!

[Desk thumping]

Lt. Col. Hon. David A. Burch: —has set the example for what a guest worker and expert in his field should be all about.

Mr. Speaker, for years, private firms, the Government, and in particular, the Ministry of Public Works have employed guest workers with the proviso that they prepare locals to [either] fill their posts upon departure or at the very least, set them on a career path that would eventually position them towards the more senior positions. In this regard, Bob has single-handedly filled nearly every cubicle in the Engineering Section with young Bermudian professionals in the fields of civil, structural, electrical, mechanical, power and highway engineering.

From his first day on the job, his primary mission was to identify a replacement for himself. Within months, he did so in the person of Kirk Outerbridge and promptly set about designing the steps needed to ensure he [Kirk] was ready to take the job before the end of his [Bob's] contract. And as you heard earlier, Kirk is ready and will assume the post.

I would pause here to invite my honourable colleagues to look into the Gallery at those young men and women. They are the testament to the impact that Bob has made while on this Island. Frankly, Mr. Speaker, I am amazed at where he finds the talent on this little Island, as from time to time I have walked through the Engineering Section, only to see a new face and learn that Bob has added yet another team member. Mr. Speaker, I am convinced that he has a built-in radar which allows him to track down persons who are engineers or who aspire to be. Not only is

Bob able to identify talent, but he nurtures this talent in ways I have never seen before.

He is also a very humble man and would much prefer to remain behind the scenes and let the young talent receive the accolades for the work they do. So, he will not be too happy with this part of my Statement.

Mr. Speaker, one such example is with the Kings Wharf project in Dockyard where Bob worked alongside three young engineers, Ms. Carmen Trott, Mr. Austin Kenny and Ms. Tabia Butterfield, who, you will recall from a previous Ministerial Statement, were the lead persons on that project that set the gold standard for projects in this Ministry. This team ensured that the Kings Wharf Dock was ready for the first cruise ship of the season.

Mr. Speaker, I recall leading up to the first cruise ship's arrival. The team was working around the clock. And here comes Bob on his motorcycle that was completely weighed down. When he stopped, the bike almost toppled over. To my surprise, Bob had converted the basket on his motorcycle into a cooler and brought everyone cold water and juices. And on the floorboard on this same bike, he provided a variety of snacks.

Mr. Speaker, not only does Bob look out for staff by willingly passing on his knowledge and expertise, but I have witnessed where he has offered some of his own funds to ensure that a student could remain in an engineering programme. I know he would not want me to mention this either, but I have to give credit where it is due. More recently, Bob worked with two top engineering firms in his home country of Canada to secure those secondments I mentioned earlier for our two engineers, Zeeko Johnstone and Jamar Dill, who worked for six months gaining valuable experience and credit towards their engineering designations.

Mr. Speaker, all of this is done with a unique sense of humour, often added to by the fact that English is not his first language. He views life from a pragmatic position. He is serious in his work, but has as much fun as possible along the way.

Notwithstanding all that, Mr. Speaker, all good things must come to an end. Sadly, Bob will be leaving us in a few weeks to return to his native Canada at the conclusion of his contract. However, although he will no longer be on Island, resident on Island, our relationship with him will not end. Mr. Speaker, such is the quality of this man that he remains committed to helping our team of engineers even after his departure. That, in my view, is a true testament to the quality of the man.

An Hon. Member: Make him stay.

[Laughter]

Lt. Col. Hon. David A. Burch: Mr. Speaker—(you talk to the wife).

Mr. Speaker, I know I speak for the Permanent Secretary of the Ministry of Public Works, Mr. Randy Rochester, and the entire team when I say we will be talking about Bob and his impact on Bermuda for decades to come. And I express my sincerest thanks to him for all the good work he has done while here and the many fun times we have had together.

Thank you, Mr. Speaker.

[Desk thumping]

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITORS

The Speaker: Thank you, Minister.

I am going to do something that is not customary and usual. Being you have named so many of the young people, and our Gallery is filled with them, I am going to ask them to stand so they can be fully acknowledged before they depart here. So, if they do not mind standing in this moment?

[Desk thumping]

The Speaker: Okay. And I did that so that you understand that this House is encouraging you in your endeavours. And we look forward to a long service in your endeavours to improve life here in Bermuda, from the engineering perspective. Congratulations to each of you as you continue.

[Desk thumping]

The Speaker: Before I move on and call on the next Minister to present his Statement, I would just like to acknowledge, inside our Chambers this morning we have a visiting delegation from the Ghana Ambassador. It is a Ghana Ambassador to the United Kingdom and Israel, and his accompanying team. It is Ambassador (I am going to do my best to get it right now) Papa Owusu-Ankomah. Thank you. And I think Dr. [Leonard] Teye-Botchway is with them as their guest.

We would like to welcome you to our Chambers this morning and trust that you have enjoyed what you have seen thus far. And in a moment, I will break and go in the back and just, appreciatively, have you come in and sign our guest book.

[Desk thumping]

[Ministerial Statements, continuing]

The Speaker: Minister Caines, would you like to do your Statement?

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

The Speaker: Go ahead.

BERMUDA POLICE SERVICE SUMMER UPDATE

Hon. Wayne Caines: Mr. Speaker, in anticipation of our annual Cup Match Holiday, I rise this morning to provide this Honourable House with an update on the Bermuda Police Service's policing performance and holiday safety and policing plans.

Mr. Speaker, whilst the [Bermuda Police Service](#) are finalising crime statistics across Bermuda for the last 12 months, its initial analysing suggests that the prevalence of crime and antisocial behaviour is being discouraged through the [new] community policing model now in place. Serious violence has been on the decline, with no homicides or serious injuries as a result of firearms during the 2019 calendar year.

Mr. Speaker, some of this success can be rightfully attributed to the National Security Ministry's Gang Violence Reduction Team and the Bermuda Police Service for preventing tension between gang members and diverting young men into rehabilitation, notably, the Redemption Farm Programme.

The Bermuda Police Service has recorded an uptick in crimes in relation to the theft of motorcycles. Owners are reprimanded and are adequately . . . Owners are reminded to adequately secure their cycles and their vehicles. The problem is being addressed through crime prevention and the targeting of key individuals.

Additionally, Mr. Speaker, the Bermuda Police Service's investment in the creation of a dedicated Vulnerable Persons and Child Exploitation Team is now identifying many aspects of this hidden harm. This has led to a rise in the reporting of crimes relating to vulnerable victims, particularly domestic violence, sexual offences and online child pornography. Victims who previously would have suffered in silence now feel protected from any further harm by the dedicated Bermuda Police Service team.

Mr. Speaker, Honourable Members will recall the Bermuda Police Service's extensive recruitment drive in early spring of this year. In total, 110 applications have been received. After initial assessments and candidate profiles, the selection pool has been reduced to 45 applicants. These applicants are currently being processed through medical and psychometric testing, with indications that a cohort of 15 officers will commence on the 6th of October as probationary constables.

Mr. Speaker, I would like to turn our attention to the Annual Cup Match Classic between the Somerset Cricket Club and the St. George's Cricket Club. This year's event will take place at Wellington Oval, St. George's, on Thursday, the 1st of August, and the 2nd of August 2019. The match will commence each day at 10:00 am and is scheduled to end at approximately 7:30 pm. The St. George's Cricket Club has engaged the services of private security firm SAS Pro-

tection Services to provide security services at the venue for the duration of the event.

Mr. Speaker, the Bermuda Police Service has appointed Gold Commander, Superintendent Na'imah Astwood, and Silver Commander, Inspector Kenten Trott, for the event. These commanders have conducted regular meetings with partner agencies and relevant service providers to coordinate safety and contingency plans. A comprehensive operational order has been written in addition to emergency planning procedures to ensure that there is sufficient capability to deal with any eventuality presented.

Mr. Speaker, the operational activity at the Cup Match grounds and in the surrounding area will be from 6:00 am until 10:00 pm each day. Prior to admission of the public, safety inspections and searches for prohibited or dangerous items will take place by trained officers and canine units. On the first day of Cup Match, at the St. George's Cricket Club, it will close the bars and grounds to the general public at 10:00 pm. There are no plans by St. George's Cricket Club to have any post-game entertainment. However, the Bermuda Police Service has resources in place to monitor and respond to incidents after the scheduled after-parties.

Mr. Speaker, the Commissioner of Police and Commanding Officer of the Royal Bermuda Regiment have actioned formal plans to unify the Bermuda Police Service and the Royal Bermuda Regiment marine assets to advance Bermuda's maritime capabilities. This will enable a larger presence on the water and tactical capability to respond to marine incidences including emergency rescue, crime and antisocial behaviour.

Mr. Speaker, the unification of the Bermuda Police Service and the Royal Bermuda Regiment resources is an excellent opportunity for the two agencies to develop their joint marine presence, as the Royal Bermuda Regiment continues to develop its Coast Guard element. The unification of the Bermuda Police Service and the Royal Bermuda Regiment will expand the already-established Parish Constable Programme. Marine parish constables will utilise jet-skis. They will be equipped with a blue light, a siren and loud hailer equipment to provide a daily visible presence on the water to engage with Bermuda's maritime community in support of crime prevention [and] service provision. Jet-ski capability will also provide greater access to the rescue capabilities within hard places to reach within our territorial waters.

Mr. Speaker, the public is advised to exercise extreme caution when travelling on Bermuda's roads during the long holiday weekend. Roadside sobriety checks have been now in place for 10 months. And roadside sobriety checks will continue throughout the summer. The community has largely supported the roadside sobriety checkpoints. The media and licensed premises are each doing their part to help change attitudes and behaviours [regarding] the risks

and dangers of drunk driving. There have been, Mr. Speaker, so far over the last 10 months, 366 offences for impaired driving recorded since the roadside sobriety checks have begun. However, there is indication that the levels of offending are decreasing, as evidenced by reduced number of road traffic casualties reported at the King Edward Memorial Hospital.

Mr. Speaker, Cup Match is an exciting time of year. It is a time in our Island where we come together to celebrate the abolition of slavery, to celebrate the victories, past and present, and to plan our future collective triumphs. Let us all continue to do what we can to ensure that our roads are safe and our waters are safe, and that there are no injuries or fatalities over this festive weekend period. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Would you like to proceed with your second Statement?

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

The Speaker: Continue on.

DISASTER RISK REDUCTION AND MITIGATION TEAM SUMMER UPDATE

Hon. Wayne Caines: Mr. Speaker, this morning I would like to update this Honourable House on the work performed by the [Disaster Risk Reduction and Mitigation Team](#) [DRRM] within the Ministry of National Security. Honourable Members will recall that the team was created to develop and strengthen Bermuda's disaster contingency plans, and codify the roles and responsibilities of the Emergency Measures Organisation.

Mr. Speaker, for short, the DRRM team continues its cruise ship contingency planning. During the 2018 cruise ship season, the DRRM team engaged the cruise ships . . . The DRRM team continues its contingency planning. And during the 2018 season, they engaged the cruise ships and stakeholder agencies for [one] table-top [and one] live exercise. The lessons learned from those exercises were used for the development of a comprehensive report that was shared with the relevant stakeholders. The exercises and the after-action report have assisted with the drafting of the contingency plans to respond to any major incident or mass rescue which could occur on a cruise ship that is visiting or passing through Bermuda. Not only is this critical for the safety and security of the cruise ship passengers and staff, but if an incident should occur, it is beneficial in safeguarding the reputation of our country.

Mr. Speaker, during the cruise ship season 2019, all cruise callers to Bermuda have been provided with a document identifying and highlighting the key evacuation and assembly points at the Dockyard area. The document has been welcomed by the cruise

ships, as there were no evacuation or assembly points identified prior to this season.

The document gives approximate walking distances and maximum capacities for each location. The forward teams on board each ship have been given a familiarisation walkabout tour of the key evacuation and assembly areas. In case of emergency, the cruise ship forward teams will be sent to the respective areas to greet and provide accountability for the ship's passengers and crew. The document also contains important contact details and other pertinent information. Honourable Members and the public are advised that there are two additional cruise ship emergency exercises planned for this season which will further enhance cruise ship contingency planning.

Mr. Speaker, the DRRM team continue to advance contingency planning with focus on developing an all-hazard emergency evacuation plan for the Ferry Reach area, including our two prisons in the area. Honourable Members will be aware that there is only one access road in and out of Ferry Reach. The purpose of the plan is to determine an alternative option and procedures for safe, controlled evacuation of the Ferry Reach community should an event occur that presents a severe risk to life, the health and safety of our community.

Mr. Speaker, the DRRM team have analysed census data, conducted site visits, consulted with key stakeholders, and sought technical advice from the Department of Marine and Ports to determine a way forward. A [working] group has been formed comprising the DRRM team, SOL Petroleum, RUBiS Energy and Ferry Reach neighbourhood representatives to collaboratively develop the evacuation plan. I am pleased to report that the drafting of the plan has commenced, with the first draft distributed to the working group on July 12, 2019. The goal is to have the plan completed by December 1, 2019.

Mr. Speaker, a DRRM team [member] has been working closely with Government House, government departments and private entities in updating contingency plans for our national infrastructure. The planning includes facilitating tours to familiarise the responders with the ground layout, industry terminologies, mapping updates and partnerships with our stakeholders. One such engagement will be with BELCO in September to coincide with their environmental week.

Mr. Speaker, the regional tsunami exercise held in March presented an opportunity for the DRRM team to be involved with finding viable ways to alert the public [of] pending national emergencies. These efforts are in conjunction with the Department of Communications (which launched the Tree Frog notification app earlier this year), the Bermuda Weather Service and Maritime Operations, other EMO [Emergency Measures Organisation] agencies, as well as the private sector. A DRRM team member sits on the steering committee for the new government radio initi-

ative, which will allow interagency operability. As technology advances, the DRRM team, and the Government as a whole, will continue to introduce modern means of communication to keeping the public updated of emergency situations.

Mr. Speaker, [late] in 2018, the Government was approached by the United States, who were interested in holding a counter-terrorism exercise in Bermuda. Whilst the likelihood of such an incident occurring in Bermuda is low, we should nevertheless have contingency plans in place. Planning has been underway, and the DRRM team, in conjunction with other agencies for the exercise, that is called Vital Archer, will be held in Bermuda in April of 2020 at the L. F. Wade International Airport. In preparations for the live exercise, a table-top exercise was attended by 19 departments and agencies and was held in June at Warwick Camp. It was successful in identifying Bermuda's multi-agency roles, responsibilities and limitations, including what is expected by the Americans.

Mr. Speaker, the existing Government Cybersecurity Manager has been transferred to the DRRM team and is responsible for developing a number of strategies, policies and guidelines for securing the management of the Government's information systems. Representatives from the Ministry of National Security participated in the Regional Conference on Policies and Strategies on Cybercrime for the Caribbean Community, which was held in the Dominican Republic from June 12 to June 14. The conference focused on international cooperation and establishing good practices to combat cybercrime at national and international levels. As part of the national cybersecurity strategy, the Cybersecurity Governance Board is reviewing Bermuda's cybercrime legislation to ensure that it is aligned with international standards.

Mr. Speaker, forming part of the DRRM team is the national events planning coordinator. This team member is engaged with the organisers of large public events in Bermuda to ensure that they are safely organised in a professional manner and they are also professional in their approach. Active planning is underway for the safety and security of upcoming events including our Annual Cup Match Classic, the PGA golf event, and the CARIFTA Games in 2020. The national events coordinator works alongside the Liquor Licensing Authority and the Bermuda Police Service, as well as other stakeholders. He works to ensure that these public events are properly organised to decrease the risk of a major incident occurring that could lead to injuries or jeopardise Bermuda's reputation.

Mr. Speaker, each year Bermuda diligently prepares for hurricane season. This year a DRRM team member visited the British Virgin Islands in late March for a workshop on the lessons learned from Hurricanes Irma and Maria. This workshop was sponsored by the British Red Cross, and members from the Bermuda Red Cross were in attendance. Following the workshop, the DRRM team advanced talks

between the Bermuda Red Cross and other government departments who are involved with Bermuda's most vulnerable population to ensure this segment of our population will be adequately prepared and protected in the time of an emergency situation.

Mr. Speaker, our Hurricane Preparedness week is the first week in June, with the EMO having its first hurricane meeting on June 5th. The next hurricane predictions will be released in early August. Statistically, Bermuda has experienced the most destructive hurricanes in September and October, so it is important that we remain vigilant and that we remain prepared.

Mr. Speaker, the Emergency Broadcast Facility, which broadcasts on 100.1 FM, goes live before, during and after a hurricane until normal media communications resume. This radio station has been tested, and it is indeed working. This facility is being upgraded in the next 12 months to transition from an analogue signal to a digital signal.

Mr. Speaker, the work of the DRRM team is important in ensuring that Bermuda is prepared for any large-scale natural emergency or a man-made disaster. I am confident that through their contingency planning, our Island home will be well equipped to confront any emergency situation that arises.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Minister, I am going to add a little clarity here. These seems to be a little confusion. The title of the Statement that was just read should have been changed on the Order Paper. On the Order Paper, it reads as addressing the Cup Match policy. And I understand that that Statement was combined into the earlier Statement. For clarity—that is my question to you: It was combined into the earlier Statement?

Hon. Wayne Caines: Yes, Mr. Speaker.

The Speaker: Okay. So, we were not made aware of that on the Order Paper. So, what is on the Order Paper does not match the title of what you just read. So, we just wanted clarity for Members who want to ask questions to you that we will be correct in assuming that questions related to . . . The second Statement is actually combined in the first Statement on the Order Paper; and the Statement that you just read is a separate one in relationship to either of those two.

Hon. Wayne Caines: I offer my humble apologies. It was indeed an administrative error, Mr. Speaker. And I thought that it had been rectified. Again, I offer my humble apologies to you, Mr. Speaker, and to the administrative staff. You are correct, sir. The Statement was the Bermuda Police . . . The first Statement was the Bermuda Police Service Summer Update. And the second Statement, Mr. Speaker, was indeed an update on the Disaster Risk [Reduction and] Mitigation

Team Summer Update. And again, I ask for your forgiveness and your indulgence, Mr. Speaker.

The Speaker: Thank you. I had an option of sitting you down and stopping you from doing it. But I figured I would allow you to do it, and we would clarify it this way.

Hon. Wayne Caines: I am humbled, and I am grateful, Mr. Speaker.

The Speaker: So, Members are clear? Thank you.

That brings us to a close of the Statements for this morning.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: The first questions this morning are actually written questions that were deferred from the last sitting. And the first question we are going to take as a written question this morning is the written question from the Deputy Speaker, the Deputy Speaker to Minister Caines.

Deputy, would you like to put your question?

QUESTION 1: LAHEY CLINIC LAWSUIT—COSTS

[Deferred 19 July 2019]

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

Mr. Speaker, 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?

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, the funds for total man-hours and cost to Bermuda and overseas for the police investigations is \$4,688,184.10.

The total for airline transportation, airline and ground transportation, Mr. Speaker, is \$64,345.70. Mr. Speaker, the total cost for overseas, for accommodation in Bermuda and overseas is \$80,900. Mr. Speaker, thank you.

The Speaker: Thank you.
Supplementary?

Hon. Derrick V. Burgess, Sr.: Well, I just want clarity. I asked, what was the . . . I do not think the Minister understood. I asked for the total cost of legal fees in Bermuda and overseas, and the names of the local and overseas law firms involved in this ongoing inves-

tigation. I would like to have the names of the law firms.

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, with reference to the police investigation, the amount of money that was spent was \$862,220.74.

The Speaker: But still, just to help out, I believe the question had two parts. One was cost and one was the names. And I think the Deputy is still trying to get clarity on the names of the firms.

Hon. Wayne Caines: Mr. Speaker, the name of the law firm in the investigation is Marshall Diel & Myers, sir.

The Speaker: That is local?

Hon. Wayne Caines: That is the local firm, Mr. Speaker.

The Speaker: And is there an overseas firm?

Hon. Wayne Caines: Mr. Speaker, there is an investigation with reference . . . there is an investigation with reference to . . . another part of the investigation with reference to the figures from the Attorney General, and the cost of \$1,102,784.49. And the law firm is the Cooley law firm in Boston, sir.

There are fees for legal advice, and it was a legal counsel to the Attorney General. And the legal consultant was named—

The Speaker: That is question 2.

Hon. Wayne Caines: Oh, sorry.

The Speaker: That is question 2.

Deputy, are you good? Or you want to ask a supplementary?

Hon. Derrick V. Burgess, Sr.: Yes. I would like to ask a supplementary.

The Speaker: Oh. Go ahead.

SUPPLEMENTARY

Hon. Derrick V. Burgess, Sr.: Minister, could the Attorney General's Chambers have done that work instead of hiring and paying over \$800,000 to an outside firm?

Hon. Wayne Caines: I cannot speak to that, Mr. Speaker.

The Speaker: Okay.

Supplementary? I saw a couple of Members jump . . . You had a supplementary? No? Supplementary?

Opposition Leader, we will take you first.

SUPPLEMENTARY

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

Question: It states here, "Would the Honourable Minister please inform this Honourable House what is the total cost of legal fees . . .?" Why was this question not addressed to the Attorney General's Chambers as opposed to the Honourable Minister Caines?

Hon. Wayne Caines: I cannot speak to why the question came to me. I answered the question as required under the Standing Orders, Mr. Speaker.

The Speaker: Thank you.

Mr. N. H. Cole Simons: Supplementary, Mr. Speaker.

The Speaker: Yes. Supplementary?

SUPPLEMENTARY

Mr. N. H. Cole Simons: Yes. The question speaks to the "ongoing investigation." Can the Minister provide clarity as to what investigation we are talking about here?

The Speaker: Minister.

Hon. Wayne Caines: There is an ongoing police investigation. And I think that is the high water mark. There is an ongoing police investigation with reference to a former Leader of this country, and the surrounding persons. I think that everyone understands the nature of this investigation and [this is] why I am being very measured with my answer, Mr. Speaker.

The Speaker: Thank you.

Another supplementary?

Hon. Michael H. Dunkley: Supplementary to the Honourable Minister.

The Speaker: Yes.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: How long has this investigation been going on?

Hon. Wayne Caines: The investigation into this has . . . Mr. Speaker, let us be clear. We are talking about the investigation into Dr. Ewart Brown. This investiga-

tion has been going on for seven years. The numbers that we have seen are the culmination of the seven-year investigation.

We have broken down this number, we have broken down this investigation (so we are clear for all future questions) into two parts. The first part was dealing with the investigation into Dr. Brown. There was an element of this that was dealing with the investigation into the Lahey portion. As we note, it had two phases. The first numbers that I gave to this Honourable House were with reference to Dr. Brown's investigation. The second part of the investigation is to the investigation of Lahey.

The Speaker: Which was actually part of question 2.

Hon. Wayne Caines: Yes, sir.

The Speaker: Supplementary?

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

What is the yearly budget for investigations within the Bermuda Police Service?

Hon. Wayne Caines: Mr. Speaker, I do not have the yearly budget. But if you look at this and break this down mathematically, for this investigation we are talking about, over the years, mathematically, this is approximately \$493,000 a year for this investigation. As we know, there are a number of investigations going on in Bermuda. The total cost, if you look, we have just amassed over \$5 million for this particular investigation.

The Speaker: Thank you.

Deputy, or MP Scott, would you like to put a supplementary?

SUPPLEMENTARY

Hon. Michael J. Scott: Supplementary question, Mr. Speaker.

Mr. Speaker, does the Minister of National Security agree with me that the sum of \$80,000, just as one example, could well have been used to fund—

The Speaker: Eighty-thousand or eight-hundred thousand?

Hon. Michael J. Scott: Eight-hundred thousand.

The Speaker: Yes.

Hon. Michael J. Scott: That is the correct figure. I appreciate that, Mr. Speaker.

Could well have been used to fund . . .

[Singing and drumming in the background]

An Hon. Member: It is for Cup Match, Mr. Speaker.

The Speaker: Oh.

The Clerk: Ah!

The Speaker: It's not on our grounds, then. It's not on our grounds. Okay.

Continue on, Member.

[Inaudible interjections and laughter]

Hon. Michael J. Scott: Will the Minister . . . I am asking, does the Minister of National Security agree with me that the sum so far expended of some \$800,000 could well have been used to assist a colleague Minister, the Minister of Public Works, in the annual campaign to help refurbish all of our public schools? Does he agree with me that this could have been a more beneficial use of that kind of money?

The Speaker: Minister, would you like to respond?

Hon. Wayne Caines: Yes.

[Laughter]

The Speaker: Deputy, would you like to move on to your second question?

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

The Speaker: Yes.

QUESTION 2: LAHEY CLINIC LAWSUIT—COSTS

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, would the Honourable Minister please inform this Honourable House what is the total cost of fees for a former consultant of the former Attorney General and the cost of legal fees and other costs associated with the Lahey Clinic lawsuit pertaining to this ongoing investigation of Dr. Brown?

The Speaker: Thank you.
Minister.

Hon. Wayne Caines: Mr. Speaker and the Honourable House, the total legal fees for Cooley law firm in Boston for the Lahey investigations are \$1,102,784.49. Mr. Speaker, the total fees paid to Mr. Richard Ambrosio, legal consultant to the Attorney General, Trevor Moniz, are \$301,836.50, just over \$300,000, Mr. Speaker.

The Speaker: Thank you.
Deputy, supplementary?

SUPPLEMENTARIES

Hon. Derrick V. Burgess, Sr.: Yes. Was Mr. Ambrosio hired just to work on this case?

Hon. Wayne Caines: Mr. Speaker, I cannot speak to why he was hired. I know that he was a consultant working in the Attorney General's Chambers, hired by the former Attorney General, Mr. Trevor Moniz.

The Speaker: Thank you.
Further supplementary?

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

The Speaker: Yes.

Hon. Derrick V. Burgess, Sr.: Honourable Minister, were any other staff members in the Attorney General's Chambers employed to work on this case?

The Speaker: Minister.

Hon. Wayne Caines: No, Mr. Speaker.

The Speaker: Supplementary? Yes?

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Will the Minister acknowledge that perhaps the consultant worked on other cases, not this one, so that \$301,000 is not totally associated with this particular case?

The Speaker: Minister.

Hon. Wayne Caines: A consultant hired specifically by a Minister should not be working on any cases, much less on these types of cases.

[Inaudible interjections]

[Desk thumping]

The Speaker: Supplementary? Supplementary?

SUPPLEMENTARY

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

Can the Minister inform this Honourable House how much money has been spent on cold murder cases, over 20 cold murder cases that are ongoing?

The Speaker: I do not think that was part of this. I do not think that specifically was part of the question. If you want to go into that, it may be opening up a new can of worms. You can ask him in general how much money has been spent on other cases. But rather

than go into something specific, it was not part of the question. So, if you want to rephrase it, you can rephrase it. Okay?

Any more supplementaries?

SUPPLEMENTARY

Ms. Susan E. Jackson: I would like to know how long Mr. Ambrosio was hired as a consultant.

[Inaudible interjections and laughter]

The Speaker: Minister. She is just asking the length of time that he was there.

Hon. Wayne Caines: I am not sure of the length of time. I was asked to give the cost with reference . . . We definitely know it ended on July 17, 2017, Mr. Speaker.

The Speaker: Thank you.
Supplementary?

Hon. Michael J. Scott: Supplementary, Mr. Speaker, if I may.

The Speaker: We will take your supplementary.

SUPPLEMENTARIES

Hon. Michael J. Scott: Mr. Speaker, may I ask for the Minister to advise this House, what is the total amount of funding directed to this investigation of which he is now giving answers this morning?

Hon. Wayne Caines: Mr. Speaker, the total fees are \$6,096,437.03.

The Speaker: Thank you.
Second supplementary?

Hon. Michael J. Scott: Second supplementary.

Does the Minister of National Security agree with me that this level of money should now cease and no further funding should be applied to this matter?

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, I do believe this matter is . . . we believe, and the Constitution is clear, [Chapter I] section 6(1) of the Constitution, that any member of this society has the opportunity for a quick and speedy trial. This matter, Mr. Speaker . . . as the Minister of National Security for this country, we have the opportunity to see the cost to the taxpayer. It is now an opportunity for us to put this case to the bar or allow this matter to take a natural course and go in another direction. But it is time, after \$6 million, for

whoever is in charge of that part of the investigation to bring it to a head, Mr. Speaker.

An Hon. Member: Exactly.

The Speaker: Thank you.

No further supplementaries?

Okay. We will move on to the next question, which is also a written question. And it is, Minister, to you again from the Member, MP Dunkley.

MP, would you like to put your question?

And, Deputy, would you like to assume the Chair? Thank you.

[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]

The Deputy Speaker: Before you start, Mr. Dunkley, take your seat.

Normally, this time of the year, some colours are inappropriate for these Chambers.

[Uproarious laughter]

The Deputy Speaker: And what I would ask those who are in inappropriate colours, after lunch, please change their attire.

[Laughter]

The Deputy Speaker: Mr. Dunkley.

An Hon. Member: Point of order.

Hon. Michael H. Dunkley: Point of order, Mr. Deputy Speaker. What will be the sanction if we do not?

The Deputy Speaker: You do not want to hear that.

[Laughter]

Hon. Michael H. Dunkley: I will still be back with this beautiful Somerset tie on.

[Laughter]

QUESTION 1: REDEMPTION FARM PROGRAMME

[Deferred 19 July 2019]

Hon. Michael H. Dunkley: Mr. Deputy Speaker, the question to the Honourable Minister, which we carried over for two weeks: Will the Honourable Minister please advise this Honourable House if he can provide an update on the agreed budget for the Redemption Farm as highlighted in the Minister's Ministerial Statement to the House on November 23, 2018?

The Deputy Speaker: Minister.

Hon. Wayne Caines: I would like to take this opportunity . . . the young men who are working with Redemption Farm are actually in the Gallery today, Mr. Deputy Speaker, to your right. They have just finished their first week of the programme. I have had the ability and the opportunity to be at the Farm. They have planted a number of crops in the ground over the last week. They have had the opportunity to meet with a number of agencies, have the opportunity to speak with a number of people in our community. They are working a daily plan.

A portion of the programme will be spent in the field. Another portion of the programme will be spent in the classroom, meeting with community leaders, helping them with marketing, helping them with development. We believe that this is an excellent start to the programme. I shared last week a comprehensive update in the House with reference to Redemption Farm.

I know that the Member from constituency 10 visited the Farm on more than one occasion. He actually took refreshments to the young men at the Farm. I was informed he was up there again this week. So, clearly, he has a close affinity to the project. I want to thank him for his support of the young men in the Gallery, Mr. Deputy Speaker.

The budget is just a little over . . . the budget for the entire programme is just over \$600,000, Mr. Deputy Speaker.

The Deputy Speaker: Thank you.

Any further questions? Any supplementary, Mr. Dunkley?

SUPPLEMENTARIES

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

Obviously, this side of the House will support anything that is worthwhile. And certainly, this programme has the fundamentals to be like that. And that is our interest in it.

The supplementary question, Mr. Deputy Speaker: How much has been spent to date? And what budget head is it being used from?

The Deputy Speaker: Minister.

Hon. Wayne Caines: Mr. Deputy Speaker, I will have to get the budget head. We started last week . . . so understanding the Farm, Mr. Deputy Speaker, when we go to the Farm we have had a number of people who have been gifting their services. For instance, if you have someone to come in and they are talking about marketing, they are actually not charging us for marketing.

The programme is going to go into a phase that we are going to be selling the vegetables, the fruit. And that is going to be a part of putting money

into the programme. The gentlemen are in their educational phase, they will get a salary from the programme. Right now, we are limited with the spend that we have. We are in the early stages of the programme where we have not had a considerable outlay. Today, this week, the water was turned on by Works and Engineering. A lot of the seeds for the programme were donated by brother and sister ministries.

So, whilst we have not, we cannot declare the money that we have spent to date, it actually had been minimal. Based on the outlay at this stage, it has been exceedingly low because we are using brother and sister ministries and donations from the general public.

The Deputy Speaker: Mr. Dunkley, do you have another supplementary?

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

Assuming this is a one-year budget—

The Deputy Speaker: What are you doing, another supplementary?

Hon. Michael H. Dunkley: Supplementary.

The Deputy Speaker: Okay.

Hon. Michael H. Dunkley: Yes.

Assuming this is a one-year budget, is it Government's vision to continue this programme longer for the current year?

Hon. Wayne Caines: Mr. Deputy Speaker, I am so grateful for the questions. We have seen already the week . . . if you see the men . . . I had the opportunity to spend some time with them prior to coming to the House this morning. These are some of the brightest young men that our country has to offer. We were sharing this morning. I believe that when . . . this programme is in its genesis. This is a trial phase. And one of the young men who was in the programme, he shared with them how a magistrate actually changed and saved his life.

We are working on some beautiful things, getting the young men integrated, letting them maximise the opportunity. Of course, not only do we want to see the eight young men we have in this programme, men already reaching out to Pastor Bean to see, how can we extend it right now? And so, what we are trying to do is measure, make sure that we have the proper people in place.

Mr. Deputy Speaker, the purpose of Redemption Farm . . . can I tell you a secret? It is actually not about vegetables. It is not about vegetables. It is about changing lives. It is about letting these young men be in this building today to look across both sides of the floor and see Bermudians who are passionate

about their country, Bermudians who are passionate about service.

Yes, this has budgetary constraints. And we will stay within the budget. This is not something that we believe it is for one year or two years. We would like to see Redemption Farm become a farm on its own and to be able to stand on its own two feet. Clinicians have reached out to me; how can they support it? I have had members in our community, *How can I volunteer to be a part?* Talking to one of the gentlemen this morning, he was questioning, how legitimate is the enterprise? Are we just doing it for press? Are we just doing it for highlights? Well, we will show them through spending time, by working with them, that this is a plan and a programme to change not only their lives, but all the members of our community.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Yes. I see you have got two of my pastors here. That is Pastor Thomas Smith and Pastor Bean.

Hon. Wayne Caines: Yes, Mr. Deputy Speaker, we have Reverend Thomas Smith and Reverend Bean. They are two of the leaders of the programme. Mr. Smith is actually a teacher. And over summer [when he is able to work], he brings a level of understanding.

Mr. Darren Woods is another man who is working for our programme. He currently has two of our young men in Malawi, in Africa. And so, you could see, Mr. Deputy Speaker, we spend a lot of time in this House criticising what this Government is doing. We thump our feet, and sometimes the questions that are supposed to be *gotcha questions* allow us to highlight the strengths. And the young men are in this room this morning to show and bear witness, to bear evidence that this programme is in the process of changing lives.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Let me say that—

[Desk thumping]

The Deputy Speaker: —Reverend Thomas Smith is the grandson of Bishop Chauncey Smith, one of my relatives.

Hon. Wayne Caines: Yes, sir.

The Deputy Speaker: Honourable Dunkley, you have a second question?

QUESTION 2: REDEMPTION FARM PROGRAMME

Hon. Michael H. Dunkley: Second question, Mr. Deputy Speaker.

Mr. Deputy Speaker, will the Honourable Minister please provide to this Honourable House the de-

tails on the number of candidates who have been accepted into the Redemption Farm programme?

Hon. Wayne Caines: Mr. Deputy Speaker, right now there are eight young men in the programme, who all sit before you.

The Deputy Speaker: Thank you.
Supplementary, Mr. Dunkley?

SUPPLEMENTARIES

Hon. Michael H. Dunkley: Yes, Mr. Deputy Speaker. How long does the programme run for?

Hon. Wayne Caines: Twelve weeks, Mr. Deputy Speaker.

The Deputy Speaker: Second supplementary?

Hon. Michael H. Dunkley: How many tranches of the programme will there be in number? How many 12-week tranches?

Hon. Wayne Caines: So, Mr. Deputy Speaker, that is actually a very good [question]. This is an organic programme. So, what we are doing is we are allowing about . . . yesterday two people who wanted to join this cohort. Well, we believe that there are enough young men and young women in our country who need opportunities. We are doing 10-week programmes, 12-week programmes. And as the need arises, we believe that people will be recommended from different government agencies, from family members, from community members, who say, *You know what? I want the young men in my community to be given opportunities.* These young men, Mr. Deputy Speaker (and I stand to be corrected), they will pick up a pay cheque. Not only are they learning today and not only are they learning how to farm, but today for all the work sinking in, they will pick up a pay cheque today. That is a part of the \$600,000

It allows them to work. It allows them to receive payment. It allows them to put together learning marketing, learning farming, learning husbandry, learning about mental health challenges, learning to talk to people, learning to talk to key members in our society. We believe that this is money well spent.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Your third question, Mr. Dunkley?

Hon. Michael H. Dunkley: I must have missed the answer in that explanation. So, how many 12-week tranches will there be, Mr. Deputy Speaker?

Hon. Wayne Caines: I knew you would not understand it, Mr. Deputy Speaker, because this is about changing lives!

Hon. Michael H. Dunkley: No, no. Answer the question.

Hon. Wayne Caines: I knew you would not get it, because this is his *I gotcha* moment!

An Hon. Member: Yes. Yes.

[Inaudible interjections]

Hon. Wayne Caines: He was expecting to catch some . . . he did not expect to see eight young men with their lives being changed. That is what he did not expect.

[Desk thumping]

Hon. Wayne Caines: But I am going to answer his question. He was expecting his typical tomfoolery in this House, Mr. Deputy Speaker.

Some Hon. Members: Yes!

Hon. Wayne Caines: He was not expecting—

[Inaudible interjections]

Hon. Michael H. Dunkley: Point of order, Mr. Deputy Speaker. Point of order, Mr. Deputy Speaker.

[Desk thumping]

The Deputy Speaker: What is your point of order?

POINT OF ORDER

[Imputing improper motives]

Hon. Michael H. Dunkley: It is imputing improper motives. This is Question Period. This is where we ask the questions and they get answered, Mr. Deputy Speaker. Play it straight-up. This is not *gotcha*.

The Deputy Speaker: Continue.

Hon. Wayne Caines: Mr. Deputy Speaker, I just explained. This is a live, breathing organism. We have a cohort of eight men. We believe there is sufficient need in this country for us to continue to expand on the changing of lives of young men. We have two young men who have given an indication . . . We believe that as the programme . . . We are in the first week, Mr. Deputy Speaker. We believe that as the programme grows we will have enough people in our country that we can evolve through this programme.

And next year we will be asking for a budget to make it a longer programme.

This is a pilot, Mr. Deputy Speaker.

The Deputy Speaker: Mr. Dunkley, your third question.

Hon. Jeanne J. Atherden: Supplementary, Mr. Deputy Speaker.

The Deputy Speaker: Oh, I am sorry. Ms. Atherden.

SUPPLEMENTARIES

Hon. Jeanne J. Atherden: Sorry. Because the Minister indicated that there were some 12-week tranches, why is it not possible to have the response as to how many 12-week tranches are being anticipated?

[Inaudible interjection]

Hon. Jeanne J. Atherden: And you do not need to say, *Oh, God!* That is a legitimate question.

The Deputy Speaker: Okay. Take your seat.

Hon. Wayne Caines: I do not . . . I actually do not know how to break this down into any other . . . Mr. Deputy Speaker, this programme is in its genesis. People get referred to the programme. We now have eight young men who are in the programme. We believe as the programme goes to the public, as people start seeing the need, they will recommend more people to the programme.

Right now, the programme is in its genesis. We have prepared this for a year, and we are—

The Deputy Speaker: Hang on one second. I think what they are probably asking is, Will these young men be in the programme 20 weeks or 24 weeks?

Hon. Wayne Caines: Mr. Deputy Speaker—

The Deputy Speaker: Or could they be?

Hon. Wayne Caines: Mr. Deputy Speaker, we are evolving . . . It is a 12-week programme. At the end of the programme, the leaders of the programme will do analysis. They will look at the trajectory of their lives. If they need some further treatment, they might be referred. We have companies that are willing to look at—

The Deputy Speaker: So, it can be extended?

Hon. Wayne Caines: Yes, sir.

The Deputy Speaker: Thank you.

Hon. Wayne Caines: But my point is we are still in the genesis, development. It is a pilot programme, Mr. Deputy Speaker.

The Deputy Speaker: Right.

Your third . . . Ms. Atherden.

Hon. Jeanne J. Atherden: Supplementary.

I understand that the Minister is trying to give help to these individuals. Once they have—

The Deputy Speaker: What is the question?

Hon. Jeanne J. Atherden: What type of help will be given to these cohorts to have them find employment?

Hon. Wayne Caines: Mr. Deputy Speaker, last week in the Ministerial Statement (I do not know if the Member was here), I took great pains then to show . . . to set out precept upon precept, the purpose of the plan, how we will develop them and what the long-term goals are.

Mr. Deputy Speaker, I will take time to do it. This is a holistic plan to take young men, to give them the opportunity to develop themselves mentally, physically and spiritually.

An Hon. Member: Exactly.

Hon. Wayne Caines: It gives them the opportunity to learn a trade, a skill, learn different aspects. At the end of it, we will look at it to see if there are other opportunities for them. If there are, they might be able to continue. There are also opportunities for other young people in our community to join that cohort, Mr. Deputy Speaker.

The Deputy Speaker: Mr. Dunkley, your third question.

QUESTION 3: REDEMPTION FARM PROGRAMME

Hon. Michael H. Dunkley: Will the Honourable Minister please provide to this Honourable House with an update on the state of the Redemption Farm and whether it is fit for purpose; that is, if the fields have been cleared and seedlings planted?

Mr. Deputy Speaker, this question was asked three weeks ago, and there was no action up there. So, there has been some movement since that time.

Hon. Wayne Caines: So, Mr. Deputy Speaker, again, and this is why I talked . . . this is why, Mr. Deputy Speaker . . . and this is why you have to highlight the mischievous nature of the question [asked]. He said . . . hold it, Mr. Deputy Speaker—he said that there was no movement at the Farm. How would he know that? Is he a farmer? Did he see the seeds planted? Did he see the fields ploughed? That is how you know

it is mischievous. *There seemed to be no work at the Farm.* How would he know that?

An Hon. Member: Yes!

Hon. Michael H. Dunkley: The fields were overgrown.

Hon. Wayne Caines: How would he know which fields we were using?

Hon. Michael H. Dunkley: Come on.

Hon. Wayne Caines: Why is he visiting the Farm three times a week?

Why is he visiting the Farm three times a week? Today he has to look at the young men in this room, and to do his nonsense right in front of them. Mr. Deputy Speaker, *he has to justify* his foolishness!

An Hon. Member: Exactly!

[Inaudible interjections]

Hon. Wayne Caines: Mr. Deputy Speaker, the ground has been—

The Deputy Speaker: One second.

Now, Mr. Dunkley, you do not talk to me like that. Let us get that straight.
Continue.

Hon. Wayne Caines: Mr. Deputy Speaker, the ground has been planted. The seedlings are ready. The young men are tilling the ground every week. They have the opportunity to talk to agriculture experts. We believe that for an ongoing while we have been tilling the ground, getting it ready, putting in the nutrients, making sure that everything is working. We are still working on the water. That should have been turned on in the last couple of days. The Farm is ready and fit for purpose, Mr. Deputy Speaker.

The Deputy Speaker: Mr. Dunkley, do you have a supplementary?

Hon. Michael H. Dunkley: No more.

The Deputy Speaker: That is the end of Question Period. The other questions are written responses.

QUESTION: LIST OF MPs PAID FOR ANY SERVICES OTHER THAN ON A GOVERNMENT COMMITTEE, BOARD OR QUANGO

Hon. L. Craig Cannonier: *Notwithstanding, the responses provided to questions by the Honourable Premier on July 12, 2019; will the Honourable Premier please advise this Hon-*

ourable House if any Members of Parliament have been paid from the public purse for any services, other than Government Committees, Government Boards or Quangos?

Hon. L. Craig Cannonier: *Will the Honourable Premier please identify for this Honourable House the Members of Parliament and the amounts paid or the outstanding amounts due to them?*

The Deputy Speaker: Next is Congratulatory and/or Obituary Speeches.

Hon. L. Craig Cannonier: Mr. Deputy Speaker. Mr. Deputy Speaker.

The Deputy Speaker: The Chair recognises the Leader of the Opposition, Mr. Cannonier.

Hon. L. Craig Cannonier: Yes. I have not received those answers.

[Inaudible interjections]

The Speaker: The Statements, the Statements, Statements. I will do the Statements. I will do them. I will do them.

The Clerk: Just a minute. Hold on. Mr. Cannonier—

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

The Speaker: Yes. No problem, no problem. No problem.

Members, that brought us to an end of the written questions. But we still have time left for questions on Statements that were presented this morning. So, the Deputy was all right. He was all right. He was just closing you out on the written questions; that is all.

Hon. L. Craig Cannonier: Yes—

The Speaker: But for the Statements this morning, the first question would be to the—

The Clerk: Mr. Speaker.

The Speaker: —Premier.

The Clerk: Mr. Speaker, I think Mr. Cannonier had a point.

Hon. L. Craig Cannonier: Yes. I have a question.

The Speaker: A question on the written . . .

The Clerk: Yes.

Hon. L. Craig Cannonier: Yes.

The Speaker: Oh. You had a supplementary?

Hon. L. Craig Cannonier: No, no, no, no, no. I have not received the answers, Mr. Speaker.

The Speaker: Oh. Okay. Question . . . Let me just clarify for those listening.

We had a written question also in the name of the Opposition Leader to the Premier. And it did not require an oral response. But it did require a written response.

And, Premier, are those answers available?

Hon. E. David Burt: Mr. Speaker, those answers are not available. I do believe there was communication between my office, via the Cabinet Secretary, and the Speaker's Office for clarity on the questions, and a point of order that was raised. And we are awaiting that response prior to answering the question.

The Speaker: Okay. Let me put it this way. We will look into that as quickly as possible. And we will have the answers, the response sorted out and the answer forwarded and that clarity. We will have a discussion on this at break, just to get clarity on that.

Mr. Opposition Leader, are you comfortable with that? Okay. All right.

Now, we will take us on to the questions this morning in reference to Statements that were [read]. And, Premier, you have Members who wish to ask questions in regard to your Statement on the PATI management. The first is from the Opposition Leader.

Honourable Member, would you like to put your question?

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

The Speaker: Go right ahead.

QUESTION 1: BETTER MANAGEMENT OF PATI

Hon. L. Craig Cannonier: The Premier mentioned that there was a frequency of PATI requests. And I guess what I was trying to understand is . . . is the issue the frequency of the number of PATI requests? Or was it the magnitude of getting to the results and the answers to these? Because the example that he gives is with the Health Ministry. It is one example, but it is an example of a mammoth amount of information. Is that the norm? Or is it just a combination? I do not know.

The Speaker: Thank you.
Premier.

Hon. E. David Burt: Mr. Speaker, as the Honourable [Opposition Leader] would know, Members of the Cabinet are not intimately involved in the responses to PATI requests. So, from that, I am not going to necessarily try to commit myself to a particular answer.

What I can say in the broad aspect, whether it is examples in the Ministry of Health, whether it is the fact of examples in other ministries, where there is work of government and budgets of government, there have been departments that have hired temporary, additional staff just to deal with PATI requests and the sheer volume and/or breadth of them.

What we are looking to do is examine how we can better deal with these administratively so that the work of government can continue, and to ensure that the legitimate work in fulfilling the Government's agenda, which is to deliver for the people of Bermuda, is not sidetracked by the volume and breadth of some of the questions which are asked.

The Speaker: Thank you.

Supplementary or new question?

Hon. L. Craig Cannonier: Supplemental, yes.

The Speaker: Yes.

SUPPLEMENTARY

Hon. L. Craig Cannonier: At the end of his Statement, it says, "341"—this is PATI request 341, I guess since 2014. It works out to be about 75 requests per year. And considering that the Premier also mentioned that some of these objectives of "weaponising" were to a political end, can he tell us whether or not he believes that there has been an increase of PATI requests since becoming Government, with an average of about 75, if we take that number into consideration?

The Speaker: Thank you.
Premier.

Hon. E. David Burt: Mr. Speaker, I think the answer, which the Honourable Member knows, is in the public domain. It would have been in the report of the Information Commissioner.

The Speaker: Supplementary or . . . Okay.

Premier, you also have an additional Member who would like to put a question to you. And that is the Member from constituency 19.

Honourable Member, would you like to put your question?

QUESTION 1: BETTER MANAGEMENT OF PATI

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

Mr. Speaker, through you to the Premier: On page 2, you make reference to the amount of information that was required to be furnished with respect to this PATI request number 341. Can you indicate whether day care centres are subject to review and licensing now?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I do not want to speak on a matter that is not underneath my remit. Standing Orders would allow me to defer to the Minister of Health. But as you know, the Minister of Health is not here today. I am happy to ask the Minister of Health to try to get an answer to the Honourable Member.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Supplementary, because if the Minister is going to ask . . . we asked the question. My other question relates to the fact that, is this not the type of information that the Ministry would want to track when day care centres are licensed?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I cannot speak to the content of what was released, nor the request.

What I can speak to is what was in my Statement, an example of issues where there is an incredible volume of work, where you are talking about policy analysts who are trying to deliver on important initiatives, who are being sidetracked in order to deal with volumes of extensive requests, in addition to the fact of budget resources, which, when you are talking about the Ministry of Health, can be used for a lot of other measures which were being dedicated to these particular items.

We are going to review what is taking place to ensure that we can, as was in my Statement, meet the original goal and intent of the Act to ensure that we provide information. But to make sure that it does not cause civil servants to not give full and impartial advice which will allow the best decision-making in public office, and also not to sidetrack legitimate work of the Government.

The Speaker: Thank you.
Second supplementary, right?

Hon. Jeanne J. Atherden: No. Second question.

The Speaker: Second question. Okay.

QUESTION 2: BETTER MANAGEMENT OF PATI

Hon. Jeanne J. Atherden: On page 4, the Premier is indicating that he had some concerns about the trend in terms of the use of information. And he expressed some concerns about giving the public the right to obtain access to information. And I guess my question to the Premier is that, performance indicators have usually been used so that the public gets an appreciation of what a particular Ministry is doing. Would the Premier not consider that perhaps the performance indicators, if they were increased, would allow the public to get more information about what was happening, and therefore they would not need to have as many PATI requests?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, the question itself calls for conjecture. I am just trying to answer statements of a factual basis.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Supplementary.

As it relates to the Statement that the Premier made with respect to persons engaging in asking questions which seem to have some sort of hidden motive, on what basis would the Premier decide that this was not a useful question that the public wants to know in terms of what the departments are actually doing?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I am trying to provide factual information in response to the question on the Statement, which is on PATI. She is asking a question about performance measures and other things, which I am not prepared at this point in time to go into that level of conjecture. That is her opinion. I have the opinion that is stated in my Statement.

The Speaker: Thank you.
Further? No? Okay.

Premier, you have two other Members who wish to put questions on this Statement. The next is the Opposition Whip.

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

QUESTION 1: BETTER MANAGEMENT OF PATI

Ms. Susan E. Jackson: Good morning, Mr. Speaker. It could be a redundant question. But I am just wondering what is being done to open data to the

public, you know, just to have some of this data just open and readily available to the public to access.

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, though that [question] is not directly related to my Statement, as the Minister who has responsibility for information technology for the Government, I am happy to share with the Honourable Member that the e-Commerce Advisory Board underneath my direction is pursuing an open-data initiative, where we are looking at exposing multitudes of government data to the public, which is something that is not currently being done now. And I can undertake to the Minister . . . sorry, to the Honourable Member, to make a Statement on that either in September or in November, when there is more information available.

The Speaker: Supplementary? No.

Premier, the next Member who has a question for you is the Member from constituency 22.

Honourable Member, would you like to put your question?

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

Premier, good morning. I like the colour of your tie.

[Laughter]

QUESTION 1: BETTER MANAGEMENT OF PATI

Mr. Scott Pearman: There is a saying that says, *Never let it be said that the business of the public is none of the public's business.* In respect to PATI, PATI requires the Government to share with the public documents that the public is legally entitled to see.

If the public is legally entitled to see these documents, how is that “gotcha journalism” or “wanton political use of PATI,” as you say in your Statement?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, as you will note, there have been documents which have been released from public officers which were not supposed to be released, as per the law. The fact is, as I indicated in my Statement, the PATI regime is there for the provision of information, but in cases, as a government, you must admit when things are not working in the best interests of the country. No one wants information to be disclosed which is not supposed to be disclosed legally under law. That is what we are speaking about, Mr. Speaker.

The Speaker: Supplementary?

SUPPLEMENTARIES

Mr. Scott Pearman: Supplementary, Mr. Speaker.

Honourable Premier, the example you just gave is an example of a mistake being made by a Member of Government or civil service.

My question was, how are documents that the public is legally entitled to see “gotcha journalism,” to use your words, or “wanton political use of PATI,” to use your words?

Hon. E. David Burt: Mr. Speaker, what I can tell you is that when, for instance, PATI requests are used up here in political debates as opposed to regular questions, it would seem that they are being used for political purposes.

[Laughter]

The Speaker: Supplementary?

Mr. Scott Pearman: Supplementary.

Does the Premier not think it is a good idea that documents that should be legally available to the public should also be available to Members of Parliament so that we may debate them?

Hon. E. David Burt: Mr. Speaker, he asked the question earlier about my opinion on what I said about wanton political abuse. And I answered the question precisely.

The Speaker: Supplementary?

Hon. Jeanne J. Atherden: Supplementary.

The Speaker: Yes.

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Does the Premier not feel that the public is interested in information about complaints about day care centres, and that is the information that the public should ask for?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I am at pains to answer that question. I am sorry.

The Speaker: Any supplementary? Do you have a second question?

That brings us to a close of questions on that particular Statement.

Premier, you also have Members who would like to ask questions on your second Statement in reference to post-Brexit. The first is the Member from constituency 8.

Would you like to put your question, Member?

QUESTION 1: POST-BREXIT WORKING GROUP

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

Premier, you indicated that HM Treasury has confirmed that Bermuda's EU solvency equivalence will automatically be maintained between Britain and the UK. Will this . . .

[Inaudible interjections]

Mr. N. H. Cole Simons: I am saying what is written here, the UK.

An Hon. Member: Britain and the UK?

[Inaudible interjections]

Mr. N. H. Cole Simons: Will the EU also automatically maintain the solvency upon exiting Brexit?

Hon. E. David Burt: Mr. Speaker, there is no change in the relationship between Bermuda and the European Union regarding Solvency II.

Mr. N. H. Cole Simons: Thank you.

The Speaker: Thank you.
No supplementary?

Mr. N. H. Cole Simons: No, because he said "the EU."

The Speaker: Okay.

Premier, the next question for you on this particular Statement is from the Opposition Whip.

Honourable Member, would you like to put your question?

QUESTION 1: POST-BREXIT WORKING GROUP

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

I was just curious whether the committee that is going to be created will get paid?

The Speaker: Premier.

Hon. E. David Burt: May I ask the Honourable Member to repeat her question?

The Speaker: She wants to know, the committee that is being formed for the post-Brexit, will they be paid?

Hon. E. David Burt: Not a consideration [at] this time, Mr. Speaker. But depending on the volume of work, they may be.

The Speaker: Supplementary?

Ms. Susan E. Jackson: No, second question.

The Speaker: No.
Second question, yes?

QUESTION 2: POST-BREXIT WORKING GROUP

Ms. Susan E. Jackson: Mr. Speaker, I am just curious. The UK and the Brussels offices, which have Kimberley Durrant in the UK and Renee Webb, I believe, in Brussels. What involvement will those offices have with this working group and the post-Brexit?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I do believe that the Statement referred to the work of the London Office in making sure that the Brexit matters are managed. From that perspective, I am certain that the EU's representative would be involved, as well. But this is primarily a UK matter. The only provision on this issue with the EU is in regards to Solvency II, a matter which was brought to us by industry and a matter of which the Minister of Finance and myself, upon our last visit to the United Kingdom, were able to resolve.

The Speaker: Thank you.
No further questions?

Premier, the same Statement, the Member from constituency 22 would like to put a question to you.

QUESTION 1: POST-BREXIT WORKING GROUP

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

The Premier has said in this Statement today how this is all new territory with Britain leaving the EU. Is the Premier supportive of Britain leaving the EU?

The Speaker: Premier.

Hon. E. David Burt: I have no opinion on what the people of the United Kingdom wish to decide for themselves, just like I wish that the United Kingdom House of Commons will stay out of our business.

An Hon. Member: Hear, hear!

[Desk thumping]

The Speaker: Supplementary or second question?

SUPPLEMENTARY

Mr. Scott Pearman: Supplementary.

Obviously, the issue does have an impact on Bermudians, as well. And as you pointed out in your Statement, the decision to leave will impact upon us. So, presumably, you do have an opinion, if it impacts upon Bermudians.

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I refer the Honourable Member for constituency 22 to the answer I gave moments ago.

The Speaker: Supplementary? No? No supplementary? Okay.

New question, third question?

Mr. Scott Pearman: Second question.

The Speaker: Second question.

QUESTION 2: POST-BREXIT WORKING GROUP

Mr. Scott Pearman: Thank you.

Will there be a requirement for this committee to attend and meet with any committees in the UK as part of its process?

The Speaker: Premier.

Hon. E. David Burt: [That is] not a vision at this time, Mr. Speaker. I would only imagine that this work can be considered from the London Office. But if there is a need, then that travel will occur. We do not know what may happen [post-Brexit]. We are talking about unchartered territory. There could be a general election. There could be another referendum. There could be a collapse of the government. There could be an election where there is actually no majority. There could be a Scottish Independence referendum and the United Kingdom breaking up. There could be lots of different things, Mr. Speaker. We do not know what the future holds.

But what is prudent for the Government is to, as we have in this particular instance, involve us, involve the Opposition, involve the business community and the third sector to ensure that the entire country is considering the matters which may come down the pike.

We do not know what will happen. But it is better for us to examine the consequences of the various options so that we can have a position on a way to move forward as a country.

And as the Honourable Opposition Leader stated when he was asked by the media regarding what he would hope for from the new Prime Minister, and he says that he would *hope that they would stay out of our affairs*, it is the exact same thing of which I would hope—that they would stay out of our affairs.

But if the government changes, they may choose not to, Mr. Speaker.

The Speaker: Thank you.

Premier, that brings us to a close of questions for you this morning.

We will now move on. The next set of questions this morning is for the Minister of Finance in reference to your second Statement, on the OECD. And that is from the Opposition Leader.

Honourable Member, would you like to put your question?

QUESTION 1: OECD FORUM ON HARMFUL TAX PRACTICES—ECONOMIC SUBSTANCE LEGISLATION

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

On page 2, the Honourable Member mentions some of the significant amendments that are under consideration [which go] into holdings, finance and leasing. I am just curious, in our history with the OECD and what is happening also with the EU, I was a bit curious as to whether or not a public register of beneficial ownership, the subject of it, has it come up with the OECD? We know that regimes are heading towards that way. And is that something that they also will be looking at?

The Speaker: Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, the issue of beneficial ownership is a constant in these discussions. We have made commitments that are long-dated. And we intend to remain committed to those commitments. I think, if memory serves me correctly, and I do not have the language in front of me at the moment, but we have committed to having a register when everybody has one, or making a register available when there is a global standard.

The Speaker: Supplementary?

SUPPLEMENTARIES

Hon. L. Craig Cannonier: Yes, supplementary, maybe a bit more direct.

So, I guess I am trying to assess, I am not sure, if I got the answer. Is this an operative conversation? Is there a conversation right now being had with the OECD concerning this matter? Or is this something that you are looking later on to address because it is not a priority? Has the OECD made it a priority, this particular issue?

The Speaker: Minister.

Hon. Curtis L. Dickinson: The issue of beneficial ownership is one that, in my short nine months of experience, has been a constant. There has been continued pressure on Overseas Territories and Crown Dependencies around the issue of beneficial ownership. We remain steadfast in our view because we have a register. And we have a register that I think is more robust than anybody else's. And so, our view is

that when there is a standard around disclosing of registers and a standard around what should be contained in those registers, then we will make ours accessible like everybody else should.

The Speaker: Thank you.
Supplementary?

Hon. L. Craig Cannonier: Yes, supplementary.

The Speaker: Second supplementary?

Hon. L. Craig Cannonier: Yes.
We know that the EU has set a date deadline. Has the OECD set a date deadline concerning this matter?

The Speaker: Minister.

Hon. Curtis L. Dickinson: I believe there is talk around 2022, I think. I would need to come back to you to confirm that.

The Speaker: Thank you.
Supplementary?

Mr. Scott Pearman: Supplementary.

The Speaker: Yes.

SUPPLEMENTARY

Mr. Scott Pearman: Would the Minister agree with me that, in fact, Bermuda has had a register since the 1940s which is available and accessible by foreign tax bodies and indeed by any court requests in a normal and proper manner?

The Speaker: Minister.

Hon. Curtis L. Dickinson: I would wholeheartedly agree with the Member. I suspect that he would agree with me when I say that no good deed goes unpunished.

[Laughter]

Hon. L. Craig Cannonier: That is a good one.

The Speaker: No further questions for the Minister?
We now move on to the next Minister, Minister Foggo.

Whip, can you find your Minister, please?

Minister Caines . . . Minister Caines, we have a question regarding your first Statement, from the Honourable Member from constituency 10.

Honourable Member, would you like to put your question?

QUESTION 1: BERMUDA POLICE SERVICE SUMMER UPDATE

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

Mr. Speaker, in the bottom of the second-to-last page, the Honourable Minister says that there is indication that levels of offending are decreasing, as evidenced by reduced road traffic casualties reported to KEMH, as he refers to roadside sobriety [checks], which we fully support. But in light of the recently reduced statistics from KEMH, which show that cases referred to both the Lamb Foggo and the Emergency Department have increased from 129 in April, to 165 in May, to 200 in June, what evidence does the Minister refer to in his assumption of reduced road traffic casualties?

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, the information that we received from the Bermuda Police Service in conjunction with the Bermuda Hospitals Board is that the numbers are decreasing. When they are compared with where they are year-on-year with reference to accidents that involve driving whilst impaired or driving with the amount of alcohol in the blood, there is an overall sense of crime . . . excuse me, road traffic accidents. We are talking specifically there has been a decrease in traffic accidents that are related to matters that have to deal with drunk driving or driving while impaired.

The Speaker: Thank you.
Supplementary?

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

The Speaker: Go ahead.

SUPPLEMENTARY

Hon. Michael H. Dunkley: I just would appreciate the Honourable Minister, when he has time, maybe we can have a conversation to show me that evidence, because it says "decreasing, as evidenced by reduced road traffic casualties." It does not refer just to sobriety. The figures at the hospital show different.

QUESTION 2: BERMUDA POLICE SERVICE SUMMER UPDATE

Hon. Michael H. Dunkley: Second question, Mr. Speaker. In the same page, going up a paragraph, the Honourable Minister talks about the joint maritime presence between the RBR [Royal Bermuda Regiment] with its Coast Guard element and the Bermuda Police Service. Could the Honourable Minister please inform this Honourable House, which budget heads

these joint services are coming out from? And has the budget been agreed?

The Speaker: Minister.

Hon. Wayne Caines: As the former Minister of National Security would know, the Royal Bermuda Regiment has a marine element. The Royal Bermuda Police Service . . . excuse me, the Bermuda Police Service has a [marine section]. This joint service simply is them using the marine section of the Bermuda Regiment and the marine section of the Bermuda Police Service in joint operations. It does not necessarily mean they are sharing budgets [or] they are sharing vehicles. What it is simply saying, Mr. Speaker, is that when they are planning the operation or when they are planning to be out on the water, operationally, they are working together.

The Speaker: Thank you.

Supplementary? No. Okay.

The next question, we will go back to Minister Foggo. It is good to see you in your seat. You have a question from the Member from constituency 8.

Honourable Member, would you like to put your question to the Minister?

QUESTION 1: DEPARTMENT OF WORKFORCE DEVELOPMENT 2019 SCHOLARSHIP AWARDS AND STUDENT SUMMER EMPLOYMENT

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

Mr. Speaker, the Minister indicated in her Statement that \$50,000 is budgeted each year to assist individuals obtaining their GED diploma at C.A.R.E. and Adult Education. Mr. Speaker, does this payment include a contribution to the schools? And is it in addition to the payments that the schools recover from the government for fees that are due for students attending the Adult Education Centre and C.A.R.E.?

The Speaker: Minister.

Hon. Lovitta F. Foggo: Thank you for the question.

What you have seen highlighted in the paper is the amount of money that has been set aside for specific students to cover the student tuition. That is what that money is for.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Mr. N. H. Cole Simons: So, there are other students' invoices beyond this amount, are we saying?

The Speaker: Minister.

Hon. Lovitta F. Foggo: Yes. I can say that we find ourselves sometimes with other persons who come to the Department of Workforce Development looking for assistance for GED programmes. And so, where we are able to provide that assistance, we do in the form of training or, I guess, if you will, as an award or as . . . I do not want to call it a scholarship amount, but as an award or a grant to cover their school fees, if we feel that this person is a good candidate to cover, so that they are able to get the skill set they need in order to continue, whether that be in the workforce or . . .

The Speaker: You are fine? No further questions?

That brings us to an end of Question Period.

Deputy, would you like to acknowledge what time of day it is?

[Inaudible interjections]

The Speaker: Lunchtime.

[Laughter]

Hon. Walton H. Roban: Mr. Speaker, I move that we adjourn for lunch—

The Speaker: [Until] 2:00 pm.

Hon. Walton H. Roban: —[until] 2:00 pm.

The Speaker: Thank you.

Any objections to that?

No objections.

We stand adjourned until 2:00 pm.

[Gavel]

Proceedings suspended at 12:35 pm

Proceedings resumed at 2:03 pm

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

The Speaker: Welcome back Members.

[Gavel]

The Speaker: We had concluded the Question Period and we were about to go into the Congrats and Obituaries.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Is there any Member who wishes to speak to those?

Minister?

Lt. Col. Hon. David A. Burch: Mr. Speaker.

The Speaker: Yes?

Lt. Col. Hon. David A. Burch: I want to offer two condolences. One is a little . . . the first one is a little late, but I missed the last two—

The Speaker: Opportunities.

Lt. Col. Hon. David A. Burch: —sessions when we did congrats and obits. So I still want to do it and acknowledge the passing of Albina Madeiros who happens to be—and the Minister of Finance wishes to be associated with that—she happens to be the mother of William, Edward and Michael Madeiros.

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: And unofficially, my mother too, and I suspect a lot of other peoples' mothers too. She did not distinguish between the fact that she may not have born you, but she had no challenge in—

The Speaker: In putting you in your place.

Lt. Col. Hon. David A. Burch: —correcting you.

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: And it just goes to prove, Mr. Speaker, that no matter where you come from or your background, mothers tend to be cut of the same cloth and have the same sort of motivation. So I would ask that condolences be sent to those three, along with their wives and their four grandchildren.

I would also ask that condolences be sent in advance to the St. George's Cup Match team—

The Speaker: I think the whole House will support that.

[Laughter]

The Speaker: The whole House supports that . . . you hear that noise *[desk thumping]* throughout—every Member is in unison on that, yes.

[Laughter]

Lt. Col. Hon. David A. Burch: —for what is likely to happen a week from now and, at this stage, probably by two o'clock we will be finished anyway.

The Speaker: Yes, yes.

Lt. Col. Hon. David A. Burch: And I am glad I got in those condolences before the Deputy Speaker returned to the House.

The Speaker: That is right.

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

The Speaker: Are there any other Members that would like to confirm that last condolence?

I recognise the Honourable Member from constituency 26.

Mr. Neville S. Tyrrell: Thank you very much, Mr. Speaker. We must be in the silly season, Mr. Speaker.

The Speaker: Oh, I think he was pretty correct.

Mr. Neville S. Tyrrell: Anyhow, Mr. Speaker, it is that time of year where we certainly hate to be without electricity for those of us who run A/C [air conditioning] and things like that, but in the last six days my area up in Warwick—Rocklands, Southlands area—the electricity went off on two occasions. And on both occasions the crew that came from BELCO came very promptly—and one was in the middle of the afternoon, the other one was in the middle of the morning, and when I say “middle of the morning” like three o'clock *this* morning—and they came and fixed the problem, much to my . . . well, feeling good about it because I was getting ready to come to the House. And to try and get ready without A/C . . . so I ask if a letter of congratulations could be sent to those two crews at BELCO for coming out at those hours.

Thank you very much, Mr. Speaker.

The Speaker: Doing their job. It is good to know people are doing their job—that is what you are trying to say. Yes.

Minister, would you like to add a few words in support of the Colonel's comments?

Hon. Lovitta F. Foggo: I would like to say that the Colonel is definitely mistaken.

The Speaker: Correct, definitely correct.

Hon. Lovitta F. Foggo: Mistaken! I said mistaken. Okay, we will see what happens next week Thursday and Friday. And I have already claimed the victory and you see what colours I wear.

[Inaudible interjection and laughter]

Hon. Lovitta F. Foggo: Mr. Speaker, I am standing today to make a congratulatory remark because Bermuda made history competing among a record fleet at the Optimist World Championship in Antigua last week. For the first time the Island had two sailors in the top 11 in the world and ranked third going into the team racing event. Christian Ebbin finished eighth and Sebastian Kempe finished eleventh in a record fleet of

259 sailors. And, again, it just shows that no matter what category it is, we punch above our weight. On the world stage we always let the rest of the world know that, though we are a dot on the map, we are a force to be reckoned with. And so I just thought that I would have to speak to that.

On a sad note I have to say condolences to the Pitcher family as Reginald “Lucky” Pitcher, who was a former classmate of mine when I was at East End Primary, was buried last week. And he was a very spirited person and he will be sorely missed by all of his family members. And St. David’s has lost a true St. David’s brother. I would like to associate the Opposition Leader with those comments and, again, condolences to the family of Reginald Pitcher.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Premier, it looks like you are the only one on your feet. I think I will recognise you at this time, Premier.

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

Mr. Speaker, I rise today, as you know, it is a time of year where we proudly wear our red and blue and support our Cup Match team 100 per cent.

And yesterday, Mr. Speaker—

The Speaker: They are supported by all Members in this House—let it be known.

Hon. E. David Burt: Well, yesterday, Mr. Speaker, the St. George’s fans were probably doing the only celebrating that will happen for them this year, as the Department of Youth, Sport and Recreation’s Annual Cup Match tournament saw the young St. George’s team—Mini Cup Match—narrowly take the cup with a 131/109 victory.

Hon. Lovitta F. Foggo: I have the picture, I forgot.

Hon. E. David Burt: Both teams played extremely well and from the pictures that I have seen, Mr. Speaker, Minister Foggo was thoroughly enjoying the festivities and the St. George’s victory, which in a week we will see if that one holds up.

The Speaker: I glad she has something to celebrate because next week this time I do not think she will be celebrating at all.

Hon. E. David Burt: Well, Mr. Speaker, you said it, not I, so I am certainly not going to contradict the Chair.

The Speaker: No.

Hon. E. David Burt: However, I want to say, Mr. Speaker, well done to all the players, the team coaches, and spectators that came out to support our next generation of Cup Match players.

On another note, Mr. Speaker, I will very, very rarely take to my feet and ask for letters to be sent for persons who are celebrating their birthdays.

However, Mr. Speaker, as we are in this Honourable House and as Her Majesty the Queen sends our centenarians birthday cards upon turning 100, I would hope that this Honourable House will send letters for individuals in our community of Bermudians who also turn 100 as a special recognition. And I want to just mention a few, Mr. Speaker, because I was pleased to—a couple of weeks ago—attend a 100th birthday celebration with you yourself, Mr. Speaker, with Aunt Eula Hill who turned 100 on July 14th. And I also want to send a special Happy Birthday message to Ms. Myrtle Burrows who turned 100 yesterday.

The Speaker: Yes, yes.

Hon. E. David Burt: And I would like to associate a Member of Parliament, Mr. Michael Weeks, with those comments. But with all those, I am sure I will associate the whole House who would wish to make sure that we are recognising our centenarians.

On another note, Mr. Speaker, another Somerset supporter [turned] 103 this past Wednesday—Mr. Brownlow Place—who still drives his car—

The Speaker: Yes.

Hon. E. David Burt: —and does what he . . .

The Speaker: Yes.

Hon. E. David Burt:—and another senior who is 105, Ms. [Myrtle] Edness, who walks without a walking stick.

We have an incredible amount of seniors who are truly doing wonderful things, Mr. Speaker, in their old age and I would just hope that this House will send letters of congratulations to our centenarians, specifically Ms. Aunt Eula Hill, and Ms. Myrtle Burrows, who turned 100 recently.

Thank you, Mr. Speaker.

The Speaker: I think the whole House will support you in that.

An Hon. Member: Yes!

The Speaker: Some Members here are hoping that they will get to that point in their lives at some time.

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

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I rise on a sad note on the passing of former policeman, Mr. Gerald James, who was a Chief Inspector in St. George for a number of years, termed “a policeman’s policeman.” Gerald James came to Bermuda, he has both Bermudian and Belizean connections, his wife was . . . his mother was from Belize, as my wife hails, and became very much a father figure to my wife here on the Island as he served in the Belize police force along with my late father-in-law and they were very good friends from that connection. He was very much an athlete. He prided himself on keeping fit right on through into his senior years. He was an avid reader and a real gentleman. It has been my pleasure to have known him extremely well over the years.

Mr. Speaker, I shall not be drawn in on all these frivolous comments about pipe dreams that—

The Speaker: St. George’s might have?

Mr. Hubert (Kim) E. Swan: —anyone in red and blue will be celebrating—

The Speaker: That St. George’s might have?

Mr. Hubert (Kim) E. Swan: —a week from now, Mr. Speaker, including yourself. No disrespect to you, Mr. Speaker, but I—

The Speaker: Well, I intend to be celebrating.

Mr. Hubert (Kim) E. Swan: —had the opportunity to spend some time with Lionel Cann, who I want to congratulate in the spirit of being selected as the Captain of St. George’s Cup Match Team. And Mr. Cann is an extremely confident young man and I have every confidence, having had an opportunity to spend some quality time with him, Mr. Speaker, to say that our team is in good hands and our young people that will be under his tutelage will be well led. And I have every confidence that a week from today, Mr. Speaker—

The Speaker: Somerset will be celebrating. Yes, we agree.

Hon. Lovitta F. Foggo: Whatever.

Mr. Hubert (Kim) E. Swan: —that Somerset will only have—

The Speaker: A lot of celebration.

Mr. Hubert (Kim) E. Swan: —the past wins to reflect on—

The Speaker: A lot of celebrations.

Mr. Hubert (Kim) E. Swan: That a new champion will be born—

Hon. Lovitta F. Foggo: That is right!

Mr. Hubert (Kim) E. Swan: —and we will be parading that Cup from Slip Road all the way up to Cochran Road and all beyond, up in your area, Mr. Speaker.

The Speaker: You are correct—

Mr. Hubert (Kim) E. Swan: St. George’s all the way—

The Speaker: —the cup will be up in my area.

Mr. Hubert (Kim) E. Swan: —Mr. Speaker, all the way to St. George’s.

Hon. Lovitta F. Foggo: That is right.

Mr. Hubert (Kim) E. Swan: Thank you, Mr. Speaker.

The Speaker: Yes, the true statement there was that the cup will be in my neighbourhood next week Friday evening.

Mr. Hubert (Kim) E. Swan: In your neighbourhood being paraded by St. George’s Cricket Club—

The Speaker: No, no.

Mr. Hubert (Kim) E. Swan: —and our fans.

The Speaker: I think you used up your time, good friend.

Anyone else wish to speak?

We recognise the Deputy Speaker—Deputy Premier, rather. Deputy Premier, you have the floor.

Hon. Walter H. Roban: Thank you. I do not want to take any job from the honourable Mr. Burgess, he does all his jobs so well.

Thank you, Mr. Speaker, for allowing me to get on my feet just to give a note of recognition and congratulatory remarks towards two persons in my constituency as the Government is doing its best to recognise the contribution of members who are part of the senior community. I would just like to bring a bit of attention to this couple—Quinton and Patricia Mallory—who are two, certainly, inspirations for myself because they are two vibrant—they are a couple, married—they are active and people who have done their bit for their community. Both hail from the north village. Mr. Quinton “Cool Groove” Mallory is very much a person who has made a contribution in the boxing arena. He was a trainer of Ms. Perozzi, who we know is one of our champion boxers. And Patricia “Smoking Ball” Mallory is one who made a contribution in the sporting arena in the area of bowling.

And I just wanted to bring attention . . . they are two vibrant, active seniors of our community, born and bred in the north village, and they were recently

given recognition for their contributions in sport by the Committee of Friends who had a dinner in their honour, Sunday, June 23rd of this year at St. John's Church. I just wanted to highlight these two individuals who have been an inspiration to me, certainly, as I have been connected with the north village now as an MP and as a friend for many years.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

Does any other Member . . . we recognise the Member from constituency 36.

Honourable Member?

Hon. Michael J. Scott: Thank you, Mr. Speaker.

Mr. Speaker, as we soldier on in this community it occurs that our churches reach important milestones. And I would ask now, Mr. Speaker, that this Honourable House extend a letter of commendation and congratulations to St. James Anglican Church—

The Speaker: Yes.

Hon. Michael J. Scott: —which celebrated their 100th anniversary of tarrying their . . . the main road in Somerset, and they held its 100th anniversary service. I believe, Mr. Speaker, you had the pleasure of attending—

The Speaker: Yes, yes.

Hon. Michael J. Scott: —and I am sure you would like to be associated with my remarks of congratulations.

The Speaker: Thank you.

Hon. Michael J. Scott: So to the officers and members—Mr. Buckner Durrant and to Father Hollis—congratulations.

Mr. Speaker, these events are common, and the Sunday before, or possibly two Sundays prior to that, my own church, Allen Temple AME Church under the leadership of Pastor Howard Dill and Reverend Dr. Emily Gail Dill, we celebrated our 146th church anniversary.

So these milestones will continue to be made because we have tarried long and faithfully. And so if congratulations could be joined or mirrored with St. James and Allen Temple, I would be very grateful on the 100th and 146th anniversaries of those churches' existence.

Thank you, sir.

The Speaker: Thank you, Honourable Member.

Does any other Member . . . we recognise the Opposition Leader. Honourable Member, you have the floor.

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

I would like to join my condolences, as have already been given by the Honourable Member Foggo, to “Lucky” Pitcher. He and I played quite a bit of cricket together and, in addition to that, later on in business we had the opportunity . . . he was a—many may not know this—he could make some kites. And not just make kites, but he could make lots of kites in a very quick period of time. And so we joined up together when I was the general manager of People's Pharmacy and exclusively for years we only sold his kites. I do not know what happened to him, I think he must have bumped his head because he moved up to Somerset for some reason—

The Speaker: Well, he wanted to come find a . . . better experience.

Hon. L. Craig Cannonier: —and deep into Somerset too.

The Speaker: He moved into the Speaker's constituency.

[Inaudible interjections]

The Speaker: He lived in the Speaker's constituency, just to be clear.

Hon. L. Craig Cannonier: Yes, but he made a pretty drastic move all the way from St. David's up to Somerset.

The Speaker: Yes, that is all right.

Hon. L. Craig Cannonier: A lot of people may not have known that either, but, again, a very vibrant person. During those times I kept very close to him and we had quite a few chats. And it is a loss to see that he has moved on. I know that it was a struggle there for a while for him. And he was a prison officer as well for many, many, many years. I remember when he got the job how excited he was. So to the Pitcher family . . . condolences to them. And thank you, Honourable Member, for bringing that up.

I had the unfortunate circumstance of missing the condolences to my Aunt and cousin, Jeanette Cannonier, so I just wanted to associate myself with those. The funeral was on Monday. I believe—yes—the Honourable Member Dunkley was there as well at the funeral.

The Speaker: Yes, we did it last week Friday so you can associate yourself.

Hon. L. Craig Cannonier: Yes, okay, so I just wanted to associate myself with those comments.

And Cup Match is in St. George's. I said all along as long as they put some St. David's byes in

there because you know for a while St. George's was pretty clannish, they did not want to include the East End byes—

[Inaudible interjections]

Hon. L. Craig Cannonier: And now that we have the inclusion of a captain, I want to congratulate our captain, Mr. Cann, for taking over the honours, even in his twilight years in cricket. But I do believe that we will have a great match this year.

Thank you, Mr. Speaker.

The Speaker: And the cup will remain in the West. No further speakers? No further speakers. We now move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATION

The Speaker: We have a personal explanation. Minister?

CORRECTION AND APOLOGY: PATI INFORMATION WAS NOT RELEASED IN ERROR BY OFFICE OF THE INFORMATION COMMISSIONER

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

Mr. Speaker, in the course of the debate on the Public Access to Information Amendment Act 2019 in this Honourable House on the 12th of July, I wrongly suggested that information had been inadvertently disclosed to a requester pursuant to the Act by the Office of the Information Commissioner.

Mr. Speaker, this was not correct and I have privately apologised to the Information Commissioner for this error. And in the interest of ensuring an accurate record in this Honourable House I do so again by this means.

Additionally, Mr. Speaker, I have accepted the Information Commissioner's invitation to meet and discuss our shared understanding that good governance, sound and effective financial policy, and appropriate transparency models are compatible frameworks. I concur with her in the belief that the discussion will be beneficial.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: I believe we have two Government Bills. The first is in the name of . . . the Deputy Premier?

Hon. Walter H. Roban: Yes, Mr. Speaker, with your indulgence I will introduce a Bill on behalf of the Minister of Tourism and Transport.

The Speaker: Mm-hmm, yes.

FIRST READING

MERCHANT SHIPPING AMENDMENT ACT 2019

Hon. Walter H. Roban: 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: Merchant Shipping Amendment Act 2019.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Minister Foggo, would you like to introduce yours?

FIRST READING

EMPLOYMENT (MATERNITY LEAVE EXTENSION AND PATERNITY LEAVE) AMENDMENT ACT 2019

Hon. Lovitta F. Foggo: Yes, 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: Employment (Maternity Leave Extension and Paternity Leave) Amendment Act 2019.

Thank you, Mr. Speaker.

The Speaker: You are welcome.

That concludes that piece. We now move on to the next item.

NOTICE OF MOTIONS

The Speaker: I believe the Deputy Premier . . . would you like to present it on behalf of the Premier?

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

The Speaker: Yes.

MINISTERS AND MEMBERS OF THE LEGISLATURE (SALARIES AND PENSIONS) ACT 1975

Hon. Walter H. Roban: I give notice on the next day of meeting I propose to move the following resolution:

BE IT RESOLVED that previous resolutions of this House made pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked;

AND BE IT FURTHER RESOLVED that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Member of the Legislature listed in Part A and Officers of the Legislature in Part B of the table below shall be as set out in column 3 of the table with effect from 1 July 2019 to 31 March 2020.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

ORDERS OF THE DAY

The Speaker: And I understand that Order No. 2 will be the first Order today and that is the Consideration of the Pensions (War Service) Order 2019 in the name of the Minister of National Security.

The Deputy Clerk: Is he not here?

The Speaker: Whip, Whip! We are looking for your Minister.

Minister, would you like to do the second reading for your item this afternoon?

ORDER

PENSIONS (WAR SERVICE) ORDER 2019

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

Mr. Speaker, I move that consideration be given to the draft Order entitled the Pensions (War Service) Order 2019 proposed to be made by the Minister responsible for Defence in exercise of the powers conferred by section 16A of the Pensions and Gratuities War Service Act 1947.

The Speaker: Are there any objections to that matter being taken up?

No objections.

Continue on, Minister.

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

Mr. Speaker, I am pleased to present the [Pensions \(War Service\) Order 2019](#) for the Honourable Members to consider. The purpose of this Order is to prescribe the rate for pensions for war veterans in accordance with section 16A of the Pensions and Gratuities War Service Act 1947.

Mr. Speaker, Honourable Members will be aware that qualifying war veterans are afforded a monthly pension payment administered by the Department of Social Insurance. This Order seeks to increase the payment [by \$200 from] \$800 to \$1,000 per month.

Mr. Speaker, the cost of this increase to the Government is approximately \$160,000 for the fiscal year 2019/20. A partial budgetary provision has already been made within the budget allocation for the War Vets programme administered by the Department of Social Insurance. The additional cost will be funded from the savings within the current Ministry of Finance budget allocation.

Mr. Speaker, I wish to provide clarification on the War Veterans Pension and benefits mentioned in my Ministerial Statement to this Honourable House at a previous sitting.

Honourable Members will recall that I stated in addition to the pension benefit, war veterans also receive various medical benefits which include: all expenses for treatment at the King Edward Memorial Hospital, including vision care, unlimited prescription drugs, medical office visits to their general practitioners and specialists in limited denture coverage; funeral expenses up to \$5,000 are also covered under the Act.

Mr. Speaker, to be clear, war veterans enrolled in the government's War Veterans Pension scheme are afforded the benefits of FutureCare insurance plus additional benefits only available on the basis of their status as a war veteran.

All expenses for hospitalisation and tests at the King Edward Memorial Hospital, inclusive of any vision care at King Edward Memorial Hospital, are fully covered.

Medical and surgical services received overseas are covered at 75 per cent under FutureCare with the balance being covered under the War Veterans Insurance programme at the discretion of the War Pension Commissioners.

Prescription drugs are covered at 80 per cent up to a maximum of \$2,000 under FutureCare. Once the \$2,000 is reached the cost of the prescriptions are covered in accordance with the War Veterans Benefit Schedule.

Mr. Speaker, under FutureCare medical GP visits are paid at \$46 per visit. Visits to specialists are covered at \$131 per initial visit and \$55 for follow-ups. War veterans receive additional coverage up to \$128 to cover the balance of specialist follow-up visits.

Basic dental care is provided under FutureCare and an additional benefit of up to \$1,000 per annum for dentures is afforded to war veterans.

Mr. Speaker, long-term care at the extended care unit and at the palliative respite care is covered for all veterans up to \$7,000. There is also provision for coverage up to \$5,000 for funeral expenses.

New benefits of FutureCare available to war veterans include: partial coverage of psychotherapy sessions; visits to clinic psychologists, psychiatrists and chiropractors. Full benefit information for war veterans can be obtained from the Department of Social Insurance.

Mr. Speaker, in an earlier statement delivered on this matter I made reference to Bermuda soldiers who served as essential support staff in Italy and Egypt during the First World War. This reference should have been World War II. Additionally, the statement erroneously suggested that all soldiers with families were not allowed to serve overseas. In fact, only those soldiers who were the sole remaining sons of a widow remained on Island as the Government of the day did not wish to unduly burden dependants.

The Bermuda war veterans are only small in number in our community, but their stories are voluminous and they represent a chapter in Bermuda's history that cannot be forgotten. I will continue to take every opportunity afforded to me to thank them, their widows, and their families for their dedicated selfless service to our country.

I would like to thank the Honourable Member, the Deputy Speaker, Derrick Burgess JP, MP. He has tirelessly been at the forefront of this, Mr. Speaker, he has been steadfast in reaching out to me, other Members of Parliament, the Royal Veterans Board, petitioning on behalf of our war veterans. He has been relentless in his pursuit of justice over a number of years. In this and to the war veterans and their families, I say, thank you, to the Honourable Member.

I would like to also single out Ms. Carol Everson MBE, LRAM. She is a welfare and caseworker with the Bermuda Legion. Ms. Everson has been at the forefront of veterans' affairs over several years.

Mr. Speaker, Ms. Everson has also been tireless in her work as a bandswoman in the Bermuda Regiment, but subsequent to that, leaving this country and returning on a regular basis to fight and to advocate on behalf of our veterans. She has also been a tireless advocate of our veterans in Bermuda. Without her a number of these works and the work of the Honourable Derrick Burgess would not have been completed.

I would like to thank both of these individuals who ensure that the stories of our veterans continue to be told and their rights and earned privileges upheld. Without their steadfast tenacity on these matters these benefits would not be realised. They should be lauded for their efforts. We owe them a debt of gratitude.

Mr. Speaker, with these remarks I now commend this Order to the House for the Honourable Members to discuss.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

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

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

I want to thank also the Minister for that quite extensive layout of the benefits for our war veterans. I think it goes without saying that all of us in this Honourable House give our tremendous support to continuing to thank—in whatever tangible way we can—our veterans for the part that they played in securing the future, not just of Bermuda, but others in other countries as well. We know that Bermudians during the 1930s and the 1940s played a key role during that war. And many of us have read of the atrocities that took place which involved Bermudians in that particular war, what a courageous thing that they did by involving themselves in becoming a part of the world, that we now enjoy, that exists.

And part of that history being that even Bermuda itself as a physical place played a key role in that war to the point where, even Hamilton Princess (as we call it now) was a key place for deciphering code of many of the messages that were going back and forth in fighting that war. Many of those codes that were sent to confuse and to get by messages to the interested parties (without saying the names of those countries), Bermuda played a key role in intercepting that correspondence and deciphering exactly what the war plan was for the enemy.

So, again, we just want to say [concerning] this Order and to our Government that we wholeheartedly support this here. I just cannot say enough about that contribution. And today we are able to tangibly say thank you in a small way for the contribution that they have played to the benefit that we realise today.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Is there any other . . . I now recognise the Deputy Speaker. Deputy, you have the floor.

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

Mr. Speaker, I want to thank the Minister for the acknowledgement of the services that have been given by Ms. Everson and Derrick Burgess. Certainly, it was hard work. But also I want to thank the Minister of Finance for making it possible to get this increase for our war veterans.

Many do not know that in 1919 an Act was put in place to take care of the veterans from World War I.

And some war commissioners were selected by the Governor, and their job was to interpret the War Pensions and Services Act and pass on the benefits to the veterans. But this was not done in the way that it was intended to be because many of the soldiers never got the benefits. In fact, some of the benefits that were to be given to them were for education, to get a home, to go in business, and they even had benefits there for widows and orphans. And many of the folks did not get those benefits. In fact, I do know for one—my grandfather—who died in 1977 (probably at my birth) did not receive those benefits. He did get a war pension; a war pension was all he got, and most of them just got that.

But Mr. Speaker, as the Leader of the Opposition said, Bermuda played a very important part in that, not only in terms of fighting, but in terms of the number of men that were sent there. For the size of this country, Bermuda sent the most people there, if you break it down by ratio. And they were on the front line. My grandfather was a gunner. And I do know that one relative of mine lied about his age just to go in the army . . . to go to war. It sounds crazy, but that is what he did. And he went to war, and that was World War II, Mr. Speaker.

But the benefits that were bestowed on these war veterans included free hospitalisation at King Edward, also for the rest home, and they still get that today, Mr. Speaker. But a lot of our veterans were treated poorly by those that were put there to administer the benefits to the war veterans. I know one fellow wrote and told me that when he went to get a benefit at the age of 75 and they told him, *You look all right, go and get yourself a job.* Then we have another veteran who served with the RAF in England who was told, *Fellow, you don't meet the requirements of the Act.* One commissioner made a remark, he said, *All that the commissioners have done during his tenure was to propose cutbacks to the pensions and benefits.*

Mr. Speaker, I guess why he said that was because what has happened up until the last, I would say, two months is that if . . . right now veterans get \$800 a month. And if a veteran was to go into a rest home, their \$800 pension would cease. They would take it from them.

Now, in the benefits that are laid out for all war veterans and their widows, they are covered for up to \$7,000 a month in a rest home. And nobody should cut their pension. Now there is a 1947 Act that has been amended, they do not know how to read that Act. They do not know . . . I should say do not know how to "interpret" the Act. The Act says you can do certain things, but within reason. You know, common sense must prevail. No Act gives you the power to take a pension from somebody who legitimately deserves that pension.

There is in the law provisions for fraud or whatever. Yes, you can take it for that. And I think that would be with anything. But they took these folks'

money. And if you have a war veteran and his wife is still living and he goes into the home and she is home, all the money stops. And it created hardship, much hardship, on that family.

Now, where these war commissioners violated the Act . . . because if you are going to make any changes to the pension, the Act is quite clear, it says you *shall inform* the recipients of your decision and what grounds you based that decision on. They did not do that. In fact, I went into a meeting with them not so long ago and I asked them, *Why did you cut the pension benefit to our seniors?* And I was told the former Minister—not during our time, I do not know who it was, but it was not during our time—told them he wanted to save a million dollars. Why are you trying to save a million dollars from the most vulnerable, these old folks? And so they started taking these folks' pensions.

Now, I have requested that any money that you have taken from these folks—whether they are still living or not—has to be paid back to them, to their estate or whatever, because they had no right to take these peoples' pensions, Mr. Speaker. They violated the law, took these peoples' pensions and so they suffered.

And folks think that when you go into a rest home you pay . . . I do not know, \$5,000, \$6,000, \$15,000 on it, whatever it is, that everything is covered. But it is not covered, Mr. Speaker. They do not cover for . . . what do they call those things? Diapers or Depends, or whatever they call them. It does not cover that. Some rest homes require you to bring somebody in, particularly if it is a very serious case, to dress and undress those patients. Cutting of toenails is not included in the rate. And all these different things, all these different . . . you know, and their shampoo and all those toiletries, that is not included in the rate. So you cut a person's pension . . . they need that even in a rest home. And these fellows, unfortunately, they are former members of the Regiment.

You know, it is okay when you are doing all right and you are healthy and you do not need anything. And you know once you are put in a position to help people, that is what you have got to do. You have got to be serious about it. You cannot sit on a committee just to say you are sitting on a committee and warm a seat. If you know me, I do not sit on any committees and warm a seat. They are going to know I have been there, because they put me there to do a job, Mr. Speaker.

Now, Mr. Speaker, when the War Memorial that is down on the Cabinet Grounds today, that was promised to the war veterans in the 1940s and that was made known to me whilst I was the Minister of Public Works by Ms. Carol Everson. She was also a member of the Bermuda Regiment and served in the music section—a wonderful woman, a beautiful lady, right from heaven. And when she told the PS and my-

self about this here, we took the decision we would put a memorial up ASAP.

Ms. Everson did all the legwork as far as finding all the names of those that had been to war, whether they served overseas or whether they served in the Home Guard. And she found all these names. Most of them. In fact, she must have found about at least 98 [per cent] to 99 per cent of the names of those folks. And very few people came to us afterwards and said, *Look, you left out my grandfather*, or whatever, and we brought a fellow from my hometown in England and put those names on, Mr. Speaker.

But to me she was the key in making that Memorial what it is today, because you can put it down in their names and it does not mean anything. She played the most important part in supplying us the names. And it was the first time that I ever saw my grandfather's name anywhere. I remember being a boy seven years old—not so long ago so it is easy for me to remember, right? I would look in the newspaper during that time on November 11, you know, the parade, and I was looking for my grandfather's name—John V. Burgess—and I was not seeing it. I said, *Oh man, he probably didn't go*. I don't know. And when Ms. Everson put the names there, my grandfather's name, I am so proud when I go down there to see that name, [showing] he went to war in World War I, and returned. And some of our folks did not return—sad, but that is what happened, Mr. Speaker.

Now, Mr. Speaker, let me say this here. Up until 2007, the Home Guard—what we call those fellows that served in Bermuda—did not get any pensions. In fact, the war commissioners then said, *Oh, they don't deserve anything, they didn't go anywhere*. There were all these negative, derogatory remarks about them. But in 2007 under the leadership of Premier Dr. Brown, the Progressive Labour Party Government made it possible for all war veterans, whether they served overseas or home, to receive a pension. And that is when they got their \$800 pension. And so since 2007, 12 years ago, they have not had an increase since then. So we are happy that we can get that increase for them, as this Bill will do, Mr. Speaker.

Mr. Speaker, some folks do not know that during the November 11th march by veterans . . . you can march in it, Mr. Speaker. If you have got your grandfather's medals, like I proudly wore that day, you can march in it. But some of those folks were told they could not march by those war commissioners. And one of the ladies called me, and they told me who it was. I know the two fellows. And I said, *Tell them Derrick Burgess told you that you could march. And he would come march too*. And I think that stopped that. I do not know what . . . the name must have . . . I do not know what happened, but they did not bother with that anymore. But this is how far these fellows went; they did not honour many of our folks that went overseas, Mr. Speaker.

Mr. Speaker, now another thing that the war veterans face is all services at the hospital are free, but particularly for the eyes, this has been a problem. Because we have had some of our war veterans go to the doctor's office and they had the operation right in the doctor's office, Mr. Speaker, and that has caused quite a bit of expense for them because they had a co-pay down there. And I wonder why doctors do not send those seniors, those particular war veterans, to the hospital where they can have all of that done for free. Because one lady got her eyes done (cataracts) in the doctor's office and cannot see out of the eye now. But this is something I plead with doctors to send those war veterans to the hospital to get the eye treatment because it is free to them, it is free to their wives, at the hospital. It is not free in the doctor's office, Mr. Speaker.

I am not going to be very long, Mr. Speaker. I am just making sure that I have said everything that I intended to say.

The Speaker: Covered all your key points, right?

Hon. Derrick V. Burgess, Sr.: Yes, because war veterans are very important to me. If it were not for them we probably would not be here today in this setting, the setting may . . . could be worse. And so I give honour to all those who fought for us. And I certainly give honour to Ms. Carol Everson for continuously helping them out—even from England. She is very well known in Bermuda to the war veterans and she would be on the phone or emailing me about a situation that has been brought to her attention concerning a war veteran not receiving a benefit, Mr. Speaker. And we certainly will jump right on that.

And what I must say, Mr. Speaker, when Oattie Simmons became the Chair of the War Commissioners in 2007 a lot of that skulduggery stopped. But he has retired and there is a new crowd there—not all of them—and I really do not think they really understand the law. They do not understand what they have to do. And I am not trying to be unkind to them, but I have told them I will speak about it because I am not happy with what they have done. Again, you cannot take peoples' pensions away from them, Mr. Speaker.

So, Mr. Speaker, with those remarks I will take my seat. Thank you.

The Speaker: Thank you, Deputy.

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

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

Mr. Speaker, I was very fortunate that my father was a war veteran. And I must admit, by the time I was old enough to realise that he was a war veteran, it was when he used to be at the Ex-Artillerymen's Association and all of his fellow people would be talk-

ing about what they did, you know, how they had been involved. And as the Member that just spoke, I actually met Carol Everson when I was the Minister of Health, and Carol is one of those people who did a lot to make sure that people understood in Bermuda the benefits that we had inherited by being part of Bermuda.

And I think there are lots of benefits that people need to understand because I know, at the time, she used to remind me . . . that was at the time when you were trying to get more people into the Regiment and she used to say, *People need to understand that you can get training for yourself, there is opportunity for education.* And I think what we have to do is we have to make sure that anything that Bermuda can get by virtue of being part of the forces that went to war, that we should make sure that our people get that.

My father was fortunate enough to get a pension, but I do know that there were some constituents that I had that would have benefited by a bigger pension. And it is nice to see that we put in all those extra benefits . . . when we talk about the home care and when we talk about some of those other things because, for them—most of them—the issue was not having lots of cash to deal with things. And in some cases that resulted in, perhaps, not going to the doctor as often as they should, which resulted in them starting to have illnesses where they . . . it was a drain on their resources.

And I am pleased to see about the benefit with respect to home care because a lot of them stayed at home and just had somebody that came by and just sort of looked at them. But if they could have gone into some sort of facility, that would have been really, really good.

And so, Mr. Speaker, I just wanted to say that, if nothing else, I do hope . . . and my father is dead now, so I do not know about it as intimately as I used to. I do hope that the war pension—the commissioners—are reaching out to all of those people who are still alive and making sure that they understand all of the benefits that are available to them. Because I know, for a while back there, you only heard about what was available to you by word of mouth. Somebody had something and then they were talking with somebody and they said, *Oh, didn't you know about this?* And it is important that the benefits are made available, that the benefits are there for them, and I am pleased that you have people that are around now that can look at the, if you will, the plight of them and make sure that if there is anything else that we need to do they deserve . . . they deserve all of our care, they deserve all of our interest in them.

And so I, like all my colleagues, am very supportive of this. And I know that whether we like it or not, every time you increase a pension benefit it has a financial impact. But just look at it this way: The longer you delay the numbers are shrinking. So let us get on with the people that are still there and give them as

much as we can in recognition of the services that they have done.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I now recognise the Honourable Member from constituency 4. Honourable Member Furbert, you have the floor.

Mrs. Tinee Furbert: Yes, good afternoon, Mr. Speaker, and good afternoon to Bermuda.

I wanted to speak to this topic, Mr. Speaker, not that . . . I do not have any relatives that I know of—or maybe I do—who were war veterans.

[Inaudible interjection]

Mrs. Tinee Furbert: Okay, thank you, cousin.

But I do run into lots of clients who are recipients of the War Veterans Pension and I just wanted to say that I do support this Bill. At one point the pension, I believe, was \$400 and then it increased, I believe it was \$600 . . . \$800, and now today it would be \$1,000. And most of our war veterans would be our seniors.

I just wanted to share a bit of statistics as it relates to our seniors because we know that, through statistics from our government, that 49 per cent of our seniors live below the income threshold of \$30,000 a year. And if they are in a rest home, like fellow MP Burgess indicated earlier, they can pay for home care and rest home care from up to \$42,000 to \$144,000 a year. And these are deep, deep, expenses, Mr. Speaker.

I used to work (when I was working overseas) for a facility called a Masonic Geriatric Facility. And this facility was a hospital just for seniors, so they could come there and get whatever service they needed and it was covered care for them. And I used to particularly get clients (and I may have spoken about this before) who were NBA players, NFL players, persons who used to represent their country on a national sports level. And they came with various conditions from playing sports over a long period of time. These are extensive injuries from being in the field—any sort of sporting field—from their practices, from the impact of the sporting industry in which they participated, they have injuries which follow them as they age.

And so I am making this comparison to our war veterans who represented us and Bermuda. I am sure they had to endure training and they also probably endured injuries as a result of their participation in wars. And so this is something to consider when we consider their expenses because they will have health issues just from the ageing process and also from their participation of representing their country.

And so in addition to all the other benefits that the war pension does cover, there are still things . . . if

we know that most of our seniors are living with a wage that is less than \$30,000 and our war veterans are now receiving \$1,000, to me that is still not even enough. But it definitely will be helpful, because we want them to be able to maintain a quality of life and we want them to be able to afford medical equipment, things that they may need. Maybe they want to go get a haircut, maybe they want to enjoy some of the things that we enjoy like going out to have a nice meal, being able to have access to hygiene products, and even having the opportunity to have access to specialist care or therapist care to help them to maintain a healthy lifestyle. All of these, I am sure, come out of a war veteran's pension.

I want us to also think, you know, as we age what sort of income we rely on. And if you have property then maybe you have rental income. Or maybe you had some sort of business and your business is still running steady and you are able to reap the profits and the benefits of a business as you age. Or maybe you had the opportunity to invest and you can reap the benefits of your investments. And then, also, seniors will have available to them social insurance or some other sort of pensions (and I am talking about today). Or if we did not have any of that, we would rely on our relatives to be able to assist us with our costs as we age.

But thinking back to the 1930s and 1940s, Mr. Speaker, I am sure it was a time in which getting rental property was probably very difficult, getting business opportunities and investment opportunities and also additional pensions was also very difficult. And so with all of that said, we should not have to even question the benefit of the increase to \$1,000, Mr. Speaker.

It is well worth it. I want to thank all the persons who were involved with assisting with this increase to our war veterans and just continue to advocate for any other future benefits for our seniors and our war veterans going forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

No other?
Minister.

Hon. Wayne Caines: Mr. Speaker, a society is often-times judged by how they deal and how they honour their elderly. This is an example of us not only honouring the elderly in our community, but those who sacrificed and those who gave their lives and in many circumstances, those who were separated from their families at a time when our country was sometimes in perilous states and the world was in perilous times. They, indeed, did that which was called for to make sure that that which we cherished was protected. And we have taken the opportunity—though [it took] a long

time—to do that which is right by them, and that is something that we all can hold our heads up high for honouring the veterans in our country.

Mr. Speaker, as you know, I was an officer in the Bermuda Regiment, and I have a close affinity to members of our armed services based on my service to our country. I am honoured, on behalf of former soldiers and current soldiers in the Bermuda Regiment, to see that we are, indeed, honouring and taking care of the members of our armed services in our country. It is something which we can all be proud of. It is, indeed, refreshing to hear of the military commitment on both sides of the aisle. I know that the Sergeant-at-Arms also shares his honour for what we are doing today as a former member for a number of years of the Bermuda Regiment.

Again, Mr. Speaker, I would like to highlight the work of Ms. Carol Everson and the Honourable Deputy Speaker for pushing this matter to make sure that it has received the place of prominence and that we have taken the steps to make sure that our veterans receive the financial care that will allow them to live an honourable and comfortable—or more comfortable—life in their senior years.

Mr. Speaker, I move that the said draft Order be approved and that a suitable message be sent to His Excellency the Governor.

Thank you, Mr. Speaker.

The Speaker: Are there any objections to that?

No objections.
It has and will be.

[Motion carried: Pensions (War Service) Order 2019 was considered by the House and approved.]

The Speaker: That brings us to a close of that item and since that it is an Order we will not have to go on to Committee. So we will now move on to the next Order, which is Order No. 3 on the Order Paper today, which is the second reading of the Chartered Professional Accountants Amendment Act 2019 in the name of the Minister of Education.

Minister, are you ready to proceed?

Hon. Diallo V. S. Rabain: I am, if it pleases you, Mr. Speaker.

[Laughter]

The Speaker: Continue, Minister.

BILL

SECOND READING

CHARTERED PROFESSIONAL ACCOUNTANTS AMENDMENT ACT 2019

Hon. Diallo V. S. Rabain: Mr. Speaker, I move that the Bill entitled the Chartered Professional Accountants Amendment Act 2019 be read for the second time.

The Speaker: Any objections to that?

No objections.

Continue Minister.

Hon. Diallo V. S. Rabain: Mr. Speaker and Members of this Honourable House, I stand today to introduce the Bill entitled the Chartered Professional Accountants Amendment Act 2019.

Mr. Speaker, in summary, this Bill makes amendments to sections 9 and 10 of the Chartered Professional Accountants Act 1973 to provide for the statutory recognition of the designation "Association of Chartered Certified Accountants," which is known internationally by the initials ACCA. This statutory recognition of the designation, ACCA, will enable members of CPA Bermuda who qualify to hold the designation, to now have the right to use the designation in Bermuda.

Mr. Speaker, CPA Bermuda is directly affiliated with the Chartered Professional Accountants of Canada (or CPA Canada). Its mission is to foster public confidence in the accountant profession by acting in the public interest and helping its members excel. The key objectives of CPA Bermuda are to promote and increase the knowledge, skill, and proficiency of its members and students; to regulate the discipline and professional conduct of its members and students; to promote the best standards of practice in financial reporting; and to promote the welfare and interests of CPA Bermuda and the accountant profession.

The Chartered Professional Accountants Act 1973 and its bylaws govern the standards of operations upon which CPA Bermuda functions.

Mr. Speaker, the amendments to the CPA Bermuda Act 1973 will allow for the first time persons resident in Bermuda who hold the Association of Chartered Certified Accountants (ACCA) designation to become members of CPA Bermuda. As a result, persons holding the ACCA designation will then be able to practice in Bermuda with the same rights and privileges as any other professional accountant currently recognised in Bermuda.

Mr. Speaker, as a backdrop, ACCA Caribbean has been engaged in discussions with key stakeholders in Bermuda since 2009, primarily to address recognition issues and to promote ACCA qualifications as a viable and alternative career pathway to becoming a chartered accountant. In 2012, Bermuda College, through its division of Professional and Career Education (PACE), began offering the ACCA qualification and became a licensed computer-based testing centre for ACCA examinations.

Mr. Speaker, the ACCA Certified Accountant Technician (CAT) programme was deemed to be attractive for our two public senior schools. There was an interest in incorporating this programme into the senior school curriculum as an option under the Career Pathways programme. However, the lack of market recognition of the ACCA accountant qualification was a significant drawback.

Mr. Speaker, unlike many of the other accounting designations, students do not need a bachelor's degree to enrol in ACCA programmes. They can attend the ACCA programme and earn their bachelor's and master's degrees as they progress through the coursework with three years of relevant work experience.

Therefore, Mr. Speaker, with a high number of non-Bermudian accountants on work permits on the Island the ACCA accounting designation provides an avenue for Bermudians to earn an internationally recognised professional accounting designation without having to leave Bermuda to earn a bachelor's degree.

Mr. Speaker, the ACCA qualification upholds the global accounting education standards set by the International Federation of Accountants and the qualification has been officially benchmarked to the master's degree level by Oxford Brookes University in the United Kingdom. After several years of advocacy and dialogue with a number of Government Ministers and officials promoting the values and benefits of the ACCA qualification, in 2018 CPA Bermuda agreed to support the amendment of the Act so that ACCA members could become members of CPA Bermuda, having the same rights to practice in Bermuda as any other chartered accountants.

Mr. Speaker, the amendments to the CPA Act and the subsequent bylaws by negative resolution will recognise all qualified accountants whose designations are listed in section 9(3) under clause 2 of the Bill on an equal footing. The amended Act will also introduce competition in the market, thus facilitating choice, driving standards and ultimately growing the economy. The amendment will allow for the Act and the bylaws to take into account those accountants entering into Bermuda on a temporary basis, thus strengthening the regulatory arm of the accountant profession and protecting the public.

Mr. Speaker, I now move that the Bill entitled the Chartered Professional Accountants Amendment Act 2019 be read for a second time.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak to this?

I recognise the Honourable Member from constituency 8. Honourable Member, you have the floor.

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

Mr. Speaker, I rise to lend my support to this legislation. I think it is overdue. Having said that, I still have a few comments that I would like to make.

As the Minister indicated, the [Chartered Professional] Accountants Act 1973 was basically embodied and approved to provide oversight over the accounting industry here in Bermuda. It set professional standards. As the Minister said, it defined discipline and [a] code of conduct for the profession, it promoted standards and practices, and it promoted the welfare and interests of the CPA and accounting profession.

Mr. Speaker, another issue that came up when I was doing my research on this was the issue of NAMLC. And I went through the 2013 NAMLC report and there was concern in the industry. And I would like to read an excerpt, if you will allow me.

The Speaker: Go ahead.

Mr. N. H. Cole Simons: It says:

“The working group determined that accountants could potentially be involved in the creation of complex structures that provide anonymity, that in the international sphere of accountants have been identified as playing key roles in money-laundering typologies and tax evasion schemes and that in Bermuda they do provide services through non-face-to-face channels. By offering certain types of services accountants can be retained on matters that could bring them within the scope of the mainstream.”

Mr. Speaker, they go on to also indicate that there were 23 categories of offences that were typical predators to money-laundering based on their analysis. The working group concluded that these predicate offences posed the highest ML threats in Bermuda and it covers fraud, insider trading, market manipulation, tax crimes, corruption and bribery.

And so the NAMLC team had a concern about the roles that some of these accountants play and it was difficult for them to have purview over the Association of Accountants because they, [the Association], were not in Government, but the accounting profession and the regulatory body said, yes, we will do our part. And so they have been working with the NAMLC team to address the deficiencies that the NAMLC Working Group thought might compromise the AML/KYC standards. So I commend them for that.

And this is important, Mr. Speaker, because at the end of the day we have seen a number of infractions by accountants here locally and abroad.

An Hon. Member: Bankers too.

Mr. N. H. Cole Simons: And Mr. Speaker—

The Speaker: It sounds like an accountant in the House.

Mr. N. H. Cole Simons: —we recently had a case where there was fraud . . . Mr. Speaker, there was fraud with an accountant in the international reinsurance sector and there was fraud in government. I remember, years ago, there was in Immigration.

And the challenge that arises, Mr. Speaker, is that some of these accountants are practicing in the private sector, but they are not registered with the regulatory body. And because they are not registered with the regulatory body, the regulatory body has no purview over them. So I am pleased that, at the end of the day, if anyone wants to practice accounting in Bermuda and bear their designations, they have to register with the Bermuda agency, with the Bermuda regulatory body.

The Speaker: Mm-hmm.

Mr. N. H. Cole Simons: So I support that 100 per cent, Mr. Speaker.

Mr. Speaker, so what does that mean? You know, when I was on the Audit Committee there were concerns about accountants from Africa and the Philippines, that they were not allowed initially to be registered—

[Inaudible interjection]

Mr. N. H. Cole Simons: —registered, sorry—

The Speaker: Members, Members.

Mr. N. H. Cole Simons: —South Africa and other African countries.

An Hon. Member: You know Africa is a continent, right?

Mr. N. H. Cole Simons: Just be quiet.

The Speaker: Members!

Just speak to the Chair, do not let them pull you off your stride.

Mr. N. H. Cole Simons: So, Mr. Speaker, there were concerns, and I am pleased to learn that if a foreign national has qualified in a jurisdiction and they want to practice and use their designations, they have to basically register with the accounting regulatory body.

So what does this mean for the regulatory body, Mr. Speaker? Well, it means that the regulatory body has to basically look at the papers of these accountants from overseas, i.e., South Africa, Kenya, Uganda—

An Hon. Member: Canada.

Mr. N. H. Cole Simons: Canada, yes. Philippines—

Another Hon. Member: United States.

Mr. N. H. Cole Simons:—Hong Kong, and so forth, and the United States, and look at the credentials to make sure that they are qualified to practice in Bermuda.

And so, again, I am delighted. It is an extension of their responsibility, but it is the right thing to do, Mr. Speaker.

Mr. Speaker, the other issue that I would like to address is the issue of . . . just a second . . . immigration.

Mr. Speaker, I was sitting on the Veterinary Council. And the Veterinary Council, when it comes to our guest worker veterinarians, they are only allowed to be on the register if they have a work permit. Can the Minister provide some clarity around these guest workers who will be able to use their designations and who will be on the Bermuda register, what will happen to them if they leave Bermuda? Will they be able to maintain their designation and remain on the Bermuda register or will they have to come off the register when they leave Bermuda?

As I said, in the Veterinary Council, if a veterinarian is qualified, then he has to get to Immigration before he can be allowed on the veterinary register. When he leaves Bermuda and his work permit is terminated, he comes off the registry. So I would like for the Minister to provide some clarity around that, because there is a question about when these professional accountants leave Bermuda, can they remain on the Bermuda register forever if they pay their annual fees? So I would like to have that issue addressed.

Mr. Speaker—

The Speaker: Yes?

Mr. N. H. Cole Simons: I did not have much as far as the . . . like I said, I am delighted that the accounting regulatory body has grown from a regulator of CAs [Chartered Accountant] and CGAs [Certified General Accountant] to cover other disciplines of the accounting industry. And so they are more embracing and they take a more national role instead of just a role in regard to standards for the CPA and the CAs.

So, again, I applaud them for stepping up and morphing into the national body of accountants and not just restricting themselves to the chartered accountants and chartered public accountants. Obviously, over the years they have evolved and I support that evolution.

So, Mr. Speaker, as I said, I support the legislation. I support what is being done, and I support the fact that our young people can be educated and achieve their qualifications in Bermuda, and I applaud the accounting body for stepping up and playing their role in helping us as a jurisdiction to address the NAMLC requirements and the requirements that we

have to abide by when it comes to the proceeds of crime.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable 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 will declare immediately I am an FCPA, and so I am very proud to be a Fellow of the Chartered Professional Accountants of Bermuda.

And I want to say one thing. It is important for us to recognise that this is something which has been under review, and I know that my colleague, Patricia Gordon-Pamplin, who is an ACCA, had been very concerned about how we were going to do this. Sometimes in the past you grandfather people, but grandfathering sort of says, *Well, if you're there now you get to come in*, but it does not deal with people who are not there now.

And so I think it is very important that we have changed this such that anybody that is in one of the categories that are listed here is able to be recognised by the CPA of Bermuda. And it is important for us to recognise that . . . this reminds me of something that happened a while back, because we used to have the CMA and then we used to have lots of other accounting bodies where everybody was sort of saying, well, you know, we are the same, et cetera. Well, the recognition has been that the ACCAs should be all together because we are all individuals who are in there doing things with respect to accounting, doing things with respect to accounts, doing things where . . . when someone sees our name we want them to realise that we are part of a body—a professional body—where we are all having that degree of expertise and we hold ourselves out to be someone that has that designation.

So for me, Mr. Speaker, I am pleased to see this and I know my colleague is very happy. And I think all of Bermuda should be happy because it means that we have people who have gone off and become qualified. And with respect to what the Minister said, I think it is very important that we are able to have this recognition because the last thing we would want would be people not going after the designation, not studying at the college, et cetera, because they think that it is not going to get them on the path that they need to. And in Bermuda it is important . . . I believe that whatever you are doing, [take] the fastest and the most direct route, so this also does something from the point of view of our students and it will make sure that people will do things and get that designation. And we are all—all of us—are now happy that, as a body, we have a group together that can go out and

hold ourselves with pride as someone who is doing something in the accounting profession.

Thank you, Mr. Speaker.

The Speaker: We recognise the Honourable Minister.

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

Mr. Speaker, I was not going to speak, but I thought I would say a few things.

Now I am a CPA, a certified public accountant, not a chartered public accountant, which is different. Chartered public accountant means being a member of the Association. I used to be a member of the Chartered Public Accountants and, as my good friend who just spoke, I realised that to be a chartered professional accountant I think you are paying about \$700 or \$800 a year, plus your licence, insurance and everything else. And since I do not practice anymore as far as audits and stuff like that, it did not make sense for me to be paying out \$4,000 to \$5,000 a year to be a chartered professional accountant.

I remember when it used to be just CA, chartered accountant, and it was this feeling that if you were a chartered accountant you were better than a CPA (certified public accountant). But every time the CA . . . that was the old oligarch in Bermuda because most individuals were chartered accountants coming out of Canada. But yet, every time they had speakers, they brought down CPAs (certified public accountants) to speak at most of the conferences. And so they have grown over the years. I recognise that CAs and CPAs and every other A's and CGAs and everything else are basically the same. They go through different training, some of us have had more auditing experience, I think, than the CGAs and probably even the body who we are now just anointing to be members of the CPA (chartered professional accountants).

So I still hold myself out as a CPA, as a certified public accountant. I just cannot put "CPA" on my business card, as a chartered professional accountant, we would have some type of confusion. So I am not going to—

[Inaudible interjection]

Hon. Wayne L. Furbert: I am a certified public accountant from California. If you want to see my certificate you can. And we go through . . . every year we go through our . . . we have to be going through our CPEs, doing our professional educational courses. And my licence expires, I think it is, in 2020, but then we have to do some more CPEs, and then you move on to California.

In some jurisdictions you can put "CPA Inactive" or "CPA California" or "CPA New York" or CPA whatever, so you are . . . you know that you are not actually practicing in that specific state. You asked a question whether a person . . . when a person moves out of Bermuda, can they be a member. I do not . . . I

think you can as long as you are having . . . you are paying your membership. I am not sure whether there is any designation within the actual bylaws that actually says you cannot be a member of the CPA. But as you know those members who are chartered professional accountants have to also do courses, and CPAs (chartered professional accountants) have to review their CPEs on, I think it is, a yearly basis. I cannot remember if it has changed or not. So that makes you recognise that if you want to continue . . . and I believe I moved to New York and I am now a member of the CPA (certified public accountant) of New York, there is no need for me to become a chartered professional accountant in Bermuda. It does not make sense, paying membership fees in both New York and in Bermuda, . . . if I am practicing in New York or wherever throughout the States.

So I recognise there have to be regulations and some protections on board, but the only thing that I cannot do is, like I said, put something on my letterhead that says I am a CPA, because you have to be a member. I have been a member now for about two years, as far as being a member of that body, but you know . . . and the reason why is that I do not practice public accounting anymore.

So I support the steps that they are taking. I support that they have now recognised other bodies within . . . and I am sure it took some time to make it happen because sometimes there are protections . . . like I said, when it first started it was chartered accountants and you had to be . . . you are protecting that body. It is like being, I guess, a fraternity, Honourable Member, you become a part of that fraternity group and then everybody else was not, per se, good enough.

So, again, I support what the Minister has brought thus far and I am sure as time goes on probably some future changes will be made to the Act to even improve it as he goes along.

Thank you.

The Speaker: Thank you.

Does any other Member wish to speak?

Mr. Swan, are you standing to speak or are you about to sit down?

Mr. Hubert (Kim) E. Swan: I am standing.

The Speaker: Okay, Mr. Swan, you have the floor.

Mr. Hubert (Kim) E. Swan: Thank you, Mr. Speaker.

Mr. Speaker, the Chartered Professional Accountants Amendment Act [2019] I would like the opportunity to speak ever so briefly to. I cannot declare an interest as being a chartered accountant, but I can say that I spend a lot of time around chartered accountants because in my profession I probably have taught more accountants and aspiring accountants than probably any other discipline of persons who

have come to me. And I have taught thousands of people how to play golf.

More recently, in recent years, I have come across a number of my good friends from the Caribbean who would certainly appreciate and will appreciate this particular amendment Act coming into force. And through my conversations with one or two of them in particular they shared with me how the designation that they have is recognised around the world in many countries, closely associated with the Commonwealth, like we are. And certainly this amendment would go a long way to fostering that relationship, notwithstanding the fact that we in Bermuda should avail ourselves of educational opportunities at the University of the West Indies and other educational institutions that may be associated with this designation.

So I think it makes eminent good sense in this regard and I just want to lend my support, Mr. Speaker. Thank you.

The Speaker: Thank you, Honourable Member.

Any other Honourable Member?

None?

Minister, would you like to wrap up for us?

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker, and I do thank my honourable colleagues, for the most part, supporting the Bill.

There were a few questions asked that I do want to offer some brief commentary on, Mr. Speaker.

Mr. Speaker, the simple answer to the question about whether they stay on the register is no, because once you leave, unless you pay your fees, you are not a member anymore and so you come off the register.

Mr. Speaker, the other thing . . . I did want to commend the Shadow Minister of Education for congratulating us on having a programme in place that allows our students to get qualified without leaving Bermuda. As we know, previously he has commented on the number of high school graduates that do not go away to international institutions. And one of the things is, I posit, that because we are providing so many opportunities locally for our students, they are now taking opportunities to do the things that they could have done by going overseas by doing them locally.

Once again, Mr. Speaker, I highlight the fact that 93 per cent of the graduating class of Cedar-Bridge Academy will be attending higher institutions, whether locally or overseas, which is a phenomenal percentage and something that we should always, always celebrate when we have that type of number of our high school students attending university or colleges after they graduate from high school.

Well, with that, Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you.
Deputy?

[Pause]

House in Committee at 3:30 pm

[Hon. Derrick V. Burgess, Sr., Chairman]

COMMITTEE ON BILL

CHARTERED PROFESSIONAL ACCOUNTANTS AMENDMENT ACT 2019

The Chairman: Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Chartered Professional Accountants Amendment Act 2019](#).

Minister, you have the floor.

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman.
Mr. Chairman, if it pleases you and Members opposite, I would like to move all four clauses.

The Chairman: Continue.

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman.
Mr. Chairman, clause 1 provides the citation for the Bill.

Clause 2 amends the principal Act in section 9 to include the accounting designation, the Association of Chartered Certified Accountants (ACCA), as an accounting designation recognised by CPA Bermuda, which members of CPA Bermuda have the right to use. The clause also makes consequential amendments to the title and other provisions of section 9.

Clause 3 amends the principal Act in section 10(1) to provide a consequential amendment to update the provision in line with amendments to section 9.

And lastly, clause 4 provides for the Bill to come into operation on such day as the Minister may appoint by notice published in the *Gazette*.

Thank you, Mr. Chairman.

The Chairman: Are there any further speakers?
The Chair recognises the Honourable Member Hadley Cole Simons.

An Hon. Member: It is Nelson Hadley [Cole] Simons.

The Chairman: He is named after his grandfather, Hadley.

[Inaudible interjection]

Mr. N. H. Cole Simons: Yes.

In regard to the Minister's just recent comments, I am referring to [clause 2] (5) "a member of

CPA.” He indicated that once a member leaves Bermuda his name will come off the register if he does not pay his annual subscription. I have no problem with this.

My question is, if a member leaves Bermuda, does not practice in Bermuda, and remains on the register by paying his annual fee, will that be acceptable to CPA Bermuda?

The Chairman: Minister?

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

Mr. Chairman, I have just been informed [that] the person must be resident in Bermuda to remain a member.

The Chairman: Any further speakers?
Cole, Honourable Member.

Mr. N. H. Cole Simons: Question: “Resident” meaning that he must have a work permit?

Hon. Diallo V. S. Rabain: Yes.

The Chairman: Any further speakers?
Minister, do you want to move these clauses?

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman, and thank you for your comments, Member.

Mr. Chairman, I move that the preamble be approved.

The Chairman: No, do the clauses first.

Hon. Diallo V. S. Rabain: Oh, I move that the clauses be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.
Any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Diallo V. S. Rabain: I thank you.
I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.
Any objections to that?
There appear to be none.
Approved.

Hon. Diallo V. S. Rabain: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?
There appear to be none.
The Bill will be reported to the House as printed.

Hon. Diallo V. S. Rabain: Thank you, Mr. Chairman.
Thank you, Member.

[Motion carried: The Chartered Professional Accountants Amendment Act 2019 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 3:34 pm

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

REPORT OF COMMITTEE

CHARTERED PROFESSIONAL ACCOUNTANTS AMENDMENT ACT 2019

The Speaker: Members, are there any objections to the Chartered Professional Accountants Amendment Act 2019 being reported to the House as printed?

There are none; it has been reported. That brings a conclusion to that matter.

We will now move on to the next item on the Order Paper today, which is [Order] No. 4, the second reading of the Child Safeguarding (Miscellaneous Amendments) Act 2019 in the name of the Minister . . . Minister Simmons are you going to do it on behalf of the Minister?

Thank you.
Minister Simmons, you have the floor.

SUSPENSION OF STANDING ORDER 29(1)

Hon. Jamahl S. Simmons: Thank you, Mr. Speaker.
Mr. Speaker, I move that the Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Child Safeguarding (Miscellaneous Amendments) Act 2019.

The Speaker: Any objections?
No objections, you can proceed.

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

BILL

SECOND READING

CHILD SAFEGUARDING (MISCELLANEOUS AMENDMENTS) ACT 2019

Hon. Jamahl S. Simmons: Mr. Speaker, as stated in the 2006 UN Global Study on Violence Against Chil-

dren, “no violence against children is justifiable” *all violence against children is preventable*.

Mr. Speaker, as a Government and as a community we are all concerned about the safeguarding of our children. This Government is committed to doing everything that we can to prevent the maltreatment of our children and to protect their right to grow and thrive in a safe environment.

Mr. Speaker, I am therefore pleased to introduce the Child Safeguarding (Miscellaneous Amendments) Bill 2019. This important Bill will help to usher in much needed reform to our child safeguarding regime. The Bill amends the Criminal Code Act 1907, the Children Act 1998, the Young Offenders Act 1950, the Evidence Act 1905, the Education Act 1996, and the Proceeds of Crime Act 1997 to enhance provisions and measures for the protection of children and other persons from sexual exploitation and sexual abuse.

In particular, the Bill aims to prevent and combat sexual exploitation and sexual abuse of children, protect the rights of child victims of sexual exploitation and sexual abuse, and promote national and international cooperation against sexual exploitation and sexual abuse of children.

Mr. Speaker, this Bill will bring Bermuda into compliance with the internationally recognised standards set by the Lanzarote Convention. The Lanzarote Convention is the moniker ascribed to the 2007 Council of Europe’s Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. Its overarching purpose is to protect children against sexual abuse and to establish the various forms of sexual abuse of children as criminal offences.

It should be noted, Mr. Speaker, that the Lanzarote Convention is considered the universal gold standard for child safeguarding and Bermuda can take pride that while preparing for this extension it was ascertained that Bermuda’s current legislation was predominantly compliant. Let me say this again: It was ascertained that Bermuda’s current legislation was predominantly compliant.

The improvements we are seeking today with this Bill will further strengthen our child safeguarding regime and modernise our approach to sexual offences in general.

One of the primary requirements for compliance to the Lanzarote Convention, Mr. Speaker, is for the designation of “child” to be universally defined as a person under the age of 18 years. Accordingly, the Bill seeks to amend the definition of “child” to reflect this new interpretation.

We also took this opportunity to bring the language from older legislation, such as the classification of sexual offences, into the modern era by repealing and replacing use of what would now be considered offensive or inaccurate terminology or language, ensuring that this new legislation will be in line with current sensibilities.

For instance, Mr. Speaker, the archaic language in current sexual offences to “unnatural” and “against the order of nature” will be repealed and the offence will now be named for what it is meant to criminalise—“non-consensual anal intercourse.” However, it should be noted that no change has been made to the penalty or the age of consent as it relates to this particular offence.

In addition, Mr. Speaker, with the previous offence of “intercourse with a defective” we have modernised the terminology to refer to “severe mental impairment” and have defined this to mean a person suffering from a state of arrested or incomplete development of the mind.

These updates to the language will not only modernise this legislation but will also give the Government further latitude in prosecuting these types of criminal offences.

Mr. Speaker, there are many factors that a court needs to consider when faced with sentencing an offender for sexual crimes against children. This Bill will compel the court to consider the following factors as aggravating, which will therefore warrant more severe penalties:

- the offence seriously damaged the physical or mental health of the victim;
- the offence was preceded or accompanied by acts of torture or serious violence;
- the offence was committed against a particularly vulnerable victim;
- the offence was committed by a member of the family, a person cohabitating with a child or a person having abused his or her authority;
- the offence was committed by several people acting together;
- the offence was committed within the framework of unlawful gang activity; and
- its perpetrator has previously been convicted of offences of the same nature.

Mr. Speaker, an important component of this Bill is that it addresses the circumstances of child sexual abuse that could not be prosecuted due to jurisdictional issues. These usually entail evidence implicating local suspects having molested local children while overseas. Given the frequency of travel of our population to foreign jurisdictions, this issue is of particular concern. This Bill will amend the Criminal Code to allow prosecution in these particular circumstances.

Mr. Speaker, one of the barriers to the prosecution of sex offences is that they often go unreported because the child victim does not feel they can report it or has been coerced into not reporting it. Child victims find that decades later when they are adults the statute of limitations for the particular offence has run out. I am pleased to inform the House, Mr. Speaker, that the Bill removes the only statute of limitation that remains for any sexual offence.

Additionally, Mr. Speaker, the Bill amends the Criminal Code to create the specific offences of prostituting children, recruiting a child into participating in pornographic performances or causing a child to participate in such performances, coercing a child into participating in pornographic performances, or profiting from or otherwise exploiting a child for such purposes, and knowingly attending pornographic performances involving the participation of children.

Mr. Speaker, the proposed amendments extend beyond natural persons to bodies corporate, in particular, upon sentencing a body corporate for the offence of making or distributing child abusive material or child pornography, the Bill makes provision for the court, in addition to imposing a fine, to recommend the following in respect to the body corporate: exclusion from entitlement to public benefits or aid or a judicial winding-up order.

In addition, Mr. Speaker, provision is made for any money forfeited from persons convicted of child pornography offences to be paid into the Confiscated Assets Fund. The Bill proposed that the forfeited money be used for education and training of officials in the effective implementation of the new special measures provision in relation to child witnesses in criminal cases related to exploitation of children and related measures and for prevention and assistance programmes.

Mr. Speaker, the Bill introduces a new requirement that the DNA profile of a person who is registered as a sex offender be kept on the register. It also makes the penalty for the following offences against children 50 per cent higher than the penalty where the offence is committed against an adult:

- procuring unlawful carnal connection of a person by threats, fraud or by administering drugs;
- obtaining prostitution from a child;
- exercising control over a child or other person with a view to prostitution; and
- intruding upon the privacy of women or girls.

Further, the Bill increases the penalty for incest, as suggested by the Court of Appeal in the Shannon Lawrence case.

Mr. Speaker, with reference to gender neutrality with regard to offences against children it is important to note that there are currently many criminal offences prescribed in law that can only be committed against a female child. That is to say, if the same acts were committed against a male child, they would not be prosecutable. This is a long-standing omission in our laws attributable to social values and perceptions that pertained at the time these laws were enacted which are not in alignment with current realities and sensibilities. The Bill ensures equal protection under the law for all children with increased penalties for the offenders.

Mr. Speaker, in keeping with the Throne Speech initiative to better assist children before the

courts, child safeguarding has been a priority of the Ministry of Legal Affairs. Those familiar with cases involving the sexual abuse of children are aware of the complications faced by our current investigative and court procedures. Unfortunately, these procedures may have a detrimental effect on the children who are required to endure these processes through no fault of their own. As such, the Bill requires the courts to treat all criminal proceedings for sexual offences relating to a child as priority for case management purposes. The Bill advocates for investigations for sexual offences and any subsequent prosecution to be progressed and concluded with as little delay as possible.

Mr. Speaker, it is important to note that in order for the child safeguarding regime to be effective it must also provide for amendments to the Children Act 1998 so as to ensure that awareness of the protection and rights of children is a priority, particularly among persons who have regular contact with children in the education, health, social protection, judicial and law enforcement sectors and in areas relating to sport, culture and leisure activities.

To achieve this objective, Mr. Speaker, the Bill gives the Minister the additional responsibility of promoting and supporting the coordination of all government departments responsible for managing, protecting, preserving, and reducing the serious personal injury offences committed against children. To that end the Bill empowers the Minister to establish a National Child Safeguarding Committee to make policy recommendations to the Minister regarding the safeguarding and welfare of our children. The purpose of this Committee also includes:

- The development of a National Plan of Action to include making recommendations on effective mechanisms to enable the authorities in Bermuda to coordinate with others concerning the development of policies and activities with respect to combating sexual exploitation and abuse of children.
- Coordinating activities to identify, assess, and better understand Bermuda's risks in relation to sexual abuse of children and taking the necessary steps to ensure that such risk assessments are kept up to date.
- Educating the public on and increasing the public awareness of the need to safeguard and promote the welfare of children.

Provision is also made for the Director of Child and Family Services to arrange for the delivery of physical and psychosocial assistance to a child that may be a victim of a sexual offence as well as to a child who may have committed a serious personal injury offence. This includes those who are below the age of criminal responsibility (8 years old) with the aim of addressing any sexual behavioural problems.

As such, Mr. Speaker, this Bill ensures that training is provided on children's rights on sexual ex-

ploitation and sexual abuse of children for the benefit of all persons involved in court proceedings, including judges, lawyers and law enforcement officers.

Mr. Speaker, child victims are particularly vulnerable, especially with regard to reporting their victimisation after the fact. Their innocence often blinds them to the harm caused to them. The influence and control of adult perpetrators is often decisive, and the fear factor is particularly likely to be more enhanced than for adult victims. This warrants exceptional legal measures to ensure the protection our children deserve.

This Bill specifically states that investigations or prosecution of offences where the victim is a child shall not be dependent upon the report or accusation made by the child victim and that the proceedings may continue even if the victim has withdrawn his or her statements.

Mr. Speaker, the Bill also amends the Education Act 1996 to require every aided and maintained school to provide children with appropriate information on the risks of sexual exploitation and sexual abuse and how to protect themselves. This will ensure that our children receive information on the risks of sexual exploitation and sexual abuse as well as on the means to protect themselves as the first line of defence. Furthermore, consideration will be given to adapting this information to the child's evolving capacity.

Mr. Speaker, the requirement for corroboration of evidence that confirms or supports the evidence of children has been abolished in most western countries and Bermuda is behind in this regard. The prosecution process itself, especially the trial, can be daunting and stressful for our children. There are risks of retraumatising a child or causing the child unnecessary worry and distress. Bermuda's protections for children in the court are outdated. Comparable jurisdictions, such as the Cayman Islands, Jamaica, Australia, Canada and the UK have all modernised their evidence legislation to more adequately reflect the importance of achieving the best evidence from children.

Bermuda's law in this regard have not been reviewed or updated for 25 years. Presently, as an example, where a 12-year-old is sexually exploited and cannot demonstrate that they understand the seriousness of a criminal trial and in particular a responsibility to tell the truth, that 12-year-old will not be allowed to testify under oath. This means that the accused person cannot be convicted unless there is independent evidence to support what the child has alleged. This is a major stumbling block to justice in these cases as, by the very nature of these offences, there may be no witnesses to the acts and forensic evidence is often no longer available when a child makes a disclosure. Therefore, the Bill removes the requirement for corroboration of a child's evidence.

Mr. Speaker, the Bill also provides for an entirely new and modern approach to special measures available to the court to receive the evidence of children. The Bill permits a child's evidence to be pre-recorded in the absence of the jury and the accused and the recording may be accepted as evidence during court proceedings. By so doing child victims will be afforded the protection of being heard in the courtroom without being present through the use of appropriate communication technologies.

The new special measures provide that where the child witnesses a person, other than the accused, in criminal proceedings relating to a sexual offence, the child's evidence is to be pre-recorded. In the event that the pre-recording for some reason cannot occur, the child's evidence is to be given with the use of an audio/visual link or with the benefit of a screen.

The court also retains the power to exclude the public from the courtroom. At all times the fairness of the trial procedure, the right of the accused, and the interests of justice are to be considered by the court.

Mr. Speaker, the Bill creates a new regime that protects the privilege of sexual assault counselling communications. Presently such communications are automatically disclosable to the court and to counsel for the defence. This causes distress and discomfort to victims who consequently either do not seek counselling and remain in a traumatised state or choose to withdraw the complaint rather than expose themselves to questions about their counselling. The Bill, therefore, prevents automatic disclosure and requires the leave of the court hearing the proceedings to be obtained to compel another person to produce a protected counsellor communication; produce to a court adduce evidence, or otherwise use a protected counselling communication; or otherwise disclose, inspect, or copy a protected counselling communication.

Mr. Speaker, the current sexual offender provisions in the Criminal Code are designed for adult offenders. This Government is not blind to the fact that sometimes it is a child who assaults other children. In such cases both children are a cause of concern warranting systemic intervention relative to each child. Therefore, the Bill amends the Young Offenders Act 1950 to ensure that intervention programmes or measures are developed or adapted to meet the developmental needs of children who sexually offend.

It is also of note, Mr. Speaker, that this Bill ensures that those professionals who have regular contact with children have not been convicted of acts of sexual exploitation or abuse of children. The listening public is invited to take note that no person whose name appears on the child abuse register or the sex offender register will be employed as a health care professional, a school principal, teacher, counsellor, social worker, youth or recreational leader, member of the clergy, or a child care worker, or a police officer, probation officer, or youth care worker.

Mr. Speaker, I have no doubt that the Bill will provide Bermuda with the tools to ensure that we are among the most progressive nations in the world pertaining to our child protection regime. These measures attest to the value we place on our children and our appreciation that their proper development is indispensable to the future of our society.

With those remarks, I conclude and thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

We recognise the Member from constituency 22. Honourable Member, you have the floor.

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

It is always difficult when discussing a subject of great sensitivity, such as children, to offer comment without seeming churlish. So, let me start by saying that much of what is in this Bill the Opposition supports. What the Opposition is less happy about is how this Bill came to be, the absence of consultation, and the fact that when we rush these things what happens, so sadly, is we get them wrong and mistakes are made.

This is a significant Bill. It seeks to amend six different Acts in six different areas of law. It seeks to amend the Criminal Code Act of 1907, which, I think, even though it has been amended on several occasions since 1907 is still a historic and, therefore, old-fashioned piece of legislation.

The meat of the Bill and the part about which we would offer great praise to the Minister and to the Government for bringing this forward is in Part 5, which amends the Evidence Act 1905. And much of the speech by the Honourable Member and the Minister introducing this Bill spoke to that Part 5 of this Bill. And, specifically, what Part 5 is doing in lay terms is introducing special measures into judicial process, into the process of the court, so that when children are involved in court process and, specifically, criminal court process more often, there are special measures that are available to take into account that these are not adults.

For example, some of the various matters that are being introduced, which are incredibly commendable and have been pushed for by the Bar, are pre-recording of evidence for children in certain circumstances or using video link evidence in certain circumstances. A lot of this will be in the discretion of the judge, but some other special measures that could occur, if appropriate, would be to exclude the public while the child is giving evidence. There is a relaxation, again, a discretionary relaxation of the way in which the accused or other persons are identified by the child.

The goal of these special measures is to try to allow criminal, often criminal, cases to be dealt with where they involve children in an understanding way,

that this child is not an adult and, therefore, does not necessarily understand the proceedings that are going on around him or her and to allow evidence to be given in as fair a way [as possible], not only to the accused, but to the child, more importantly to the child, perhaps one would say.

Additionally, there is an important change where prosecutions can still be pursued even where a child might withdraw their evidence during the process. Now, of course, there are safeguards and one has to look to corroboratory evidence, et cetera, but as the Minister said in his address, oftentimes the types of crimes that we are trying here to help prevent are the ones that take place in private, often in the home, sometimes with family members. And, therefore, the ability to obtain corroboratory evidence in those circumstances is difficult.

So that is the meat of the Bill—the amendments to the Evidence Act 1905, and the special measures that are being introduced. And those are all, as I say, very commendable, they take our jurisdiction forward and they will be welcomed by those practicing on both sides of the Bar.

Part 2 of the Act deals with changes to the Criminal Code, the 1907 Criminal Code Act, and that is actually where the vast majority of the changes in the Bill appear. And those are largely linguistic changes, but important linguistic changes. As the Minister said, and I will just elaborate slightly, a lot of the time the preconceived notions of those drafting legislation, perhaps in 1907 or since, was that certain people, for example, a pimp, would always be a man, a prostitute would always be a woman, and there were certain preconceived notions that are inaccurate. And this is an effort to amend that language to make it gender-neutral. And I have some comments on that which I will deal with in Committee.

There is also the removal of the rather distasteful word “defective,” which I think all in this Chamber will be pleased to see as being jettisoned and hopefully jettisoned forever. “Defective,” of course, was an unfortunate choice of word to refer to people with mental impairment and I am pleased to see it leave. So those are the nub of the changes, the evidential changes, and the changes to the Criminal Code.

Additionally, and this is where I think I would be slightly critical, although constructively critical, is we see some changes to the Children Act. It is deeply regrettable that a Bill of this significance to Bermudian children was not shared with those practicing in the third sector—in the charitable sector. That those Bermudians who spend their lives gaining expertise, knowing how to work with children and how to deal with children, were not even asked to comment on this Bill is, I am afraid, shocking and unfortunate. And I just hope that this repeated desire on the part of the Government to rush through legislation, sometimes,

as with this one, in first, second and third readings in one day . . . it is not a good idea; it makes for bad law.

You would have thought that if we were amending the Children Act [1998] you would want to go and consult with the Family Centre, with SCARS, and with these organisations who spend, day in day out, 24 hours a day, 7 days a week, working in this space. And so it is regrettable that this was presented without their input, although some have scrambled in the last week or so to provide some.

Also, while we are on the amendments to the Children Act [1998], I mentioned [it] a few weeks ago, Mr. Speaker, but I will bring it up again, there still sits on the Order Paper a Bill that was intending to amend the Children Act from back in November, and that was the Children Amendment Act 2018. I am pleased that Bill has not been picked up and taken forward, indeed, not just me, I think the Opposition is pleased that that Bill has not been taken up and brought forward because it would have, if passed, watered down the protections—other protections—of children in the courts, namely, those protections which are afforded by litigation guardians. I hope that now that this piece of legislation is being brought forward in a positive way by the Government, the Government will now see fit to drop entirely the old piece of legislation from last November. It is not a good idea.

While we are on the subject of litigation guardians, this House will recall that only a month ago the Court of Appeal for Bermuda set out some rather damning statements about what we are doing in relation to the protection of our children—and I say “we” and “our.” The criticism was made of the Government that we, as legislators, all have some responsibility. But in terms of what we are doing in terms of the protection of our children, litigation guardians are mandated by the 1998 Act—that is 21 years old. And we still continue to fall short here, even after the criticism made by the Court of Appeal in which, and I quote, the Court of Appeal ruled that the Minister had a “flagrant disregard for the human rights of children” . . . “flagrant disregard.” Even after that criticism, it is not at all clear what steps, if any, have been taken to appoint litigation guardians, to arrange for litigation guardians to be funded.

And Mr. Speaker, you may remember during the Budget Debate the, then, Honourable Minister for Health, who was carrying this brief on that day, and I discussed the amount that would be budgeted for litigation guardians. And it was somewhere in the region (I do not have the exact number, but somewhere in the region) of \$230,000 to \$240,000. And I pointed out and, indeed, the Honourable Minister agreed that that was not a lot of money when you think about what is required to provide proper litigation guardians and counsel supporting those guardians to ensure that our Bermudian children going through the court system have the guidance and support and protection they need.

Now, why does that matter? It is not just a nice thing, because for too long children have not had that protection and children have been sent away to institutions, in certain circumstances—not all, I accept not all, but in certain circumstances—there are significant problems with these institutions where these children are being sent. In one particular instance there were a number of allegations made and the US took steps to close it down. So this is practically important, it is not merely esoterically something that we would all like to see, there are real ramifications in real life situations.

The Honourable Minister mentioned the Lanzarote Convention. I do not think that this actually goes that far. I know that there was a briefing given to some of the people who sit in the other place where it was accepted that this is not fully compliant with the Lanzarote Convention. The explanation given is that this is what we are doing now and we will see what we do later. But we would not want to mislead the public into thinking that we are fully compliant with the Lanzarote Convention requirements.

Let me finish before we go . . . actually, I think there are other speakers on this side on this point, but as we are on the subject of children, it remains a constant bugbear of mine and something that I really would like to see changed if the Government is prepared to do so, and that is that we have the allegations of abuse and neglect at DCFS . . . we had an investigation that was carried out under the auspices of the former Minister. We still have not seen that outcome. We had an investigation then carried out by the Department of Internal Audit. We still have not seen that outcome.

It is noteworthy, and it is one of the points raised by one of the people in the third sector, the charitable sector, that this Bill, even though it does a great deal of things over some 20 [or] 35 pages, it does not require those working at the Department of Child and Family Services to report matters to the police when they are brought to their attention. And one would have thought that this would have been something that was worthy of inclusion in this Bill.

So, as I say, those are intended as constructive criticisms. On the whole, the Bill is a positive step, particularly in relation to the giving of evidence in the special measures. And I know there are others who may wish to speak, but the Opposition is supportive of the Bill. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Are there any other Honourable Members who would like to speak to this Bill?

None?

I recognise the Honourable Member from constituency 1. You are moving slow, I guess that is an indication of how your team will be moving next week, but we will not speak to that.

[Inaudible interjections]

Some Hon. Members: Ooh!

Mrs. Renee Ming: Mr. Speaker.

The Speaker: Yes, Madam.

Mrs. Renee Ming: Seeing as we are on a very important topic right now—

The Speaker: Yes, stick to—

Mrs. Renee Ming: —I am going to leave that one alone.

The Speaker: —stick to the matter.

Mrs. Renee Ming: Yes.

Mr. Speaker, I would not say I am pleased, but having had this Joint Select Committee last year and submitting the report with recommendations, I am pleased to see that some of the recommendations that actually came out of the report are being actioned at this time.

I believe in total we had 29 recommendations and the [Criminal Code] (Sex Offender Management) [Amendment] Act addressed some of those recommendations and this . . . and I think the number is 13, and this particular piece of legislation goes even further and addresses some of the recommendations that came from the Joint Select Committee Report.

Mr. Speaker, my colleague spoke about the Lanzarote Convention, which is funny because that was probably something that I went immediately looking for as I delved into this particular piece of legislation. And it is because there was a particular case and there were things that happened outside of Bermuda and I know, as a Joint Select Committee member, I struggled with that particular case in trying to understand why it seemed like our scope, or our reach, seemed so short. And to me, not being a Learned Member . . . it was explained to us in our Committee at that time and, you know, it still was very difficult to wrap our heads around, just sometimes how the law works.

So I know my colleague said that he did not feel that the Bill went as far as they could have or should have based on the rules and the terms and conditions of the Convention, I am happy to see that it has made it in here, because that was something I know that was a serious concern in terms of the Committee and what our reach and our scope was for issues that may have happened outside of our jurisdiction.

And so when you read that particular section of the legislation that we have before us, do I think it is perfect? Maybe not. But I do believe that sometimes you have to start somewhere. And where we had

nothing, then we now have something. And I think all of us who sit in this place can recognise that the law is sometimes considered to be a WIP, right? Which is a “work in progress,” which is why all of the Acts that we see sometimes and what we are doing, they are called “amendments,” there are amendments because things evolve and they change. And as those things are happening the law has to change and evolve with it. And that just extends even beyond this piece of legislation, Mr. Speaker.

So the jurisdictional component of this was probably, for me, the most welcomed part next to the evidentiary side of it.

Having listened to what some of our child victims have to go through when they have to testify against the person who may have hurt them, this is definitely a step in the right direction. We are tasked with actually protecting our children. That is what it is that we have to do. Our children are the most vulnerable and it is our job to protect them as best we can. So the fact that there are options on how they can testify with regard to the persons that may have hurt them, I think that, like I said, not just is it a step in the right direction for the child, I believe that it is a . . . it will be welcomed by families, by parents, and those persons who support that child.

So I believe that where we went in terms of looking at the different ways that technology can be used—whether that be video, audio, the discretion that some of the judges may have in how we proceed with that—I applaud the Attorney General and her Chambers for taking that on, because we recognise that there are challenges when you have to stand up as a young child and say some of the things that hurt you the most in front of many people, including the person who may have hurt you.

Mr. Speaker, the updating of some of the laws is long overdue. It is unfortunate that in 2019 the term “defective” is used in any piece of legislation that comes before us. In our report we cited that we could not even . . . I think, the Committee as a whole, when we saw the word “defective” we actually were like *is that for real?* Because that is not language that we would use today and we also . . . I think that in terms of sensitivities, Mr. Speaker, we are well beyond calling anyone a “defective.” And so I applaud the Attorney General for updating legislation in that regard because this could have been and should have been done a long time ago.

In terms of the Criminal Code, we talked about the gender-neutral. It is funny because I know that when I was reading this legislation it immediately brought back feelings of what our Joint Select Committee went through, because lots of what we are reading in this legislation was either touched, discussed or we may have interviewed persons with regard to that. So the updating of the laws and to make them gender-neutral . . . because I do recall, and I think some of my colleagues that were on the Com-

mittee remember, we were saying, *Intrusion on the invasion of a female*. And we were saying, *You cannot catch an intruder on the privacy of a male as well?* And so these things are now being addressed, again . . . not being addressed again, but being addressed within the Child Safeguarding legislation that is before us today.

There was one item (and I note that we had made a recommendation on and it), and that was the updating of the sexual assault with disease. And we said that that list needed to be updated and include more of the sexually transmitted diseases. And so if that is something that I could offer as a takeaway today and maybe when the next amendment comes it should include that list, Mr. Speaker.

The Education Act. I think that, again, I am happy to see that our schools are being aligned to our Child Safeguarding legislation as well. Because, again, during our Joint Select Committee time, there was a particular incident that happened at a school. And I was very passionate about it and I remember talking about it a few times with my Committee. And we were disappointed to learn that there was nothing that could be done with regard to the case. And part of it was because we just did not have the legislation to support it. And it was a very . . . it was an unfortunate incident, Mr. Speaker. It was a parent that had a relationship with a child on school premises. And they were saying, *Well, we actually do not have any laws to . . . for . . . not so much to prosecute*, Mr. Speaker, but it was for what happens *after*.

And so the legislation that has come out over the past year, which includes the [Criminal Code] (Sex Offender Management) [Amendment] Act, also now puts protections in place there. And I think the key word that I would like to give off from all of us today is the protections, because it is our responsibility to protect our children. Other than seniors, they are our most vulnerable, and as those who sit around this room it is our responsibility, we were elected to [protect them].

And so I will not even be long on my feet with this, Mr. Speaker. I definitely throw my support behind this Bill 200 per cent. I feel like I could go into so much more, but I do not want to repeat and there are many other speakers. But I believe that this is a step in the right direction, Mr. Speaker. I believe that there are many . . . there are still more recommendations that came out of the Joint Select Committee that could still be enacted. And I am hopeful that we now have some changes in here. I look forward to the continued changes and the ever-evolving side of it.

The one thing I know we do not go into too much (and at some point we will), and that is online. And just touching with online protections. And I know because a couple of weeks ago we did our session in St. George's that we call "Stranger Danger." And the police officer spoke very candidly to the parents on cybercrimes, and the people that are interacting with

our children, whether they be through phones, through chats—there were some chat applications I had never even heard of—but through the games that they play . . . so that is something that we will have deal with as a community very soon. The awareness is key there.

Everything I think that, even out of our Joint Select Committee Report, the very first thing was education and awareness. We broke it up into three different sections, Mr. Speaker. But the real key here was the Education, Awareness and Effective Preventative Measures. And the reason I say that is because the preventative measures mean we do not even have to get into the other stuff. If we continue to educate ourselves, educate our children, to not be afraid to talk about what makes us feel uncomfortable because that, too, is a problem within our communities, Mr. Speaker. We are uncomfortable talking about this very topic.

I can tell you that I no longer have anything to be uncomfortable to talk about this. I feel more uncomfortable when I have to look at the ramifications of an end result that was not . . . that we did not want.

And I think that even when we are talking to parents we need to be saying to our parents that you cannot be uncomfortable having this discussion with your children anymore. Those days are done, over and dusted. You would need to start having these types of conversations probably at like four or five years old. You would probably be shocked that your children are even able to understand some of the things that you are telling them.

So the key is really education, awareness and preventative measures, because the more we can prevent, then the less we even have to deal with some of the other things that come out of this.

So Mr. Speaker, with that I will close my remarks by saying that I absolutely endorse this. I believe that it is a step in the right direction. I still believe that there is work to be done, but I am confident that as we move and as we evolve, those things will be addressed.

And to your comment in the very beginning, I think you will be disappointed, but I would rather not count my chickens before they hatch.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member. We will still enjoy ourselves next week.

Any other Member wish to speak?

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

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

Well, this is the kind of legislation that gets me up on my feet and gives me meaning for really being up here, because these kinds of social issues are close to my heart, and I certainly applaud the Government for bringing this forward. I have to say that I would have liked to have had a little more time to pro-

cess the information, as my colleague said. It was a very dense piece of legislation—35-odd pages—covering a number of different Acts, and I certainly would have appreciated a little more time to prepare.

But there are a couple of things that came up for me. One was reflecting on the Criminal Code Act of 1907. So we are looking at a very old piece of legislation. But I do not want the community to be fooled because the content and the amendments that have been made to this Bill—this Child Safeguarding Bill—are very current and relevant to the activities of today. So there may be people out [there] who will hear words like “prostitution” and think, *Oh, that’s irrelevant, we don’t have to worry, this doesn’t apply to me.* But we must take into consideration that many of the activities that are being highlighted in this legislation as being illegal are things that are going on. Maybe the vocabulary has changed, but the meaning has not.

I was doing just a bit of research and, you know, certainly when I was looking at the Lanzarote Convention and some of the materials around that, you know, these kinds of sexual abuses against children show up in so many places within communities that we may not necessarily recognise. And I just want to bring to the listening public’s attention that child sexual abuse is going on all over the place and all of the time. And some of the traditional ways in which we may identify child sexual abuse is one thing, and I believe that it is still alive and well in our community, but we also have to look at some of the activities that have evolved out of other social groups that are going on in Bermuda.

In particular, my attention was brought to gangs. And, you know, let us look at the situation of some young adults who are gathering together that generally may be up to mischief and may be in a situation where a vulnerable child, which, in many instances, is anyone under the age of 18, that may get involved in activities of a gang and will do some sexual activity based on initiations, based on getting gifts and money, can be drugged and find themselves in compromising situations. So I do not want a parent or a caregiver, guardian, to feel that when a young child may be in the company of groups, social groups that appear on the outside to be their peers, that there is not anything untoward going on, because we do have to be vigilant at all times around our children.

And another piece, which the colleague who just took her seat mentioned, is social media. So, in my interpretation of this legislation there are certainly things that are going on with social media that are criminal activities and I would hope that this legislation will capture that. So if you are filming a video of a young person in a compromising sexual situation and it is on social media, one must realise that this is still a video production and it is chargeable under the offences of this particular legislation. And because of that I do want the community to be aware of these sensitivities.

The other side of it, Mr. Speaker, is that we have not given a lot or maybe enough attention to the protection of our children, and certainly as a community we are small, we know each other, whether it starts with the very basic behaviour of, you know, it is the summer holidays, children are out of school, they are able to roam and may be in situations where they are under-supervised or not supervised at all, and it is so important that we provide any kind of protection to the children that are out there. And to see that this legislation has converted what has been, oftentimes, just referred to as “a girl,” but is now gender-neutral, just raises the protection for children of all genders. And so we do not have to feel that anyone is being excluded. Because certainly there are a number of children that are of all sexes that have these horrible sexual experiences, and they go unreported because they feel as though they are not included or that they are not a part of the judicial system as far as bringing charges against an offender.

The idea that there are individuals in this community who are adults, who have taken our young people under the age of 18 and such overseas and while overseas, where parents have put their trust in these adults to take their children on trips and such, and there have been criminal activities, sexual offences that have occurred outside of Bermuda, and there being a feeling that because the adult offender has done these deeds outside of the Island that they are able to get away with it . . . I am really grateful that this legislation is going to now reach beyond Bermuda’s borders and that if there is an offence overseas the criminal system will recognise it and proceed with charges.

Training, not only of our teachers and educators, the clergy, parents, other . . . just children in general, knowing and being able to provide information so that our children know how to report, how to speak to any offences that may have occurred against them, the training and the language, the conversations to have, how to identify a child whose behaviour changes after a sexual offence . . . these are the critical pieces that we need to put in place. Because I do not want us to have a legislation that is just about how we bring charges against an offender; I would like to see the statistics reduced and that we are having fewer sexual offences because the adults in our community are able and are trained and are informed and are aware of the behaviours and the circumstances that would identify that a child has been in any way abused or had any kind of sexual offence against them.

So I am hoping that the Government will continue to develop training programmes, that they will be able to . . . and it is unfortunate that there was not as much consultation with the third sector before this legislation was tabled, but certainly making sure that there is consultation with the third sector after to make sure that we do put training in place and that the train-

ing is escalated. It is one thing to just have awareness, and certainly I have been through the SCARS training and it was amazing and it was impactful and I, to this day, still have much of that messaging in the forefront of my mind. But there are so many other layers to the training and the protection and the prevention. And I need to feel reassured that especially beginning with our parents, we are able to put in place enough knowledge so that we can reduce the incidents of sexual offences against children on this Island.

Somebody had mentioned . . . and I am not sure where I picked this up, whether it was in a news article, but there was a suggestion made around creating possibly an app or something to that effect where young people can have an opportunity to report any abuses that may have occurred against them. And whether this is something that the Government initiates or it is something that the third sector initiates, I do believe that we need to have somewhere . . . somewhere safe that children can report and look for that support when they need it.

The legislation does go on to speak a bit about accountability. And the Minister has committed to making sure that any coordination amongst government ministries, any conversations, bringing the right people to the table to make sure that we are able to bring justice to these crimes is certainly I know, at times, a difficult task, but I am . . . I guess I really am reconfirming and imploring the Minister to make sure that the conversation is being had amongst the ministries so that when the bell is rung that there has been a sexual offence, that there is appropriate priority that is put in place and that those people that need to get around the table can get there in a timely manner and we can bring the accused to justice as quickly as possible.

Now, the legislation also commits that the Director of a Ministry will also make sure that there is enough support—both physical and psychosocial—for any young person that has become a victim of a sexual offence. And, again, I am hoping that the coordination is quick. I hope that we are already in the process of developing the steps, and I certainly understand about a working group that will be organised to deal with a national plan. But in the meantime I feel as though . . . as Colonel Burch has said in the past, this is a situation where we are painting a moving bus. And as much as we can do, do as quickly as possible, so that we can catch up and be able to overtake those that are offending and be able to provide the support, the timeliness of the justice, and certainly be able to bring people who are offenders to court as quickly as possible is so important.

And now one mention that does concern me a little is that the director . . . part of the coordination would be with Child and Family Services and that they, too, have a level of accountability in certain situations with child sexual offences. And I certainly am

aware that the state of affairs of Child and Family Services is a little bit in turmoil just now. And I am hoping that with this legislation there will be an impetus to make sure that we are able to really shore up the framework of Child and Family Services so that we can accommodate any children who may require the support of those services in their time of stress.

And with that I would like to thank you, Mr. Speaker, and I will take my seat. And I look forward to seeing this Bill come to fruition.

Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

Minister, you are making sure they did not speak. You rose quickly.

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

Once again, like all of my honourable colleagues, I do support this legislation. I think it would be remiss of me not to point out a couple of important things, especially as it relates to the protection of children within the education system.

And when we look at clause 44, where it amends the Education Act, the only amendment to the Education Act within there is that it now requires us to have sexual education within the curriculum, which is a good thing, that now we are looking to do that.

The other thing that also stands out is now the ability to conduct investigations. What has been noted and was pointed out to me by the Attorney General when Education was consulted on this, is that there have been cases where sexual abuse was suspected or reported, but the investigation had been impeded. And this has happened in more instances where it has been a private school than a public school, where the investigators were not allowed to come onto the premises and they were being told that they were not allowed to come on. This Act will address that. So if there are complaints and there are things that are going on, we will be allowed to . . . the proper persons will be allowed to investigate these acts no matter where they occur, whether it is in a public location or a private location.

And that is a good thing, Mr. Speaker, because at the end of the day we need to protect our children and we need to move away from . . . we need not put any barriers in place for investigations to take place. But in some instances I have been made aware of, by the time they finally do get to speak to the children and the like, they have already been spoken to by the adults and it has kind of moved off and kind of been pushed under the carpet. This allows prosecution to take place regardless of if the child recants. And so if the child has said something, an investigation will take place and we will get to the bottom of it and we will be able to protect our children much better

than in some cases. Adults will be able to protect them.

Thank you, Mr. Speaker.

The Speaker: Minister. Minister. Minister, you are not finished. You are not finished.

Hon. Diallo V. S. Rabain: It is not my Bill.

The Speaker: Oh, that's right. It is not your Bill. That's right, [Minister] Simmons.

[Laughter]

The Speaker: MP Scott, would you like to add some contribution to this?

Hon. Michael J. Scott: Thank you, Mr. Speaker.

The Speaker: Go ahead.

Hon. Michael J. Scott: I would. I would indeed.

So, Mr. Speaker, the contribution that I would like to make is as follows. I recognise that . . . and I welcome this Bill that is being presented by Minister Simmons and which is the celebration by the Attorney General, Senator Kathy Lynn Simmons. I know she is very pleased to get this important protection legislation and management of this kind of problem in our community, the management of it within the court context and within the community context given black-letter laws, protections and policies so that our children are protected.

Mr. Speaker, I would like to begin by posing a number of questions about just where we are on this front of children engaging in or being exposed to victimisation of predatory practices, sexual practices, in our country.

So the Joint Select Committee, Mr. Speaker, which was struck in this House to look into this matter, produced a report. And just looking at it prior to the debate today, some of the highlights were that in the rubric of sexual abuse cases reported to the Child and Family Services Department, in 2011 there were 136 cases; in 2012 there were 106 cases; in 2013 there were 126 cases; in 2014 there were 173 cases (the females were 136 and the males were 37). There were, in the report, extrapolations to United States statistics—with your permission, Mr. Speaker, because I want to comment on the data that we have—

The Speaker: Continue.

Hon. Michael J. Scott: —to guide us in making better policy in our tiny Island jurisdiction.

But the research engaged in revealed that 1 in 4 girls and 1 in 6 boys will be sexually abused before their 18th birthday. Now, in this Bill today we have changed the definitions of “child” and “children” in

terms of what qualifies, moving the age from 16 to 18. So 1 in 4 girls and 1 in 6 boys in the United States will be sexually abused before their 18th birthday; 20 per cent of child sexual abuse victims are under the age of eight; 30 per cent of children who are sexually abused are abused by family members or persons in a position of trust to the child, such as babysitters, even siblings; 50 [per cent] to 60 per cent are abused by people the family trusts; 10 per cent of the children are abused by strangers—only 10 per cent by strangers; 90 per cent of the children who are victims of sexual abuse know their abuser; 25 per cent of child molesters are women; 40 per cent of child abusers are older children; and 88 per cent of child sexual abuse is never reported.

Now there was some extrapolation done to calculate what some of these statistics would look like in Bermuda and they increased the numbers that I first read in the statistics of 2011 through to 2014. And I think it is important that we understand that we have more explicit data in Bermuda. For example, one thing that leaps out at me is that the report was only able to begin in 2011 and go through to 2014.

And, as a Bermudian, I pose the question, well, when . . . what have been the causative factors of sexual abuse of our children in our historic context? Did it take place during Bermuda's slave history from 1609 coming forward? Did it begin in modern Bermuda? Demographically, what is the distribution of sexual incidents of abuse of children across the two races?

The statistics I just read from the United States, a country where the population representation of blacks is 10 per cent and, therefore, the statistics I have shared with the House, Mr. Speaker, have to, by necessity, be referencing sexual behaviours like misconduct amongst white Americans by and large. In Bermuda where there is a 60 per cent black population, 40 per cent white, those distributions between our races I know probably is completely even, but we do not have the breakdown on race-based reporting. However, we all will know that the cases that make the courts, hit the courts, are by and large reports of our black community.

And that is a concern that I have because Madam Attorney General and Minister Simmons and I and all who are speaking on this Bill to make it into law are going to be read in the newspaper, and then it is going to be administered in our courts as a piece of legislation that is going to be seen primarily to be administered in the courts where the victims are largely black or a majority black. And I know—I repeat—that this kind of conduct of sexual abuse between siblings or between adults and trusted persons is happening in the white community as well. But I think that the white society . . . and I speak frankly. The white society simply does not turn their children in. Something happens and we have this disparity where the black community, black families, traumatised—no less traumatised than white families—find these matters

advancing to the court. And it sends a signal to the young black kids that are reading this in the paper or watching it reported on television, that black people only are experiencing this problem in their community, and it is not good.

And I encourage that as we seek to do good with this Bill, that we endeavour to get the statistics balanced on a racial basis as well, not just because of introducing race statistics, but to get an understanding of it in our country, in our demographic mix, so that we understand how to eradicate it.

But there may be a reason, Mr. Speaker, why the statistics as reported from 2011 to 2014 may give me the ability to say that this may be a modern phenomenon. Perhaps we did not have this happening in slave Bermuda when blacks were under slavery, or immediately post-slavery, or into emancipation. I do not know what the statistics are or the history is, but it would have been helpful I think to have had this kind of understanding going on in our policymaking that gives way to an Act that we are now promulgating today.

I am leading up to the following: So, the Bill is important in its preventative scheme because the opportunities now with the kinds of opportunities by the use of multimedia and telephones and taking photographs with phones and recording events, the prevalence of bullying, the prevalence of pornography on these machines, making or normalising sexual behaviour in our kids. And hear me, Mr. Speaker, 18-year-olds are young people who are well and truly matured sexually, somewhat, certainly physically, and mentally they are still 18-year-olds just getting on with life. But the participation in this kind of behaviour of persons from 18 down to 9 and 14 is a huge risk for the taking part of this kind of sexual activity—premature, if I may put it, sexual activity—over sexualisation in their lives that we are seeing.

And so this legislation comes in time to lay down protections, lay down preventative policies, and I am glad to see it for those reasons in particular.

I note that the offences being contemplated are sexual offending between one person and multiple partners. I have actually seen examples of this in my community where it gets reported from some distressed members of the community that a youngster—usually a young female—certainly under the age of 18, possibly as young as 15, is providing sexual favours for . . . it is called training and it is sexual intercourse by one individual, usually a female, by a number . . . multiple sexual male partners. That is a modern example that I have heard of.

I recall, too, another example (just to make the case that I am making) that this is a modern phenomenon given the use of these kinds of access in the information age. There was the case of the filming with a cell phone over the stall of a public bathroom of young . . . I think they were students coming out of

school, that went viral and got all of us in a state of concern and excitement.

And the example, too, of the consensual . . . it is sexual intercourse between the boyfriend and the girlfriend—the boyfriend releasing the video of the act and the girlfriend being so traumatised by it that she committed suicide. That was recently reported in the press.

The legislation, therefore, is important and timely to deal with preventing these kinds of events in our community. And because it is only going to continue, use by our children or misuse by our children or over-use by our children of their bodies and minds in sexual behaviour, leading to unwanted normalisation practices, possible spreading of diseases, getting the wrong idea about how the respect of the body of young children under the age of 18 ought to be observed.

Mr. Speaker, like my colleague from constituency 1, the Honourable Renee Ming, I am glad that the Attorney General took the opportunity with her drafting team to examine the needed reforms to some of this post . . . this colonial language, this post-emancipation and post-slavery language that we see. Some of it is religious, like you know “unlawful carnal knowledge.” Some of it, “mental defectives” is just the insensitivity that grew in our community in this country after 1905 when the Criminal Code was first promulgated. So some of them are just usages and language which was based on old-time, old usages, which obviously needs to have been taken out of the lexicon of our language.

I cannot think, in my long career at the Bar, where a DPP or even a police prosecutor has prosecuted an offence involving a charge of “X” offence against a mental defective. I would have thought there was positive disinclination to do so. That type of language appearing in a charge . . . I do not think a DPP or a prosecutor had the courage to actually lay it out in a charge or have the courage to take it through a court and have this published in front of a judge and/or a jury. So the removal of it actually will enhance and facilitate prosecutions where these events occur in our community. And so tidying up by way of judicial reform these old usages is also welcomed in the Act, in this new standalone Act.

Mr. Speaker, I do not know whether the issue about consultation with SCARS and/or Mrs. Cooper really is a difficulty with which we should be overly concerned. I thought when my Honourable and Learned Member and my colleague, Mr. Pearman, was saying that the third society had not been consulted, that he was talking about trust lawyers managing trust funds for trust babies because [this is where] children and beneficiaries of trusts, obviously, feature. But no, my expectation was misplaced. My friend was talking only about these charitable organisations such as SCARS and the level of consultation that either

changed or materially manifested input from those organisations . . .

What am I saying? I am saying that SCARS and Mrs. Sheelagh Cooper's efforts are about managing an existing problem that I began to identify in this country. Is it a modern phenomenon? Is it connected with information age implications and realities? Did it actually exist in our early history or not? But we do not need to be presiding over examining what goes on, or what we know is going on in our community, we have to determine causes and strategies to get right to the nub of this issue, whether it is modern or not and come up with programmes, laws and policies that suppress it in our community.

I take the point that the intrusion on the privacy of a female or a girl, which is found in the Criminal Code, does appear to be discriminatory against . . . and sexually discriminatory, because in the modern world these kinds of intrusions can take place on the privacy of a male as well. In the cases of LGBT abuse and violence against gay males, and young ones at that, this continuation to just leave section 19 of the Criminal Code (I am not sure) . . . I have had the opportunity to defend it on occasion. Leaving it just confined to the females and girls is a missed opportunity because, in light of my observations about the general participation by boys and girls, persons under 18, in this area . . . certainly boys and men can fall afoul of this kind of offence of intrusion on the privacy of them.

Other than those remarks, Mr. Speaker, as Minister Simmons took us through the policy and aims of this legislation, they are ones which I certainly support and concur with based on my experience of what I see happening, both in the courts and in my society.

And I think that the opportunity that we have, Mr. Speaker, for use of this kind of Act to lay down a foundation of preventative legislation for the protection of persons under the age of 18 is both welcomed and necessary and commendable. And I am sure that in . . . as we have the Act passed and then administered, there will be opportunities for us to answer some of the questions that I have been posing at the top of my remarks so that we get to a truly fair and just response to this whole problem in our society so that we get a brighter day when there is more normalcy of behaviour in the area of our children and sexual behaviour.

Thanks, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Opposition Leader, would you like to contribute to this debate?

Hon. L. Craig Cannonier: Certainly.

The Speaker: You have the floor, Honourable Member.

Hon. L. Craig Cannonier: Thank you, Mr. Speaker, and good afternoon.

I will just name the Bill first to say Child Safe-guarding, which essentially says it all. I had the opportunity to (of course, I declare my interest) be on the Joint Select Committee that was involved with the Sex Offenders Public Register. And, of course, that kind of opened my eyes to some of the challenges that we are having, and quite certainly opened my eyes to the vulnerabilities of our young people within our community.

And understanding that vulnerability, I recognise also that the Attorney General's Chambers . . . I know many of them in there to be those who are seeking out to do the best that they can for our young people concerning this Bill. So I understand the urgency of trying to get something out to ensure that we are safeguarding our kids. And so I will commend them for getting us to this point.

As we move forward with this here I will say that I will be looking forward to a more consultative process as we go through this. But that is not the point here. This is a Bill that is moving us in the right direction.

I am going to approach this from a slightly different angle here in listening to our former Member speaking to getting more statistics and the likes. As opposed to the convictions and reports coming in black to white, quite frankly, I could care less. If you are abusing a child you need to be dealt with. It is not about race here. And yes, we want better statistics; but I do not care whose child it is. If we have loopholes we need to close those loopholes—as many as we can. And I am charging the Attorney General's Chambers to move swiftly with the consultative process in place, because some people are still concerned about that, but that we move as swiftly as we can to include as much as we can because if I . . . I should not be, and no Member in this House should be reading that 95 per cent—this is coming from the *Royal Gazette*, a quote on the 24th—95 per cent, Mr. Speaker, of all cases of child abuse on the Island are ignored or not reported. My goodness.

Coming from a psychological background (I majored in psychology), I became an industrial psychologist, more of a business psychologist. But my concern is this here: In Bermuda, we do not want to face up to the truth. And in many instances, you know, we Bermudians are known for speaking [our] mind. Right cousin? We are known for that. But when it comes to this issue here of safeguarding our kids we are silent. So I can only imagine what the Attorney General's Chambers is going through as they find out and they hear more about what is going on out in Bermuda. And maybe that is the impetus behind why we have a first, second and third reading. I do not know. I will be glad to talk to the Attorney General a little more about it. But I am sure that the more and more cases that come [before] the Attorney General Chambers, there is an urgency about getting to this issue.

But we as Bermudians have got to stop sticking our heads in the sand on this issue of child safeguarding. It has just been going on for far too long. And you have got Honourable Members on both sides of this House who are supporting this Bill, and we are going to continue to support the fact that we need to do more and more and more until we feel a little better about the truth coming out, because that is where the issue is. And for some reason we continue to hold back the truth and our kids . . . it is a trained behaviour. So, if mommy and daddy do not say anything or uncle does not say anything or auntie does not say anything, then mommy and daddy do not say anything and the kids are looking here. They know the truth, but they are sitting here and nobody is supporting the truth. And it just continues on and on and on. The end result of that is that we have got massive loopholes in safeguarding.

And while I was on the Joint Select Committee—[it was] a privilege to be on that Joint Select Committee—I cannot understand how in the world it is that we are not communicating enough within the agencies to ensure that we capture this information. So I am grateful for what we have right here. Very grateful. But we have got too many out there [being abused]—95 per cent? That is a lot of young men out there being abused and a lot of young ladies being abused by men and women.

And then when you look at some of the . . . and I am hoping to hear a little bit more about the reasoning for some of the penalties that are here. Some seem a bit disproportionate. So it will be interesting when we go into Committee to be able to understand a little more about how we came to some of these figures. They have increased, but my goodness, when I read through this here, for some of them, they need to be increased even more. You know, they need to be increased even more.

How is it that when we sit down with an organisation and something happens under their nose—right under their nose—and when we ask them about it and say, *Listen, this is reported in the Royal Gazette*, they do not even know? They did not even know. So, we have a fundamental problem in this Island of speaking the truth to this issue that has been hidden for far too long.

I came up in the church and I can assure you, the church knew about some of these individuals and unfortunately as time has gone by I have seen many of the individuals who we knew about, incarcerated. Incarcerated! In fact, even one of them who used to come for consultation wound up incarcerated because of [the] murder of a minor, and that all goes back to the fact that we are not addressing the issue.

I believe that this will help it go a long way to addressing the issue of empowering our young people to speak the truth, even in the face of immediate family members next to them. We have got to somehow

. . . and this legislation is going to help empower these young people to speak up.

We certainly see how people are speaking up with the MeToo [movement], [hashtag] #MeToo. Everybody is coming forward now about being abused, adults. We need people coming forward about this abuse of our young people. Stealing our future from us! Heck, Mr. Speaker, you have heard me before, we are not having enough kids to grow the population as it is! And then they get put under the water by issues like this that we are talking about. And so we have got a whole lot more I believe.

And you have heard from Members who were on the Joint Select Committee who were talking about the fact, yes, there is more. And I am going to give credit to the department to getting this to us. But this has to be a priority. And I know that the Attorney General's is in the Honourable Chambers. This has to be a priority as we go forward. I mean, there is a whole lot of stuff that we want to get in here and we want to pass, but I tell you what, if we don't address this as a priority, we are doing a disservice to the future of this country. How many have already been lost that probably should be up in this Honourable House by the time they come of age? Snatched, quite frankly, because of some fool who decided to take advantage of them.

And it continues to be unsaid. So I am hoping that the next legislation . . . we need to ensure that the churches and all these other clubs and other organisations are involved in ensuring that safeguards are put in place. It has to extend to these other peripheral things. This is a social issue here. So we have got to get to the social institutions to ensure that we are safeguarding things. And, you know, we read in the paper and we continue to see many of the issues that are challenging us, but I fundamentally believe that we as a Bermudian people got a whole lot of mouth with everything else except for this particular issue here.

So, Attorney General, I glory in your spirit. Maybe you will tell me in person why we are doing first, second and third [readings]. No problem. I would love to hear that. Maybe the Honourable Member that is leading out will give us a reasoning. But I give you all credit for getting to this position.

We have already seen being proliferated in our gang activity and the like, where our young men are being abused, and it is becoming an issue. And they are taking out one another. And, for that matter, now, the women as well. We have got to do more as far as our safeguarding.

No man is an island. So we are in this thing together. Let's work together on how we can continue to ensure that our young people are safeguarded . . . and I am going to read another quote that was given. And that quote is coming from Kelly Hunt from the ¹*Royal Gazette*, Mr. Speaker, when she mentions

¹ [Royal Gazette](#), 23 July 2019

... just let me get my glasses here. We need to, of course, ... she says, "This has resulted in children falling through the cracks" meaning that we haven't had something like this being brought before us. And she is basically alluding that this is going to help lessen the young people who fall through the cracks. Then she continues on to say, "It should be required that all allegations of child abuse reported to DCFS be equally shared with police. Currently, this is not the general practice."

And the reason I am bringing that up, is because I was astounded once again to be on the Select Committee and to be talking to different organisations. And because the system is not seamless we recognise ... and "not seamless" meaning that information being transferred from one organisation to another was not seamless, and so we were missing many young people through the cracks. What was, I guess, a bit more vexing to the situation, and I know that they were working the best that they can, was the organisation that we were talking with told us, and I will say it ... it was within the Education Department. And I have got to give SCARS and the Education Department credit. They did put out and require everyone, all of the teachers to be SCARS trained, which was wonderful. But far too many of our teachers were a bit timid about coming forward to say that they felt there was an issue of child safeguarding here.

And I understood why that was because they did not want to miscalculate. And they did not have the expertise to be able to do such a thing, which is understood. Somehow we have got to ensure that we empower our adults when they believe something is happening, to at least inquire [about] what is going on ... at least inquire.

I was a part of a situation where a young lady would spend time at our home and every time that it was time to go home, she would say, *Can we drive a little longer? Can we just drive a little longer?* I picked up on that because of my training, but for many people they would not have picked up on it. And I realised that something was wrong, something was definitely wrong. It was not a sexual abuse case, but it was an extremely bad abusive case. We have got to become more aware of what our young people are going through. I mean, this world today, there are just so many avenues to get to them with technology. I do not how we are going to ... obviously, we cannot legislate behaviour. It is difficult to be able to tighten up as much as you can without being restrictive, but somehow, we have got to. I believe where those areas are that we cannot tighten up, we have got to get us as a people to understand *you have got to speak up!* You have got to speak up and address the issue. And that way I believe that we will go a long in safeguarding our young people.

I want to thank, again, the members of the Attorney General's Chambers for getting us to the point of where we are today. But I will make a personal visit

to the Attorney General and let her know that this has to be turned up. I guess, "turning it up" was the first, second and third reading, so turn it up! Turn it up! I know that you are looking out for our young people. This is important and we look forward again, Mr. Speaker, in this House to more legislation which will get us to where we need to be. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other ... we recognise the Honourable Member from constituency 11. Honourable Member, you have the floor.

Mr. Christopher Famous: Good afternoon, Mr. Speaker, colleagues, and Bermuda.

Mr. Speaker, sometimes all of us wonder, *Why are we in politics?* Sometimes we get in confrontational things, internally, externally. Then there are other times that we are extremely collaborative with each other. Sitting on the Joint Select Committee showed the collaboration, not just between the two political parties, but between Government agencies, external agencies, and SCARS. As the Member who just spoke [said], we learned a lot. A lot of what we learned was painful. A lot of what we learned was useful.

One of the things we are learning as a country is that we are less uncomfortable speaking about this. It is a needed thing that we as legislators and as the public are prepared to stand up and say, *No more!* If 95 per cent of those who have been abused are never reported to the police, we still have a very serious problem. We have to create an environment for those who have been abused or are being abused, [so that they] are able to feel comfortable enough to come and report that abuse.

So I am going to take a slightly different twist today, Mr. Speaker. I am not going to speak specifically about the Bill, but I am going to speak about what can be added coming down the road. I am going to speak about the Cayman Islands for a minute, Mr. Speaker. There are people who like to say, *Be like Cayman*, for different reasons. But in the Cayman Islands they have a facility called the "Multi-Agency Safeguarding Hub." The acronym is MASH. At that facility someone who is victim of abuse, rather it be sexual abuse or physical abuse, can go there and get medical help. The police can interview them there, and they can get counselling all at the same facility.

Earlier this year some staff from the Department of Child and Family Services and the Bermuda police went to the Cayman Islands to learn about this facility. They spent a week or so there. Without knowing, I am hoping that their going there to learn about this facility is the first step toward us having [a like] facility here in Bermuda because, again, using the statistics of 95 per cent of those who are abused, are not being reported or not being treated. We have peo-

ple who throughout their lifetime this is going to be festering and it will manifest in different ways.

So I say to the staff of the Attorney General's Chambers, *thank you for all the help that you have done—work, not help, work—the hard work that you have done*. As I said in the previous Bill, managing child sex offenders, there is always room for more, and I want to commend those who have taken this difficult job to listen to the stories of those who have been abused, the ways that . . . not so much the ways the abuse could be mitigated, but ways abuse can be dealt with.

But as a country, again, we have to make it comfortable for those who are abused to come in, get the medical help, be able to report this to the police accurately, and to get counselling. As the Member from constituency 12 said, often those things are segmented and people escape, I won't say escape judgment, but cases get dropped or evidence is missing. We have to do our part to make sure that [safety] net is there.

So without further ado, Mr. Speaker, I again thank the Attorney General's Chamber. I thank the staff at the Department of Child and Family Services, Bermuda Police Service, and I thank my colleagues on both sides of the aisle who served on this. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

None?

Minister.

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

Mr. Speaker, just to address a few points [that were] raised by the Opposition. I think it must be noted on the issue of consultation, the ad hoc Child Safeguarding Committee has representatives from all the agencies responsible for child safeguarding and all have been included in this process.

Mr. Speaker, I think it is important to note . . . I am going to tell a quick story about . . . and I think just piggybacking off the remarks by the Opposition Leader about the culture of coverup and how in Bermuda we need to change this dynamic. I think it is important for people to truly appreciate that times have changed. As a child, you were often told to *stay away from that person because they are kind of funny*. That was a euphemism for they interfered with children. And if they knew somebody was talking to them, they would know to [stay away from them]. But they roamed pretty free to do as they liked. I had an experience many years ago when my children were young, we had a tenant move in and it was only because somebody warned me that this person was previously convicted of being a particularly violent paedophile, and if we had not been warned and not been told, we would not have been able to take precautions. Be-

cause I can tell you this, Mr. Speaker, the penalty for paedophilia in my family is death. So, he would have never seen trial, but perhaps I might have. But it is important for us to be aware, be vigilant, and be able to make each other informed and speak clearly and loudly about what is happening in our communities.

Mr. Speaker, the Attorney General's Chamber deserves some particular credit for the work they have done in bringing this forward. I take note of the Opposition's concern about the speed, but I think that those of us who have been in this Chamber long enough know that if we take our time, there are complaints. If we move quickly, there are complaints. So we will move at the pace that is necessary to get things done and execute the agenda to which we have been sent here to execute. This Government has been the only administration that has even attempted to tackle the lack of structure for litigation guardians—they have raised that. And they need to ask their own Members as they continue to raise this, why they failed to take any steps to deal with that.

The children will remain our priority. The children will remain our priority and we will continue to strive to strengthen the laws and toughen the laws and move forward as need be. And with those words, Mr. Speaker, I move the Bill be now committed.

The Speaker: Thank you.
Deputy.

House in Committee at 5:16 pm

[Hon. Derrick V. Burgess, Sr., Chairman]

COMMITTEE ON BILL

CHILD SAFEGUARDING (MISCELLANEOUS AMENDMENTS) ACT 2019

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Child Safeguarding \(Miscellaneous Amendments\) Act 2019](#).

Minister, you have the floor.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.
Mr. Chairman, I move clauses 1 through 14 of the Bill.

The Chairman: Continue.

Hon. Jamahl S. Simmons: This Bill amends the Criminal Code Act 1907, the Children Act 1998, the Young Offenders Act 1950, the Evidence Act 1905, the Education Act 1996 and the Proceeds of Crime Act 1997 to enhance provisions and measures for the protection of children from sexual exploitation and sexual abuse and connected matters.

Clause 1 provides a title for the Bill.

Clause 2 amends section 3 of the Criminal Code Act 1907 (the “Criminal Code”) to insert a definition of “child” which, unless the context otherwise requires, means a person under the age of 18 years. This clause also inserts other definitions.

Clause 3 amends section 55 of the Criminal Code to provide for aggravating circumstances that will be considered in sentencing.

Clause 4 amends section 176A of the Criminal Code to insert definitions of “pornographic performance,” “prostitute” and “prostitution.”

Clause 5 inserts section 176B in the Criminal Code to provide for jurisdictional matters with respect to sexual offences where the victim is a child.

Clause 6 repeals and replaces section 177 of the Criminal Code to replace the offence of unnatural offences.

Clause 7 repeals section 179 of the Criminal Code, further to the amendment of section 177.

Clause 8 amends section 181 of the Criminal Code to remove the requirement that a prosecution for a sexual offence commence within 12 months after the offence is committed.

Clause 9 amends section 182 of the Criminal Code to delete certain references such that the provision is applicable to persons generally regardless of their gender.

Clause 10 inserts section 182FA in the Criminal Code to create an offence relating to pornographic performances involving a child.

Clause 11 inserts section 182HA in the Criminal Code to create an offence where persons attend a pornographic performance involving a child.

Clause 12 amends section 182J of the Criminal Code in relation to offences committed by a body corporate.

Clause 13 amends section 183 of the Criminal Code to delete references to “defective,” an outdated term, and substitute the term with “person with severe mental impairment” within the meaning of section 1 of the Mental Health Act 1968.

Clause 14 amends section 184 of the Criminal Code in respect of references to gender such that the provision is applicable to persons generally regardless of their gender.

Thank you, Mr. Chairman.

The Chairman: Are there any further speakers?

The Chair recognises the Honourable Member, Mr. Pearman. You have the floor.

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

If I could take the Honourable Minister and the Chair to clause 9(c) of the Bill—

The Chairman: Yes.

Mr. Scott Pearman: —which is at, it starts at page 5, clause 9, and then it goes over the page to page 6.

So clause 9(c). And I spoke in debate about how a lot of this is changes to language. You see here at [clause] 9(c) an example of deleting the word “man” wherever it appears and substituting the word “person.” I have a specific question. I see that this has been done throughout.

And, Mr. Chairman, the question I have relates, if we go back to clause 5, and in clause 5 which is amending the Criminal Code Act 1907 by inserting after [section] 176A, the following, and then we see down below, if a person is charged with having committed offence, we see [section] 176B(1)(a) if “he.” And I am just wondering if that should now be gender-neutral or if there is a specific reason why that is still masculine in relation to that amendment. So that is one question.

In these first 14 clauses, I have two more points. The second goes to clause 6. And as a general question, it was raised in debate by the Honourable Craig Cannonier, the Opposition Leader, and that is about the sanctions that are being imposed. I would like to take us to a couple of the sections as we go along and just look at the sanction for the act in question, because it seems to me, with respect . . . and I appreciate how much effort has gone into this Bill by those in the Attorney General’s Chambers [and] in drafting, that some of these sanctions when you compare one with another, it just does not really make sense. So, let’s start, please, at clause 6.

The Chairman: Mm-hmm.

Mr. Scott Pearman: At clause 6 we have a situation of buggery, and it is now to be permissible if in private, over the age of 18 years, and by consent.

That means that if a 17-year-old, or two 17-year-olds engage in this act, consensually, in private, there is an offence. And the offence we can see under clause 6, at [section] 177(1)(a) is up to 20 years. So 20 years. And I appreciate that this is a maximum, a maximum, but all the numbers we are going to look at are maximums. I just want to perform a comparative exercise.

So, two 17-year-olds, by consent, in the privacy of their own home, yes, they are minors, but we are looking at 20 years. I put that down as a marker because I want to just look at the ones that follow because they seem awfully low in contrast.

The next clause is clause 10 in this section of the first 14 [clauses]. And at clause 10, which is at page 6 of the Bill, here we have where an adult has procured a child to participate in pornographic performance. So in the vernacular, an adult causes a child to perform a sex act and tapes that act, or videotapes that act. And if we look at some of the subclauses, by way . . . it is [section] 182FA, we go down to [subclause] (b), that adult may choose to use threats or intimidation to get that child to perform a videotaped sex act. Further down in subclause (d)—d for David—

that adult may use drugs to drug the child to perform that videotaped sex act. And yet this one, if we go to the bottom of clause 10, instead of the 20 year example we just looked at, it is now only 10 years.

And so, respectfully, I would invite my comment to be taken on board as to whether or not that really is way too low for someone who is presumably not only doing this, perhaps for their own gratification, but also probably to then use that videotape to make a profit. So, respectfully, I would invite the Attorney General's Chambers to consider that number.

There are two or three other examples I have that fall in the next few clauses, and I will wait for the Minister to move those new clauses.

The Chairman: Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.

Just in reference to the two minors engaging in consensual activity, I stand to be corrected, but I believe minors legally cannot give consent. So I think that point should be taken.

In reference to the other matters, we will take them under advisement. Thank you, Mr. Chairman.

The Chairman: Any further speakers?

There appear to be none.

Minister, you want to move those clauses, 1 through 14?

Hon. Jamahl S. Simmons: I move clauses 1 through 14 be approved.

The Chairman: It has been moved that clauses 1 through 14 be approved. Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 14 passed.]

Hon. Jamahl S. Simmons: Mr. Chairman, I move clauses 15 through 30.

The Chairman: Continue.

Hon. Jamahl S. Simmons: Clause 15 repeals and replaces section 185 of the Criminal Code in respect of references to gender such that the provision is applicable to persons generally regardless of their gender.

Clause 16 inserts section 185A in the Criminal Code to create an offence of obtaining prostitution from a child.

Clause 17 repeals and replaces section 186 of the Criminal Code to delete references to gender such that the provision is applicable to persons generally regardless of their gender.

Clause 18 repeals and replaces section 187 of the Criminal Code to delete references to gender such that the provision is applicable to persons generally regardless of their gender.

Clause 19 repeals and replaces section 188 of the Criminal Code to delete references to gender such that the provision is applicable to persons generally regardless of their gender.

Clause 20 amends section 189 of the Criminal Code to delete references such that the provision is applicable to persons generally regardless of their gender.

Clause 21 amends section 191 of the Criminal Code with respect to the offence of incest to broaden its scope. The penalty for incest will increase from seven years to twenty years, and for incest against a child under 14 years the penalty will increase from ten years to twenty-five years.

Clause 22 repeals section 192 of the Criminal Code, pursuant to the amendment to section 191.

Clause 23 amends section 193 of the Criminal Code, pursuant to the repeal of section 192.

Clause 24 amends section 199 of the Criminal Code to delete references to gender such that the provision is applicable to all persons regardless of their gender.

Clause 25 amends section 202 of the Criminal Code to delete a reference to "girl" and substitute "child" such that the provision is applicable to all persons regardless of their gender.

Clause 26 amends section 329D of the Criminal Code. The definition of "sexual offence" is expanded to include additional offences to reflect the amendments being made to the Criminal Code by this Bill.

Clause 27 amends section 329FA of the Criminal Code to require that the DNA profile of a sex offender be added to the sex offender register.

Clause 28 amends section 464B of the Criminal Code to require that money forfeited under this section to be paid to the Confiscated Assets Fund under section 55A of the Proceeds of Crime Act 1997.

Clause 29 amends section 476A of the Criminal Code to require that any criminal proceedings for sexual offences relating to a child be brought before the courts as quickly as possible.

Clause 30 repeals section 542 of the Criminal Code due to special measures being introduced under the Evidence Act 1905.

The Chairman: Are there any further speakers?

The Chair recognises the Honourable Member, Mr. Pearman.

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

My next question is on clause 16. Just to remind ourselves, we were looking at two 17-year-old boys with up to 20 years—

The Chairman: Mm-hmm.

Mr. Scott Pearman: —and a man with a videotape of a drugged child at 10 [years]. Here we are now at clause 16, and again, this number just seems a bit off sorts when you contrast those ones.

Clause 16 is obtaining prostitution from a child. And if we see the insertion, [section] 185A(1), “Any person who obtains or attempts to obtain prostitution from a child and who the person knows” (et cetera, et cetera) “five years.” And to be clear, this is a child because the [subclause] (2) (little 2, below) deals with a different aged child. This is a child of 15, 16 or 17, I accept. But still, again, I would make the point that this seems awfully low. Of course, consent has nothing to do with this section.

Turning, if I may, just to the next one as long as we are in this group of clauses, we then have over the page, page 9 of the Bill, at clause 18, and this is amending clauses on those who live on the earnings of prostitution (and I will have a substantive point on that in a minute) but, again, I am just sticking with this idea of what the penalty should be. So in the common parlance, this relates to a pimp. And we see down at the bottom at [subclause] (1A), if the victim is a child, we see two years and four years.

Now, to be fair, this used to be 12 months and 24 [months]. So, the penalty has been doubled by this amendment. I fully accept that. But I just wonder whether or not the pimping of a child is commensurate with that sort of penalty, particularly when we contrast to the ones we saw before. I do have another point on this section, but if perhaps those could be addressed, Mr. Chairman.

The Chairman: Minister.

The Chair recognises the Honourable Member, Michael Scott.

Hon. Michael J. Scott: Thank you, Mr. Chairman,

Just in response to the legal analysis going on by my Honourable and Learned friend, Mr. Pearman. We are looking at just straight arithmetical tariffs of punishment years for these offences.

The Chairman: What clause are you referring to?

Hon. Michael J. Scott: Clause 16 that he referred to, in particular. Thank you, Mr. Chairman.

And without referencing back to things we have passed, it is a similar argument. I want us to not be engaged today entirely in just arithmetic. I hope that the Honourable and Learned Member, Mr. Pearman, will be agreeable to this. Treatment has got to be a part of what is going on—

The Chairman: Well, Honourable Members, we are finished [with] the general discussion.

Hon. Michael J. Scott: No, no, this is not . . . this is to say, this is to directly to counter there being urging that we either up—

The Chairman: Well, this . . . yes, but we are not here . . . you can give your opinion, right? But not to try to go at the speaker who just sat down. Either, you know, it is just—

Hon. Michael J. Scott: Can I just deal with the clause then?

The Chairman: Yes.

Hon. Michael J. Scott: In relation to the five years recommended for prostituting a child, I mean, when we think about it, Mr. Chairman, there is something . . . it speaks to the behaviour of the offender there, and I would urge and recommend that in addition to looking at just the arithmetic of punishment, there should be provision for looking at treatment.

The Chairman: Yes, but—

Hon. Michael J. Scott: Or some type of disorder that is obviously—

The Chairman: No, well, the . . . the speaker just wants to be consistent with the numbers. I think you are going a bit beyond that right now. If you like the numbers, then you say that, but—

Hon. Michael J. Scott: I am saying that I don't.

The Chairman: Uh-huh.

Hon. Michael J. Scott: I am saying, with respect, Mr. Chairman, that I respect the numbers because it is part of the, you know, when you make offences you create a tariff cap.

The Chairman: Mm-hmm.

Hon. Michael J. Scott: But often when dealing with penalties, I mean, penalties can be dynamic and not just be . . . often they refer to fines.

The Chairman: But I think you are going beyond what you should be, because it is either you are with it or not. The response based on the numbers will come from the Minister. Now, either you can put a suggestion of what you think it should be; fine. But to go in general discussion is inappropriate at this point.

Any further speakers?

Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. Mr. Chairman, just in reference to some of the questions raised by the Opposition, we take their

points under advisement. But the incest penalties have been aligned with penalties for unlawful carnal knowledge under section 181 of the Criminal Code.

The Chairman: Mm-hmm.

Any further speakers?

The Chair recognises the Honourable Member, Mr. Pearman. Continue.

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

None of the points I put related to incest. The ones on [clauses] 17 and 18 are living off the earnings of prostitution. But be that as it may, I think the point has been made and it is being taken under advisement.

One more point while we are here on [clauses] 17 and 18. And this is a slightly technical point, Mr. Chairman. So I apologise for the technical nature of it.

The Chairman: That's okay. Go ahead.

Mr. Scott Pearman: But I believe that this amendment is going to have an inadvertent consequence on the underlying legislation that it is amending. And if I could, just for the purposes of explaining the point I am making for the technical officers, historically, the 1907 Act was Victorian, et cetera, in principle, so it thought of, if I may use the words in the vernacular, the "pimps" as men and "prostitutes" as women.

The Chairman: Mm-hmm.

Mr. Scott Pearman: By making the wording gender-neutral, which is perfectly proper and commendable, there is an inadvertent problem with the underlying legislation. And if I can just say what that says—

The Chairman: Uh-huh.

Mr. Scott Pearman: It is clause 17, amending section 186 of the underlying Act, the 1907 Criminal Code Act.

That says, [section 186(1)] "Any male person who knowingly lives wholly or in part on the earnings of prostitution is guilty" et cetera. And "male" is now coming out. And the inadvertent problem that this is going to have is that this section, which is supposed to make it a criminal offence to be a pimp will now, when read literally, also make it a criminal offence to be a prostitute, because a prostitute is also living off the earnings. So the criminal intent here will inadvertently extend to punish the prostitute.

Now, that could have been an intention, but I think it wasn't. I just mention it for the technical officers. It is very easily solvable. It is just by adding the words "of others" in the underlying clause in the main Act, the primary Act that is being amended so that it makes clear that the criminality is only the criminality here of the pimp, and not the criminality of the prosti-

tute. And that is an important point, not just for technical or legal reasons but there are many who would say that prostitutes are, in fact, victims who have come upon the situation that they find themselves because of societal demands. And so it is important, unless it was intended to make that Act criminal, it should not be inadvertently added. Thank you, Mr. Chairman.

The Chairman: Any further speakers?
Minister.

Hon. Jamahl S. Simmons: And as before, we will take the recommendations of the Opposition under advisement.

The Chairman: Okay.

Hon. Jamahl S. Simmons: Mr. Chairman, I move clauses 15 through 30 be approved.

The Chairman: It has been moved that clauses 15 through 30 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 15 through 30 passed.]

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. I would like to move clauses 31 through 43.

The Chairman: Continue.

Hon. Jamahl S. Simmons: Clause 31 amends section 542A of the Criminal Code due to special measures to be introduced under the Evidence Act 1905. Provisions allowing complainants to apply to the court to have their identities concealed, and for the court to make an order directing that the identity of a witness shall not be published or broadcast, in the interest of protecting the complainant, have been retained.

Clause 32 repeals section 543 of the Criminal Code due to special measures to be introduced under the Evidence Act 1905.

Clause 33 amends section 554 of the Criminal Code to delete references to gender such that the provision is applicable to persons generally regardless of their gender.

Clause 34 repeals and replaces section 5 of the Children Act 1998 to include in the purposes of the Act the responsibility to encourage awareness and protection of children from sexual exploitation and sexual abuse.

Clause 35 amends section 7 of the Children Act 1998 to require that investigations and any subsequent prosecutions for sexual offences be progressed and concluded with as little delay as possible.

Clause 36 amends section 8 of the Children Act 1998 with respect to the coordination between the government departments responsible for the welfare of child victims of a sexual offence under the Criminal Code.

Clause 37 amends section 9 of the Children Act 1998 in relation to the responsibility of the Director of Child and Family Services to provide assistance to child victims of sexual offences. The Director will also be responsible for implementing a public awareness campaign on the harm and dangers of child sexual exploitation and sexual abuse.

Clause 38 inserts section 10A in the Children Act 1998 to require that persons who are involved as professionals in proceedings relating to sexual offences against children participate in education and training courses in order to improve their knowledge and ability to effectively support child victims of sexual offences.

Clause 39 inserts section 11A in the Children Act 1998 pursuant to which the Minister shall establish a National Child Safeguarding Committee.

Clause 40 inserts section 20A to the Children Act 1998 to make provision for an investigation or prosecution of a sexual offence against a child to continue even if the statement or complaint is withdrawn.

Clause 41 amends section 21 of the Children Act 1998 to require that the name of a person be entered in the Child Abuse Register maintained under the Children Act if the person is convicted of a serious personal injury offence, as defined in section 329D of the Criminal Code Act 1907, against a child.

Clause 42 inserts section 21A in the Children Act 1998 regarding disqualification of persons whose names appear on the Child Abuse Register from employment in certain professions.

Clause 43 amends section 23 of the Children Act 1998 with respect to disclosure to a potential employer in one of the professions listed under section 20(2) of the Children Act, of the name of person whose name appears in the Child Abuse Register.

Thank you, Mr. Chairman.

The Chairman: Any speakers to clauses 31 through 43?

The Chair recognises the Honourable Member, Mr. Pearman. You have the floor.

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

Yes, clause 38 is at page 15 of the Bill. It is inserting an amendment to the Children Act 1998. The heading for that clause is "Training of professionals involved in child sex abuse proceedings." The purpose behind this is laudable and commendable and we support it. And that is that people who are dealing with children in the court system should have a requisite level of training. We entirely agree.

What we would suggest, respectfully, is that it should not just be limited to sexual offences commit-

ted against children. It should not just be limited to that narrow band of proceedings. It should actually be broader and could apply to any proceedings, including specifically, proceedings in relation to the Children Act.

The Chairman: Any further speakers?
Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. As I said, we will take that under advisement.

The Chairman: Yes. Mr. Pearman.

Mr. Scott Pearman: Mr. Chairman, the next clause 39—

The Chairman: Mm-hmm.

Mr. Scott Pearman: —here we have the establishment of the National Child Safeguarding Committee, and the question for the Minister is, there is a list of great and good set out there who intend to be on this Committee, but it does not seem to have anyone from the child safeguarding charities that we discussed earlier. I am just wondering why that is.

The Chairman: Minister.

Hon. Jamahl S. Simmons: I will seek to get that answer for you from the technical officers, and from the substantive Minister.

The Chairman: Mr. Pearman.

Mr. Scott Pearman: With your leave, Mr. Chairman, I have one more question in this section.

The Chairman: Continue.

Mr. Scott Pearman: While we are waiting for that answer, it is over to page 16 of the Bill, clause 42. And this is inserting section 21A, "Persons disqualified from working with children" and it gets into this concept of disclosure. And the question we have here is, Wouldn't it make more sense to include the requirement of referrals to the police by those who come across instances of crimes against children, including, but not only, the Department of Child and Family Services?

The Chairman: Any further speakers?
Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. Just in reference to the question in terms of the composition of the committee. New section 11A(2) of the Children Act contains provision for the Minister to appoint additional persons as members of the Na-

tional Child Safeguarding Committee. So they are not exempt and the Minister has the ability to be able to appoint them as needed and as they can contribute.

The Chairman: Mm-hmm.

Hon. Jamahl S. Simmons: Clause 38, page 15, training professionals do not just limit to these provisions. These also include . . . they are saying that this is already in place.

The Chairman: Any further speakers?
Mr. Pearman.

Mr. Scott Pearman: Sorry. The question was about the need to report incidences of crimes against children to the police.

Hon. Jamahl S. Simmons: And as I say, we will take that under advisement.

The Chairman: Okay. Any further speakers?
Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. I move clauses 31 through 43.

The Chairman: It has been moved that clauses 31 through 43 be approved.
Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 31 through 43 passed.]

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman. I would like to move clauses 44 through 53.

The Chairman: Continue.

Hon. Jamahl S. Simmons: Clause 44 amends section 23 of the Education Act 1996, [to] provide that the curriculum of aided and maintained schools include information on the risks of and means of protecting children from sexual exploitation and sexual abuse.

Clause 45 amends section 2 of the Evidence Act 1905 to insert a definition of "child" which includes a person under the age of 18 years.

Clause 46 repeals and replaces section 42 of the Act, and adds a new section 42A. Section 42 provides that the question of whether a child is eligible to swear an oath may be raised by either party to the proceedings; i.e. prosecution or defence, or by the court itself. A child who is 14 or older is only eligible to be sworn if he understands two matters: the solemnity of a criminal trial and the particular responsibility to tell the truth which is involved in taking an oath. Section 42A provides for the reception of unsworn evidence of a child in criminal proceedings in the circumstances

provided therein. Though there is no longer a requirement for the evidence to be corroborated, judicial discretion to seek corroboration is preserved.

Clause 47 inserts a new Part IIIAA into the Evidence Act 1905 to include special measures for child witnesses in criminal proceedings relating to sexual offences as follows:

- Section 42B inserts definitions for the interpretation of Part IIIAA.
- Section 42C sets out the general principles to be applied when dealing with a child witness.
- Section 42D contains general provision regarding the application of special measures in respect of child witnesses.
- Section 42E requires the presentation of the indictment where a child's evidence is intended to be taken for a trial on indictment.
- Section 42F provides how a videotaped recording of the evidence of a special witness is to be taken.
- Section 42G empowers the court to give directions for taking a child's evidence.
- Section 42H makes provision relating to the use of prerecorded evidence.
- Section 42I makes provision for an order for further evidence to be given.
- Section 42J empowers the Court to make an order that evidence should not to be taken and prerecorded under this Part of the Evidence Act. The court may have regard to the child's wishes and the purposes of this Part.
- Section 42K provides for the use of audio-visual links or screening arrangements for taking a child's evidence.
- Section 42L allows for the use of audio-visual link in a proceeding on the application of any party or on the judicial officer's own motion where the judicial officer considers the criteria.
- Section 42M requires the Director of Public Prosecutions or applicant in a relevant proceeding to inform the court, before the proceeding starts, that a child may give evidence in the proceeding.
- Section 42N empowers the court to make orders and give directions relating to identifying persons or things by children.
- Section 42O empowers the court to exclude the public.
- Section 42P makes provision for a child to have a support person near him when giving evidence.
- Section 42Q sets out instructions to be given to jury where special measures are used.

- Section 42R empowers the court to make orders, directions and rulings concerning child witnesses.
- Section 42S inserts definitions for the interpretation of Chapter 4 on dealing with recordings.
- Section 42T provides that an original recording of a child's evidence shall not be edited or otherwise changed.
- Section 42U empowers the court to give directions about the use or safekeeping of a recording.
- Section 42V establishes an offence of the unauthorised possession of, or dealing with a recording.
- Section 42W establishes a prohibition on publishing a recording without the approval of the relevant court.

Clause 48 inserts a new Part IIIAB into the Evidence Act 1905 to provide for sexual assault counselling privilege as follows:

- Section 42X inserts definitions for the interpretation of Part IIIAB.
- Section 42Y sets out the meaning of protected counselling communication.
- Section 42Z provides for sexual assault counselling privilege.
- Section 42Z.1 makes provision for a party to the proceeding to apply for leave of the court in relation to a protected counselling communication.
- Section 42Z.2 empowers the court to determine whether to grant leave in relation to a protected counselling communication.

Clause 49 amends the Second Schedule to the Evidence Act 1905 consequentially upon amendments to the Criminal Code effected by this Bill.

Clause 50 amends section 2 of the Young Offenders Act 1950 to include a definition of child and of juvenile offender, and to amend other definitions for the purposes of that Act. A juvenile offender is a child under the age of sixteen years.

Clause 51 amends section 5 of the Young Offenders Act 1950 to refer to juvenile offenders.

Clause 52 repeals and replaces section 6 of the Young Offenders Act 1950 to take account of the differences between a child and a juvenile offender.

Clause 53 amends section 7 of the Young Offenders Act 1950 in the definition of "punishable with imprisonment" to delete the word "child" and substitute the word "juvenile offender."

Thank you, Mr. Chairman.

The Chairman: Any speakers to clauses 44 to 53?
Mr. Pearman.

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

Two similar questions, and I will just put them both together, if I may, for the Minister.

The first deals with the section up to clause 49 which are the amendments to the Evidence Act. We have already spoken on that in [the general] debate, these are mostly changes that input special measures and we are very supportive of them. The amendments to the Young Offenders Act you have just spoken to is the distinction between a child which is now under 18 and a juvenile offender now under 16. In some of the special measures the threshold age was 14, and I am wondering if the Minister could just assist the listening public, and generally, as to how one draws those 18, 16, 14 thresholds. That is my only question on this section.

The Chairman: Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.

As the technical officers prepare the information, I would be glad to provide it to the Honourable Member once we have it.

The Chairman: Okay.

Hon. Jamahl S. Simmons: In the interim, can I go ahead and move these or would anyone else like to speak?

The Chairman: Yes, you may. Well, are you anticipating any [responses] based on the [question]?
Okay.

Hon. Jamahl S. Simmons: Thank you. Thank you very much for your cooperation.

I would like to move that clauses 44 through 53 be approved.

The Chairman: It has been moved that clauses 44 through 53 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 44 through 53 passed.]

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.
I would like to move clauses 54 through 59.

The Chairman: Continue.

Hon. Jamahl S. Simmons: Clause 54 amends section 16 of the Young Offenders Act 1950 to refer to juvenile offenders.

Clause 55 inserts a new section 16B of the Young Offenders Act 1950 to provide for assessment of a child convicted of a serious personal injury offence. Clause 56 amends sections 17, 18, 20, 23, 24, 25, 26, 39, 40, 41, and 54 of the Young Offenders Act 1950 to refer to "juvenile offender."

Clause 57 amends section 78 of the Young Offenders Act 1950 to increase the age referred to in that section from 16 years to 18 years.

Clause 58 amends section 55A of the Proceeds of Crime Act 1997 to allow funds confiscated in the forfeiture of things used for child pornography to be paid into the Confiscated Assets Fund. That section is also amended to authorise payments to be made out of the Fund for education and training in relation to child witnesses in criminal cases of sexual exploitation of children and related measures, and for victims of sexual offences.

Clause 59 provides for commencement.
Thank you, Mr. Chairman.

The Chairman: Any . . . ?
Mr. Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Chairman.
It is really the same question, it just applies in this section to clauses 53, 54 and 56. So, again, it is this idea of why the age brackets are being done in the way they are done. And that is my final question, Mr. Chairman.

The Chairman: Can you . . . ? Okay.

[Pause]

The Chairman: Minister.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.
I appreciate the House for their indulgence.

The Chairman: Mm-hmm.

Hon. Jamahl S. Simmons: The information the technical officers said is that the child must be at least 14 years old in order to be sworn under section 42. If a child is under 14, he or she may give unsworn evidence. Requirement for collaboration removed, but judicial discretion retained to request corroboration. Every other reference in the special measures is 18. So I hope that answers the questions.

The Chairman: Mr. Pearman.

Mr. Scott Pearman: Yes, that does answer the question in relation to the point on the 14-year-old. There was also the question on the juvenile offenders' age of 16. Thanks.

The Chairman: Any further speakers?
There appear to be none.

Hon. Jamahl S. Simmons: Thank you, Mr. Chairman.
In light of the time, I will make sure I get that answer to the Honourable Member.

The Chairman: Please.

Hon. Jamahl S. Simmons: With your indulgence, if you wouldn't mind, we will be able to approve clauses 54 through 59.

The Chairman: It has been moved that clauses 54 through 59 be approved.
Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 54 through 59 passed.]

Hon. Jamahl S. Simmons: I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.
Are there any objections to that?

Hon. Jamahl S. Simmons: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Any objections to that?
The Bill will be reported to the House as printed.

[Motion carried: The Child Safeguarding (Miscellaneous Amendments) Act 2019 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 5:52 pm

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

REPORT OF COMMITTEE

CHILD SAFEGUARDING (MISCELLANEOUS AMENDMENTS) ACT 2019

The Speaker: Members, are there any objections to the Child Safeguarding (Miscellaneous Amendments) Act 2019 being reported to the House as printed?

There are none.
It has been reported.

It brings us to a close of that matter. We will now move on to the next item on the Order for the day which is [Order] No. 5, the Corporate Service Provider Business Amendment Act 2019, in the name of the Minister of Finance.

Minister, would you like to proceed?

BILL**SECOND READING****CORPORATE SERVICES PROVIDER BUSINESS
AMENDMENT ACT 2019**

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

Mr. Speaker, I move that the Bill entitled the Corporate Services Provider Business Amendment Act 2019 be now read the second time.

The Speaker: Any objections?

None.

Continue, Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, Government wishes this Honourable House now to give consideration to the Bill entitled the Corporate Services Provider Business Amendment Act 2019.

The purpose of the proposed amendments to the Act is to enhance the Bermuda Monetary Authority's [BMA] regulation of licensed corporate service providers [CSP] and to align Bermuda's regime with evolving international best practice and regulatory standards for the oversight of corporate service provider businesses.

Mr. Speaker, the Ministry of Finance has been advised by the BMA that the regulatory framework for the corporate service provider sector will be assessed by The Group of International Financial Centre Supervisors [GIFCS] in 2020. Accordingly, key amendments to the Act are required to further comply with the GIFCS standard on the regulation of corporate service provider and are as follows:

1. To require licensed corporate service providers to maintain a physical presence in Bermuda. Honourable Members are advised that the objective of this requirement is to ensure that the BMA is capable of exercising the appropriate regulatory influence over the CSP.
2. To remove the fee prescribed for the inspection of the register of licensed corporate service provider businesses. Honourable Members are advised that such a fee is no longer payable as the list of licensed CSPs is available to the public on the BMA's website.
3. To require that the BMA must approve the surrender of a licence prior to the surrender coming into effect. Honourable Members are advised that this measure is to protect clients' interests and ensure that the corporate service provider business is wound down or transferred appropriately.
4. To insert a provision requiring client money to be segregated from the licensed businesses own funds and maintaining

accounting records to readily identify such client money. Honourable Members are advised that this measure is intended to avoid the co-mingling of funds to protect clients' interests in the event a corporate service provider fails.

5. To add a power for the Authority to exempt or modify prudential standards or requirements. Honourable Members are advised that this provision will allow the BMA to exempt a corporate service provider from the necessity to comply with the prudential requirement following an assessment of the CSP's nature and scale. Avoiding a one-size-fits-all approach is the cornerstone of the BMA's risk-based approach to regulation.

Mr. Speaker, the House is advised the BMA has met with members of the corporate service provider sector to discuss the amendments. In addition, as per the BMA's normal custom and practice, published a consultation paper together in June 2019 to advise industry of the proposed changes. The consultation results were published by the BMA on its website on the 24th of July 2019. Mr. Speaker, there were 94 corporate service providers licensed by the BMA.

Mr. Speaker, with those introductory remarks, I now read for the second time the Bill entitled Corporate Services Provider Business Amendment Act 2019. 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, you have the floor.

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

Last week when the Minister presented a different Bill, also in relation to the international business sector, I gave him a bit of a hard time over consultation. So, to be fair, I would like to commend him on the consultation involved in this particular Bill. At least I am calling it as I see it. When there isn't consultation, I do think that it is something that is bad and damaging to the legislation in this House. But when there is consultation, it is very refreshing. I actually hold in my hand . . . and let me declare an interest, Mr. Speaker, the law firm where I work has one of the 94 (if that was the right number) corporate service providers.

I actually have in my hand a letter from the BMA back to the stakeholders, dated the 24th of July, albeit, but still, before this Bill was here. (And what date is it now? Close.) But this is exactly the criticism that I made last week, which I thought was fair. This is exactly the response that we hoped to see, where if criticisms are made of legislation, and suggestions are made, at least the people who make them get an answer back from the Ministry, the relevant Ministry, as

to why their concerns are not being taken on board. And to be fair, some of their concerns are not being taken on board, but this is a much better step where people can understand why.

And I have read this letter. It identifies some of the industry concerns about this piece of legislation. It responds in a very sensible, straight-forward way, saying why these points were either taken on board or not taken on board. So let me support the legislation on behalf of the Opposition, but also commend the Minister for the type of feedback to stakeholders and industry that we think would be a good thing to see across the board for this Government. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?
Minister, you can . . .

Hon. Curtis L. Dickinson: Mr. Speaker, I thank the Honourable Member for the commendation. It is a good day in the House.

[Inaudible interjections and laughter]

Hon. Curtis L. Dickinson: Yes. Go Somerset, yes.

Mr. Speaker, if there are no other comments I move that the Bill be committed.

The Speaker: No other comments?

Deputy.

House in Committee at 5:59 pm

[Hon. Derrick V. Burgess, Sr., Chairman]

COMMITTEE ON BILL

CORPORATE SERVICES PROVIDER BUSINESS AMENDMENT ACT 2019

The Chairman: Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [[Corporate Services Provider Business Amendment Act 2019](#)]

Minister, you have the floor.

Hon. Curtis L. Dickinson: Thank you, Mr. Chairman.

This Bill provides for the improved and updated regulatory framework for licensed corporate service providers and aligns Bermuda's regime with evolving international best practice standards for the oversight of corporate service providers.

Mr. Chairman, I move clauses 1 through 7.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 provides for a citation of the Bill.

Clause 2 amends the principal Act to insert a new section 4A to require physical presence in Bermuda of all licensed undertakings. The clause further provides for the factors the Authority can consider to determine if a licensed undertaking is in compliance with the requirement for physical presence in Bermuda.

Clause 3 amends the principal Act in section 12 by repealing subsections (2), (3) and (4) to remove requirements for the Authority to publish licences it has issued and the requirement for the Authority to keep and maintain a register of the licences it has issued. In the place of the repealed subsections, provision is made to require the Authority to keep a copy of each licence it issues and to make such copy available for inspection by members of the public at all reasonable times and to provide on its website a list of all currently licensed undertakings.

Clause 4 amends the principal Act in section 21 to provide the Authority with the power to object to a notice of surrender of a licence submitted by a licensed undertaking until all matters relating to client concerns have been administered to the satisfaction of the Authority, or the business has been transferred to another corporate service provider.

Clause 5 amends the principal Act to insert new sections 55A and 55B. Section 55A empowers the Authority to exempt or modify prudential rules or requirements where the Authority has made a determination to do so or on the application of a licensed undertaking. Section 55B requires licensed undertakings to separate client funds from their own funds.

Clause 6 makes provision for consequential amendments to the Bermuda Monetary Authority Act 1969 to provide for fees covering matters related to modification and/or exemption from certain rules.

Clause 7 provides for the Minister of Finance to bring the Act into operation by notice published in the *Gazette*.

The Chairman: Any speakers to clauses 1 through 7?

The Chair recognises the Honourable Hadley Cole Simons.

Mr. N. H. Cole Simons: Thank you, Mr. Chairman.

I would like to refer the Minister to item 2.

The Chairman: You mean clause 2?

Mr. N. H. Cole Simons: Sorry. Clause 2, yes.

The Chairman: Yes.

Mr. N. H. Cole Simons: Physical presence, [new section 4A(2)(a)], and it states, "where the strategic and operational decisions of the licensed undertaking occur;"—

The Chairman: Put your microphone on, Cole.

Mr. N. H. Cole Simons: It's on.

The Chairman: Okay, cousin.

[Laughter]

Mr. N. H. Cole Simons: The question that I have is, Mr. Chairman, we know that we have a lot of international organisations here in this country; Bank of New York; Mellon; Citco; HSBC Securities; Lombard Odier; Maples; MUFG Fund Services; Walkers, [and] R&H [Rawlinson & Hunter]. And we know that a lot of the strategic and operational decisions are made outside of Bermuda because of international organisations. Can the Minister speak to how we are going to address that in regard to the requirement that the strategic and operational decisions be undertaken here in Bermuda?

The second issue is the board of directors. We also know that a number of trust companies have their CEOs located overseas. One in particular is located in Jersey. And we also know that another trust company, the main decisions are made by the directors and the CEO who is also in Guernsey. So, again, I see that we are trying to get the mind and management in Bermuda. But as we have a number of international organisations, the question becomes, How are we going to abide by that when these directors and officers do not live or have a presence in Bermuda?

[Inaudible interjections]

Mr. N. H. Cole Simons: I will declare my interest in that I work in the industry.

The Chairman: That's good of you, Cole.
Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I am just waiting for the technical officers to . . .

The Chairman: Okay. Any further speakers?
Mr. Pearman.

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

It is sort of the same point, but it dovetails and it relates to clause 2, [new section] 4A(2), and it is this idea that matters are directed and managed from Bermuda in terms of the test. The response from the BMA that I referred to earlier says this, if I may read just quickly from it, Mr. Chairman?

The Chairman: Continue.

Mr. Scott Pearman: "The Authority will use a combination of desk-based reviews, prudential meetings, and onsite visits to make a determination of the suitability of the CSP business physical presence. Each

CSP shall be prepared to discuss its arrangements with the Authority's team during the supervisory process and explain why it is suitable for their business."

I am well aware, Mr. Chairman, that the Minister himself is alive to the international global role that we fit into and that it is not right to look down a narrow microscope to determine these questions. But it is really a broad-based test. Will that be something that the Minister will be discussing with any onsite teams?

The Chairman: Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I am advised with respect to the question from the Honourable Member who sits in constituency 8, that all current licensees meet the requirements set out under clause 2.

The Chairman: Mm-hmm.

Any further speakers to clauses—

[Inaudible interjection]

The Chairman: Mr. Simons, you want to take the floor?

Mr. N. H. Cole Simons: What about [subclauses] (c) and (d) in regard to directors who live overseas and make the strategic decisions overseas?

The Chairman: Minister.

Hon. Curtis L. Dickinson: I am advised that overseas directors are currently allowed, but there needs to be sufficient nexus.

The Chairman: Any further speakers?

Minister, you want to move clauses 1 through 7 and have them approved?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 1 through 7 be approved.

The Chairman: It has been moved that clauses 1 through 7 be approved. Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 7 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: Have you done everything? You don't have more clauses than that?

Hon. Curtis L. Dickinson: No, there are only—

The Clerk: Yes, [clauses] 1 through 7.

No objections.
Continue on, Minister.

The Chairman: Okay. You got ahead of me, cousin.
It has been moved that the preamble be approved.
Are there any objections to that?
There appear to be none.
Approved.

Hon. Curtis L. Dickinson: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Any objections to that?
There appear to be none.
The Bill will be reported to the House as printed.

[Motion carried: The Corporate Service Provider Business Amendment Act 2019 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 6:07 pm

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

REPORT OF COMMITTEE

CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2019

The Speaker: Good afternoon, Members.
Are there any objections to the reporting of the House of the Corporate Service Provider Business Amendment Act 2019 as printed?
No objections.
That brings that matter to a close. We will now move on to the next item on the Order Paper which is Order No. 6, the Trusts (Regulation of Trust Business) Amendment Act 2019 in the name of the Minister of Finance.
Minister.

BILL

SECOND READING

TRUSTS (REGULATION OF TRUST BUSINESS) AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill entitled the Trusts (Regulation of Trust Business) Amendment Act 2019 be now read the second time.

The Speaker: Any objections to that?

Hon. Curtis L. Dickinson: Mr. Speaker, Government wishes this Honourable House now to give consideration to the Bill entitled the Trusts (Regulation of Trust Business) Amendment Act 2019. The purpose of the proposed amendments to the Trusts (Regulation of Trust Business) Act 2001 is to enhance the Bermuda Monetary Authority's regulation of licensed trust businesses and align Bermuda's regime with evolving international best practice and regulatory standards for the oversight of trust businesses.

Mr. Speaker, the Ministry of Finance has been advised by the BMA that the regulatory framework for the trust sector will be assessed by the group of international financial centre's supervisors in 2020. Accordingly, the key amendments to the Act are required to further comply with the GIFCS's standard on the regulation of trust service providers and are as follows:

1. To require licensed trust businesses to maintain a physical presence in Bermuda. Honourable Members are advised that the objective of this requirement is to ensure that the BMA is capable of exercising the appropriate regulatory influence over the license trust business.
2. To remove the fee prescribed for the inspection of the register of licensed trust businesses. Honourable Members are advised that such a fee will no longer be payable as the list of licensed trust businesses is available to the public on the BMA's website
3. To require that the BMA must approve the surrender of a licence prior to the surrender coming into effect. Honourable Members are advised that this measure is to protect clients' interests and ensure that the trust business is wound down or transferred appropriately.
4. To insert a provision requiring client money to be segregated from the licensed trust businesses own funds and maintaining accounting records to readily identify such client money. Honourable Members are advised that this measure is intended to avoid the co-mingling of funds to protect clients' interests in the event a trust business fails.
5. To add a power for the Authority to make rules prescribing annual returns and adding a power for the Authority to exempt or modify prudential standards or requirements. Honourable Members are advised that this provision will allow the BMA to exempt a trust business of the necessity to comply with the prudential requirement

following an assessment of this nature and scale. Avoiding a one-size-fits-all approach is the cornerstone of the BMA's risk-based approach to legislation.

6. To enhance the minimum criteria for licensing to impose an obligation to maintain adequate liquidity in order to be deemed to be conducting business in a prudent manner.

Mr. Speaker, the BMA has met with members of the Bermuda Association of Licensed Trustees to discuss the amendments. Honourable Members are advised that concerns were raised by industry regarding the proposed amendments to the Act to facilitate physical presence requirements.

Mr. Speaker, the Authority has now determined that they will use a combination of desk-based reviews, prudential meetings, and onsite visits to make a determination of the suitability of a trust business's ongoing physical presence. Accordingly, the consultation results were published online by the BMA on the 24th of July at the BMA's website at www.bma.bm. Mr. Speaker, in addition to the above, as per the Authority's normal custom and practice, a consultation paper, together with a draft Bill were published in June 2019 to advise the industry of proposed changes. Mr. Speaker, presently there are 28 licensed trust companies supervised by the BMA.

Mr. Speaker, with those introductory remarks, I now read for the second time the Bill entitled Trusts (Regulation of Trust Business) Amendment Act 2019. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 22. You have the floor.

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

It going to be déjà vu with this one. I, again, declare my interest. This time the law firm is affiliated with one of the 28 trust businesses on the Island. Again, I repeat the comment I made in the previous debate about consultation and stand by that. We have nothing further to add and will deal with anything in Committee.

The Speaker: No further speakers?

Oh, I recognise the Honourable Member from constituency 8. Honourable Member, you have the floor.

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

I declare my interest. I work for a financial institution—

The Speaker: Mm-hmm.

Mr. N. H. Cole Simons: —that does trust business.

Mr. Speaker, as we know, we are evolving into the digital age. A number of these trusts are holding, as custodians, digital assets. So can the Minister provide clarity around whether the digital assets and the management thereof as custodians will be bound by the digital asset legislation that we put in place earlier this year, or last year?

Mr. Speaker, again, are we going to have a list of custodians who are qualified to hold assets? You know, generally, the trustees may use banks to hold securities and other assets, but from time to time they are called upon to hold deeds, and they will hold them. So what qualifications will be required for the trustees to be custodians and hold these types of assets, in particular, digital assets? Because right now some of these assets—we have Apple Cards that provide access, we have tokens that provide digital assets to families and some of them are worth quite a bit. So the question would be again, as I said, what qualifications [are required of] these trust companies, and are they bound by the digital asset legislation that was presented earlier this year?

One other question. Hang on, sir.

[Pause]

Mr. N. H. Cole Simons: Again, with the advent of these digital assets, are we going to require that trust professionals have new qualifications to play in this space? Because they can put their trust client's assets at risk if we do not have the appropriate qualifications to manage these digital assets in the trust space.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

Minister, would you like to reply?

Hon. Curtis L. Dickinson: Mr. Speaker, I am advised that the holding of digital assets and the custody of digital assets will be addressed in amendments to the DABA [Digital Asset Business Act] legislation, which will take place . . . I'm sorry, digital assets held inside of trust structures will be addressed in amendments to the DABA legislation slated to take place later this year.

The Speaker: Would you like to move us to Committee?

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you.

Deputy.

House in Committee at 6:16 pm

[Hon. Derrick V. Burgess, Sr., Chairman]

COMMITTEE ON BILL

TRUSTS (REGULATION OF TRUST BUSINESS) AMENDMENT ACT 2019

The Chairman: Honourable Members, we are now in Committee of the whole [House] for consideration of the Bill entitled [Trusts \(Regulation of Trust Business\) Amendment Act 2019](#).

Minister, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, thank you.

This Bill provides for an improved and updated regulatory framework for licensed trust businesses and aligns Bermuda's regime with the evolving international best practice standards for the oversight of trust businesses.

Mr. Chairman, I move clauses 1 through 9.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 provides for a citation for the Bill.

Clause 2 amends the principal Act to insert section 4B to require physical presence in Bermuda of all licensed undertakings. The clause further provides for the factors the Authority can consider to determine if a licensed undertaking is in compliance with the requirement for physical presence in Bermuda.

Clause 3 amends the principal Act in section 13 by repealing subsections (2) and (3) to remove the requirement for the Authority to publish licences it has issued and the requirement for the Authority to keep and maintain a register of the licences it has issued. In the place of the repealed subsections, provision is made to require the Authority to keep a copy of each licence it issues and to make such copies available for inspection by members of the public at all reasonable times and to provide on its website a list of all currently licensed undertakings.

Clause 4 is to amend the principal Act in section 22 to provide the Authority with the power to object to a notice of surrender of a licence submitted by a licensed undertaking until all matters relating to client [concerns] have been administered to the satisfaction of the Authority or the business has been transferred to another trustee.

Clause 5 amends the principal Act to insert section 47A to require licensed undertakings to separate client funds from their own funds or funds held in respect of other business.

Clause 6 amends the principal Act to insert sections 57A and 57B to empower the Authority to make prudential rules and to exempt or modify prudential rules or requirements where the Authority has made a determination to do so or on the application of a licensed undertaking.

Clause 7 amends the principal Act in the First Schedule to require licensed undertakings to maintain

adequate liquidity in order to be deemed to be conducting business in a prudent manner in furtherance of meeting minimum criteria for licensing requirements under the Act.

Clause 8 makes provision for consequential amendments to the Bermuda Monetary Authority Act 1969 in relation to fees covering matters related to modification and/or exemptions from certain rules.

Clause 9 provides for the Minister of Finance to bring the Act into operation by notice published in the *Gazette*.

The Chairman: Does any Member want to speak to the clauses 1 through 9?

The Chair recognises the Honourable Member, Hadley Cole Simons.

Mr. N. H. Cole Simons: Clause 6, Mr. Chairman, 57B.

The Chairman: Yes.

Mr. N. H. Cole Simons: Just for clarity and to help me understand, it says [that] the Authority may exempt prudential standards or requirements. Can the Minister give me an example of an occasion whereby the Authority would exempt an institution from the prudential standards or requirements? It was in the last piece of legislation, and I was slow to take off, and I still do not understand when this would apply from a commercial point of view. So I was wondering if the Minister can help us in that space. Thank you.

The Chairman: Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I am just waiting the advice from the technical officers.

The Chairman: Any further speakers? No.

[Pause]

The Chairman: Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, in response to the question from the Member from constituency 8, there are currently no rules; none in place currently. This amendment, this language, would give the BMA the ability to effect its risk-based approach as to whether a change or an exemption would be appropriate in the circumstances. I think it is easy to say that it gives the BMA a certain degree of flexibility.

The Chairman: Any further speakers?

Mr. Simons, you have the floor.

Mr. N. H. Cole Simons: Thank you.

I understand what the Minister has said, but from a commercial point, can you give us a live exam-

ple of how it may occur and [under] what circumstances will I, as a company, be able to apply for exemption from the prudential rules? That is my question.

Hon. Curtis L. Dickinson: Mr. Chairman, I am not trying to be cute here, but I guess that question is similar to *how long is a piece of string?* I think what is intended here is that the BMA is trying to give itself some flexibility for circumstances that may be unforeseen. Inasmuch as they can contemplate a series of scenarios, they probably would provide for them in the legislation. I think this language gives them the flexibility should something come up that is unanticipated that they can consider it appropriately without having to come to the House to change the law in order to be able to effect the regime appropriately.

The Chairman: Any further speakers?
There appear to be none.
Minister, do you want to move the clauses?

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 1 through 9.

The Chairman: It has been moved that clauses 1 through 9 be approved.
Any objection to that?
There appear to be none.
Approved.

[Motion carried: Clauses 1 through 9 passed.]

The Chairman: Do you want to move the preamble?

Hon. Curtis L. Dickinson: Mr. Chairman, I also move the Schedules.

The Chairman: Oh, Schedules.
It has been moved that the Schedules be approved.
Are there any objections to that?

The Clerk: Are there any Schedules?

The Chairman: There are no Schedules in this, I'm sorry. There are no Schedules in here; just the preamble . . .
Yes, there is a Schedule; it is amending the first Schedule.

The Clerk: No, no, no, no.

The Chairman: No.

The Clerk: It amends the First Schedule . . .

The Chairman: Yes, there is no Schedule in here. Yes, there is no Schedule in here. Just the—

Hon. Curtis L. Dickinson: I apologise . . . Mr. Chairman.

The Chairman: —preamble.

Hon. Curtis L. Dickinson: Then I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.
Any objections to that?
There appear to be none.
Approved.

Hon. Curtis L. Dickinson: I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.
Any objections to that?
There appear to be none.
The Bill will be reported to the House as printed.

[Motion carried: The Trusts (Regulation of Trust Business) Amendment 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

TRUSTS (REGULATION OF TRUST BUSINESS) AMENDMENT ACT 2019

The Speaker: Members, are there any objections to the Trusts (Regulation of Trust Business) Amendment Act 2019 being reported to the House as printed?
There are none.
It has been reported.

That brings that matter to a close. We will now move on to the next item on the Order Paper which is [Order] No. 7. The second reading of the Insurance Amendment Act 2019 in the name of the Minister of Finance. Minister, would you like to put this matter?

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker.
I move that the Bill entitled Insurance Amendment Act 2019 be now read the second time.

The Speaker: Any objections?
None.

BILL**SECOND READING****INSURANCE AMENDMENT ACT 2019**

Hon. Curtis L. Dickinson: Mr. Speaker, it gives me pleasure to present to the House the Bill entitled the Insurance Amendment Act 2019.

This Bill seeks to amend the Insurance Act 1978 [the Principal Act] by making a number of changes to the Act to introduce and establish two new classes of limited purpose insurers and a new category of intermediary, to be known as “insurance marketplace providers.”

Mr. Speaker, the Bermuda Monetary Authority is, and has always been, committed to the enhancement of the viability of the Bermuda insurance market. Over the years, the Authority has been recognised as a centre of excellence of innovation and for providing a regulatory environment that appropriately regulates and supervises the insurance industry while remaining conducive to product and technological innovation. It is toward this end that the Authority proposes to introduce new classes of LPIs, a fully collateralized insurer class to be known as “collateralized insurers,” and an innovation class to be known as “general business innovative insurers” or Class II[G]B.

Mr. Speaker, the collateralized insurance class will be available to those insurers with complex collateralized structures as well as insurers with deals that are not an ideal fit for the existing special purpose insurer, or other insurance classes regulatory frameworks.

Mr. Speaker, the SPI framework was established for less complex, limited duration, catastrophe bonds, or similar transactions. However, Mr. Speaker, over time these structures have grown to include more complex structures and deals. The collateralized insurer framework is specifically tailored to cater for the innovations and continuing transformation of the insurance link security structures.

Mr. Speaker, the Authority in 2018 established an insurance regulatory sandbox and an insurance innovation hub. There is now a need for a post sandbox innovation class where some of these companies can graduate into following a successful testing period. While the existing and proposed classes are still available for the sandbox graduating companies, as long as they appropriately fit into the respective class definition, the proposed IIGB class will primarily cater specifically to companies that seek to utilise digital assets in their insurance operation. For example, accepting premiums and paying indemnity coverage in digital assets.

Mr. Speaker, the Authority has also noted growing interest in the establishment of InsurTech-related platforms, established for the purpose of bringing insurance buyers and sellers together to buy and

sell insurance coverage via auction, or other arrangements, or for trading insurance contracts, generally referred to as “insurance marketplace providers.” This has been noted from the Authority’s engagement with market participants in relation to the insurance sandbox, and innovation hub-related applications and inquiries. The Authority is therefore proposing to introduce a new intermediary class to be called “insurance marketplace providers.” Correspondingly, a sandbox licence will be introduced for this new intermediary which will be called “IMPs.”

Mr. Speaker, the Authority is proposing changes to the Act to add these new classes and to enhance the existing rules, regulations, and codes that support and form the regulatory framework for these new classes. The rules related to regulatory reporting and capital requirements will be drafted by the Authority and consulted upon later this year.

Mr. Speaker, while the proposed insurer regimes are being designed to meet the international insurance regulatory standards, adopted by the International Association of Insurance Supervisors, the IAIS, they do not fall within the commercial framework that are Solvency II equivalent.

Mr. Speaker, the proposed regulatory regime for insurance marketplaces will be similar to that for insurance agents. A draft code of conduct for insurance marketplace was published on the 14th of May 2019, along with a consultation paper, to address the additional components of the framework. Mr. Speaker, the House is advised that the Authority has given due consideration to all the feedback prior to finalisation of the new regulatory regime.

Mr. Speaker, the amendments represent a collaborative effort between the Authority and various industry stakeholders. I would like to thank all of those persons within the Bermuda Monetary Authority, the Attorney General’s Chambers, the Ministry of Finance, and the private sector who have assisted with the development of this Bill.

Mr. Speaker, under the present InsurTech framework, the Authority has received six applications from insurers and insurance intermediaries, of which three have registered to date. Mr. Speaker, with those introductory remarks, I now read for the second time the Bill entitled Insurance Amendment Act 2019.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 8. Honourable Member Simons, you have the floor.

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

Mr. Speaker, I will make it clear that we support the legislation. We also recognise that Bermuda has to be at the cutting edge. We are moving into a new era, and again, the financial service industry is

changing. There is more emphasis placed on FinTech, and innovation is the order of the day.

Mr. Speaker, I recognise that some of the products and services that we have now have become dated and as a consequence the new legislation that is proposed here today will basically support us and enable more capital flows to come into this country to fill a gap that is in the market.

Mr. Speaker, I do not have a lot to say on this. I will say that it is interesting that we are at, basically, Class 3A level of the insurance carriers which basically is the developmental stages. They are capitalised, they are regulated by the BMA, and yet the potential for growth in that space is crucial and vital, and we find that a lot of 3A and 3B companies will gradually, if they are committed to success, may move up to Class 4 companies, and so on and so forth.

As for the collateralised insurers, Mr. Speaker, basically this here is an extension of the very, very successful ILS industry, insurance-linked securities. As one may or may not know, the SPIs for ILS instruments, were insured from cedants that basically had to be rated by Best and other rating agencies. And it provides some sort of comfort for the market and the investors who provide the capital for these countries that basically insured as a collective, the reinsured cedants.

I think the crucial issue there was that up until now these cedants had to be rated. But going forward with this legislation they have agreed to allow the collateralised insurers to have unrated cedants and to me, obviously, there is a higher element of risk and therefore the underwriters and the regulatory body will have to be more diligent in ensuring that the cedants are financially sound and meet best practices. So it is a riskier proposition, and I am certain that the BMA and even the underwriters will be more diligent in transferring the risk to their investors.

Mr. Speaker, in regard to the II . . . what is the other category?

An Hon. Member: IIGB.

Mr. N. H. Cole Simons: IIGB . . . again, this is a new space and it speaks to the digital universe. We have known that historically the digital industry has had challenges getting traditional insurance for their assets and converting digital assets to fiat currencies, Mr. Speaker. So this here is a very innovative space. We are currently, as a country, trying to propel ourselves forward in the digital industry. You see on many occasions the Premier in the papers talking about his successes in getting digital companies coming [to] and operating from Bermuda. This, to me, is an extension of providing a far more robust infrastructure for those types of industries, Mr. Speaker.

Like I said, I would tread cautiously, but I also believe that we need to be on the edge of innovation, [with] what we do with sound prudential management,

and we have to ensure that we make sure we understand the risks that it [presents] to our jurisdiction and that we work with industry to make sure that we are able to manage financial risks as well as reputational risks, Mr. Speaker.

As was said earlier, the Class IIGB, basically, we were looking at putting them in a regulatory sandbox. My question becomes, How long will they allowed to remain in the sandbox? Until their final product has been crafted and all the kinks have been worked out before they are moved from the sandbox to industry? And when they make that transition, hopefully the BMA will be able to assess the effectiveness of the transition and the impact on our country as a jurisdiction.

Mr. Speaker, as I said, for those new classes, I am supportive on the premise that we really assess their potential benefits along with the potential financial risks and reputational risks. So it is incumbent upon the service providers and the BMA to make sure that these are adequately managed, Mr. Speaker.

The other issue that I would like to speak to, Mr. Speaker, is the marketplace, the framework for the insurance marketplace. Actually, Mr. Speaker, I was kind of pleased when I saw this, and I will tell you why. As you may or may not know, Lloyd's of London is a marketplace. And as a consequence, there are certain rules in which Lloyd's of London must operate based on their constitution, based on their bylaws. And these rules basically set a framework for strategic planning and operational issues within the marketplace.

And I see this in regard to the new financial service industry, the ILS industry, this new commercial legislation that we are just passing now. [It] could be another marketplace that if we fast-forward 20 years' time, we may be able to compete with Lloyd's of London in this space. I mean, we are competing with them now. So I think that this precedence has taken place in other jurisdictions. We can learn from how effective and successful marketplaces exist. We can learn from their successes and we can also learn from their challenges and failures.

So, again, I am excited about the setting up of an insurance marketplace, where insurance buyers and sellers come together, and do their business and exchange trade in insurance with the auctions and other arrangements. I am wondering if at some point whether we would actually have syndicates here in Bermuda like we have in London, syndicates that will specialise in the evolving FinTech industry as well as the existing traditional insurance industries that we have in Bermuda. It is just another service that we can provide. It will be like an exchange, and that too will be managed and controlled and monitored by the BMA.

So, Mr. Speaker, generally, I support this legislation. I am delighted that we are moving forward with something of this nature. I am also concerned

that when we move forward that we ensure that the reputation from a financial point of view and reputational point of view is managed through prudential standards. Mr. Speaker, while I think of it, we have to also ensure that these new spaces adhere to our AML/ATF requirements, anti-money laundering [and] anti-terrorist financing, because we are dealing in international space. We are on a new frontier. We have seen how some of these digital asset businesses have been challenged from an economic point of view, from a financial point of view. And we just have to make sure that we are able to do our best to ensure that those challenges do not come to our shore in regard to the digital asset industry.

So, again, yes, I support the fact that we will provide insurance coverage to the digital asset industry and I am prepared to go along with it, but cautiously. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak? None?

Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, I would like to thank the Honourable Members from constituency 8 and 22, and others on the other side for their support of this piece of legislation, as well as the preceding two pieces that we covered off on today.

I would say that the BMA has a long-standing track record of being innovative and being forward-thinking. I certainly take on board the concerns expressed by the Honourable Member with respect to giving consideration to AML/ATF, NAMLC, and all the relevant parties being part of the equation as we work through ensuring that Bermuda remains competitive and that we try to minimise the risk associated with misdeeds by people who are engaging in inappropriate activity. So I thank them for their support.

With respect to the question around length of time in the sandbox, I am advised that this typically can range from anywhere from six to 18 months, depending on the business model, success achieved, and inasmuch as extensions are required, the BMA will grant approval as it deems necessary.

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

The Speaker: Thank you, Minister.

Deputy.

House in Committee at 6:42 pm

[Hon. Derrick V. Burgess, Sr., Chairman]

COMMITTEE ON BILL

INSURANCE AMENDMENT ACT 2019

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Insurance Amendment Act 2019](#).

Minister, you have the floor.

Hon. Curtis L. Dickinson: Thank you, Mr. Chairman.

Mr. Chairman, this Bill provides for an improved and updated regulatory framework for relevant licensed insurance businesses and aligns Bermuda's regime with evolving international best practice standards for the oversight of insurance businesses.

Mr. Chairman, I move clauses 1 through 6.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 provides the citation for the Bill.

Clause 2 amends section 1 (Interpretation) by amending a number of definitions; inserting a definition for two new classes of insurers, namely "Class IIGB insurers" and "collateralized insurers"; and inserting a definition for a new category of insurance intermediary, namely "insurance marketplace providers."

Clause 3 amends section 4 (Registration as insurer) to provide for registration of the two new classes of insurers.

Clause 4 amends section 4A (Determination of class of registration for general business) to allow Class IIGB insurers and collateralized insurers to be registered to carry on general business.

Clause 5 amends section 4D (Class 3 insurers) to provide for persons who meet the requirements of Class 3 insurers if they are not registrable as a Class IIGB insurer or a collateralized insurer.

Clause 6 amends section 4EG (Class IGB) to clarify that an insurer who seeks registration under this class intends to conduct insurance business in both an experimental and an innovative manner. As a result, the Bermuda Monetary Authority [the Authority] may register the insurer in its regulatory sandbox where otherwise the insurer would be required to meet certain additional registration criteria or may have conditions imposed on it by the Authority.

The Chairman: Any further speakers to clauses 1 through 6?

There appear to be none.

Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 7 through 13.

The Chairman: Let's approve [clauses] 1 through 6 first.

Hon. Curtis L. Dickinson: I'm sorry.

Mr. Chairman, I move that clauses 1 through 6 be approved.

The Chairman: It has been moved that clauses 1 through 6 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 6 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 7 through 13.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 7 amends section 4EH (Class ILT) to clarify that an insurer who seeks registration under this class intends to conduct insurance business in both an experimental and an innovative manner. As a result, the Bermuda Monetary Authority may register the insurer in its regulatory sandbox where otherwise the insurer would be required to meet certain additional registration criteria or may have conditions imposed on it by the Authority.

Clause 8 inserts a new section 4EI (Class IIGB) which provides that an insurer who seeks registration under this class intends to conduct insurance business in an innovative manner.

Clause 9 amends section 4F (Classes of insurer: interpretation) to include rules made regarding Class IIGB insurers and collateralized insurers within the definitions of “loss and loss expense provisions” and “net premiums written.”

Clause 10 amends section 6 (Further registration requirements) to provide for the requirements relating to further registration to apply to Class IIGB insurers and collateralized insurers.

Clause 11 amends section 6A (Prudential standards) to provide for the Authority to make both prudential and technical standard rules with respect to Class IIGB insurers, collateralized insurers, and insurance marketplace providers.

Clause 12 amends section 6[C] (Authority may exempt insurers from or modify prudential standards) to allow provisions relating to the exemption and modification of prudential or technical standard rules to apply to Class IIGB insurers, collateralized insurers, and insurance marketplace providers.

Clause 13 amends section 7 (Paid up share capital) to require Class IIGB insurers and collateralized insurers to have a paid-up share capital of at least \$120,000.

The Chairman: Any speakers to clauses 7 through 13?

The Chair recognises the Honourable Cole Simons.

Mr. N. H. Cole Simons: Thank you, Mr. Chairman.

[Clause 4,] item 8, Class IIGB, and I think it is going to probably deal with, as my Finance Minister said to me earlier, *How long is a piece of string?*

[Laughter]

Mr. N. H. Cole Simons: The question becomes (I will just repeat it), “A body corporate is registrable as a Class IIGB insurer where that body corporate intends at the time of its application for registration to carry on general business in an innovative manner.”

To me, the “innovative manner” is so vague and is so subjective, one has to somehow frame the innovation that we as a jurisdiction, the BMA as a regulator will say *these are some no-go boundaries*. So somehow, do we have boundaries for these innovative instruments, these innovative ideas? Because, to me, the more innovation you have, the more regulation you have, and the more difficult the regulation becomes. So are there any parameters for no-go zones in regard to the innovative business that will be attached to this business?

The Chairman: Mr. Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I have always used, *How long is a piece of string once?*, so I am trying to find something different—

[Inaudible interjections]

Hon. Curtis L. Dickinson: I am going to try something different this once.

The Chairman: All right.

Hon. Curtis L. Dickinson: So, the abacus still works, but back in the days when the abacus was created no one had any vision that the abacus could actually be on these things. The abacus is nothing more than a calculator. I would not want to in any way inhibit or limit the BMA’s ability to be open to the notion of innovation. I am sure that there are things now . . . I mean, I do not know how old the Honourable Member from constituency 8 is, but the notion of self-driving cars was not something that he would have contemplated when he was a little boy born in 1977, like yourself, Mr. Chairman.

[Laughter]

The Chairman: Thank you.

Hon. Curtis L. Dickinson: But innovation does happen. And I think what is trying to be captured here with the whole concept of the sandbox is that we need to in some ways remove the normal boundaries around what we think things are going to be one year, two years, five years down the road. And I think the con-

cept here at work is intended to provide the Authority, this country, with a framework which allows people who have interesting ideas to explore those ideas in a manner in which there is some regulatory oversight, to ensure that the work that they are doing is actually accretive to the economy while at the same time having some boundaries around ensuring that things do not spin out of control and create damage.

The Chairman: Mr. Simons.

Mr. N. H. Cole Simons: Yes, just a follow-up.

I respect and I do understand the Minister's comments. I would in response say, then we need to ensure that we have entrepreneurs of this nature and of this industry working for and playing a crucial role in the regulatory body. People say if you want to know an industry, you know how it works and you know its nuances and challenges, the regulator must hire an expert of that industry to ensure that things are done properly because they know the [ins and outs]. And so I would encourage the BMA to do their best to find more qualified people in this space so they are really in tune with the industry and the evolution and the innovation that is on our frontiers. Thank you.

The Chairman: Any further speakers?
Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 7 through 13 be approved.

The Chairman: It has been moved that clauses 7 through 13 be approved.
Any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 7 through 13 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 14 through 20.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 14 amends section 8 (Principal office and principal representative) to provide for insurance marketplace providers to maintain a principal office in Bermuda.

Clause 15 amends section 8B (Appointment of approved loss reserve specialist) to require Class IIGB insurers and collateralized insurers to appoint a qualified loss reserve specialist approved by the Authority.

Clause 16 amends section 8C (Class 3A, Class 3B, Class 4, Class C, Class D and Class E insurer to maintain head office in Bermuda) to require Class IIGB insurers and collateralized insurers to maintain a principal office in Bermuda.

Clause 17 amends section 9 (Insurance managers and intermediaries to be registered) to require persons wishing to carry on business as an insurance marketplace provider in or from Bermuda to be registered by the Authority.

Clause 18 amends section 10 (The Authority may register insurance managers and intermediaries) to allow provisions relating to application and registration to apply to insurance marketplace providers.

Clause 19 amends section 11 (Factors to be considered by Authority under section 10) to allow the Authority to take certain factors into consideration when determining a person's application for registration as an insurance marketplace provider.

Clause 20 amends section 14 (Fees) to provide for fees to be prescribed under the Bermuda Monetary Authority Act 1969 with respect to applications made by an insurance marketplace provider for the exemption or modification of prudential or technical standard requirements.

The Chairman: Are there any speakers to clauses 14 through 20?

The Chair recognises the Honourable Member, Cole Simons.

Mr. N. H. Cole Simons: [Clause] 15, the requirement for qualified loss reserve specialists. I have two questions. Will the BMA have a list of approved or qualified actuaries or loss reserve specialists that they would approve for the industry? And the second question is, If a company decides to use an overseas loss reserve specialist, or overseas actuary who is not licensed in Bermuda, how will that be managed and approved within the BMA? Thank you.

The Chairman: Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, with your indulgence, I am just waiting for some feedback from the technical officers.

The Chairman: Okay.
Any further speakers?

[Pause]

The Chairman: Mr. Simons, do you have any more questions in relation to . . .

[Inaudible interjection]

The Chairman: Okay.

Hon. Curtis L. Dickinson: Mr. Chairman, I am advised that currently the BMA does not keep a list, but they do approve loss reserve specialists as they are recommended by individual companies. There is a set of internal criteria that have been established by the

BMA for which they assess recommended loss reserve specialist candidates, and I am advised that these folks must be registered by the profession today. So, it must be a registered actuary, if that is the category for which people come from in order to perform this activity.

The Chairman: Mr. Simons.

Mr. N. H. Cole Simons: Just to follow up, so the actuarial designation, as we just left the accounting industry . . . so the actuarial designation will be assessed based on jurisdiction and where a person qualifies and maintains his licence and—will they do an assessment on the actuaries to ensure that they adhere to best practices and that their credentials are world-class?

The Chairman: Minister.

Hon. Curtis L. Dickinson: Again, Mr. Chairman, I am waiting for technical advice, but I would dare say this, I am a fairly clever guy as is the Member from constituency 8, but I certainly would not question the qualifications of anyone who calls themselves an actuary. They are a special breed of people.

[Laughter]

Hon. Curtis L. Dickinson: After all that filler, Mr. Chairman, I am told the answer is yes.

[Laughter]

The Chairman: Okay.

Any further speakers?
Minister, you want to . . .

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 14 through 20 be approved.

The Chairman: It has been moved that clauses 14 through 20 be approved.

Are there any objections?
There appear to be none.
Approved.

[Motion carried: Clauses 14 through 20 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 21 through 28.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 21 amends section 15A (Declaration of compliance) to provide for the requirements relating to the filing of annual declarations of compliance to apply to Class IIGB insurers and collateralized insurers.

Clause 22 amends section 17 (Keeping and filing of statutory financial statements) to provide for the requirements relating to the filing and keeping of statutory financial returns to apply to Class IIGB insurers and collateralized insurers.

Clause 23 amends section 17B (Insurance manager, broker and agent to file statutory financial returns) to provide for the requirements relating to the filing of annual financial statutory returns to apply to insurance marketplace providers.

Clause 24 amends section 18A (Failure to file statutory statements or returns) to provide for insurance marketplace providers to be liable to civil penalties for failing to file annual statutory financial returns under section 17B, or capital and solvency returns under prudential standard Rules. As insurers under section 18A(1), that section will also apply to Class IIGB insurers and collateralized insurers.

Clause 25 amends section 18C (Requirement to keep records in Bermuda) to provide for the requirements relating to the keeping of records of account in Bermuda to apply to Class IIGB insurers and collateralized insurers.

Clause 26 amends Part V Heading (Insurance Managers, Brokers, Agents and Salesmen) to reflect that Part V applies to insurance marketplace providers.

Clause 27 amends section 28 (Insurance managers and agents to maintain lists of insurers for which they act) to provide for insurance marketplace providers to maintain a list of insurers for which they act.

Clause 27 amends section 28 (Insurance managers and agents to maintain lists of insurers for which they act) to provide for insurance marketplace providers to maintain a list of insurers for which they act.

Clause 28 amends section 29 (Insurance broker, agent or salesman deemed agent of insurer in certain cases) to provide for existing provisions relating to deemed agent and deemed receipt of premium to apply to insurance marketplace providers.

The Chairman: Any further speakers on clauses 21 through 28?

There appear to be none. Minister?

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 21 through 28 be approved.

The Chairman: It has been moved that clauses 21 through 28 be approved.

Are there any objections to that?
There are none.
Approved.

[Motion carried: Clauses 21 through 28 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 29 through 36.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 29 amends section 30 (Investigations on behalf of Authority) to provide for the Authority's existing powers of investigations to apply to insurance marketplace providers.

Clause 30 amends section 30AA (Power to require production of documents) to provide for the Authority's existing powers to require the production of information and documents and to require answers to questions to apply to insurance marketplace providers.

Clause 31 amends section 30CA (Notification of change of shareholder controller or officer of insurance manager, broker or agent) to provide for the requirements relating to notifying the Authority of changes to shareholder controller or officers to apply to insurance marketplace providers.

Clause 32 amend section 30EA (Notification by shareholder controllers of disposal of shares in public and private companies) to require provisions relating to the reduction and disposal of controlling shares to apply to Class IIGB insurers and collateralized insurers.

Clause 33 amends section 30J (Notification by registered persons and designated insurers of change of controller and officer) to provide for the requirements relating to persons becoming, or ceasing to be, controllers or officers to apply to insurance marketplace providers.

Clauses 34, 35 and 36 amends the headings to section 30JA (Material change), section 30JB (Notification of material change) and section 30JC (Objection to material change) to reflect that those sections apply specifically to insurers and insurance groups.

The Chairman: Are there any speakers on clauses 29 through 36?

There are none.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 29 through 36 be approved.

The Chairman: It has been moved that clauses 29 through 36 be approved.

Are there any objections?

No.

[Motion carried: Clauses 29 through 36 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 37 through 45.

The Chairman: [Clauses] 37 to 45, continue.

Hon. Curtis L. Dickinson: Mr. Chairman, clause 37 inserts four new sections, that is section 30JE (Insurance marketplace provider to notify the Authority of certain events), section 30JF (Material change: insurance marketplace provider), section 30JG (Notification of material change: insurance marketplace provider), and section 30JH (Objection to material change: insurance marketplace providers).

Clause 38 amends section 31B (Restrictions as to payment of dividends) to provide for the restriction on the payment of dividends to apply to Class IIGB insurers.

Clause 39 amends section 31C (Restrictions as to reduction of capital) to provide for restriction on the reduction of statutory capital to apply to Class IIGB insurers. An obligation is imposed on a collateralized insurer to notify the Authority in writing where it seeks to reduce its total statutory capital by 15 per cent or more as set out in its previous year's financial statements.

Clause 40 amends section 32 (Powers of intervention) to provide for the Authority's existing powers of intervention to apply to Class IIGB insurers and collateralized insurers.

Clause 41 amends section 42 (Cancellation of registration of insurance managers, et cetera) to provide for the provisions relating to cancellation of registration to apply to insurance marketplace providers.

Clause 42 amends section 48 (Personal liability of intermediaries in certain cases) to provide for the requirements relating to personal liability of [intermediaries] to apply to insurance marketplace providers.

Clause 43 amends section 49 (Control of advertisements) to provide for the requirements relating to advertisements to apply to insurance marketplace providers.

Clause 44 amends the Schedule (Minimum Criteria for Registration) to provide for the requirements under paragraph 4(2B) to hold adequate insurance cover to apply to insurance marketplace providers.

Clause 45 gives effect to Schedules 1 and 2 of this Act which make consequential amendments to the [Bermuda Monetary Authority Act 1969](#) and the [Proceeds of Crime Act 1997](#), respectively.

The Chairman: Are there any further speakers to clauses 37 through 45?

Mr. Simons.

Mr. N. H. Cole Simons: Thank you, Mr. Chairman. I would like to refer the Minister back to [section] 30JF, material changes: insurance marketplace provider.

The Chairman: [Section] 30—

Mr. N. H. Cole Simons: So, that is [section] 30—that is page 11. Material change to marketplace—

Hon. Curtis L. Dickinson: It is clause 37, Mr. Chairman.

There are none.
Approved.

The Chairman: [Section] 30JF? We are [doing] from [clauses] 37 through 45.

[Motion carried: Clauses 37 through 45 passed.]

Mr. N. H. Cole Simons: Page 11.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that Schedules 1 and 2 be approved.

The Chairman: Yes?

The Chairman: It has been moved that the Schedules 1 and 2 be approved. Any objections?

Mr. N. H. Cole Simons: [Section] 30JF, Material changes.

There are none.
Approved.

So, when the marketplace makes material changes, they have to report it to the BMA. And my question is this, because I am sensitive to the outsourcing of compliance functions, IT functions and information security and other operational issues and other operational functions overseas. So, are you telling me, before any outsourcing takes place, be it outsourcing done to a firm in Bermuda or overseas for the insurance marketplace provider, that this outsourcing has to be approved by the BMA?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved. Are there any objections?

There are none.
Approved.

Hon. Curtis L. Dickinson: Mr. Chairman, I will await the advice from the technical officers, but I would say from my own reading of this section it seems very clear to me that inasmuch as there is proposed to be a change in the existing arrangements for which the company has advised the BMA, the BMA will have to assess the situation and make a determination as to whether or not it will permit such an activity to be outsourced.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed. Are there any objections?

There are none.

The Bill will be reported to the House as printed.

So, the answer from the technical team is yes, a no objection is required just like other intermediaries.

[Motion carried: The Insurance Amendment Act 2019 was considered by a Committee of the whole House and passed without amendments.]

Mr. N. H. Cole Simons: Just for clarity then, so the BMA will approve it and the companies will not just be able to file it because approval and filing are two different things. So, in this case, they must approve it before it is done and not just have the marketplace provider file the information.

House resumed at 7:09 pm

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

REPORT OF COMMITTEE

INSURANCE AMENDMENT ACT 2019

The Speaker: Members, are there any objections to the Insurance Amendment Act 2019 being reported to the House as printed?

There are none. It has been reported.

That brings us to a close of that matter and now we take up the last item which remains on the Order Paper for this evening and it is the consideration of the Money Service Business Order 2019 in the name of the Minister of Finance.

Minister?

[Pause]

Hon. Curtis L. Dickinson: Mr. Chairman, I am advised that the requirement is already in place and that approval is required before a company can act on these matters.

The Chairman: Any further speakers?
Minister—

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 37 through 45 be approved.

The Chairman: It has been moved that clauses 37 through 45 be approved.

Are there any objections?

ORDER

MONEY SERVICE BUSINESS ORDER 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I move that consideration be given to the draft Order entitled [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: Any objections?
Continue, Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, the purpose of the Money Service Business Order 2019 is to amend the Money Service Business Act 2016 by including a requirement for money service business providers to maintain insurance cover for their operations.

Mr. Speaker, section 11(7) of the Act gives the Minister of Finance the power to amend the minimum licensing criteria by way of an order. It is proposed to amend Schedule 1 of the Act by making it mandatory for licensed money service providers to maintain insurance cover that is appropriate to the nature and scale of their businesses.

Mr. Speaker, this amendment will harmonise the Authority's oversight of this sector with similar obligations imposed on other financial institutions.

With those brief introductory remarks, I now welcome Honourable Members' comments on this order.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.
Does any other Member wish to comment?
We recognise the Opposition Whip. Honourable Member.

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

I just want to say that we support this legislation. Certainly having insurance does matter, especially in the financial services industry. I declare that I am working in financial services industry myself and we have gone through quite a thorough process with the deposit insurance for the larger institutions and the responsibility of financial services to make sure that people's money is protected, and so to see that it is being extended to money service operations is a good thing and we applaud that.

My only concern, which I am sure as legislators we do not have a whole lot of control over, would be that any insurance increases in the costs of companies getting insurance would be passed on to the client in increased fees, which of course is always a risk. However, not knowing either what the coverage is, how it actually works, I am hoping we will get a bit of an explanation whether this is insurance cover for insolvency or if it is insurance cover for things that go wrong and lost funds, I am not sure. But, in any case, the fact that money service organisations are being asked to insure and cover their risk is a good thing.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.
Does any other Honourable Member wish to speak?
None?
Minister.

Hon. Curtis L. Dickinson: Mr. Speaker, I am just awaiting some advice from technical officers on the question that was posed by the Honourable Member.

[Pause]

The Speaker: Good now, Minister?

Hon. Curtis L. Dickinson: Yes. Mr. Speaker.

I am advised that the insurance is for the liability of the underlying business and that it is a function of the . . . it is dependent on the risk profile of the financial institution.

The Speaker: Thank you.
You can move us into Committee.

Hon. Curtis L. Dickinson: Yes—

An Hon. Member: It is an order.

The Speaker: No, it is an order.

Hon. Curtis L. Dickinson: No Committee.

The Speaker: We do not have to go into Committee.

Hon. Curtis L. Dickinson: Yes, it is an order.

Mr. Speaker, I move that the said draft order be approved and that a suitable message be sent to His Excellency the Governor.

The Speaker: Are there any objections?
No objections. So done.

[Motion carried: The Money Service Business Order 2019 was approved.]

The Speaker: That now brings us to a close of the Orders that will be done today, and we will move on to third readings.

The first third reading will be for [Order] No. 3, the Charter Professional Accountants Amendment Act [2019] in the name of the Minister of Finance—Education.

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Should be Finance. Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Chartered Professional Accountants Amendment Act 2019 be now read the third time by its title only.

The Speaker: Any objections?

None.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

CHARTERED PROFESSIONAL ACCOUNTANTS AMENDMENT ACT 2019

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker. I move that the Bill now be read a third time by its title only and passed.

The Speaker: No objections?

It has now passed.

[Motion carried: The Chartered Professional Accountants Amendment Act 2019 was read a third time and passed.]

The Speaker: The next one is the Corporate Service Provider Business Amendment Act [2019] in the name of the Minister of Finance.

Minister? Third reading.

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Corporate Service Provider Business Amendment Act 2019 be now read the third time by its title only.

The Speaker: Any objections?

No objections.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be now read the third time by its title only and passed.

The Speaker: Is there any objection to that?

None.

It has been read and passed.

[Motion carried: The Corporate Service Provider Business Amendment Act 2019 was read a third time and passed.]

The Speaker: The next would be the Trust (Regulations of Trust Business) Amendment [Act 2019]. Minister of Finance?

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Trust (Regulations of Trust Business) Amendment Act 2019 be now read the third time by its title only.

The Speaker: Are there any objections?

No objections.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

TRUSTS (REGULATION OF TRUST BUSINESS) AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Any objections to it passing?

None.

It has so passed.

[Motion carried: The Trust (Regulations of Trust Business) Amendment Act 2019 was read a third time and passed.]

The Speaker: The next item would be the Insurance Amendment [Act 2019].

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Insurance Amendment Act 2019 be now read the third time by its title only.

The Speaker: Any objections to that?

None?

Proceed.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

INSURANCE AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Any objections to it passing?
None.
It has so passed.

[Motion carried: The Insurance Amendment Act 2019 was read a third time and passed.]

The Speaker: Minister of—

SUSPENSION OF STANDING ORDER 21

Hon. Lovitta F. Foggo: Yes, Mr. Speaker.
Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Child Safeguarding (Miscellaneous Amendments) Act 2019 be now read the third time by its title only.

The Speaker: Any objections?
No objections.
Continue on, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

CHILD SAFEGUARDING (MISCELLANEOUS AMENDMENTS) ACT 2019

Hon. Lovitta F. Foggo: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Are there any objections to it passing?
None.
It is passed.

[Motion carried: The Child Safeguarding (Miscellaneous Amendments) Act 2019 was read a third time and passed.]

The Speaker: Is that all of them?
Premier?

Hon. E. David Burt: I have no Bills, but I have a motion.

The Speaker: Yes, the motion.

SUSPENSION OF STANDING ORDER 23

Hon. E. David Burt: Thank you, Mr. Speaker.
Mr. Speaker, I move that Standing Order 23 be suspended to enable us to consider the motion for the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 for the extension of salaries until the date of the 31st of March 2020.

The Speaker: Any objections to that?

[Motion carried: Standing Order 23 suspended.]

MOTION

MINISTERS AND MEMBERS OF THE LEGISLATURE (SALARIES AND PENSIONS) ACT 1975

Hon. E. David Burt: Thank you, Mr. Speaker.
Mr. Speaker, the motion before us is self-explanatory. It is an extension of Ministers and Members' pay. There is no change to pay; however, the Ministers and the Members' Salaries and Pensions . . . the review board which has been meeting will not complete their work, clearly. And even when they complete their work, anything that may be done and adjusted will have to be consulted with and will have to be factored in to any type of budgetary provisions going forward.

Therefore, it is prudent to make sure that this expires on the 31st of March 2020 should the House decide to take up the recommendations of the committee when they are done.

The Speaker: Thank you.
Any Member wish to speak?
No Member wishes to speak? We are good.

Hon. E. David Burt: Thank you very much, Mr. Speaker. I move that the motion be approved.

The Speaker: Any objections?
No objections.
The matter is approved.

[Motion carried: The Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 was approved.]

The Speaker: Premier, you are on your feet again?

Hon. E. David Burt: Would you like me to move to adjourn, Mr. Speaker?

The Speaker: Would you like to send us home right away?

[Laughter]

Hon. E. David Burt: I am certain, Mr. Speaker, that there are Members who may wish to comment on the motion to adjourn prior to Cup Match. But with that, Mr. Speaker—

ADJOURNMENT

Hon. E. David Burt: Mr. Speaker, I move this Honourable House do now adjourn until Friday, September 13th at 10:00 am.

The Speaker: Would anyone like to speak to that?

We had a competition! Two sprung [up].

Mr. Moniz, I have not heard from you all day today. I think I will let you go first.

[Laughter]

The Speaker: I will let you go first this evening.

[Inaudible interjections and laughter]

The Speaker: Mr. Moniz, you can go first tonight.

Hon. Trevor G. Moniz: Thank you, thank you. Thank you, Mr. Speaker. Even though we are the blue and blue at this end, you know, we are all together.

[Laughter and inaudible interjections]

Hon. Trevor G. Moniz: We will see how long that lasts.

An Hon. Member: Oh, yeah.

Hon. Trevor G. Moniz: I like that flag.

[Laughter]

The Speaker: I heard that blue and blue had a picture today. Did they include you in the photograph?

An Hon. Member: No.

The Speaker: Oh, they are here to take your photograph over there, just to get you in it. See that.

Hon. Trevor G. Moniz: Not yet. We will have to try again.

[Laughter and inaudible interjections]

Hon. Trevor G. Moniz: We will have to try again. They can Photoshop me in. They will have to Photoshop me in.

The Speaker: They will Photoshop you in.

[Laughter]

LAHEY CLINIC LAWSUIT—COSTS

Hon. Trevor G. Moniz: Mr. Speaker, I will just speak very briefly. I think this morning there was some Parliamentary Questions that were carried over from before for the Minister of National Security from, I think, MP Derrick Burgess about a variety of matters. One side of it dealt with the criminal investigation involving political corruption which was on one side, and on the other side there was some discussion about civil recovery efforts that were made by myself when I was Attorney General and Minister of Legal Affairs.

So, I cannot speak to the criminal side. I can only speak to the civil recovery side, and that was the Lahey case in Boston.

There are a few points which perhaps I have said before but obviously need to be said again from some of the misinformation that is being put out. And the first point I have made already, the two sides are separate. The criminal side which was run by the Department of Public Prosecutions (DPP) and the police and the civil recovery side run by myself. And one of the questions that keeps getting asked is whether a local firm could have acted for Bermuda in a federal case, a US federal case in Boston, and the simple answer to that is no, a local firm would not be qualified to act in a federal—

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

Hon. Trevor G. Moniz: —case in Boston.

The Speaker: We will take a point of order from the Deputy.

POINT OF ORDER

Derrick V. Burgess, Sr.: That question was not asked this morning at all about a local firm replacing a firm overseas. That was not a question.

The Speaker: Thank you.

Hon. Trevor G. Moniz: So, Mr. Speaker, there was no need for any local firm involvement. If we had hired a local firm, it would have just been a waste of taxpayers' funds.

With respect to the work that was done by the consultant, Richard Ambrosio, there was (again) misleading information given, the figure of \$300,000 it

was said that he was paid. He worked for me for a period of three years, and that was the aggregate over the period of three years. So, the average was around \$100,000 per year.

Of course, out of that, because he was a consultant he had to pay his own deductions, payroll tax, social insurance, et cetera. So, that was not a net figure like it would be for government employees; that is a gross figure. And, of course, he was doing far more than anything involved with that case. You can thank Mr. Ambrosio for Acts like the Bribery Act, which we passed in Bermuda, the Criminal Code reforms, the two major reforms of the Criminal Code he was behind. There is a lot more work like that which he did—mammoth jobs—and he would prepare what was called an illustrated draft of these mammoth pieces of legislation before they went to the drafting section in the Attorney General's Chambers.

And Members of this House may or may not know that he was a Dame Lois Browne[-Evans] scholar in London. He had his pupillage there doing mainly criminal work. And so when he came back to Bermuda he was very much up to date with the state of law in the UK, and we were able to make very important advances here, which I think all of Bermuda should be very thankful for. And I would certainly like to formally put in Hansard my vote of thanks for his amazing work on all of those matters and many, many more.

I do not think this Government is in any position to criticise a consultant who got on the job with work like Richard did.

SANDYS 360 PATI REQUEST—MINISTERIAL STATEMENT

Hon. Trevor G. Moniz: Now, the matter I really want to speak to, Mr. Speaker, is the matter of Sandys 360. I think the headline in the paper was that the Minister has done a 180 on Sandys 360.

The Minister went through a lot of changes on this. He started out coming to the House with a very bold statement that (my words not his) he was telling his civil servants not to release the statement in accordance with the ruling made by the Information Commissioner under our PATI legislation. And at that time, I took issue with the Minister and said that as far as I was aware the KPMG report that was done was embarrassing for the people who were running Sandys 360 and indeed embarrassing for the then PLP administration.

But, you know, in the interest of PATI we need to have transparency and that is what was done. And I am glad the report is now released. He said a couple of things which were inaccurate. And one of them was the assumption that somehow I was still Minister of Public Works around March of 2014. And my appointment as Minister of Public Works was from December of 2012 until December of 2013. I was no

longer Minister in March of 2014. By that time, I believe it was the Honourable Member Pat Gordon-Pamplin who had taken over from myself. And it was then, I think, in January of 2015 when the present Opposition Leader, the Honourable Craig Cannonier, took over from Pat Gordon-Pamplin as Minister of Public Works.

Now, something else that the Minister was quoted as saying was also inaccurate. He said that he had been informed—I do not know who would have informed him, but maybe one of the trustees—that somehow I had said to the trustees that *if you agree to have this report done, then I will give you whatever money you want*. Well, of course, that was not the case. The whole point of the report was to see what had been going on at Sandys 360, and whether it was sustainable in some fashion.

And I had indeed met with Melvyn Bassett who was the CEO, he was the operator, the general manager, and I had met with the trustees, Stanley Lee, I think it was, I think it was Valerie Dill—I do not know if there were some others. And to say to them that I needed to see some form of sustainability. I needed to see that there was a business plan in place that would make it sustainable going forward, or what level of funding it would need and what the return was. What sort of usage are you getting out there? How many people are coming there every day and what is the cost of it? Because, of course, remember we have the National Stadium in Devonshire, which also had a mammoth pool. It was also offering services to members of the public and, of course, east of that, there was nothing. So, the people of St. George's were offered nothing. So, we had to somehow see did any of this make any sense going forward and how much of a black hole was it to pour this money into.

So, I was certainly saying to the trustees at that time, from my point of view I would not support any more funding going forward if we did not have this report. But there was certainly no indication that, *oh well, if you agree to the report you will get the money no matter what the report says*. That would be patently ridiculous. It would make no sense at all.

Now, I think what it said in the paper was original instructions were given in November, and then there was an extension of the engagement letter in December, about a month or six weeks later, there was an extension. The report was finally produced in March.

Now remember, this whole thing began when under the PLP the project came up. But unfortunately, it was not very well managed and eventually I think there was a letter saying that the PLP Government would give some level of support to Sandys 360. But unfortunately, at that time there was no business plan, there was no study, there was no service level agreement. In return for this money what services are you then providing to the community and how well subscribed are those services?

If you have this place and it is empty, if you are having 10 or 20 people coming through there in a day, I mean, these sorts of gyms probably need a hundred-plus people coming though in a day in order to just pay your overheads. I think the electricity in order to heat the pool was a mammoth bill every month. And I do not think that the number of people who are subscribed to Sandys 360 could even pay the electricity bill much less anything else. I think the only person who was there who was being paid, of the group I met with, on a full-time basis was Mr. Bassett himself who, I think, was getting a six-figure sum.

It was interesting. You see in the report it says that he was actually owed money, and it was recorded as a loan. I think it was . . . it looked like it was quite a substantial amount in six figures that he was somehow owed as a loan, and I do not know how that was arrived at. But there were a number of things that were raised there that were very concerning to me, which is why we wanted the report because the trustees seemed to be unable to come up with any proper accounts and unable to come up with any business plan.

And so, this was the suggestion between . . . there were three parts to it. There was obviously HSBC who were owed a huge amount of money. There were the trustees themselves and, of course, in the meantime you also had McAlpine who were coming to me when I was Minister saying that they were owed a million dollars-plus from building the place and would Government pay them off, and saying, *Well, rather than you paying money into Sandys 360, why don't you just pay our bills so we can walk away, and we will not stand in the way.* And at that time, they did not . . . I do not think at that time they had a Supreme Court judgment, but they may well have one by now.

My recollection of the original report I got was that there was flagged a payment of \$10,000 to MP Walter Lister at that time. And at that time, my recollection is that nobody knew what it was about. Now, I am glad to say that when the final report was released that the accountants were able to say that there was no pattern that they could see of any untoward payments. So, the whole problem seemed to be that it was simply unsustainable—the costs of running a heated pool of that size, so large in Bermuda with our cost of electricity, which made the whole thing unsustainable.

But there was enough there obviously to cause sufficient concern that we had to have that report written. And unfortunately, it was not a happy outcome, but I do not think there was any other sensible way around it. And we all know it was a litany of errors with the double payment of over \$800,000 that was paid to Sandys 360 at one point. The whole thing was, unfortunately, a litany of errors. But I am sure in hindsight we can see where it all went wrong, and going forward hopefully there will be a more sensible route to go forward.

But I think it would be better to clear the air. I support the Minister having released the report which he obviously should have done when he received the ruling of the Information Commissioner in the first place.

[Inaudible interjection]

Hon. Trevor G. Moniz: Well, now you see that is an interesting thing. I was not the Minister when the report was finished. See? The report was finished in March of 2014, and I stopped being the Minister in December 2013.

So, the Minister is suggesting that I should have released the report. But the final report was not ready at that time. But it is obviously a very serious matter, as I have said before in this place. It is one thing to decline a PATI request, but to then disregard the Information Commissioner's ruling on the matter, which has the force of a Supreme Court order, it is a much more serious matter.

So, I do not think I can say much more than that, Mr. Speaker, and I thank you for your time.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 11. Honourable Member Famous—

Mr. Christopher Famous: Good evening, Mr. Speaker—

The Speaker:—you have the floor.

Mr. Christopher Famous: Thank you. I will not be long; I have to go to work.

The Speaker: You only have 20 minutes. You have 20 minutes.

CUP MATCH—HONOURING MARY PRINCE

Mr. Christopher Famous: I will not even be 10.

Mr. Speaker, for every Cup Match we as Bermudians spend tens of millions of dollars on items we may not need after Cup Match.

[Inaudible interjection and laughter]

Mr. Christopher Famous: Okay, I will take that one.

We spend a lot of money. But what we do not spend is spend enough time for our family members. We spend money on clothes, spend money on liquor, more liquor, spend money on food, but somehow a lot of our family members do not see us—especially the seniors.

The Speaker: Yes.

Mr. Christopher Famous: Last week I went to an event with Aunt Helen Mateen and Ms. Valerie Dill and 60 seniors. They were happy just to be around other people. Some were wearing red, some were wearing blue—I think more people were wearing blue than red, but—

[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]

The Deputy Speaker: Thank you.

Mr. Christopher Famous: —that is negotiable. But the point is, they were happy to be around people and reminisce about what Cup Match was about, talking about going up to their granny's house for the whole event—from Wednesday to Sunday—and those sorts of things. So, with more modern transportation, we do not really stay up family's houses all that time. But the point is, Cup Match is about emancipation, but it is also about family, and I want Bermudians to keep that in mind.

I want my fellow MPs on both sides to, if you have a moment, take a moment and go visit seniors in your community. You may not get out. They will be happy to see you.

Mr. Deputy Speaker, last week Minister Foggo presented us with books of Mary Prince. I want to take this moment to thank the Minister and the Department of Culture and Community Affairs for stepping up the knowledge of Mary Prince because most people in Bermuda do not know who this lady is. They do not know how important she is to the emancipation, to enslaved people around the whole Caribbean, in the whole British Isles. This is one of our international treasures who most of us do not know. And with your permission, Mr. Deputy Speaker, I would like to read an excerpt out of her book.

The Deputy Speaker: Yes.

Mr. Christopher Famous: [*The History of Mary Prince*](#). "He tied me up upon a ladder, and gave me a hundred lashes with his own hand, and master Benjy stood by to count them for him."

Imagine that. Somebody is going to give you a hundred lashes and someone else is standing there just to make sure he does not lose track of how many lashes he gave.

"When he had licked me for some time he sat down to take breath; then after resting, he beat me again and again" (after he rested, he beat this lady again and again and again) "until he was quite wearied . . ."

"I lay there till the morning, careless of what might happen, for life was very weak in me, and I wished more than ever to die."

Mr. Deputy Speaker, I am going to try to be very diplomatic in what I am going to say now, all right?

The Deputy Speaker: Mm-hmm.

Mr. Christopher Famous: We as a people, we sometimes get our priorities wrong. We are now in Cup Match, the first day of Cup Match is called Emancipation Day, the second day is called you know what.

The Deputy Speaker: Yes, sir.

Mr. Christopher Famous: I have just read from an excerpt [from the book] of a lady who has been beaten a hundred times—that was just one day. And what I am saying to my fellow MPs, both sides, we have to go one step further and honour this lady with what she really deserves. And I am hoping, I am praying, I am advocating once again, that sometime in the near future, the second day of Cup Match honours this lady.

Thank you, Mr. Deputy Speaker.

[Desk thumping]

The Deputy Speaker: Thank you, Honourable Member.

The Chair recognises the Honourable Member Michael Dunkley. Mr. Dunkley, you have the floor.

REDEMPTION FARM PROGRAMME

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

Mr. Deputy Speaker, this morning the Honourable Minister of National Security answered some questions for me in regard to the Redemption Farm and I am most grateful for those answers, Mr. Deputy Speaker. In the answers, the Honourable Minister did disclose that the budget for the programme would be \$600,000, that it would run for a 12-week tranche with the first set of, I guess you could say, recruits, and eight young men are in it and they were in the Gallery earlier today. I have met the young men. I was pleased to have the opportunity to meet them.

We should put into context a little bit tonight the reason why I asked those questions. And, you know, the Minister, I think he used the comment this morning that this was an attempt at a "gotcha" moment. There is no such thing in this case as a gotcha moment, although, Mr. Deputy Speaker, in politics from time to time there are gotcha moments. And all of us as politicians should get used to the potential for it.

But in this case, Mr. Deputy Speaker, this is simply an Opposition Member doing the job of analysing, critiquing and holding the Government to account. That is what it is about. My record shows that I will

always be diligent about the work in the House and [I will] do some research.

Now, in regard to the Redemption Farm, the Honourable Minister gave a statement to this House on November 23, 2018. And during that statement the Honourable Minister of National Security highlighted the programme and said at that time that it would be fully operational in January of 2019. And so, Mr. [Deputy] Speaker, having that commitment being laid on November 23rd that the programme would be fully operational this past January, I followed up on the programme to see what was actually taking place because at the time, the Honourable Minister did say that the budget had not been finalised yet.

Now in the context of the comments that I am giving tonight, Mr. Deputy Speaker, let me be very clear that my colleagues and I will support every programme that is focused at our people—especially our young people. And some of you might not know, but Mr. Deputy Speaker, my roots actually go back to dirt farming. We were not dairy farmers; we were dirt farmers at the turn of the previous century.

When I grew up, I spent a lot of time on the farm and certainly I understand the values that farming can give and how the hard work, when it is imparted on you and the learning that is available, these are traits that you can carry with you for the rest of your life, you know. Those types of skills, once learned, are skills that you can carry just about in any sphere that you might operate. Right? It teaches you the value of making time, it teaches you the value of hard work, it teaches you the value of learning, working as a team, using your hands, using your mind, all that type of stuff.

So, Mr. Deputy Speaker, this programme was very interesting to me. It is one of the programmes that the Honourable Minister has come up with his staff and I thought that, wow, this is a different approach. So, I wanted to track it and follow it as we went through. But like any programme, it must be done right. It must be planned right and so, against that context, I followed it. And, yes, as the Minister said, I visited the area a number of times since that November 23rd statement. And I am pleased to see that on the initiation of the talk of the programme, an area which has become unused and it looked somewhat rundown at the backside of the housing complex there, I guess between the school, going down to Orange Valley Road and the housing complex, the old Greenwich Farm has been in a state of disrepair after a former tenant moved out. So, I thought that was a good use to get some arable land back into service to allow us to do something very productive. And so I followed this programme and I visited on a number of occasions.

And one of the reasons why, Mr. Deputy Speaker, I put the questions in on July 3rd (I believe the date was, yes, July 3rd) was because in following the programme and knowing that the Honourable Min-

ister said the deadline for the programme, for the programme to be operational would be January, I put the questions in to get an update on it, because on going up there, I believe it was July 1st or 2nd, I did not see much movement in there. The fields were overgrown. There did not appear to be anything going on. So, putting in the questions, within a couple of days' time, all of a sudden, the fields were ploughed and there seems to be progress again, Mr. Deputy Speaker.

Hon. Wayne Caines: Mr. Deputy Speaker, point of order.

The Deputy Speaker: What is your point of order, Member?

POINT OF ORDER

[Misleading]

Hon. Wayne Caines: The Member is misleading the House.

The fields were first ploughed in March and again in April, and because of the phase that we were going through, they were ploughed for the purposes of Redemption Farm. And because we were still in the planning phases the fields were actually grown. They were ploughed again and, as you would know, Mr. [Deputy] Speaker, they were overgrown.

The Member is misleading the House because he does not understand the plan has different phases. The programme had initially started with the holistic phase where you were dealing with the vetting of the members to get into Redemption Farm. It had taken place months before and was an ongoing process. What he is referring to do is the farming phase of the programme.

The Deputy Speaker: Member, continue.

Hon. Michael H. Dunkley: Thank you, Mr. [Deputy] Speaker. I thank the Honourable Minister for that explanation.

Yes, as I am talking about the fields, I am referring to the farming phase of the programme. That is quite clear, Mr. [Deputy] Speaker. But now it appears that the farming phase of the programme is moving ahead in difficult summer months. So, I am pleased to see that the Honourable Minister says that they are working to get the water turned on to allow that phase to be successful.

As the Honourable Minister has mentioned, the other phases of the programme, referring to it holistically it would be . . . I would appreciate an update to this Honourable House of what took place in those phases. I would imagine the first part of that would be to pick the eight young men who are now in the programme.

POINT OF ORDER*[Misleading]*

Hon. Wayne Caines: Mr. [Deputy] Speaker, point of order. The Member is misleading this House.

Last week, I rose in this House, I gave a detailed analysis and breakdown of what was transpiring at the Farm in the specific phases.

Thank you, Mr. [Deputy] Speaker.

The Deputy Speaker: Continue, Member.

Hon. Michael H. Dunkley: Mr. Deputy Speaker, I obviously read that statement. I have that statement in front of me. Mr. [Deputy] Speaker, in context of what I was just saying before the Minister rose for the point of order, today the Minister mentioned a budget of \$600,000, and so based on that, Mr. [Deputy] Speaker, I think it would be appropriate for this Honourable House to understand in more detail how that budget will be spent over the period of time of the course. It appears that this programme will run for a 12-week tranche with those individuals concerned. But it also appears that it could run longer than that based on—

Hon. Wayne Caines: Point of order, Mr. [Deputy] Speaker.

The Deputy Speaker: What is your point of order, Member?

POINT OF ORDER*[Misleading]*

Hon. Wayne Caines: Point of order, the Member is again misleading the House.

The budget of \$600,000, Mr. [Deputy] Speaker, to be clear, it was all of the gang violence reduction initiatives including the Farm, to be clear, Mr. [Deputy] Speaker.

Hon. Michael H. Dunkley: Okay, Mr. [Deputy] Speaker, I am not misleading the House, but I asked the question this morning what was the budget for the Redemption Farm and I was told \$600,000. So, that does clarify something there, Mr. [Deputy] Speaker.

Now, Mr. [Deputy] Speaker, now that we have cleared up the budget for the total gang reduction programmes, what is the budget for the Redemption Farm?

Mr. [Deputy] Speaker, I have a few other questions here, too. The eight men that are working in the programme, what is the Government's intent or aspiration for these eight individuals once the programme is finished in 12 weeks?

The Honourable Minister referred to some co-ordination with local farmers, and previous statements [spoke of talks] with the Board of Agriculture. I would like to know what commitment that the local farmers

have provided to this programme and if there is a commitment when the programme is finished if the local farmers are willing to work with the young individuals to give them an opportunity right out of the blocks with some of the skills that they might have learned.

100 JOBS INITIATIVE

Hon. Michael H. Dunkley: Mr. [Deputy] Speaker, the Honourable Minister last year had the 100 Jobs initiative, which this Honourable House might be aware of, and we have not heard any reports about that recently.

POINT OF ORDER*[Misleading]*

Hon. Wayne Caines: Mr. [Deputy] Speaker, this Member is again misleading the House.

I also followed up in the House and I gave this House a report which stated . . . asked by that Member, the success of that programme and to date how many people are still working. The question was asked by that Member and it was provided in this House.

Hon. Michael H. Dunkley: Mr. [Deputy] Speaker, the Honourable Member is correct in that regard, but in a conversation we had afterward, the Honourable Member did say that he would continue to update the House. And so if the Minister had given me an opportunity to finish, the question would be where does that programme stand at this present time, Mr. [Deputy] Speaker?

Hon. Wayne Caines: Mr. [Deputy] Speaker—

Hon. Michael H. Dunkley: Mr. Deputy Speaker, my time is finished.

The Deputy Speaker: One second, hang on, Member, hang on.

Hon. Wayne Caines: Again, Mr. [Deputy] Speaker, I am not going to—

The Deputy Speaker: We are not going to entertain all the points of order. You have the opportunity to get up and put the statements correct.

POINT OF ORDER*[Misleading]*

Hon. Wayne Caines: Mr. [Deputy] Speaker, but with the greatest respect, he is misleading this House.

There is a difference between a programme and an initiative. He just referred to the 100 Jobs as a programme. Mr. [Deputy] Speaker, with the greatest

respect, it was not a programme. It was an initiative that this Government did to find jobs for people in this House. It was done in connection with Workforce Development. We did not promise this Government a *programme*. It was an *initiative* that we did as an occasion to get jobs in this country.

The Deputy Speaker: But that is really not a point of order.

Hon. Wayne Caines: I am guided. I am guided, Mr. [Deputy] Speaker.

The Deputy Speaker: Okay. It is clarification, but—

Hon. Wayne Caines: I am guided, Mr. [Deputy] Speaker.

Hon. Michael H. Dunkley: Thank you, Mr. [Deputy] Speaker. So, I would appreciate an update on the *initiative* by the Honourable Minister on the 100-day programme with some of the questions that I have asked here tonight.

BERMUDA CHAMPIONSHIP PGA TOUR EVENT

Hon. Michael H. Dunkley: Mr. [Deputy] Speaker, the second subject that I would like to refer to briefly tonight is the Bermuda Championship, the PGA tour event that will be held up at Port Royal, I believe at the very end of October or early November of 2019.

Mr. [Deputy] Speaker, I asked some questions of the Honourable Minister of Tourism last week and the Honourable Minister said that he would get back to me with some answers. And the reason why I asked those questions is because, contrary to what the Honourable Minister referred to as the potential success for this tournament ([comparing] it to the America's Cup), if this event is not run with a precision razor focus and a plan, it is highly unlikely, in my view, that we can effectively reach the target markets that we want to obtain by hosting this event.

The Deputy Speaker: Well, Minister [*sic*] with all due respect, I cannot stop you. The Minister is not here to answer you. And I think you are making . . . you know, you want to make some comments, and I will just advise him. But if you . . . you can carry on.

Hon. Michael H. Dunkley: Yes, Mr. [Deputy] Speaker, because this is an opportunity for us to speak and there is Cabinet here, so there is collective responsibility.

So, last week I asked those questions because I thought it was important that we got this event off to a good start. I was most concerned by the question and the answer by the Honourable Minister, it was question two that I asked, Mr. [Deputy] Speaker, and I refer to it, *What was the total approved budget for*

preparing the Port Royal Golf Course ahead of the Bermuda Championship? And the Minister said that the budget was still being finalised.

Now, Mr. Deputy Speaker, the Minister did point out that with my past experience with golf tournaments in my position as president of Mid Ocean [Club] then and some work that I had done with the tour, I should have some insight of what it would take. And that is correct, Mr. Deputy Speaker. However, it is my view that if a Government announced that there is an event coming to Bermuda, we have signed contracts for the event to come to Bermuda, the date is set for about three months from now, we should have some idea of what the budget would be to fix up the golf course.

And why do I say that, Mr. [Deputy] Speaker? I played at Port Royal a couple of weeks ago. You know, I find it to be one of the most challenging golf courses I have ever played in the world and the scenery up there can rate with any. So, for professionals to come here and get the experience, it will blow their socks off. But PGA tour players, as you know, Mr. Deputy Speaker, and you have played golf a little bit, are accustomed to courses being in pristine condition and being manicured. Well, here we are now in the middle of summertime, and there is a drought that is taking place and the Government has suggested that we need to conserve water, and at this time, the House does not even know what the budget is to prepare that course to be ready.

So, when I played the course a couple of weeks ago, I found that of all the traps in the golf course, and there must be in excess of 90 traps in the course, none of them had sand. You could see the lining in all the traps and the drainage pipes—

Mr. Hubert (Kim) E. Swan: Point of order, Mr. [Deputy] Speaker.

The Speaker: What is your point of order, sir?

POINT OF ORDER

Mr. Hubert (Kim) E. Swan: Well, I am not the Minister, and I think the Honourable Member is being very mischievous, unnecessarily. If he went to Port Royal, he would have seen that the bunkers are being renovated as they would do on his course in order to prepare them to have the quality condition to accommodate a PGA event. In fact, every bunker is being renovated using backhoes and such. I mean, that is visible.

The Deputy Speaker: Thank you, thank you.

Mr. Hubert (Kim) E. Swan: And—

The Deputy Speaker: You are clear. Thank you.

[Laughter]

Hon. Michael H. Dunkley: Thank you, Mr. Deputy Speaker. The Honourable Member is leading me right to where I want to go, because I said I played there two weeks ago, and no work had started.

But, Mr. [Deputy] Speaker, one week after I asked questions in this Honourable House of what the budget was to prepare the course and what challenges there were, and the Minister did not—

Mr. Hubert (Kim) E. Swan: Point of order, Mr. [Deputy] Speaker.

The Speaker: What is your point of order, Member?

POINT OF ORDER

[Misleading]

Mr. Hubert (Kim) E. Swan: I mean, for the Honourable Member to stand on the floor of the House and say . . . I do not work for Port Royal, number one, but I am a private contractor that operates out of there. And I know golf. And if you look at those fairways like number two, it is like a mat. And for him to say that no work is being done . . . it is totally misleading the House. A lot of work is being done.

The Deputy Speaker: Member, Member—

Mr. Hubert (Kim) E. Swan: And it is an insult to the workers.

The Deputy Speaker: Member, Member. You will have the opportunity to get up and get it clear.

[Laughter]

The Deputy Speaker: That is what I want you to do. Continue.

Hon. Michael H. Dunkley: Thank you, Mr. [Deputy] Speaker.

My comments were referring to the condition of the bunkers, clearly, Mr. Deputy Speaker. And so before the interruption, I was saying that last week the Minister was not aware of what the budget was or could [not] focus in on the issues that need to be dealt with—

The Deputy Speaker: I do not think so . . . I think he wanted—

Hon. Michael H. Dunkley: He said they were still being finalised.

The Deputy Speaker: Right. He wanted to be clear, but he has been off Island on business and I am sure if he was here tonight he would give you those figures.

Hon. Michael H. Dunkley: So, Mr. [Deputy] Speaker, the budget was still being finalised.

So, you know, just to put it into context, as the Honourable Member who is in the golf industry would know, if sand has to be replaced in all the traps, it is going to be a significant expense, probably in excess of a couple of hundred thousand dollars. It would take some time to get here, unless we have sand on the Island. And I am not aware that we do have sand on the Island.

And so my reason for raising this, Mr. [Deputy] Speaker, is because with the budget still being finalised, with issues that I saw there, and the Honourable Member is right . . . two weeks ago when I played, the fairways looked good. They are probably dry now, but that is not the biggest problem. The biggest problem is making sure the overall course is manicured and there is no sand in the traps at this time. We do not know if the irrigation works right. We do not know if there will be a water supply problem going forward . . . all these types of things.

But, Mr. [Deputy] Speaker, what do I see this week when I happened to drive by there? I see that work is taking place in the golf course. There are Island Construction vehicles in the sand traps doing some work, but last week the budget was still being finalised, Mr. [Deputy] Speaker.

[Inaudible interjections]

Hon. Michael H. Dunkley: So, Honourable Deputy Speaker—

[Inaudible interjections]

Hon. Michael H. Dunkley: I would like to know, Mr. Deputy Speaker . . . the Minister . . . I did believe that he would bring a Ministerial Statement to the House, and that is why I raised it tonight, because we are adjourning, adjourning until September. The Minister gave the commitment to bring it back to the House, but I do believe it was under a Ministerial Statement.

So, I would like to know what the budget will be, what contracts have been given out for the work, what is the scope of the work that has to be done, what challenges we are facing with the irrigation system, with the water supply or anything like that.

Now, Mr. Deputy Speaker, this event strikes at a real niche market. It is important for us to get it right, to maximise the exposure. I understand it is going to be broadcast on the Golf Channel, which is a network that a lot of golfers watch, but it is not, you know, the golf network of choice by most people. And so for us to have the course in impeccable condition, to be prepared to have these pros come on the Island, to make sure that we treat everybody involved with the event in the most appropriate way is very key for us.

We have about three months left to get that course in shape. The summertime will impede that progress a bit just because of the nature of the weather and challenges that might be associated with that. We need to support Port Royal Golf Course and the people who work up there with a budget they are required to get stuff done and we need to do it with accountability to this House so no questions are asked, similar to past projects that took place at Port Royal, Mr. Deputy Speaker.

That is the reason why I have raised it and if this Government does not like the focus on what is being done, that is fine. I am just doing the Opposition's job of analysing, critiquing, and asking questions.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Any further speakers?

The Chair recognises the Honourable Minister—

Lt. Col. Hon. David A. Burch: Mr. [Deputy] Speaker—

The Deputy Speaker: Mr. Burch.

An Hon. Member: Minister Burch.

Lt. Col. Hon. David A. Burch: I was not the one who said Trevor Moniz was the Minister when the report was delivered. He did! In the same paper he quoted from, Mr. [Deputy] Speaker.

I am not going to spend a whole lot of time on this. I said all I needed to say. But what I will say, Mr. Deputy Speaker, in moving from this towards the subject I really want to talk about tonight is that I note the . . . you know, I do not buy the newspaper. I am still about two weeks behind. But I note today—

An Hon. Member: But you have it every day.

ENGINEER'S UPDATE

Lt. Col. Hon. David A. Burch: I note today's headline and I would say to the *Royal Gazette*, tell Mr. Hudson . . . quite a clever, quite a clever headline, actually, for the Editor. But let me just say this. I dare the *Royal Gazette*, Mr. [Deputy] Speaker—I dare them—to take a break from coming after Burch for one day on Monday. Not tomorrow—on Monday. I dare them to write one story in the same spot about the 17 people that sat in that Gallery this morning who are doing amazing work in this country!

[Desk thumping]

Lt. Col. Hon. David A. Burch: I dare them, Mr. [Deputy] Speaker!

And let me just say I will not be disappointed if they do not take the bait. And I am not affected in any shape or form by whatever campaign they all are on, Mr. [Deputy] Speaker. I know why I am here. I know what my mission is and I am committed to it and I am . . . not one word of negativity or anything else from that side or that side is going to deter me from that mission, Mr. [Deputy] Speaker. And if they want to know how serious I am, you should always know who you are dealing with. So, go check where I come from and who and whose I am, and they will know that I am not playing.

Mr. [Deputy] Speaker, what I would really like to talk about tonight . . . I am staying on the same page as I was this morning, Mr. [Deputy] Speaker, and let me just start with my favourite foreigner. And when colleagues watch the evening news tonight they will see that many of those young people that were in this House this morning have something to say to all of us. And they said it. And I think they said it as an encouragement to others which was the aim of the exercise in the first place.

My favourite foreigner was not in there, Mr. [Deputy] Speaker, because he has this habit . . . well, first of all, he only has one flaw that I am aware of, that irritates me. He happens to support St. George's.

An Hon. Member: Hey!

Another Hon. Member: All right!

An Hon. Member: Low blow!

Lt. Col. Hon. David A. Burch: And it is worse than that! Most of the engineers support St. George's.

An Hon. Member: Good for them!

Lt. Col. Hon. David A. Burch: But be that as it may, I can tolerate that—

[Crosstalk]

Lt. Col. Hon. David A. Burch: —for one week of the year, for all the good work that they do in the other 51 weeks.

[Laughter]

Lt. Col. Hon. David A. Burch: I cannot help that they are misguided for one week of the year, Mr. [Deputy] Speaker.

And so he also has a habit of . . . he is fascinated by . . . well, first of all, I did not say this morning that he wanders abroad on a regular basis on his bike and goes all over the country. And he was at the quarry, maybe it was at the beginning of the year, and they were fashioning the oil drums into a barbecue. And he was fascinated by this. And, of course, in typical Bob

fashion he challenged them that if they could turn it into a barbecue in 24 hours, he would come and barbecue for everyone at the quarry.

And they did; and he did.

And so, on his sort of farewell trip around the country, he has barbecued several places, most of the places where the Ministry has staff—so the quarry, the depot, Marsh Folly. And so today he was on that same page. So, between the time of the press conference, when we had a slight little hiccup, and leaving the House, he had already departed for the quarry, so you will not hear him again on the news tonight. But I have seen the pictures. And I did not take time off from the House to go and attend, but I can tell you, Mr. [Deputy] Speaker, that not just us in the Headquarters but everybody in the Ministry of Public Works . . . first of all, they know the Chief. Second of all, I am sure that they will feel the way many of us will feel that he will be sorely missed. I am certain that people will go to Ottawa . . . I am sorry, Montreal, to look for him and to visit.

SUMMER STUDENTS AT MINISTRY OF PUBLIC WORKS

Lt. Col. Hon. David A. Burch: Mr. [Deputy] Speaker, I really want to now . . . I dealt with them this morning, but I also wanted to talk about the 35 summer students that we have working in the Ministry this summer, in addition to those that are in the Engineering Department. And they covered the whole landscape, Mr. [Deputy] Speaker. They are in every area of the Ministry. And because the Ministry covers such a wide landscape, we can cater to many young people.

I will tell one story. Last summer (and he is back again this summer) a young man came to the Ministry and he was graduating from Berkeley this year. So he was 17 last year. And he said he wanted to be an architect. And my message has always been to all of them that at 17 I did not know what I wanted to do, and many people I know did not know what they wanted to do at 17. And it was not important that they decide at 17 where they are going to go. And I said, you know, *You can go downstairs to work with the architects on one condition.*

And he said *Well, what is that?*

I said, *The one condition is you are with us for 12 weeks, if you go downstairs and after one day or 10 days you find that architecture is not really where you want to be, please put your hand up and say, 'I would like to try something else.'* Because our job is to make sure that they get exposed to every area in the Ministry that they have an interest.

So, three days into this, I ran into him in the hallway, and I said, *Demetrius, I paid you for three days. What have you learned?*

What he said to me was, *Well, I did not learn anything. But the only thing I have done is to draw and design my daddy's house.*

I said, *Really?*

He said, *Yes.*

I said, *Well, go downstairs and bring it up.* And he brought it up and he had drawn it by hand down to the minutest detail. And I thought, *Okay. He may be on to something, at 17, about really knowing where he wants to be.*

He then brought out a piece of paper where he had started to learn AutoCAD and he had started doing the same thing on this. And what was interesting, Mr. Speaker—

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

Lt. Col. Hon. David A. Burch: —was that this 17-year-old who I had met for the very first time three days earlier, was sitting in my office, entirely at ease and comfortable. He forgot all about the fact of who he was talking to; he was in his own driveway. And all I could do was to grin with pride of somebody I do not know, not related to me, who came to the Ministry from that school that, you know, and amazingly—

An Hon. Member: Berkeley.

Lt. Col. Hon. David A. Burch: Yes, that one—and was just outstanding.

And so I felt as if the work that we are doing in terms of trying to help young people really is getting through to them.

We started the summer, as we did this summer, with all of the students in the room and all of the people that they are going to interact with throughout the Ministry. And the directive was that our job as adults in this village is to make sure that those young people have the best possible experience they can have this summer. They are not to be used and abused by doing just grunt work and photocopying and running messages and doing stuff. They are actually to be engaged in doing real work.

And I am pleased to say that, to a man and a woman in the Ministry, everybody has bought into that mantra. And so you walk around the Ministry, last year and this year, and these young people are sitting at their desks working and doing real work.

The only thing that I had to get adjusted to in that culture, Mr. Speaker, is that you wander around and many of them have got these buds in their ear and I am thinking to myself, *How are you supposed to listen to whatever it is you are listening to and work?* And so I asked the people who were supervisors, you know, I would wave to them and say, *Can you relate to a human for a few minutes?* And I asked them how they are doing and they say they are doing good, and then I asked the people who are supervising and see-

ing them, they were like, *Minister, whatever it is that they are doing, they are churning out the work.*

And so my own conduct and attitude and behaviour I had to adjust and say *as long as they are producing the work, they can be listening to whatever it is that they are listening to.*

But what is really fascinating and so encouraging, Mr. Speaker, is that even when they are not being supervised and they are on their own, you wander into the cubicle and they are busily working away at whatever it is that they have been assigned to do. Not just the young ones you saw this morning, but all of them, and they are excited about the opportunities that they are having and the experiences that they are getting. And so I am reasonably confident that they are going to land in a space where they will be doing a job that they actually love, and is something that is now their passion.

And so, as a result, what we will have is young people growing up to be adults who are in jobs who are not in a job they think is just a job and are irritated about doing it or having an attitude if they are in the service industry. They are actually going to have figured out what it is that they want to do and they are going to be pursuing it.

Mr. Speaker, these young people come to us through a variety of avenues. Some come from Workforce Development and others are bursary students, so they naturally come to us. We have been having this year, in one case, a little bit of a toing and froing with Workforce Development who decided in their infinite wisdom that young Lance Brown, who was here this morning, who has been with us for now his third year . . . they were going to send him somewhere else. And so he rang up the Ministry and said *They are planning on sending me somewhere else.*

I said, *No, they are not. You belong to us.* And then, more importantly, you belong to Bob.

[Laughter]

Lt. Col. Hon. David A. Burch: And so we had a bit of toing and froing, and they said I had to pay. And so I said fine, we will, because he is connected to us and that young man in particular you will see (if they play it on the evening news) . . . one of the projects that he had last year, Mr. Speaker, was to do a survey of all of the crosswalks that we have in the country that have the flashing beacons. And at that stage we had 51 of them and not all of them worked—still, not all of them work. But what he did was to get on his bike and ride up and down this country and identify where we had challenges with those 51, as well as to establish . . . we were installing 21 additional beacons. He establish what else needed to be worked, what needed to be done in order to get them up to speed, because there was a coordinated effort between the highways crews, the electricians and the people that are actually going to install the lights.

And he did that and he came back and he had a full assessment and spreadsheet of where we were at in terms of which lights were working and what parts were needed. He also, on his own initiative, has been to the quarry and went into the container and identified if we had parts sufficient to replace them.

I am advised, Mr. Speaker, by my favourite foreigner, that he has a unique quality that most engineers do not have. And that is the ability to also project manage. Normally that is not a skill set that engineers have. They can do the engineering part—

[Inaudible interjection]

Lt. Col. Hon. David A. Burch: That is what I am told. Normally—

The Speaker: Talk to the Chair.

Lt. Col. Hon. David A. Burch: I am talking to the Chair, Mr. Speaker. Normally they cannot project manage, and we hear who is chirping on the sidelines . . . I want to just give you a project to see if you could manage it.

In any case, Mr. Speaker, he was able to do all of that. He is also a young man who spends, not just summers working for us, but those of you who shop at Lindo's in Devonshire will see him down there packing the shelves and doing extra work because he is basically paying for and supplementing his own education.

Mr. Speaker, so last year when he went back to university, the Chief and I had met and we discussed about getting him some expert assistance in terms of project management. And so when he went back to the UK to school to study engineering, he was also tasked with finding a course in project management that would help him in his educational pursuits that the Ministry and the Government of Bermuda would support. And he has been able to do that.

Mr. Speaker, I can tell you that one of the more pleasant tasks of doing this job—all of it, being a Member of Parliament and also a Minister—is the interaction with these young people. They are bright, they are focused. They know, in many instances, where they want to be, and they are serious about getting the education that we are providing for them.

I often say to friends of mine who talk about the challenges that we have with young people and how they are concerned about our future—because they read and see in the media those that are getting in trouble who get the profile—I say to them, *You must get out and interact with young people, because there are significant numbers of them, certainly a significant majority of them, that are doing amazing things and we are going to be just fine.* Our job in this, I believe, Mr. Speaker, is to encourage them and to provide them with the opportunities for them to have their best success.

Mr. Speaker, you would have seen in the Gallery today a number of young people. And it was not by design, but I am pleased at the outcome in the sense that the vast majority of those who we have recruited in the last year or so, or at least three years, really, since the outgoing Chief has been here, are in, the main, young black men. That was not by design. They just happened to be the ones who were identified or stepped up to the plate and indicated a willingness to come and work. And so that in and of itself is also very encouraging, Mr. Speaker. But I would say to any young person in this country who is not a young black man, who is interested in doing something in a public works vein, that they should not feel as if that is an exclusive club. It is open to any young person in this country who wants to do something that falls within our driveway that we are more than willing and able and capable and willing to have them join and find out whether this is an area in which they are going to have an expertise and an interest and where they want to spend their lives making a positive contribution to this Bermuda.

Mr. Speaker, I commend and encourage them all to pursue what it is that they wish to do that covers the entire landscape in our Ministry and I think in areas of the Government as well, as we also heard this morning, that we are here and we are committed to ensuring that they have the tools and the assistance and the support and the encouragement so that they can achieve their best potential.

Thank you very much, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

I now recognise the Deputy Speaker. Deputy Speaker, you have the floor.

LAHEY CLINIC LAWSUIT—COSTS

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

Mr. Speaker, it was March 26, 2018, that Khalid Wasi wrote an opinion piece in the paper. And if I may, Mr. Speaker, just read parts of it.

The Speaker: Yes, you may.

Hon. Derrick V. Burgess, Sr.: He said, "Reputation dismissed. Respect has been lost for former Attorney General Trevor Moniz." He said, "'Don't let the hatred of others cause you to swerve in justice.' It was [the] same premise last year when [Dr.] Brown's office was raided that I wrote an opinion essentially talking about the practise of using and abusing government and public institutions against citizens."

He said, "The Honourable . . . former attorney-general, Trevor Moniz used the cloak of having taken legal advice as a shield for why he pursued the matter." He said, "The ultimate truth is even if one thought he was guilty, or they were guilty, the accused would and should be entitled to [a] fair trial and due respect for their innocence unless proven guilty."

He said, "To use the Government to illegally create or find evidence inappropriately is not one of those cases . . . Suspicion is not evidence."

And I will finish, he says, "This seething hatred becomes so apparent in this matter, I just cannot fathom how the character and reputation of the former attorney-general can be repaired."

Mr. Speaker, the former Attorney General Trevor Moniz got up this evening and said—if I heard it wrong then he should correct me—he said, "No local firm was hired in the investigation of Dr. Brown." Well, the Minister pointed out this morning Marshall, Diel and Myers was hired and paid over \$800,000.

Mr. Moniz got up this evening and praised Ambrosio for working up where he worked. But, Mr. Speaker, the information I have is that Mr. Ambrosio caused mass confusion in the legislative drafting section and everything he had done had to be redrafted. And it was told that Moniz hired him because Moniz did not trust anyone and accused—

Hon. Trevor G. Moniz: Point of order. Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER

[Misleading]

Hon. Trevor G. Moniz: The Honourable Member is misleading the House.

He obviously was not listening earlier. I thought I explained quite carefully that there was a criminal investigation of political corruption that was handled by the DPP and that was one of which matters—there were many of them I guess, but one of which is involving former Premier Dr. Ewart Brown.

The matters with which I was dealing as Attorney General, [were] matters related to civil recoveries. So, in that matter we were pursuing in civil recovery in the federal court in Boston, and I did not use a local Bermuda firm because it was a federal court we were involved with in Boston.

With respect to the local criminal case, handled by the DPP, that was where Marshall, Diel and Myers were hired. That had nothing to do with what I was doing—

The Speaker: Okay.

Hon. Trevor G. Moniz: —or with Mr. Ambrosio. And I would hate to see—

² [Royal Gazette](#), 26 March 2018

The Speaker: You clarified that point.

Hon. Trevor G. Moniz: The second point—

The Speaker: What is your second point?

Hon. Trevor G. Moniz: —is that he was maligning Mr. Ambrosio by purporting to quote someone saying everything he did was wrong and whatnot. And I would ask that we not allow those comments in the House. As I said, Mr. Ambrosio produced what were called illustrative drafts to help guide the draftsmen when it came time to draft. The drafting was done by the draftsmen.

The Speaker: Thank you.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, you know Mr. Ambrosio had less than four years' experience as a lawyer and now he is a drafter.

Mr. Speaker, it is true that the former Attorney General Trevor Moniz accused many in the Chambers of leaking information, and so he hired Mr. Ambrosio.

An Hon. Member: That is a fact.

Hon. Derrick V. Burgess, Sr.: He did not trust anybody up here.

An Hon. Member: That is a fact.

Hon. Derrick V. Burgess, Sr.: He did not trust them.

An Hon. Member: That is a fact.

Hon. Derrick V. Burgess, Sr.: That is a fact.

Hon. Trevor G. Moniz: Point of order. Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER

Hon. Trevor G. Moniz: That is absolutely untrue. It was, in fact, one particular individual who was investigated by the Permanent Secretary for leaking matters on more than one occasion.

We had some wonderful staff in the Attorney General's Chambers, and I had faith in most of them. But most of the occasions when I used Mr. Ambrosio, when you went to members of Chambers [you would see] their offices were filled with work. They had many, many things to do. And therefore I wanted someone who could direct their attention to whatever I wanted to do on a given day. And that is why I am sure Minister Caines has consultants. I am sure the other Ministers have consultants.

The Speaker: You made your point.

Hon. Trevor G. Moniz: And that is what they do.

The Speaker: You made your point.

An Hon. Member: Do not take the bait, brother.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I can tell you that Mr. Moniz, the Honourable Member, did not have any of us working with him. He did not have any of the others in the office doing what he had Ambrosio doing, Mr. Speaker.

And then one would ask, how would the Attorney General come to have access to the former Premier Brown's personal banking information? How would you have that information? How could you get that, Mr. Speaker?

[Crosstalk]

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

[Crosstalk]

POINT OF ORDER

[Misleading]

Hon. Trevor G. Moniz: Mr. Speaker, I think the . . . point of order. The Honourable Member is misleading the House again. People are obviously feeding him false information and he is confusing the two sides, I believe, the criminal side and the civil side.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, you know, it is amazing when they say everything we say is we are feeding them information, but everything they said about us is factual. You know, it is amazing, Mr. Speaker.

Mr. Speaker, you know, this investigation of Dr. Brown, you know where I think it started from? When the Uighurs came here, Dr. Brown and Colonel Burch brought them in here. But, Mr. Speaker, I was just down in Trinidad to a CPA conference and our youth Parliamentarians spoke on the subject of refugees and migrants to countries. Mr. Speaker, we took in four people—just four people! Mr. Speaker, we have a humanitarian obligation—

An Hon. Member: Hear, hear!

Hon. Derrick V. Burgess, Sr.: —to take in folks like that.

Mr. Speaker, in fact, just this year Trinidad has taken in over 15,000 people from Venezuela. Do you know what they told us? *We are not sending them back.* It is an offence against the UN Charter to send anybody back to their country which poses a danger to them. But we took in four. And because Govern-

ment House were so incensed by what Premier Brown and Colonel Burch had done, that I guess he said to himself, *I will make his life a living hell until he decides to leave earth.*

Mr. Speaker, they have spent millions of dollars investigating Dr. Brown. Investigation . . . not seven years, eight years, it started in 2011, June 26th. That is when it started. On the comment of a convicted perjurer. But, Mr. Speaker, when you have evidence of an MP, where drugs came in a container . . . and I am not accusing that MP. I would never do that, because I do not have that information. But the investigation stopped. Who stopped this investigation? And the investigation was stopped at the annoyance of the Chief Investigator, Larry Smith, Pastor Larry Smith.

Mr. Speaker, I still have the tape he sent around to the world. And they stopped it, but you are going to investigate Dr. Brown for doing something, a humanitarian thing that Bermuda should do, Mr. Speaker. How dare us to trip on those up against four people when in years earlier 704 status were granted, and only four of that 704 were blacks. You know, Mr. Speaker, this history works against us. Our history is not good in this country.

Mr. Speaker, all this money they spent on . . . What? Almost \$81,000 in hotel accommodations for these investigators. Did they stay at Ritz-Carlton? Mr. Speaker, we have people in this country who cannot pay their rent.

An Hon. Member: Yes.

Hon. Derrick V. Burgess, Sr.: Cannot feed their children!

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: Cannot buy medicine!

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: And we are going to pay \$81,000 to put people in Ritz-Carlton to investigate Dr. Brown based on a convicted perjurer—

An Hon. Member: Mercy.

Hon. Derrick V. Burgess, Sr.: —what they said and we cannot investigate others, Mr. Speaker.

Mr. Speaker, you know, the police this week arrested a senior—68 years old. A warrant dated back to 2008. Chucked her out of the car and took her to the police station. You know what they did to the 68-year-old? They strip searched her. She had to squat!

An Hon. Member: What?

Hon. Derrick V. Burgess, Sr.: Yes, she had to squat. They body searched her for a warrant where she

owed some money. And you know what they asked her, Mr. Speaker? They said, *Have you smoked marijuana in the last 24 hours or drank any liquor? Why would that question be necessary? And then they locked her up until somebody brought the money.*

An Hon. Member: How much did she owe?

Hon. Derrick V. Burgess, Sr.: [She owed] \$800.

And we are going to spend \$80,000 to put some investigators in a hotel; \$63,000 on plane tickets (first class, I would imagine), Mr. Speaker. And then we pay almost a million dollars to a local law firm to do work that possibly could have been done by the Attorney General's Chambers. Why was it done, Mr. Speaker?

Over \$5 million spent so far on investigating Dr. Brown. Mr. Speaker, this is not right. This must stop.

An Hon. Member: Hear, hear!

Hon. Derrick V. Burgess, Sr.: And it must stop right from Government House. If they want to investigate somebody, investigate the Deputy Governor Ginny [Ferson] who was responsible for pepper-spraying seniors in this country.

An Hon. Member: Yes.

Hon. Derrick V. Burgess, Sr.: The buck stops with her. She is the one.

You had the Premier of the Government at that time—

An Hon. Member: No responsibility.

Hon. Derrick V. Burgess, Sr.: —stating, *I did not meet with the police.* But two of their Members said they met with the police that day.

The Speaker at that time was not going to open the House. But he was convinced by the leader of the Government at that time, the [Deputy] Governor Ginny, and the Police Commissioner to open the House. And they pepper-sprayed seniors. Seniors!

You know what that pepper spray can do to people. They did not care. They sprayed them like they were flies. Using chemical weapons on our people and they carried on like those Bermudians were down there fighting in there. Those Bermudians were peaceful demonstrators. And then the police have their own inquiry. Well, who do they give it to? Not anybody independent, another policeman from overseas. What do you expect to get from that, Mr. Speaker? Everything in their favour, Mr. Speaker.

Mr. Speaker, this nonsense at Government House must stop because I can . . . I will venture to say nobody in the British Government has been investigated for five years, let alone eight years. Nobody!

But they go to a colony . . . they do not spend a dime and worse, they are using our money when we could take that \$5 million and use it on some programme—

An Hon. Member: [It was] \$6 million.

Hon. Derrick V. Burgess, Sr.: Six million dollars—fix up our schools, put somebody in some housing, feed some people, buy some medicine. What do they do? They just, *Oh, we will just spend it. We do not mind spending their money on this here.* Not only that, we pay for the upkeep of Government House and pay their salary. We are the only colony that pays for the Governor. That must stop, too, Mr. Speaker. This nonsense must stop, Mr. Speaker. It is about time.

Mr. Speaker, you saw . . . they tell me it was in the *Royal Rag*. I do not buy it. I know they do not like me and that is fine with me. And anytime you see me in the *Royal Gazette* is when they are trying to put a spin and make it negative on me. And that is okay because if they wrote something positive about me, I would get worried. So, they do not faze me, not once.

You know, Mr. Speaker, when you go back they tried to accuse Dr. Brown of cedar beams, stealing cedar beams. His carpenter came on the radio and said there are no cedar beams in Dr. Brown's house. And you know the *Royal Gazette* has not, up unto this day, has never apologised to Dr. Brown.

See, they do not like a strong black man standing up to them. You see, I guess when Dr. Brown told Vereker, that other Governor that served us, he said, *Well, when you arrive in Bermuda you get off at the steps, your car will meet you there. I will do the same thing. You are not elected here. I am the elected leader.* I guess he did not like that. You see, they love you when you are passive.

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: They love you when you do as they think you want them to do. Once you stand up to them, you are the worst person in the world.

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: I can see the bloggers out there will be writing about Derrick Burgess tomorrow if they put this in the papers. Normally they do not print anything I say. And that is fine. That is fine, Mr. Speaker. They have never accepted us as being normal to them.

**JOINT SELECT COMMITTEE TO INVESTIGATE,
REPORT AND MAKE RECOMMENDATIONS ON
THE EVENTS OF 2ND DECEMBER 2016**

Hon. Derrick V. Burgess, Sr.: And, Mr. Speaker, when we talk about this Joint Select Committee . . .

just imagine the Police Commissioner—who was not even here on December 2, 2016—who prevents his police officers from giving testimony. A Joint Committee selected by the Speaker of this House—the supreme power in this country that makes laws—and the Commissioner will not . . . in fact, the Commissioner at the time would not testify. The Government House had to get involved.

If those folks . . . well, they are acting as if they are above us. When the Speaker puts a Committee together and they go out to get information, they are supposed to show up. You had some . . . even the Government leader at that time, hired a lawyer to prevent him from going before the Committee until the Speaker had to take things into his own hands and tell him, *You got to get here.* (Not your exact words.) *You better do what it right. You are the leader of this country, came up, took an oath and you are going against this House?*

An Hon. Member: And still in the House.

Hon. Derrick V. Burgess, Sr.: And still in the House! Yes, Michael, yes, he is.

Mr. Speaker, how can citizens of this country have respect for the police?

And do not get me wrong. I have got some relatives in the police, one of them sitting in the audience. He was stolen out of Hamilton Parish out of Sunday School, Mr. Speaker, and taken down to St. George's.

[Laughter]

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, so there are some fine police officers in the force, but this Police Commissioner comes here, was not even here, and he is trying to impede the process of the Committee, the Joint Select Committee. How dare he! [He] thinks he is above the Speaker of this House.

I take great exception to that Police Commissioner. How dare he! In fact, the Governor should have told him and the rest of them, *You better go down there and do what you are supposed to do.* He did not do that! You had to twist his arm too for him to get those people down there to testify, Mr. Speaker.

Mr. Speaker, you know, not only that, they have given Dr. Brown hell since he started [his] practise. First the insurance companies will not pay him. They took so long to pay him when he puts his claims in. He is not the only one they did not want to pay. I do not know if you remember Quinton Butterfield, [he] has the diagnostic place out there, what he had to do in order for insurance companies to pay him. He had a legitimate business and they figured they should not pay him. What gives them the right to do that? But if you go to someone else they will pay them, but everything [that] Quinton sent in, not only do they not want

to pay him and Dr. Brown, they questioned all of their claims, Mr. Speaker.

Mr. Speaker, I only have what, about two seconds?

[Laughter]

The Speaker: Just about that.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, let me finish here.

Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Minister, the Member down there in the corner jumped up before you did, Minister.

The Member from constituency 21, you have the floor.

CUP MATCH—HONOURING MARY PRINCE

Mr. Rolfe Commissiong: Thank you, Mr. Speaker.

Mr. Speaker, as it is the advent of Cup Match I want to begin and conclude my remarks with something that is highly relevant to the coming Cup Match holiday. We all know that Cup Match has its roots, its *raison d'être*, as a way we can also honour those persons who were in bondage in a strange land for hundreds of years—our ancestors, our relatives, in this case in Bermuda and throughout the British Empire.

I heard Mr. Famous, the Member from constituency 11, make reference to Mary Prince. And I want to say that the Minister and her team at the Community Affairs, has done a first-rate job in educating Bermudians and raising the awareness around the groundbreaking, iconic, pioneering, brave and fearless work of Mary Prince, who was born in an area called Brackish Pond. My mother lives in that region of the country now.

But Mary Prince was not alone in highlighting, disseminating the horrors of slavery in the British Empire—in this case, Bermuda. Let us not forget another one, a great man in this case, Olaudah Equiano who wrote an autobiography similarly talking about the horrors, conditions under which Africans were living, enslaved within the British Empire.

Olaudah Equiano was a former enslaved African seaman and merchant who wrote an autobiography depicting the horrors of slavery and who lobbied Parliament for its abolition.

In his biography, he records he was born in what is now Nigeria, kidnapped and sold into slavery as a child. Mary Prince was born in the late 1700s. And, Mr. Speaker, before I continue, I just want to go on record, I think it is important for the public record. Over eight months ago, privately (not publicly) at a time when, again, the Member for constituency 11 had quite rightly in my view advocated that Sir George Somers' association with Cup Match be severed,

bearing in mind he was a former slave owner himself. Thankfully, that call has begun to resonate throughout the country, among black Bermudians and right-thinking white Bermudians as well.

It is fitting that during that period I related, eight months, nine months ago, I thought that would it not be wonderful if on the second day of Cup Match, believing that I think that that issue will be resolved and we will—not this year, it is a little too late, but that Sir George Somers will be consigned to the backstreets of history and that we place Mary Prince as someone who should take his place quite rightfully as being honoured on that second day.

You see, Mary Prince epitomised and demonstrated the agency that our people had even in the most trying and hellish conditions during that period. How they still had that spirit of resistance that nurtured themselves, their people, and who have made it possible for us to be here today. Let us never forget that.

Imagine Cup Match next year, that starting a month, two months before Cup Match, seminars, forums, scholars and researchers from around the world coming to Bermuda, people from the diaspora, our children in our schools reading about Mary Prince, because this was in writing, and learning about Mr. Equiano and others. That is what we want to see next Cup Match, place the holiday back in its proper context.

Mr. Speaker, I want to just share, as likewise my colleague did . . . see, he focused on an incident with Mary at the latter part of her life. I want to go back to the beginning when she was but a little girl. She relates as follows, with your indulgence, Mr. Speaker.

The Speaker: Yes.

Mr. Rolfe Commissiong: She says here, in her book, "I was born at Brackish-Pond, in Bermuda, on a farm belonging to Mr. Charles Myners. My mother was a household slave; and my father, whose name was Prince, was a sawyer belonging to Mr. Trimmingham, a ship-builder at Crow-Lane. When I was an infant, old Mr. Myners died, and there was a division of the slaves and other property among the family. I was bought along with my mother by old Captain Darrel, and given to his grandchild, little Miss Betsey Williams. Captain Williams, Mr. Darrel's son-in-law, was master of a vessel which traded to several places in America and the West Indies, and he was seldom at home long together.

"Mrs. Williams was a kind-hearted good woman, and she treated all her slaves well. She had only one daughter, Miss Betsey, for whom I was purchased, and who was about my own age. I was made quite a pet of Miss Betsey, and loved her very much. She used to lead me about by the hand, and call me her little nigger. This was the happiest period of my life; for I was too young to understand rightly my con-

dition as a slave, and too thoughtless and full of spirits to look forward to the days of toil and sorrow.”

Let me just repeat that last sentence, Mr. Speaker—

The Speaker: Member, we are not here for the story to be told, but we are here to give you a few minutes on the motion to adjourn.

Mr. Rolfe Commissiong: I know, I know. Yes.

“This was the happiest period of my life;” she says, “for I was too young to understand rightly my condition as a slave, and too thoughtless and full of spirits to look forward to the days of toil and sorrow.”

Mr. Speaker, I remember a few weeks ago we had an interview with my mother in the *Royal Gazette*, you see, because you have got to understand, when I was born, Mr. Speaker, and grew up in this country we were taught that slavery was benign! “Our masters were . . . they were not like those people down south”, I heard someone say a few weeks ago—someone that looks just like me.

They had a woman named Terry Tucker who married a Bermudian and she was pushing that poison all through the 1940s, 1950s and 1960s. But we did not know. What did my mother say? My mother said she went down to the south and went to the heart of southern-style Jim Crow and she thought that well things were different in Bermuda but it opened her eyes when she got there and when she got back, she could see the similarities. That Bermuda’s Jim Crow, which she was now open to in many respects, essentially, left persons of colour at the same position at the bottom heap of their society. That is what that made me think of, Mr. Speaker.

So, for my brothers and sisters out there, as we go into this Cup Match holiday, let us remember what this is really about. I will come back to that in my closing.

PEOPLE’S CAMPAIGN AND THE WAGE COMMISSION BILL

Mr. Rolfe Commissiong: Mr. Speaker, last week we had the opportunity to talk about the living wage with respect to the Wage Commission Bill, which we passed. And I said that help is on the way and I have continued to say that, and it is, it is getting closer by the day. But I had one omission I want to correct, for the record, and that is to acknowledge the groundbreaking, seminal work of the People’s Campaign in that regard, on that issue, principally, Reverend Nicholas Tweed, ably assisted by the president of the BIU, Chris Furbert. I have talked about him. And I want to talk about the legacy of the BIU around that issue, Mr. Speaker, principally around the work and advocacy of Dr. Barbara Ball years ago who was a staunch advocate of a living wage. I thank all of them

because they are all social justice warriors in this regard.

INCOME INEQUALITY AND PROGRESSIVE REFORMS BY THE PLP GOVERNMENT

Mr. Rolfe Commissiong: Mr. Speaker, I am going to take a few minutes here just to focus on another issue.

I saw the interview of our Premier on ZBM with Mr. Gary Moreno. And I guess as interviews go, Mr. Moreno was simply doing his job. And I am not here to criticise the media, although at times they surely deserve it. But I just want to say this, and I have said it before: Let no one out there be fooled that Bermuda is facing major structural challenges. Those structural challenges going back decades, will be the same structural challenges that the Opposition would have faced if they would have enjoyed the confidence of the Bermudian people and had been elected to another term of Government in Bermuda.

And my frustration here is the intellectual dishonesty that is occurring on the altar of political expediency on the part of the Opposition in not acknowledging that, so we could have a more profound and productive debate on the future direction of this country. The cheap shots around this Government’s ability and intention to diversify our economy to create a new industry within this moribund (to some degree) economy. It should not be opposed for the sake of being opposed to it. It should be supported. But that is not what we are getting.

Mr. Speaker, this [PLP] party, in Opposition, was talking about FinTech back in 2012, 2013, and 2014. It was our previous leader, the Opposition Leader Mr. Marc Bean, who first talked about FinTech. Issues of STEAM and STEM education were first propounded by this party in this House. The impact of technology and the impact upon our labour markets were fully explored by us.

The Workforce Development reforms that we have put in place were first being threshed out while we were in Opposition. We know—and continue to know—that the current status quo is not sustainable for Bermuda. And I believe that we are on the right track. We have a Premier who understands that we should not just look at our own navels, which we quite often do in Bermuda. But we have to look at and understand the way the sands that are shifting within the geopolitics of the world are impacting Bermuda. And I think the Bermudian people know that of any of the two options are up to the task in terms of navigating these new realities that are taking place in the world, it is the Progressive Labour Party Government right here.

Do not be fooled by the Opposition. Do not be fooled by them, for that way leads us back to the future, not ahead. The structural issues have to be tackled; the status quo is no longer sustainable. And we

are going to do it. We have to. Not for the sake of our own political fortunes, but for the sake of this country.

Like I said, and I will say this mantra again, reducing the cost of health care, reducing the cost of living in Bermuda, a living wage, things that are going to directly impact the extraordinary rise of income inequality in this country. What is income inequality, some may say? It means that there has been a maldistribution of income within your country, that too much of income is going to the top 1, 3, 5, 7 and 10 per cent, while too little is going to the lower income individuals in this country. It exacerbates poverty. It exacerbates even racial disparities in Bermuda because its impact upon those at the bottom of income distribution means—because of Bermuda's history—it is impacting black Bermudians the most.

[Inaudible interjections]

Mr. Rolfe Commissiong: Exactly.

And so we understand that. And we think Bermudians are going to have confidence, and maintain their confidence in us, because we have been honest about this and being up front about it. And they are going to see the demonstration of our resolve and our commitment to bringing about these progressive reforms over the next year to year and a half that is going to materially benefit and impact positively those Bermudians we are talking about. Who are they? Once again, [they are] the working poor, those with low- to middle-incomes who have been most damaged by the rise of unchecked income inequality in this country. That is who we are fighting for and let us never forget it.

So, Mr. Speaker, as we wind down here, close up shop, I want to thank you, Mr. Speaker, for the work you have been doing over the last few months. It has not been easy, as quite often . . . I mean, many of us have been over here with disagreeable looking faces, if I might say, on some of your actions. But I believe that you have acquitted yourself quite well, sir, over the last two years, overall.

But I just want to say in terms of Cup Match, I want to say in terms of Cup Match it is a quintessential cultural event on our calendar. And I hope all Bermudians, including especially those Bermudians from constituency 21, have the Cup Match of their lives this year. And, of course, in closing, Mr. Speaker, and I am sure you will really appreciate this, I fervently hope that St. George's wins.

An Hon. Member: Yes!

Mr. Rolfe Commissiong: Thank you.

The Speaker: I just . . . you just proved how wishful thinking you are.

[Laughter]

The Speaker: We will leave it at that.

Minister Caines, would you like to make a contribution this evening?

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

The Speaker: It so pleases. Go ahead.

IMMIGRATION MIXED-STATUS FAMILY BILL POSTPONED

Hon. Wayne Caines: Mr. Speaker, I have had the opportunity this week to look at the plans that we have for immigration, meet with the drafters, meet with the policy advisors, and we made the decision to postpone today's tabling of the comprehensive immigration—excuse me, of the mixed-status family Bill.

I was looking at the comments online. Today I was looking at the comments in the *Royal Gazette* and *Bernews* and *Bermuda Real*, and I saw the nature of the comments, the vociferous attacks on me personally, on the party generally. I had to then reflect on where we are in our country's history by looking at the significance of this week.

I was forced to then put together and juxtapose Cup Match, this last sitting of the House and immigration in general. And the juxtaposition that I was forced to do is to analyse this country's history, from the time this country was discovered at Portuguese Rock. The first slaves in Bermuda came in approximately 1620. This was approximately just a few years after Bermuda was discovered.

I was then forced to look at why we celebrate next week Thursday and Friday, the abolition of slavery in the British Commonwealth. In 1833, the Slavery Abolition Act was sent around and the Act, the date given for the British Caribbean was August 1, 1834. So, when you are in Caribana, in Canada, it is simply celebrating Cup Match in Canada—the abolition of slavery. When you are in Crop Over in Barbados, you are celebrating the emancipation of slavery in Barbados. And go through the Caribbean on those days there is a celebration of the emancipation of slavery—of freedom!

An Hon. Member: Yes.

Hon. Wayne Caines: Now, when you look at slavery and tying this in, we must understand what that meant.

We were a people, a people *en masse* that were taken, enslaved from a country, ripped away all of our culture, our native tongue, our language was stripped from us. We were not able to speak it. Families were torn asunder. Men were forced to cohabit and to be with women that were not their wives, taken throughout the diaspora. A conservative estimate by W. E. B. Du Bois says that over 100 million blacks died in the middle passage. Now, understand there

was slavery that was pervasive throughout the United States of America. Let us not forget Brazil and Cuba. But in the British Caribbean, historians say that over 12 million slaves were dispersed throughout the British Caribbean, of which Bermuda is one.

So when you look at where we are going with slavery and how it affects us, I was in a conversation with a millennial and the millennial said, *Slavery has been over for a number of years. Why are we even talking about slavery? Why are we even highlighting that at Cup Match?* And I reflected on some Jewish friends that I have that live in New York City. We went to university and we spent time together. We visit them from time to time. And this Jewish person was in New York and I looked at their car. They would *never* drive a Mercedes Benz. They would not consider driving a Volkswagen—would never consider it. They would never drive a car that was made by Bavarian Motor Works.

When you talk to them, the mantra that is given in the Jewish community is these words, Mr. Speaker, *lest we forget*. If you go to the Anne Frank museum and you traverse around and you learn about Anne Frank, you see this written in Jewish memorials and in holocaust memorials, the words are *lest we forget*. In other words, if we do not understand those things which imprisoned us, which shackled us, which limited our progress, we are destined to repeat it.

As much as we hate to understand and realise, we come from a history of slaves in this country. As a matter of fact, a large portion of the men and women that listen to my voice and sit in this room are the sons and daughters of former slaves. In this country, on Cup Match we chose to acknowledge that. It has been masked down to a cricket game, but it is more than a cricket game. But when we think about this cricket game, we have to even understand that was a fight for the people of this country.

For a number of years, they had this cricket game, and guess what? They were not given the days off by their employers. They had to play Cup Match without being paid. As a matter of fact, a number of people lost their jobs because they were told that if they played cricket, or left for the match, or attended the match, they would be away from work without permission. It was only in 1946 that the Government of the day relented and granted and made it an official holiday. Understand that this very holiday that we will celebrate next year [*sic*] was born through struggle. It is an important cricket match, but understand what that cricket match signifies; understand . . . and I will tie this back in, Mr. Speaker, to mixed-status families.

I smile when I think of the Gombey. I think about how now when there is a tourist function or when there is entertainment needed at our hotels, we get the penetrating sound of the bass drum and our Gombeys are trotted out as a part of our national tapestry. But shall I remind us that it was not always so? Shall I remind the people in this House that Gombeys

were banned and for a long period of time that was an illegal practice? I seek your leave, Mr. Speaker, to read from an article in the *Royal Gazette* paper that was posted on January 10, 1831.

The Speaker: Yes, you can read it.

Hon. Wayne Caines: Mr. Speaker, the article in the *Royal Gazette* from 1831, January 10th says, “A reward is being offered for the return of two slaves named Ajax and Mentor, who went off without cause at Christmas, following that idolatrous procession of the Gumba. It is hoped that this late nuisance, the Gumba and other clamorous puppet shows of the Negroes, will meet the attention of all men.”

In other words, the powers that be in Bermuda saw it as an idolatrous puppet show. The Gombeys saw it . . . and Gombey is simply a Bantu word that means drum.

The Gombey was a tradition in our community and in our culture that at specific times of the year that was the way we celebrated our heritage, by dancing and allowing them to explore our culture. Remember, Mr. Speaker, we are a people that were . . . our language was taken away from us. Our written history was taken away from us. Our very Anglo-Saxon names bear homage to the fact that we were ripped away from our culture.

The significance of Cup Match is a direct link to a part of our past, and we cannot stop just there. This week I had the opportunity to meet with the delegation from Ghana. And it was beautiful, Mr. Speaker, to meet with the delegation from Ghana for we are desperate to make international business to make international business links and to meet with companies around the world, and we laud and we showed our business partners in America and in Europe. But why do we count it robbery that we are not forging closer relationships with the African continent?

Today we were able to talk with the members from Ghana and speak about opportunities for us to forge stronger relationships with the continent of Africa, to look at businesses that are doing well. Mr. Speaker, they have family offices. Mr. Speaker, they have trust companies. Mr. Speaker, they have law firms. They have opportunities for us to invest in oil on the continent of Africa. We are looking at opportunities to re-strengthen, to rekindle, to reconnect with our *alma mater*, Latin for nourishing mother.

Mr. Speaker, when we look at where we are with Somerset and St. George's with Cup Match, I think it is time, Mr. Speaker (and this is no cry for this), I think it is insane, it is incompatible, it is oxymoronic for the Governor of the day to be giving the trophy out at Cup Match. Not because I do not believe in the Governor. It is an effigy of absurdity to an event that was created to celebrate the emancipation of slavery.

People do not want to hear this part of our history, when you are celebrating the emancipation of

something. The very connecting rod has to be severed in order for us to understand the absolute significance of this holiday celebrating the emancipation of slavery. I do not expect for everyone to understand that. Sometimes, you have to speak truth to power.

People of African descent in this country have to be empowered to understand that they come from a strong history of centuries of leadership, of strength, of governance, and our history did not start at the emancipation of slavery. I think of our country and the history of Bermuda. I think of how, when we come into the 18th and 19th century, this country was divided by the rich and the landed gentry. Mr. Speaker, you know that in Bermuda that if you were a landed member, or if you were a part of oligarchy, you could vote in an election in every parish in which you owned land, Mr. Speaker, [where] black Bermudians who did not own property were kept from voting.

Mr. Speaker, we look at last week's reversal of the decision of Reverend Monk. Why is it that when all the evidence was pointing to the fact that this was an innocent man? We did not need DNA evidence? The jury, the system was rigged to keep a clergyman in his place, not because it was important that he be kept in his place, but if you attack the head, the body will die. We did not have great political leaders at the time. We took all our cues, all our guidance, all our religious leadership from the clergy. So, to imprison a member of the African Methodist Episcopal Church in Bermuda was significant in quelling, in muting, in breaking the backs of the people around.

Bermuda. We come to a place we now call home, a place where people now have the opportunity to live, they now have the opportunity to work. Many Bermudians do not own passports to other jurisdictions. When they think of immigration and immigration reform, Mr. Speaker, they do it against a backdrop of oppression. They do it from the backdrop of being in a country where their history starts. Their history starts, Mr. Speaker, at being in a country forcibly as slaves.

Mr. Speaker, when they look at their history in Bermuda, they look at their homes in Central Pembroke without having yards. Mr. Speaker, when I go to the Caines' homestead on Happy Valley, I look around and I realise that there is no land at my dad's homestead. I often wonder with the opportunity my grandfather had to send my dad and his sisters away to school at a time when that was not possible, why, if he had the means, did they not have grass and did they not have property? Because they could not have people in the most populated parish in Bermuda, they could not be allowed to vote.

So, when I go to visit my family in 2019 and I see everyone in my constituencies rammed and crammed in this area without yards, with concrete jungles all around them, I am reminded, they are reminded, that this was done so they could not have the ability to vote in their own country.

Moving forward, we were talking about the Theatre Boycott, understanding the Theatre Boycott. I was informed today there are Members in this very House that are connected to the Theatre Boycott, not as people that were involved in the Theatre Boycott, but by people that represented the oligarchy that did not want them to integrate at the Theatre Boycott. Think about that.

So, when we come now with a backdrop of unfairness, when we come with a backdrop of not being able to vote, not being able to own property, living through the 1960s and the 1970s not able to work in the civil service, and our kids not being able to get the best forms of education, and we now waltz in and start talking about the immigration matters . . . our people cannot look at it how we want them to look at it. And why can they not look at it like that? Because they could only process it from the perspective of being disadvantaged, by being taken advantage of, by not having the opportunity to live in a country that was giving equal opportunity to them and their progeny.

So, last night as I was listening and reading the comments on Facebook: *We deserve* (mixed-status families), *we deserve this. We have been here. It is your responsibility. You have lied to us. You have betrayed us*, I understand that there are certain mixed-status family and this Government gets it. There are people that were born in this country that do not have status. We believe that they should be given the opportunity to be Bermudians. There are Bermudians that were born, there are Bermudians that were living abroad, there were Bermudians that were living abroad that had children, and their children do not qualify as Bermudians. That is what mixed-status is about.

An Hon. Member: That's right.

Another Hon. Member: Yes.

Hon. Wayne Caines: We understand that there are certain things that have a lacuna or gaps or holes in the legislation that are allowing people that were being born on this soil not to have Bermudian status. We are committed to fixing that. There are Bermudians that were brought, Mr. Speaker . . . and I declare it. My wife and I had our daughter when we were living in England. Guess what? She did not qualify as a Bermudian. We had to apply for her to get Bermudian status. We had to apply before her 22nd birthday. And because she has been in university, at boarding school and university for a number of years, it actually became a crisis period [in the] earlier part of this year with me as the Minister getting all the documents together, finding our marriage certificate from 23 years ago in England. And I am a Bermudian born. My wife is a Bermudian born. We understand as Bermudians there are specific things in this legislation that we must look at.

But I do not want anyone listening to my voice to believe that because a country, because a Government wants to fix something, that it is open season, and we have forgotten the history that I just described, that we have forgotten the commitment that people have made. I remember the marches on Parliament. I understand that. But unlike most, we have the responsibility to make sure that not only do we preserve this sacred history that I described just now, but we look at opportunities to make the pathway . . . wrong word . . . that we make opportunities for business to thrive in Bermuda.

We have to look at opportunities that we have to create opportunities for career development for Bermudians within organisations. And what this does is when we looked at the legislation, Mr. Speaker, this week, it just needed some more time. I know what the pundits are saying, *Oh, well, why would they do this? They are not going to get the votes anyway. Oh, this was just an elaborate plan, and they are not significant, they are not concerned about the change.* Well, guess what? I am not going to apologise. MP Ming sits here. MP Famous sits here. We also have MP Leah Scott and MP Ben Smith. We grapple over these things. When I take it to my colleagues, they hold me to account. Not for themselves, but for the people that they represent.

And the people they represent, Mr. and Mrs. Mixed-Status people, the people that they represent, they want me to make sure that their legacy is preserved. They have asked me to ensure that when we do mixed-status family, we ensure that people that already have opportunities all over the world with seven, eight different opportunities in business, have opportunities of the best housing, have opportunities with the best jobs, have opportunities to live with their families and passports in England and in Canada. They want us to make sure that they have the opportunity to thrive in their own country.

An Hon. Member: That's right.

Hon. Wayne Caines: Mr. Speaker, I am not going to apologise for that. We have the opportunity to look at this thing again. We have to look at the opportunity to put some pieces to this puzzle again.

The first ball will go out on Thursday, and we will truly . . . I love the spirit of Cup Match. I love the spirit of Cup Match, because I believe you gotta pick a side. Nothing annoys me more than I meet a human being and they tell me they are not for a team.

An Hon. Member: Exactly.

Hon. Wayne Caines: Nothing annoys me more. *I am not really into Cup Match. Oh, I travel [during] every Cup Match because I don't like Cup Match.*

Let me tell you something. In life you have to pick a side. The Members of the Progressive Labour

Party, we have chosen a side. And the side that we have chosen are the people of Bermuda. The difficult part about this, the difficult part about this is sometimes when you want to push for change and it—

[Timer beeps]

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

The Speaker: Thank you, Minister.

[Desk thumping]

The Speaker: Deputy, would you like to contribute to the debate this evening?

Go right ahead, Deputy.

CUP MATCH—HONOURING MARY PRINCE

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

I must say, Mr. Speaker, we have heard some very moving speeches tonight, bringing in a myriad of topics which speaks to the deep concern and passion and feeling and commitment and will that Members of this Chamber have for transforming Bermuda and changing the Bermuda that we live in for the better. And that is a very good thing.

I am very pleased that one of our colleagues mentioned, although briefly, about 1959 and the Theatre Boycott, because this is an anniversary year for that momentous event, a year of transformation for Bermuda, where those of the status quo were confronted with those who were not, and those who were not had the day. But having the day does not mean winning the battle. But it was a start of a journey of this country.

Prior to that date, in 1959, we were a closed, undeveloped, unsophisticated and controlled society, control by the few over the many. That began the end of that aspect of Bermuda. And these [60] years later we are a different Bermuda, this 2019 we are a different Bermuda—60, 50 years, whatever it is. And it is important to know that there have been some moments in our history which have transformed [Bermuda]. We have heard eloquent submissions around emancipation, 1833, 1834, a transformative moment for Bermuda and the British Commonwealth. And as we go into the holiday that we all love and enjoy, it is very important that this is remembered, that these transformative moments that have taken our country forward were often rocky, but for the better, Mr. Speaker. But it is important all the same that we must not forget them, as the Honourable Member stated earlier, *Lest we forget.*

But, Mr. Speaker, certainly on this side we are committed to transformation. We are committed to social transformation, economic transformation and cultural transformation. The call for the second day of the emancipation holiday period to be called Mary

Prince Day is a part of that cultural transformation that we, certainly on this side of the House, were elected to bring about. Social transformations about bringing a fairer and better Bermuda, that is also a part of the transformation, and the economic transformation is changing the economic dynamics of this country, bringing new jobs, bringing new capital, bringing new innovation to Bermuda. This is a part of the mission that we are on, and frankly, Mr. Speaker, 1834, 1959—it is all connected. It is all connected.

REGULATORY AUTHORITY LAUNCHES THE INTEGRATED RESOURCE PLAN

Hon. Walter H. Roban: And Mr. Speaker, there are a number of things that have happened, certainly within the last week or so, which I think merit discussion, because they speak to a continued effort in moving the change in Bermuda. Just yesterday the Regulatory Authority publicly launched the Integrated Resource Plan, which is a plan that is a blueprint for the direction for the energy industry in Bermuda. I will say at this point I would encourage every resident to get a copy and read the plan. And the one thing I will say about the plan today other than that, Mr. Speaker, is that the plan represents another transformation. It represents a transformation for Bermuda where one company for the last hundred years has decided the direction of the energy industry in Bermuda. This plan breaks that control. It is a window, an opportunity for every resident to play a role with shaping the energy direction of this country. I implore every resident to access it, read it, digest it and present your questions and commentary around it. That is important for all of us to do as we chart a new future for energy in Bermuda.

And Mr. Speaker, there are some other things, certainly within my own Ministry that we are trying to do to transform and change the lives of just regular citizens, and there are a number of things this Government is doing, whether it be in the area of health, education, training, changing of laws in the labour area. We have seen transformation within the Government, articulated by the Minister for Public Works, about the young people that his Ministry is cultivating to create a new generation of engineers in this country. That is transformative and will benefit Bermuda. When that talent is fully engaged and making the contributions within the Public Service and then across the Island in the way that they can, it will change things. It will change them, it will change Bermuda, and we will be better.

Mr. Speaker, in my own Ministry [in] this session we have passed Bills around debt collection to create a different relationship between people who, unfortunately . . . and this is where we get into helping those who need the support of the system to just survive and deal with some things in their lives, the Debt Collection Bill, which will create a better relationship

between those who find themselves having to deal with debt collection and that they can be treated fairly and openly and requiring debt collectors to be more . . . better governance and due diligence around their conduct. That is important.

Upcoming, we know what a lot of our citizens deal with when it comes to banking. People faced with their homes being taken away from them. I heard today a story about someone who was dealing with an issue concerning their relationship with their bank and a mortgage, and how the bank called them to come in and talk with them and their lawyers. They were advised don't go into the bank by yourself. So, they got a lawyer. And when they told the bank that they were having a lawyer too, the bank cancelled the meeting.

[Laughter]

Hon. Walter H. Roban: That is the injustice that we are dealing with in this country, Mr. Speaker. So, guess what? Foreclosure rules are going to be addressed.

An Hon. Member: Hear, hear!

Hon. Walter H. Roban: The Ministry is already having discussions with the BMA, because we have to work with other agencies to deal with this. We are going to address this.

This unfairness has gone on long enough. In my view, Mr. Speaker, the banks right now are carrying on practices which emulate days of the past, which is why we have to do that land inquiry to see where people have been treated with injustices around their land. The banks are still continuing practices on people right now that emulate the feelings that people had around the Tucker's Town transaction. They are still carrying it on now.

We cannot allow it to go on. So, this Government is going to confront the issue of foreclosure rules, and how people will stop being treated like slaves to the banks. We are talking about slavery. What about the modern-day slavery, financial slavery that many people in this country, whether you are a non-professional or you are somebody who has got something going on? You find yourselves a slave to the system of financial imprisonment that the banks put on many people. We have to address it.

An Hon. Member: Hear, hear!

Another Hon. Member: Thank you.

Hon. Walter H. Roban: Mr. Speaker, those are just some of the things that we are trying to do and it is going on in almost every Ministry to help those who need to be helped. We want people to get on with their lives. But if they need help, we are doing our best to provide it. But, Mr. Speaker, there are some other

things that we are trying to do. We are also trying to embrace the future.

NASA RETURNS TO BERMUDA

Hon. Walter H. Roban: And this past week a very interesting thing has been going on around the globe, and that is the remembrance of the landing of the Apollo 11 mission on the moon, where three gentlemen, Mr. Armstrong, Mr. Aldrin and Mr. Collins, were propelled on a massive, explosive rocket from Cape Canaveral to the moon and back within a four- to five-day period. Now, I bring this up because I think it is important that we remember because it was another transformative moment for the globe, but also Bermuda played an important role in that mission. Bermuda from the beginning of the Space Age, whether it be the Mercury missions, all the way down to the Shuttle programme, played a crucial role in the advancement of space for the globe. And certainly, for the United States, but certainly, these advancements have benefitted all of us in so many ways. And not only did Bermuda, but there were Bermudians involved.

Now, this Government has made a commitment to STEM technology and education, so we are going to be doing some things to help Bermudians understand the importance that Bermuda plays in this. Now, as it appears as if the United States and others are returning to space in a big way, Bermuda's role in that process has resumed. Last year NASA returned to Cooper's Island, and they did not just return for a mission, they returned for the duration. They have missions planned, whether it be an upcoming Antares mission, which is in October. They have plans to go to the moon and to Mars, and Bermuda is going to be playing a role in all of that. The equipment is at Cooper's Island now for all of those missions. That is a 20- to 30-year-and-beyond commitment that NASA has brought back to Bermuda.

But we have played, we continue to play a crucial role with their programme. They will tell you their programmes and their launches cannot go without Bermuda playing her role. Those are the facts now.

So, this little 21 square miles is crucial to the future advancement of space technology. And we are going to be doing some things to bring that closer to Bermuda. The House won't be in, but we are having a Space Camp for 11- to 14-year-olds this summer, next month. The public will hear more about that in the upcoming weeks, but I am so proud to know that we are having that for our young people to bring technology and STEM and the innovations of space to their lives, and seeing it happen for a couple of weeks. And so, the public, and you, will hear more about that and I am really excited that is going to be happening.

FINTECH COMPANIES

Hon. Walter H. Roban: The other thing is our embracing of technology goes even further. We are working with the RA [Regulatory Authority] because they are reopening the market of technology and telecommunications in Bermuda to allow new companies to come in. That is a part of the innovation. That is a part of what is going to bring in new capital. That is what is going to bring new jobs. We also have seen some developments this week in FinTech with Circle, and as there has been much discussion in this House about FinTech, and that is within the technology area and telecommunications area that I sort of indirectly . . . well, I have some involvement with in my Ministry. I bring that up because the reality is that FinTech is a real growing market. And, with your permission, Mr. Speaker, would just like to—

The Speaker: Yes.

Hon. Walter H. Roban: —read off some facts.

What is happening in FinTech globally? In 2018 global investment in FinTech companies hit \$111 billion with over 2,000 new deals made in FinTech. Global FinTech investment doubled. These are the facts, Mr. Speaker, about FinTech. Corporate venture capital investment in FinTech topped \$23 billion, more than doubled in one year.

What is happening in the banking industry in FinTech, Mr. Speaker? HSBC, which we know so well, is investing \$2.3 billion in FinTech and AI. Most of the major banks are investing in the billions in FinTech. That is the market that is ahead of us. That is where the opportunity is for us. That is where the potential growth in jobs will be for us.

We will focus on other industries too. But it would behoove us to [not] ignore what is happening in the globe around FinTech and around technology and telecommunications. There was an announcement just recently about China and the company, Huawei, which has a lot of attention presenting its first 5G phone. Technology is moving, Mr. Speaker. It will behoove us [not] to ignore it, and to listen to the scare-mongers and allow them to stop us from what we as a country can do. What we did in the insurance industry [and] what we did in the captive industry, we can do in FinTech industry. Circle and others that have come here are just a start.

If we continue on the path that has allowed us to become a player in this industry with the careful regulatory framework, obviously, the transparency in our operations and the due diligence that I am sure all of our corporate service providers will provide to the country in these areas, we will do okay, because that is the record and reputation we have built. And as we pursue continued innovation in technology in our economy, as we continue to transform this country socially to deal with the issues (like some of the Bills

we discussed today), if we continue to ensure that our people are trained, if we ensure an educational system transformation, if we ensure, Mr. Speaker, that people are trained, and that they are treated fairly in the labour market, these are the changes that will make Bermuda the fairer and better place we all desire.

But we have to work together to do it, Mr. Speaker. We have had a transformative history since 1959. We have been transformed since 1834. But there is much work still to be done. Just as in the energy area for Bermuda to become a greener and cleaner place, we all have to work together. It is not just going to mean putting up solar panels and having wind farms and producing “Generation Cleaner.” It is actually going to mean us learning to have a philosophy of conservation, just as we have learned over the centuries with water. We must learn to use power more efficiently, must learn to use power more conservatively so that we can bring down the cost of energy in Bermuda, so that we can transform from shipping out hundreds of millions of dollars to the oil company and turn that money into something productive for our country. But it is going to be all of us making changes, every single resident in this country, so that Bermuda is fairer and better for everyone.

Thank you.

The Speaker: I recognise the Honourable Member from constituency 4.

Honourable Member Furbert, you have the floor.

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

I was going to say that you are lucky we are on the same team.

[Laughing]

PLP GOVERNMENT COMMITTED TO PROVIDING SCHOLARSHIPS AND AWARDS

Mrs. Tinee Furbert: Mr. Speaker, I rise this evening to actually speak about scholarships. And here recently, if you open the paper you will see that many students leaving high school have been granted, or have been recipients of awards and scholarships.

So this is the time where students are now receiving letters to say whether or not they were successful or whether or not they were unsuccessful if they applied for some sort of scholarship and award. And when we return to the House in September, students will be going off to school. But, Mr. Speaker, there will be some students who have applied for funding and who have applied for scholarships, and come September they will not be able to go.

[Timer beeps]

The Speaker: Oops. That was a quick twenty minutes.

[Laughter]

Mrs. Tinee Furbert: I will not be long, Mr. Speaker.

But come September, after all their efforts of applying for scholarships and awards, they will not have the opportunity to go, and so they will probably have to stay home and try to secure employment so that they can raise money to further their education.

I say all this to say, Mr. Speaker, there is one thing no one can take away from you, and that is your education once you have received it. So it is something that is very, very, very valuable. And if I go around this room and I ask each and every one of us who have had the opportunity to get tertiary education, how their education was funded, some will say they also were recipients of loans or awards, or some will say they got some sort of a loan. Some will probably say that their parents paid for their education.

There are circumstances where parents are just not in the predicament to be able to pay for education. We do know with the recent government scholarships, the top scholarships, that they had about 170 applicants applying for three [scholarships]. So what happens to the ones that were not successful? Will they still be able to further their education?

I mean, I just believe access, opportunity, is important. We know with the research that is out there in regard to how there are more advantages and there is more success for persons who are able to further their education. And I do believe that it is a crime that if someone wants to further their education and they do not have access to funds. That to me just should not be.

But I say all this to say that we as the Government are committed to providing financial help or scholarships and awards for our students who are successful. We give scholarships and awards through the Ministry of Education. We give scholarships and awards through Workforce Development. We give scholarships and awards through the Ministry of Health, and we also give government bursaries. We are also a Government that has been committed to our local institution, Bermuda College, where we are giving a grant to the Bermuda College for up to [\$300,000] to assist students with financial need to ensure that no student is prohibited from at least attending our local higher education institution, Bermuda College. And we do know that students are taking this offer up because the enrolment for Bermuda College is much higher than it has been in the previous years.

We also have made a commitment in our Throne Speech to provide students with a “College Promise.” And the College Promise Award scholarships will allow Bermuda College . . . public school graduates with GPAs of 3.0 or higher to attend the

Bermuda College. And this initiative has been funded this year to the tune of \$279,000.

Not only are we supporting our students through Bermuda College through the College Promise programme, we have also set aside \$85,000 for non-traditional students wishing to become certified as landscapers, compliance professionals, and to assist nursing students undergoing overseas practicums.

I sat in a meeting the other day with the group Future Leaders and we had future leaders who were asking questions about whether or not we felt that we were doing enough for education. And we have definitely proven, Mr. Speaker, that further education and education is important for the people in our community just by the amount of funds that we have committed to further education.

I just want to point out some stats dating back from 2003 and 2000 . . . sorry, 2013 and 2014 (this information was taken from the Budget Book) in which scholarships and awards, the budgetary allotment was \$1 million [in 2013]. In 2014 and 2015, the scholarships and awards were again \$1 million. [In] 2015 to 2016, again, the scholarship and awards were budgeted for \$1 million. In 2016/17, the budget for scholarships and awards was \$1.2 million. In 2017/18, the budget for scholarships and awards was \$1.2 million, again. And then this year, Mr. Speaker, 2019/20, the scholarship and awards budget was \$1.4 [million]. So you cannot tell me that this Government is not committed to providing our students with the opportunities to further their education.

The other thing we have done this year is we have also allotted \$1 million to grants to support educational related activities, such as funds going towards the Menuhin Foundation, the Reading Clinic, *Spirit of Bermuda*, and other types of educational programmes that will assist our students with their progression.

So we are making a commitment to our students, Mr. Speaker. And I want the public to remember that there were cuts when the former Government was in power in this House. There were cuts to the scholarships. As I have stated earlier from the budget report, sorry the Budget Book, dating back to 2013/14 where we have now increased the scholarships and awards today to \$1.4 [million].

So again, this Government is committed. We are committed to our young people. We are committed to our students in trying to help them with further education and tertiary education so that they have better opportunities when they return home or better opportunities wherever their studies may lead them.

Mr. Speaker: Mm-hmm.

Mrs. Tinee Furbert: I do want to highlight . . . I did mention how parents take a big role in funding their children's education. Interestingly enough, because I have to highlight that there are many single parents

out there, Mr. Speaker, and there are a lot of financially absent fathers out there, Mr. Speaker. And it can be very, very difficult to come up with monies because you want the very best for your children and you want to be able to provide them with the very best to be able to send them away to school, particularly when there are families in which generations have not had the opportunity for further education.

But I just want to give kudos to all the single parents. I am not just singling out single mothers, but single fathers also play a part as well. But there are a majority of single mothers who are bearing the brunt, Mr. Speaker, of funding education for their children. And so when someone receives a scholarship or award, it is such a big financial burden off of their back—a big financial burden off of their back—where they can then allocate monies to other things. So I just want to continue to encourage single parents, single women, that are out there that are listening. Times will get hard. Keep fighting the fight. Keep trying to figure out ways . . . and this Government will try to assist as best we can to assist with helping our youth, our young people, to obtain monies to further their education. Do not give up because this Government continues to be committed to improving our education and continues to be committed to providing funds through scholarships and awards.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I recognise Minister Foggo.

Minister Foggo, would you like to make a contribution this evening?

Hon. Lovitta F. Foggo: Yes, I am going to make a short contribution.

The Speaker: Short is the key word.

Hon. Lovitta F. Foggo: Yes, Mr. Speaker.

I am going to make a short contribution, Mr. Speaker.

The Speaker: Thank you.

IMPLEMENTING A LIVING WAGE FOR BERMUDA

Hon. Lovitta F. Foggo: I did want to get up. I have heard many of my colleagues speak this evening and firstly what I would like to say to this House is that within the Department of Community and Cultural Affairs, in trying to help change the spirit of our people, we have made it our main focus and goal to do everything within our power to ensure that we bring the complete history of the people of Bermuda to all Bermudians.

And I think you have heard me say it before, if we do not know where we came from, we will never know who we are, and it certainly will hurt us in terms

of trying to figure out where we should go. And when Minister Caines did speak of persons that he was speaking with, and they spoke in a manner as to pretty much admit that, you know, I guess, slavery, if you will, had nothing to do with them. It brought home the fact that it is extremely important and incumbent upon this Government to ensure that we do help our people to understand our history. And not because we are wanting to feed any ill-will, but more from a perspective of understanding the great contributions that we as a people have made, to understand why when we look at things like the economy in Bermuda that there is this big divide, and that it seems to run along racial lines for the haves and the have-nots. And anyone who has done their homework and research, when it comes to history, would understand that this era of slavery is what fed that.

And because you have certain groups of people through that process, who, enjoying free labour, amassed great wealth, and that wealth has been able, no matter what the circumstances, to allow them to be key players throughout our history in the economy, whilst those who found themselves on the other end of the totem pole were disadvantaged. And in this current day that still pertains.

And this Government is acutely aware of that. And that is why we feel duty-bound to ensure that we address that issue, that we address the issue of inequity, that we address the issue of poverty, and that we try to implement policies and legislation that will operate to mitigate against that.

And I say that, . . . so when we are looking at things like immigration, and when we are looking in my own Ministry, when we are looking at labour and we look at the work force and we see time and time again that there are certain groups that seem to occupy most of the jobs that pay the highest amount of wealth, for whatever reason, even though we know that amongst us we have people who have the requisite skills and background to do similar and the same jobs, yet are seldom afforded the opportunity to do just that.

And where I sit now, I am given anecdotal evidence more and more of situations where in spite of perhaps having everything that one is supposed to have to secure a position, when they are operating within those institutions of work, learn that deliberate actions have been going on to prevent them from securing those positions. When you have people who can say to you that they have come here or they were hired . . . I will talk about foreigners, [they] can even say that they were hired into certain positions at one rate and when they get here are told, *You are only getting this*. And because of the circumstances that they come from still see it as being better off on our shores, will allow themselves to be subjected to a pay scale that a Bermudian cannot accept. But that same sort of practice which locks out Bermudians, because

Bermudians cannot maintain their own households, is what gives us great cause for concern.

And what is part of the impetus behind making certain when it comes to the Department of Labour, or the Unit for Labour, to ensure that we do look at those practices to ensure that we revise our employment laws so that we can make certain that everyone is afforded a fairer chance of employment. And I can say, and this House has heard it when we were talking about the living wage. We are looking at a living wage. We will introduce a living wage. And I can say that our Minister of Finance is very clear about the pros and cons of that. And we will rely on his expert advice to make certain that when we implement a policy like that that we know as a Government we are doing it in a manner where we are going to try and ensure the most optimal outcomes for our people.

And I speak to this, Mr. Speaker, because when we live in a society where we see persons leaving every day because they say that the economy is working in a way that is not allowing them to be able to sustain themselves and their family, when we live in an economy where you hear people every day lamenting that in spite of doing everything to secure work, they are being locked out—they have gone, they have spent thousands of dollars sometimes hundreds of thousands of dollars to secure an education that they were told would put them in good stead for securing employment in some of the best institutions here, yet they come and they find others who will come with fewer qualifications and yet will land that job that they are being denied. You see evidence of that every day.

And I am sure that if I were to speak to the Chair of the Immigration Board, or if I were to speak to the Minister who holds the portfolio for Immigration, that they would be able to . . . because I know I get it. They would be able to confirm that they, too, have like individuals that lament to them those same situations.

So, Mr. Speaker, I just want to say this, that Nelson Mandela said that—

The Speaker: One second.

Hon. Lovitta F. Foggo: Sure.

The Speaker: Somebody's microphone is on and you are rubbing it on your cheek. You hear it sort of humming back and forth?

Just check your microphones.

[Pause]

The Speaker: Continue on, Minister.

Hon. Lovitta F. Foggo: Okay, thank you.

Nelson Mandela said that, "the human condition of poverty is the last" (I guess if you will) "social ill that operates to keep man enslaved."

And so speaking on that . . . and in some of his last few years he spoke on poverty quite a bit. And on speaking to this he said that we must eradicate poverty if we are going to change the condition for those, especially, who operate on the lower rungs. And this Government is determined to at least implement policies that will operate to fight the economic imbalances that are in play in our economy and almost seem somewhat insurmountable.

And we get that if we are going to change what we see happening quite a bit within this community . . . the Minister for Home Affairs, spoke about people's homes being foreclosed on. And if we are going to operate to try and put in policies and law that change that at the very base of that, we must first look at a situation that at least puts bread and butter or, if you will, more bread and butter on the table of our people.

So in the spirit of what Nelson Mandela spoke to and warned all mankind of with respect to poverty, I want to remind our listening public before we break for summer that this Government is determined to make certain that we live up to our promise of creating that fairer and better Bermuda. And we are doing it by making certain within the Ministry, or Unit of Labour, that we introduce a living wage. When we look within the area of community and culture that we [need to] create the awareness within our people that lets them know who they are. And in knowing who they are, know how great they are, and that they have within them [the ability] to do and be anything that they wish to be.

And within Workforce Development, we are just like the Ministry of Education and other ministries that have been participating in certain programmes. We are providing more and more opportunity by way of training, by way of scholarships and other awards, by apprenticeships, to ensure that our people are given every opportunity available so that they can be the players that they deserve to be in our economy.

CUP MATCH—HONOURING MARY PRINCE

Hon. Lovitta F. Foggo: And, Mr. Speaker, with the whole Cup Match theme . . . yes, the Mary Prince story and the whole story behind Cup Match, we are getting that right too. And I can tell you of countless people who . . . and who never knew of Mary Prince, and sometimes you have to scratch your head and say, *How could this be?* But it is true.

I know most of us who sit in this House, especially the older ones when they were taught history, we were not taught about Mary Prince. We were taught about the British Commonwealth Empire, and we were either taught from a British perspective or from an American's perspective, and it never included the works of blacks and the integral role that they played in the building of this society we call Bermuda. And had it not been for us—and when I say “us,” I am

talking blacks—had it not been for us, Bermuda would not be what it is today.

They used the ingenuity of our people to advance this Island, and mostly to our detriment. And when you talk about the reparations that were supposed to be given to us in 1834, we have yet to receive that. So this Government is doing what it can to turn that whole . . . I do not even know what word to call it, but the dire state that it put us in as a people, we are doing everything that we can to combat that because we were voted in on putting Bermudians first. And every policy, I can say, that we look at is underneath that banner.

And so with the Mary Prince story, she is the symbol of the abolition of slavery, she is the symbol of defiance, and she is the symbol of moving forward to an era that would see all people as being the same. And so she will see her place in history. Not only is she our national hero, tribute will be given to her in a bigger way, because our young people should, at the very least, be aware of what slavery was, what it did to us—though it did not keep us down as a people, it still impeded us. And the remnants of that are in the manner in which our society still operates.

And so if they understand that, if they understand the history of the “Mary Princes” and others who stood up to fight for the rights of people, for justice and the like, I think that in celebrating that, in doing things that create more of an awareness and putting policies in place that will combat and diminish the inequities that operate within our society, then, Mr. Speaker, the people will be able to pick up their report cards on the PLP Government, and they will be able to say, *A job well done*. That is what we aim to do, that is what we are doing, and that is what we will continue to do with each day as we progress our initiatives to a fairer and better Bermuda.

Thank you, Mr. Speaker.

[Inaudible interjections]

The Speaker: Thank you, Minister.

The Chair recognises the Honourable Member from constituency 19.

OPPOSITION AND GOVERNMENT WORKING TOGETHER TO BENEFIT BERMUDIANS

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

Mr. Speaker, I must admit when I think about Cup Match, I have sort of mixed feelings. Obviously, I am a Somerset supporter. My husband is a St. George's supporter. But I am mindful of the fact that just because at a certain point in time we get out and we get very . . . I want to say, not *nationalistic*, but we get very oriented towards whether you are from the East End or the West End, it does not negate the fact that we have lots of things in common that, after the week or two that goes by, we reflect back on what is

important to us. And we realise that basically we are all Bermudians and we actually care a lot about this country.

And the reason I have been thinking more about how Cup Match came about is because I remember that I was taught when I grew up that, you know, you played for Somerset because you lived in the West End, and you played for St. George's because you, you know, you lived in the East End. And at certain points in time, as I was told, you did not go past the bridge for players, either bridge, for St. George's or Somerset bridge. That was how you chose your team.

But I realise that, over time, things started to change, because [sometimes] people could not make a particular team, possibly because they had enough players already there, or the players there were stronger than themselves. So, people started to gravitate. So, you start having someone whom you would think would play for Somerset ending up playing for St. George's. And before you know it, people who you thought might have played for St. George's end up playing for Somerset.

And the reason I am saying all that is because it reminds me that you cannot just turn around and sort of say, *Just because people have had historical roots and affiliations, that is the way they are going to be all their lives.* And then, I started to think about that from the political process. And I realise that politics originally in Bermuda were based on, one, you had a party that was based on labour ideals, and that resulted in what I call socialism ideals. And then you had another party whose philosophy was based on business and management, and perhaps that resulted in their being more focused towards what people might say is profit.

And I am saying that because that does not mean that this is bad. Because when you are implementing these things, if you are doing these things to make sure that whatever you do, you put into place things which are good for the people of Bermuda. And if you put in place things that are good for the people of Bermuda then ultimately, regardless of which way you do it, if the people of Bermuda benefit from it then it does not necessarily mean it is a bad thing.

And I think it is important because I think sometimes when we are up here, we forget. And I used this analogy for someone. We were going down the street . . . and I know we were in power just for a short one term. But if you sort of divide people off, you have the Progressive Labour Party, who is sort of labour, and the two other parties, who we might say were more towards business. So, I looked at that as Somerset and St. George's. Because someone reminded me that, you know, St. George's was in for a long time, and then all of a sudden, Somerset was in for a long time. And so, it does not mean that just because of the length of time you are in, that this neces-

sarily means that you did not do things and you were not good while you were there.

And that is important for us to remember, that right now, the Government who is in power are committed to do things for the people of Bermuda. When we were in power, we were also committed to do things for the people of Bermuda. Right now, when we are in the Opposition, our commitment is to make sure that the things that the people of Bermuda are expecting to get from their Government, that they get. We have to make sure that the policies and the initiatives that are put in place do what they promised. We want things to happen for Mr. and Mrs. Average Bermuda. We want to make sure that the things that are going to make their lives better happen.

Because, whether you like it or not, I keep thinking . . . we keep forgetting that people on either side, have people who are hurting. We have people who are striving to make something better for their lives. So, we have to make sure that those people get ahead. It is not that just on one side is one group and another. We keep forgetting our friends and our families are all in this together.

And the reason I just wanted to make a couple of observations today is because you talk about . . . we talk about initiatives that the Government has put in place. And I know that, you know, the Government . . . and I remember I challenged the Premier about the initiatives that he was putting out, that I was hoping that he would come back on a more regular basis and tell us how well they are doing, almost on a quarterly basis. So, I am hoping that he will remember that because, you know, we want to know about the number of new jobs for Bermudians.

We want to know about the plans that have been put in place to educate people on the issues with respect to their health. When the sugar tax came in, you know, there was an indication that monies would be used for educating people. I know that when I was the Minister of Health, I put into train some programmes to deal with diabetes and obesity. We had Enhanced Care pilots. Those things were designed to make sure that the people who need it the most got the help. And I do not see these things. The people of Bermuda are not hearing these results. And if you do not hear that, you do not know whether the monies that have been collected are going to where they are needed.

And that gets me around to the tax reforms. I know that a lot of people out there are waiting, they are holding their breath, they are waiting to see when those land tax returns come out. *What does it mean to me?* They are really holding their breath. They do not want to exhale, because they do not know what is happening.

And, Mr. Speaker, what it means right now is that Mr. and Mrs. Bermuda are finding the dollar that they work for is being . . . If I took a dollar bill, and if I held it in my hand, I would look at it, and I would feel,

okay, *snip-snip*. This is the snip that took off because, all of a sudden, my grocery tax went up. And if I go a little further, and I go, *snip-snip*, this is because, all of a sudden, my health care cost went up. And if I go, *snip-snip*, all of a sudden, by the time my land tax comes, they would look and they would [say], *Where's my dollar?*

And I am just illustrating that to say that it is important for us to recognise that, right now, Mr. and Mrs. Average Bermuda are just wondering what is going to happen which is going to make their lives better? And that is why, as Opposition, we have to ask questions about Government efficiency. We have to ask questions about reform. Because [when] you look at it, I know there is talk about the living wage, and I know there is talk about, you know, what we should be doing. But if we do not turn around and implement something that results in the productivity of our Island, then we are going to turn around and not be able to make it work for everybody.

And so, whenever we ask our questions, I just want everybody to look at it from a constructive point of view, because that is where we are coming from.

Now, Mr. Speaker, there was something said that was talking about understanding our history. And someone talked about understanding the great contributions that the people of our Island have made. And I totally agree with you. But, Mr. Speaker, I will throw out a challenge to many of you out there. I believe that we do not always go through and really look at our history. There are lots of black people out there who maybe they were not in the political movement, but they were in the labour movement, but they were out there driving the businesses that allowed blacks to get a good job, get some savings and actually turn around and actually have houses and helped them do savings.

And if we do not start understanding everybody who makes a contribution on this Island, we will start to feel that we only know one side of our history. So, Mr. Speaker, I look at—

[Inaudible interjections]

Hon. Jeanne J. Atherden: I look at the concerns that we talk about when we talk about amassing wealth. And I realise that lots of people have been out there. And maybe, maybe they were not . . . maybe they were individuals who were tightening their belts. They were actually going without to get their kids' education, doing things to make sure that they got ahead. And those are the types of individuals whom we want to recognise. That is the type of entrepreneurship that has driven us.

And I think we have to recognise that if we are going to talk about things that have happened, it is important for us to take this time and reflect on what has been done in the past and to make sure that we avoid bad practices. Because it is quite possible for us

to forget that we need to work together. Because there are good people who help others get ahead, and there are other people who take advantage of other people. And you cannot turn around and sort of paint them in any particular colour. Because people who want to help our Island come in all sorts of shapes, and they come in all different sizes and all different parties.

And I just want to make sure that, as we go forward, we will look at doing things for Bermudians and that we will also have more information that will help Mr. and Mrs. Bermuda understand that this is what is going to help us continue to survive as a country, all working together. Because I look back and I remind myself that sometimes we do things that are counterproductive. And I have that expression of *kill-ing the goose that laid the golden egg*. Because sometimes, you walk about the guest workers who were here. And then afterwards, when they left, you suddenly realised that they were important to us.

And I know, going forward, that we want our children to be able to have jobs. We want our children to be able to take their rightful positions in the country. And I think it is important for us to recognise that the same way that Colonel Burch was able to talk about that gentleman who came as a guest worker and helped other Bermudians get to that level, there are lots of people who come to this Island and do that. Because, hopefully, when people are actually interviewing them and they talk about the Island culture, they make the people understand that, when you come to this Island, as a culture, you want to come here wanting to get together with your Bermudians and become as one with them.

Because Bermudians are friendly, and, as people want to do things for the people whom they are working with, you will start to have more people like that gentleman. And I know lots of people, even Bermudians, who when they were out hiring other young Bermudians, who as Bermudians want to see more Bermudians come behind them. They want more Bermudians to have the opportunity to gain and go up the ladder.

So, I want to say, Mr. Speaker, that as I am looking at Cup Match, again, I want to remind ourselves that it is all about us getting together and remembering that we are Bermudians. It is about our getting together and remembering that, even though we are on different sides of the Cup Match, for a few weeks/hours we can remember those things that we have in common. And maybe, more often during the year, we should talk about, why do we do things together? Because you can go past Cup Match, and you can go to some other things, and you suddenly realise that, hey, you support the same team that this person supports. Or you do something else that this person does, and you suddenly realise that you have a lot in common.

And I would like to think . . . and I am going to close by saying this. I would like to think that when we are up here, that we would talk about what is important to us. And we will not feel the need to shout at each other. We will not feel the need to be disrespectful to each other. We will not feel the need to turn around and decide that you are going to bring somebody down because it makes you feel better.

Because, Mr. Speaker, when I am out in the street, I have people saying to me that they are still concerned at the level of disrespect that they see up here. They are still concerned that they hear people shouting. Some of them say, *When XYZ comes on, I just turn the radio down because they talk too loud.* And I just think that we have to start remembering that it is important for us to get our message out there. It is important for us to understand that we are all committed to do the things that are going to benefit Bermuda.

And if we stand up and ask questions, I believe that it is important for us to at least have the courtesy to answer the question and not have people feel that just because you are asking a question that you do not deserve to have the answer, because many times those questions have been put to you by your constituents. And they want some information.

And so, I am looking forward to Cup Match. I am looking forward to a Somerset victory. But in the meantime, I am still going to be out with all my St. George's friends. And I want to say to everyone out there, *Happy Cup Match!* And when we are back, we are going to once again continue to do things that are important for Bermuda. We will continue to question the Government on what they are doing to make their lives better, what they are going to do, what they are going to be doing with respect to the new jobs, what they are going to be doing with respect to the regulations. And looking forward to the response that they give us so that the Government and the people are feeling that their job, that both of us are doing our job, as Opposition and Government. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I recognise the Honourable Member from [constituency] 36.

Honourable Member from [constituency] 36.

Hon. Michael J. Scott: Mr. Speaker, I appreciate your recognising me.

The Speaker: You were the only one on your feet at that time.

PLP GOVERNMENT INITIATIVES

Hon. Michael J. Scott: All right, sir.

So, Mr. Speaker, I certainly want to say that I appreciate the speeches that have come from the Government benches this evening, reflections, as it

turns out, reflections by Members on very central themes in the black Bermudian experience of emancipation, as we lead up to the holiday; the liveable wage, really very central. And as I heard the Honourable Member from [constituency] 19 who just took her seat speak to some of the things that she feels must be in the narrative of legislative leaders in the House, can I commend to her that the liveable wage is a concrete initiative of the PLP Government that we are pursuing, along with a number of other initiatives that we have heard reflected on this evening, Mr. Speaker.

This confounded investigation of the former Premier, Dr. Brown, is another reflection and theme that was well articulated tonight. And I shall come back to it.

The Minister of National Security attacked and challenged this whole issue that affects his Ministry under the responsibilities for immigration and the weaponising of demands for Bermuda status. I mean, where are we going? But I am glad that he raised it and put it in its proper context. No country, no democracy ever progresses its immigration policies by just opening floodgates or responding to demands of people for citizenship. It is a process. And I am glad that the Minister of National Security, my colleague, Mr. Wayne Caines, reminded those who would take license in the *Royal Gazette* story this morning and push the envelope on this front. It is entirely inappropriate.

I was happy that the Deputy Premier, my friend and colleague, Mr. Roban, rounded off the reflections tonight by reminding us of yet another important, concrete initiative. Add to the living wage this whole matter that is affecting citizens. When Ms. Atherden asked, are we driving and making our lives better? Foreclosure rules . . . I am glad that the Minister, and the Premier will and have declared these initiatives to be intended policies that we shall pursue. Because there are many people who are trying to find a better Bermuda in their experience, on a daily basis, of grappling with foreclosures and being made homeless in the prosecution of debt enforcement in this country by unfair foreclosure rules.

And so, Mr. Speaker, should the Government, and as the Government, my Government, as we pursue these important initiatives that I have listed . . . And I am convinced, and I want to advise my Government that pursuing these excellent initiatives will ensure that we guarantee the lifting of the Government in the tide of a new and second term that is going to flower into a positive second term of success of the Progressive Labour Party. We recognise that we have had a number of things that have inhibited us getting on with these important initiatives in the first two sessions because of the need to address compliance and OECD demands. But I am content and I am pleased to know that in the wings lie these important initiatives.

Mr. Speaker, there is, it has been said, a tide in the affairs of men which, when taken at the flood, leads to fortune. And these kinds of initiatives, Mr. Speaker, will lead us to a positive and good fortune.

Mr. Speaker, as we look at these themes, and now that the answers have been produced by the Minister of National Security to the questions posed, the balance of the questions posed by the Deputy Speaker, Mr. Derrick Burgess, cousin Derrick Burgess, now that we have the answers to these questions, and they have been displayed to us in the full light of day, where we hear of a six-year investigation of Dr. Ewart Brown that has gone on without a charge. And I am being told that it extends even to eight years. As we learn that the total funding of public—out of the Consolidated Fund is breaching through the ceiling of \$6 million, \$81,000 in hotel costs and \$63,000 of our money being spent on this investigation, as it gets broken down.

As we had the answers, Mr. Speaker, one has to ask the question—one has to ask the question, When will this confounding and confounded investigation stop? When will it stop? When will we stop spending the money?

There is a concern here, Mr. Speaker, that when this investigation, as it does have as its context and underpinning an allegation against a citizen of this country, of crime, the concern is the importance in any democratic society which upholds the rule of laws that there be an opportunity for name-clearing. The Minister of National Security [alluded] to this earlier today, too. The opportunity for name-clearing is vital when you had an allegation made against you, as is contained, Mr. Speaker, in these investigations of six years and \$6 million—eight years and \$6 million later. Dr. Brown needs to have the opportunity for a speedy public trial. But that opportunity, Mr. Speaker, has already been lost. This is a travesty, Mr. Speaker.

I was reading the Mueller Report, Mr. Speaker. And one of the central pillars to allegations is the opportunity for a speedy public trial and one taking the opportunity, Mr. Speaker, to address and respond to an accusation by a speedy public trial, with all the procedural protections that surround a criminal charge. So, an individual who believes that he is wrongly accused can just get on and clear his or her name. If this does not happen, Mr. Speaker, if a prosecutor, alleging or coming to a judgment that crimes were committed, but no charges are made, then the person against whom these allegations are made has no adversarial opportunity of public name-clearing. So, that is a very serious concern that I take up on behalf of Dr. Brown.

So far, what has happened, Mr. Speaker, we have had this issue that began with an investigation into political corruption. That is how it began. When did the investigation into political corruption by Dr. Brown and myself—and myself and others become an investigation into MRI scans and CT scans? We

heard, and I am glad that the Deputy Speaker raised this matter. We heard that in this new-found investigation into MRIs being misused or overused and CT scans, 75 patient files, with all of the confidential information and data in those files were allowed by the courts to be taken into the hands of experts, Mr. Speaker, and examined. Dr. Brown has informed me that those files offered up and revealed zero in terms of hard evidence on which a charge could be laid.

And so, Dr. Brown remains un-charged. Dr. Brown remains with a spotlight of an allegation of crime shone upon him. Dr. Brown remains in a position of not being able to engage in the important process of name-clearing because the speedy public trial is a judicial feature that he has been robbed of, for six years. And it is wrong.

And my speech this evening is for this to stop, this investigation to come to an end. I hope that we are beginning to build up in our own legislators' consciences an assessment of decency, fair play and justice that what has happened is that this is no longer an investigation. It cannot be. It does not deserve the name of investigation. It has become something else. It has become something else. Some other agenda is taking place here that is harming a citizen of this country. And as we consider emancipation and the usages that took place during a slavery period and history in our country, it is damning that we see this attack on one citizen of this country, to try and make an example of him.

It is wrong, and it has no . . . it falls straight into the context of how things used to be done in this country. Dr. Brown, Reverend Vinton Monk, Julian Hall—he joins this grouping of black leaders in this country who, when they showed strong leadership, showed strong force and leadership, they were made an example of. They were worn down. They were attacked. In the context of emancipation being celebrated soon, there is no place for this. We left that behind with the . . . on paper, we left it behind when emancipation proclamations were delivered. But we are still living it.

And if I do anything in my speech tonight, I call for this kind of Monk, Hall, now Brown—and there are many others—kind of behaviour, kind of attacks to stop.

And to do it! And to do it, Mr. Speaker, with \$6 million of public funds and this length of time, it is unprecedented. We have never seen anything like it before in our lives.

Dr. Kawaley, the former Chief Justice, reflected on these matters. With your permission, Mr. Speaker. It appears in a publication that was recently put in the newspaper. Dr. Kawaley said that, "On the contrary, complex criminal fraud cases not involving obvious dishonesty (such as cases based on false invoices) are notoriously difficult" (notoriously difficult) "to prove in all parts of the world where the jury trial is the mode of trial for such cases . . .

“Bermuda,” Dr. Kawaley went on to say, former Chief Justice, “has a free enterprise economy and making what may appear to Police Officers to be eye-watering amounts of money through professional activities and investing it overseas is not a crime.”

So, I remember that quote. I remember it. And it is not just a quote. These were the judicial pronouncements, as Dr. Kawaley was telling in the Reddy [Mahesh Sannapareddy] case. Those who were trying to make the case against Dr. Reddy at the time, that one-and-one (i.e., money being made in the medical profession) does not amount immediately to crime.

This has ceased to be an investigation. As a criminal practitioner for over 38 years, I can recognise a good investigation. When the path ceases to be hot, and when it grows cold, you must stop. Otherwise, you harm people. And that is the agenda. It is obvious that there is harm going on. The Deputy Speaker said that there was some tit-for-tat or resentment. They were going after Dr. Brown on his estimate because of the Uighur policy that he took. It is some other agenda other than a fair and decent criminal investigation or a process that is both due and fair in relation to finding evidence to bring charges.

And so, back to my theme, Mr. Speaker. These are important objectives: introduce foreclosure; the introduction of the foreclosure rules and better management of mortgage debts; the liveable wage initiative; the ending of this investigation, period, of Dr. Brown. [These] will enure to this Government, this Progressive Labour Party Government led by my Premier, David Burt, enure to the people of this country, enure us to the people of this country. It will begin to address things that are on our hearts and minds, things to which they will respond and say, *You deserve our complete and continuing support*. You do not know how far just the driving of those three initiatives will go. And there are more than that.

And I hope that, as the Premier sums up, we will hear about the other initiatives. We are going to soon look at all of these things in the Throne Speech that is coming in November. But this is our course. This is the mark towards which we must press as a PLP Government. And I am confident that the tide will raise, will rise this ship of state, because the initiatives are a good sea on which to float. And the people respond to us because we are undertaking not just fanciful ideas of what is making my life better, [but] concrete initiatives are what I see and what I see us in the Progressive Labour Party being able to advocate as things that we are going to be carrying out.

But central to them, particularly in the context of this emancipation celebration, our freedom from oppression, central to it will be to say that of one man in this society, one black former Premier of this country, we ceased funding and putting pressure on him as a black leader by funding a defunct, dead investigation. Money spent in Boston on one of the most com-

prehensively weak trials that failed on its most fundamental of bases—no jurisdiction, no *locus standi* to show that there was a connection between an offence being carried out in the United States of America. Yet, Mr. Moniz carries this at the expense of \$1 million, carries this civil trial that he tries to dress it up as, as something that was worthy and valid of doing. It just adds to the case that I make.

This is not an investigation anymore. How does an investigation, dressed up as an investigation into political corruption, become descending and descended into, *We now need Dr. Brown, beyond the 75 files, patient files . . . patient files!* (Think of the confidentiality issues.) *We now want to look at some more*. There should be an earnest campaign to stop any further demands for citizens of this country's private, confidential patient information. It goes against all principles of protection of one's sensitive information.

So, the situation cannot be clearer. The consolidation or the build-up by this new request for patient files, in the light of the answers given to the Deputy Speaker, of the millions spent and the time spent. The case could not be clearer than for an immediate cessation of all further investigation and funding for this matter. It would make sense that this becomes . . . It is as consequential and significant as the Monk pardoning, the Reverend Vinton Monk pardoning. It is the same kind of evil, possibly worse. And I call for it to come to an end.

The Speaker: Thank you, Member.

I now recognise the Honourable Member from constituency 22.

Honourable Member, you have the floor.

BETTER MANAGEMENT OF PATI [PUBLIC ACCESS TO INFORMATION]

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

Mr. Speaker, it is always helpful to remind ourselves that it is the public who put us here and it is the public whom we represent. And I have said it before, but it is a cliché worth repeating: *Never let it be said that the business of the public is none of the public's business*. So, how are the people to know what is going on in their Government? Well, one thing they can do is they can listen to what their Government tells them. And they can decide whether or not what they are being told is true and accurate, whether it is fair or unfair, whether it is biased or jaundiced.

Or they can rely on a democratic society on the benefit of opinion-makers. Some of those are third-party Independents. Some of those are journalists in the media.

How do they get to the facts? Because the facts and what they are told are often quite different. And the answer, thanks to the PLP, is that they rely upon the Public Access to Information Act. Thanks to the PLP, because it was the PLP in 2010 who passed

PATI, the Public Access to Information Act. And as a matter of fact, the Act did not come into force until a few years later when the Regulations were passed by the OBA. So, both parties in this House have contributed to the ability of the public to know what is going on in their Government. And that is a good thing. And therefore, the public should be concerned when its Premier stands up as he did this morning in the House and makes a Statement that PATI presents a (quote) “disturbing trend” or that it is (quote) “dangerous” or (quote) “the legitimate”—

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

The Speaker: Yes. We will take your point of order.

POINT OF ORDER

Hon. E. David Burt: The Honourable Member should, if he is going to quote, then give the full quote. He cannot say, *The Honourable Premier said PATI presents a disturbing trend*. Read the full quote.

Mr. Scott Pearman: Mr. Speaker, I will gladly read the full quote. “³Mr. Speaker, it would be remiss of me not to mention a disturbing trend with respect to the use of information pursued and received pursuant to requests under the Act.”

Oh, no! It is a “disturbing trend” that the public have in their hands information about what their Government is doing. Oh, no! What a disturbing trend that the public have information about what the Government is doing in their name!

Further quote, Mr. Speaker: “⁴Mr. Speaker, this is dangerous. Legitimate scrutiny will encourage accountability, but ‘gotcha journalism’ or wanton political use of PATI, even by Honourable Members, will yield a shrinking culture of efficient decision-making.”

Mr. Speaker, when the Premier said this this morning, I put a question to him. I asked him, If PATI requires the Government to share with the public documents that the public is legally entitled to see, how does that amount to “gotcha journalism” or “wanton political use of PATI”? Because what is being released, Mr. Speaker, what is being made transparent are the facts, the documents. That is all.

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. E. David Burt: The Honourable Member is misleading the House. Because in the response that I gave to that question, I said in my Statement, I pointed to the fact that things that were being released were not supposed to be released under the Act. And part of the challenges of the administrative burden of the way that these things are being used, it is causing this challenge. And the reason why we are looking and examining how to do this better is because the former Government got rid of the support that existed for PATI.

Mr. Scott Pearman: Mr. Speaker, the Honourable Premier is quite right; that is the answer that he gave the first time I posed the question. And it was not an answer to my question.

The question, I will repeat, was, Why, if PATI requires the Government to share with the public documents that the public are legitimately and legally entitled to see, how is that “gotcha journalism” or “wanton political use of PATI”? That was my question.

And the answer the second time I asked it was for the Premier, and I am paraphrasing, but I think it is accurate to say something along the lines of, *I refer the Honourable Member to my first answer*.

So, the answer he gave, the public can decide if that is an answer to the question I asked. Respectfully, Mr. Speaker, I suggest that it is not. And the public can decide, well, he did not answer the question when I posed it the second time. And that is for the public to decide.

But let me take issue with this idea that the public should not be entitled to know, that it is “gotcha journalism” when the newspaper makes a perfectly legitimate request or even when an Honourable Member makes a perfectly legitimate request.

[Inaudible interjections]

Mr. Scott Pearman: The public do! The public decide what is a legitimate request!

The Speaker: Members! Members!

[Inaudible interjections]

[Gavel]

The Speaker: Members!

[Inaudible interjections and general uproar]

[Gavel]

Mr. Scott Pearman: Mr. Speaker.

The Speaker: Now. Members, we have been pretty good all day. There is not much left in the evening. We do not have to go off track.

³ “Better Management of PATI,” Hon. Premier’s Ministerial Statement, 26 July 2019

⁴ Ibid.

Just speak to the Chair, and we will be all right.

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

Mr. Speaker, the Minister of the Government who just spoke, I remind you, is a Minister of a Government whom the other Minister in this Honourable House described as a “poster child for good governance.” Not much of a poster child.

Let us look at PATI requests. Let us look at some recent PATI requests, Mr. Speaker. Let us see what recent PATI requests have unearthed.

[Inaudible interjections]

Mr. Scott Pearman: What they have unearthed, Mr. Speaker—

[Inaudible interjections and general uproar]

The Speaker: Member! Member! Member! Member, you may want to restrain yourself outside. Because I need a flow of conversation to flow this way without that type of interruption.

Mr. Scott Pearman: Mr. Speaker, let us look at what recent PATI requests have unearthed. And I will take three.

One was the Sandys 360 Report, and we have heard from the Honourable Minister that that report will now be released. And I commend the Minister for that. And I hope that it is not released in such a redacted form that it no longer makes sense. But why should—

Lt. Col. Hon. David A. Burch: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Lt. Col. Hon. David A. Burch: The very same PATI Act that he is referring to sets out quite clearly what can be redacted. And what was redacted from that report was as a direct result of the recommendations of the Information Commissioner. Thank you.

The Speaker: Thank you.

[Inaudible interjections]

Mr. Scott Pearman: Well, let’s see how informative it proves to be. Obviously, if it is merely the facts, then the Government has nothing to hide.

Mr. Speaker, secondly, we have a PATI request in relation to the Criminal Injuries Compensation Board [CICB]. As a result of those requests, we learned that the board was not meeting that much. We

learned that perhaps, or perhaps not, the board was not considering adequately the cases before it. And we learned that people, *the* people who are complainants to the Criminal Injuries Compensation Board, have yet to receive their compensation.

Hon. Michael J. Scott: Point of order. I hesitate to interrupt my honourable and learned friend.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Michael J. Scott: I declare my interest. I am the Deputy Chairman of the CICB. Those three statements and allegations that we were not meeting that much, addressing it, are entirely misleading the House. The committee has declared the number of times it met. It has declared the matters over which it has presided and dealt with, and it is only . . . With your indulgence, Mr. Speaker, and I hope with my friend’s.

A good answer to when there is a *gotcha*-type of situation is when good, solid information from PATI is dressed up with untruths or exaggerations or hyperbole or unreasonable statements. Then the PATI objective is abused.

The Speaker: Thank you.
Continue.

Mr. Scott Pearman: Mr. Speaker, I suggest that it is the duty of the Criminal Injuries Compensation Board to meet and to determine the complaints that are placed before it. We have learned, and if it is untrue, no doubt the Honourable Member who just took to his feet a moment ago will take to his feet again. But we have learned that they met once in 2018, in November. If that is wrong, then I will be corrected. But we have learned that they have met once in 2018.

Well, there you go; a point of order.

Hon. Michael J. Scott: If my friend could just take it from me that we met on at least five to ten meetings, dealt with five to ten matters over a course of at least three to four meetings.

The Speaker: Thank you.
Continue, Member.

Mr. Scott Pearman: I can only rely upon the answer to the PATI request provided by the Honourable Member.

[Inaudible interjections]

Mr. Scott Pearman: And the comment provided, the comment leaked to the media by a member of the

Criminal Injuries Compensation Board and leaked to the media by one Mr. Eron Hill, whom we presume to take at face value as telling the truth.

[Inaudible interjection]

Mr. Scott Pearman: Those are two examples, Mr. Speaker. Let us move to a third one. And that is what is going on at the Department of Child and Family Services.

It is surely right that the public should know about serious matters such as these. No Government would want to sweep those matters under the carpet. No Government would want those matters to drift off into the distance, unknown to the light of day. And there are three examples where the Public Access to Information Act has performed a useful function for the benefit of the public and disclosed to the public information that they are entitled and lawfully able to know.

And so, to react and take offence and say that this is some sort of attack by the media, when all that is happening is information the public is entitled to know is coming to light of day so the public can know it, does not really sit well—

Hon. Curtis L. Dickinson: Mr. Speaker, point of order.

The Speaker: Point of order.

POINT OF ORDER
[Misleading]

Hon. Curtis L. Dickinson: I think the Honourable Member may be unintentionally misleading the House. If you can give me some indulgence, Mr. Speaker. In today's [Royal Gazette](#) online, it says, "Information Commissioner Gitanjali Gutierrez has upheld a decision by the Department of Internal Audit to withhold the findings of an inquiry into the head of the island's child protection agency."

That information, I think, might change the tenor of Member Pearman's discussion.

The Speaker: Continue.

Mr. Scott Pearman: I was not referring to anything in the paper today. I was referring to how there were original PATI information requests in relation to the matters at the Department of Child and Family Services, going back almost, I want to say, almost 18 months (although my number of months may be wrong).

Look. I understand arguments that are advanced when people are taking advice from professionals or from their close colleagues. People need to be able to speak frankly and need to be able to share their thoughts so the critical decisions can be taken.

And indeed, it was for that very reason that the Opposition supported the Finance Minister's recent amendment to the Bill in respect of the Economic Policy Committee. So, I get that.

But to try and turn the argument into an argument that this is some sort of crusade by the journalists to catch you out merely by releasing to the public factual information is a bit strained.

If you believe in transparency, then you believe in transparency. You do not have to. It is perfectly proper for a Government to take the view that, actually, decisions should be made in private and only released to the public afterwards. But this was a Government that campaigned on transparency. This was a Government that enacted the very legislation we are talking about. And therefore, for this Government to now describe that as "dangerous" is, in fact, a dangerous statement.

Hon. E. David Burt: Point of order.

The Speaker: Point of order.

POINT OF ORDER
[Misleading]

Hon. E. David Burt: Mr. Speaker, the Honourable Member again is misleading this House.

And I will ask if he is going to pick a particular word from my Statement, that he will use it in the full and entire context, because no one described PATI as dangerous. Certainly, not on this side. Thank you.

The Speaker: Thank you.
Continue, Member.

Mr. Scott Pearman: Mr. Speaker, I will again, for the benefit of the Premier, quote what he said in full. (Quote:) "Mr. Speaker, this is dangerous. Legitimate scrutiny will encourage accountability, but 'gotcha journalism' or wanton political use of PATI, even by Honourable Members, will yield a shrinking culture of efficient decision-making."

And I was just addressing efficient decision-making. And I was just addressing the support of the Opposition for the Finance Minister's amendment. But that is not the correct argument. That is deflection. That is, *Look over here*.

Because the purpose of PATI, as I said at the outset, is to allow documents that the public is entitled to see to be made public so the public may see them. And going back to the beginning of my speech, the public has an ability to know what it is that we here are doing in their name, on their behalf, and having been put here with their trust.

And so, to the extent that the Premier's speech today is to be interpreted as a desire to in any way water down PATI, I hope that is not the case. I hope that this—

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

The Speaker: Point of order.

POINT OF ORDER

Hon. E. David Burt: At no point in time in the Statement today did I say anything about watering down PATI. What I said in the Statement today is that the Government is looking to find out how more support can be provided to information officers to ensure that incorrect information is not released.

Mr. Scott Pearman: Mr. Speaker, I put my words very carefully. I expressed it as speculative, and I expressed it as a hope.

[Inaudible interjections]

Mr. Scott Pearman: And I stand by my hope, and I am delighted to hear the Premier agreeing with me.

[Inaudible interjections]

The Speaker: Speak to the Chair.

Mr. Scott Pearman: So, "legitimate scrutiny will encourage accountability . . ." Yes, it will. And that is why we have PATI, and that is why the public is better able to scrutinise what it is both the Government and the Opposition are doing, and that is why we are being made more accountable, for that reason.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Does any other Member wish to speak?

Member from 28, constituency 28, would you like to make a contribution?

REGULATION OF CANNABIS

Mr. Dennis Lister III: Good evening, Mr. Speaker.

The Speaker: Good evening.

Mr. Dennis Lister III: I have to gather my stuff after sitting for so long.

Mr. Speaker, I would like to start off by quoting one of the great intellectual minds of the past century, Albert Einstein. He is credited with saying, the definition of "insanity is doing the same thing over and over again and expecting a different result." Mr. Speaker, with your indulgence, I would like to read from the 2014/15 Budget Reply and quote our Honourable Premier on page 17.

The Speaker: All right. Go ahead.

Mr. Dennis Lister III: In the Budget Reply, it states on page 17, under Regulate and tax cannabis, "Mr. Speaker, any discussion of options for additional revenue should include the regulation of cannabis. The State of Colorado is expected to earn \$134 million in direct taxation from its newly regulated cannabis industry. They are spending that money on school construction, law enforcement, public health and substance abuse prevention. Though we are much smaller than Colorado, there is no doubt that any additional tax revenue from a local, regulated cannabis industry would be welcome.

"I am not promoting the consumption or abuse of cannabis; however I think we can all agree that a reasonable cannabis consumer is no worse than a responsible citizen who enjoys a glass of wine or a cocktail at home. What I am promoting is a sensible and pragmatic approach, which has been successfully implemented in other jurisdictions, that can assist us in generating additional revenue. When our Island is faced with cuts to education, health care and social programmes"—

The Speaker: You asked for my indulgence to read a small piece, not a whole script.

Mr. Dennis Lister III: Oh, I am almost finished.

An Hon. Member: Hear, hear!

[Inaudible interjections and laughter]

Mr. Dennis Lister III: "When our island is faced with cuts to education, health care and social programmes, I think the better choice is to regulate and tax cannabis to ensure that the budget and the economy can benefit. A regulated industry . . . [will welcome] this activity from the shadows; reduce associated law enforcement expenses; contain adequate safeguards for children and restrictions on public use; generate revenue for the country; and would have the additional benefit of having more persons contribute to social insurance, healthcare, payroll [tax] and pensions."

Mr. Speaker.

An Hon. Member: End quote?

Mr. Dennis Lister III: End quote.

[Laughter]

The Speaker: Quote is finished?

Mr. Dennis Lister III: Yes. I finished that quote.
Mr. Speaker.

Hon. E. David Burt: That is a good quote. I like that.

Mr. Dennis Lister III: I have to credit it to the Honourable Premier.

Mr. Speaker, the war on drugs has been fought for nearly 70 years. And I must quote now, Mr. Speaker, famous writer Maya Angelou. "If you don't know where you've come from, you don't know where you're going."

[Inaudible interjections and laughter]

Mr. Dennis Lister III: Mr. Speaker, the war on drugs has been fought for 70 years. But we must go back further than that to understand. We must go back further than that to understand why we are at where we are today. Mr. Speaker, prior to the early 1900s, prior to the early 1900s, Mr. Speaker, marijuana was a cash crop in the US, along with tobacco and cotton. Marijuana was used to make clothes, paper—under the name "hemp," it was used to make clothes, paper, rope and other products, Mr. Speaker. If you fast-forward to the early 1900s, late 1800s/early 1900s, it was also used in medicine. Many medicines of the early 1900s had derived from marijuana, Mr. Speaker.

Now, fast-forward to the 1930s with the introduction of the Federal Bureau of Narcotics, led by Harry J. Anslinger. This is when the US started putting pressure on cannabis, as it was known at the time. Mr. Speaker, John Ehrlichman was a top presidential aide to President Nixon. And he said that drug laws were used as a racial tool. If you go back to the early 1900s, in the southwest US, with the Mexican immigrants coming over, they were the first to be targeted with marijuana laws, Mr. Speaker, because they were seen as smoking marijuana, being lazy and participating in activities that were not of the norm at the time.

Then, if you drift over to the southeast and wider south in the US, they were targeted with black people. And as they migrated north after the abolition of slavery, they were targeted in the northern states. So, Mr. Speaker, historically the marijuana laws have been used as a racial tool to keep the minorities in place.

Mr. Speaker, we have seen also that, prior to the early 1900s, when hemp was a multi-purpose product, but with the introduction of nylon and other products that competed against it, that is when the US Government introduced the [Harrison] Narcotics Tax Act in 1914. And this Act restricted the manufacture and sale of marijuana and other drugs, but I will just particularly focus on marijuana.

During this time also, Mr. Speaker, you would have seen—not *you would have seen*—(before our time). But there was propaganda spread, and the propaganda that was spread created myths and horror stories about drugs. Marijuana was blamed for bizarre cases of insanity, murder, sex crimes. If you go back to nineteen . . . I cannot remember the exact date. But there was a famous video called *Reefer Madness*, Mr. Speaker. And *Reefer Madness* was a

leading propaganda video of that time, which showed persons partaking in marijuana and being crazy, going off their heads and doing . . . most of this was exaggerated, Mr. Speaker. But it was used as propaganda then to use as propaganda to attack marijuana, Mr. Speaker.

So, I say all this [about this] historic part, Mr. Speaker, because as you come forward to now, we are seeing, after many years of that war on drugs, you have to ask yourself, has it been successful? What war has been fought for 70 years, Mr. Speaker? Outside of a few historical wars, the Hundred Years' War, maybe a few others. But these were actual, physical wars where people were on the battlefield fighting for something. This war on drugs, Mr. Speaker, is the far-fetched made-up war to keep—it is used as a tool to keep certain sections of the community under.

Mr. Speaker, fast-forward to today. We are seeing a changing of the attitudes towards this. Alone in US, there are 24 states, plus the District of Columbia, that are changing laws either for decriminalisation or for legalisation of small amounts of recreational or for medicinal marijuana, Mr. Speaker. Even as recently as this week (I have just got to pull it up), Senator Kamala Harris, she is introducing a Comprehensive Marijuana Reform Bill. That will be the first steps towards legalisation. And this Bill will aim to decriminalise marijuana at the federal level, expunge prior marijuana convictions and use tax revenue from marijuana sales to help those with prior convictions. So, we see that there is a changing of the tides, Mr. Speaker.

I go as far as to say that we have been lied to for the past 70 years, Mr. Speaker. We were told that marijuana is a Schedule I drug that has no medicinal purposes. But we are now seeing that change, Mr. Speaker. In other jurisdictions, Mr. Speaker, I will highlight three—I will highlight four jurisdictions, Mr. Speaker. First, I will start off with Portugal. In 2001, Portugal decriminalised all major drugs. So, from soft drugs as in marijuana, straight up to hard drugs such as heroin, cocaine, whatever it is.

An Hon. Member: Decriminalised?

Mr. Dennis Lister III: They decriminalised it, but they treat it as a health issue versus a criminal issue. In Portugal, if you are caught with a drug, you do not go to court. You do not go to criminal court or through a criminal process. You go through a health court. You are sent for rehabilitation. Because they realise that addressing the problem, which is a health issue more than a criminal issue, and we are seeing since then, in the 18 years since then, their usage rates have either stagnated or dropped. They have not increased. What they did also in Portugal is that, in open central areas, because they have found that most drug users were, especially those on harder drugs such as heroin and dope, they will be using them. And people were over-

dosing. They were using dirty needles, sharing dirty needles.

So, what the government did is, by making it a health issue, now that you can use these drugs in open public centres, but you have the support of the health system. You can go and get clean needles. People are not overdosing as much. So, the approach that Portugal has taken has shown a benefit in that it has decreased the overdose, the rates of those dying from overdose. You have seen the rates of [drug abuse by] teenagers decrease, Mr. Speaker. So, Portugal set the standard in 2001.

Many of us know about Holland and the infamous red light district, Mr. Speaker. In Holland, though, marijuana is not decriminalised. Marijuana is not legal. They just split it up into two types of drugs—soft drugs and hard drugs. And under that, marijuana falls under soft drugs. So, what they do is they lax their laws regarding the soft drugs and marijuana. They do not treat it the same as the harder drugs.

But, yes, Mr. Speaker. So, in Holland, which is very much known for their red light district and marijuana consumption . . . (Yes, I found it, Mr. Speaker.) So, yes.

I am obliged, Mr. Speaker, to read from this—

[Inaudible interjection]

Mr. Dennis Lister III: All right.

[Inaudible interjections and laughter]

The Speaker: Did you ask the Speaker a question?

Mr. Dennis Lister III: Yes. Can I be obliged to read from this article?

The Speaker: Yes. Go ahead.

Mr. Dennis Lister III: All right. ⁵Policy [in Holland] has been to largely tolerate the sale of soft drugs while strongly suppressing the sale, circulation and use of hard drugs, effectively separating it into two markets.” So, Mr. Speaker, again, they treat marijuana as a soft drug different from the harder drugs.

Now, Mr. Speaker, in Canada—in Canada, as of last year, October 17, 2018, cannabis was legalised in Canada. And please bear with me as I find my notes on that again, Mr. Speaker.

[Pause]

Mr. Dennis Lister III: Yes. So, Mr. Speaker, cannabis in Canada was legalised on October 17, 2018. And, Mr. Speaker—

[Inaudible interjection and laughter]

Mr. Dennis Lister III: Yes, and again with your indulgence, Mr. Speaker, can I read this short paragraph?

The Speaker: Go ahead.

Mr. Dennis Lister III: ⁶“On October 17th, 2018 cannabis became legal in Canada. The purpose of the Cannabis Act is to protect public health, public safety and to ‘[. . .] create a strict legal framework to control the production, distribution, sale and possession of cannabis across Canada.’ The Cannabis Act aims to accomplish 3 goals; keep cannabis out of the hands of youth, keep profits out of the pockets of criminals, and protect public health and safety by allowing adults access to legal cannabis.”

So, again, Mr. Speaker, we have seen a change in attitudes towards what we have been told and fed for the past 70 years.

Finally, Mr. Speaker, I will use as my last example Colorado. Mr. Speaker, in 2014, Colorado . . . (waiting for it to load). In 2014, Mr. Speaker, Colorado legalised recreational marijuana. Since then, Colorado has surpassed \$1 billion in tax revenue from marijuana sales since that creation of the legalisation Act. Mr. Speaker, in Colorado, they have used the revenue to fund a range of youth and public health programmes, mental health services, youth literacy initiatives, [and] anti-bullying programmes in schools. And these are not just a few of the things that they have used the revenue of this for, Mr. Speaker.

Now you may ask, How does all of this relate to Bermuda? In Bermuda, Mr. Speaker, it is a well-known fact that Bermudians like to drink. Bermudians also like to smoke.

[Inaudible interjections and laughter]

Mr. Dennis Lister III: So, Mr. Speaker, we might ask, How does this relate to Bermuda? Well, how it relates to Bermuda—because, Mr. Speaker, as stated in the Budget Reply in 2014/15 . . . (waiting for it to load again. Waiting for it to load). All right, Mr. Speaker, it states that the revenue—when we are faced with cuts to our education, health care and social programmes, if we implement—if we legalise and regulate this correctly, Mr. Speaker, the revenue can be used to counteract the cuts in these programmes.

So, Mr. Speaker, I would go as far as to say that this could be another industry in Bermuda. There are many, many products that, if Bermuda were to legalise and regulate, Mr. Speaker, we are looking for other ways to generate revenue. We can . . . and it might seem far-fetched when I say this, Mr. Speaker. But just as we have sports tourism, we can have—

An Hon. Member: Marijuana tourism.

⁵ Wikipedia “Drug policy of the Netherlands”

⁶ Wikipedia, “Drug policy of Canada”

Mr. Dennis Lister III: Exactly. But, medical marijuana tourism, Mr. Speaker. And I think outside the box with this. Think outside the box, Mr. Speaker. Bermuda is already a tourist destination that people look to come [to]. If we legalise and regulate medicinal marijuana, Bermuda can be a medicinal marijuana attraction for tourists. You can come and get treated for whatever illnesses, diseases you have, sit off on a beach, get treated and, dare I say, smoke marijuana? But there are other ways to use it without having to smoke it.

Mr. Speaker, for the Government, it generates revenue, giving out licences, permits.

[Inaudible interjections]

Mr. Dennis Lister III: I have already spoken to him.

But, Mr. Speaker, giving our licences, permits . . . Just as we introduced the sugar tax, people have still purchased sugary products, because it is what they want. So, if we tax and legislate marijuana correctly, Mr. Speaker, those who do want to participate, buy it, whatever they want to do, we are, as a government, regulating it, but also generating revenue off of it that we can put back into these different programmes. Whether it is into the health, whether it is into schools, whether it is into . . . we all know the roads are in very bad condition, Mr. Speaker. So, we can use this to generate revenue.

Mr. Speaker, bear with me for two seconds. If we read the [National Drug Control Master Action Plan 2013–2017](#), under Total Government and Non-Governmental Resources from 2013/14 to 2017/18, the Drug and Intelligence Division of the Bermuda Police Service in total from those years, 2013 to 2018, have spent a total of \$21,803,000. The HM Customs—

[Inaudible interjections]

[Timer beeps]

The Speaker: Saved by the bell.
Next Member?

Mr. Dennis Lister III: That is 20 minutes?

The Speaker: Next Member.

Mr. Dennis Lister III: All right. Thank you, Mr. Speaker.

The Speaker: No further speakers? No further speakers?

Mr. Dennis Lister III: That was 20 minutes?

[Inaudible interjections]

An Hon. Member: Yes.

The Speaker: You almost lost it. Everybody was getting caught up in nonsense that time. That is how you . . . topics like that cause you to lose your focus. Good example of it right there. That is why you should not touch that crap! Good example of it.

[Laughter]

The Speaker: You all lost your focus listening to it.
Mr. Simmons, I will take you at this point.

Mr. Scott Simmons: Good evening, Mr. Speaker. I will try to remain focused.

The Speaker: I hope so.

PLP GOVERNMENT INITIATIVES

Mr. Scott Simmons: I certainly want to acknowledge the passion of the Member from constituency 28. The Member, Mr. Lister, he is consistent. He has expressed his concern and also his passion as it relates to that subject. And he has certainly advocated it within caucus and the rest. So, he should be congratulated as being the youngest person in this House for the passion that he has put into this subject. And I do believe that in time he will be vindicated in that this House will eventually move towards a more acceptance of marijuana, a more acceptance of what I believe segments of our community wish to see.

Mr. Speaker, as we reflect on a Parliament over the last term, as we begin to consider our recess and move very close to it, Mr. Speaker, we have to reflect on a number of things that have happened in this House, as they relate to our moving the country forward. We heard earlier on today the Honourable Deputy speak, the Deputy Premier of the country make it clear. And he has certainly stuck to, as it refers to energy in this country and our energy efficiency and the way that we utilise other things that we are doing. We have listened carefully as the Member from constituency 21 continuously reminds us and studiously reminds us of race in this country and the need for equality and also for there being parity in the workplace and the institution soon to be of a living wage in this country.

Mr. Speaker, we also have, during this very, very short term, listened carefully to a Minister from constituency 14, a Minister of National Security who has been handed two very vital, vital instruments of this Government to, first of all, spawn new business, new interests, new ideas in the FinTech industry, and then to pivot—and then to pivot through a National Security Ministry into a ministry to deal with the immigration in our country.

Mr. Speaker, we have also seen from this side of our House a passion that has been answered. There was, in my humble opinion, a feeling that the Bermuda Progressive Labour Party could very well

have lacked depth, that we could very well have had individuals within our ranks that may not necessarily have inspired a community of Opposition or a community of people.

But we have, in the person of the Honourable Minister of Finance, who has begun to create an element of calm and an element of understanding that it would appear that the Bermuda Progressive Labour Party can not only recruit, but that we can actually begin the process of moving the country forward, together. And so, I appreciate the fact that the Honourable Minister of Finance, from constituency 25, has in some, way, shape or form, and in his own way, created an element of calm amongst us in finance so that all communities can see that this Bermuda Progressive Labour Party is prepared to move forward.

And then, there are those who are prepared to embrace a more combative or a more illustrative way of governing in this country. And the Honourable Minister from constituency 27 has certainly marked his territory as it relates to what we are doing as a Government by exercising within the Ministry elements of fiscal constraint that may have been a bitter pill for the country as it relates to one-day trash pickup. But it demonstrates that this Government is prepared to accept a responsibility as we manage the pestilence in this country. But he has demonstrated that we are, at least, fiscally mindful as we move forward and manage the things that are within our remit.

Mr. Speaker, we have also heard from elements, if we can, of the Backbench. The honourable—I should say the Member from constituency 11 has been very, very passionate on two separate issues. Number one, he has responsibly highlighted in this last session an appreciation for a relationship and relationship development with our Caribbean region. He has made us reflect on those who are our forefathers, those who are an intricate part of this society. And he has assisted us in recapturing a relationship with our Caribbean region, something that the Honourable Deputy Speaker and myself saw when we were in Trinidad a short while ago.

And, Mr. Speaker, we have also heard from a woman's caucus within our party that has helped us to begin the process of understanding the relationships that we have with the genders, and creating an opportunity for us to see Bermuda through the eyes of both the male and to see through the eyes of [the] female. It is a responsible approach. It is an approach that matters. Here in Bermuda, as we discuss how we bring the country together, not just through gender, but fiscally, how we bring the races together and how we move the country along.

Mr. Speaker, I draw your attention to 2017, the Speech from the Throne, delivered by His Excellency the Governor, on Friday, the 8th of September 2017. Mr. Speaker, on page 1, I move quickly through the first two or three or four paragraphs. And I stop on

the fourth paragraph and read the following. May I, Mr. Speaker?

The Speaker: Continue on.

Mr. Scott Simmons: "For too long Bermuda's economy, wealth and influence have not created a level playing field. When there have been economic downturns, one segment of Bermuda suffers far more than the other; and when economic bonuses, such as the richest sailing event in history, come to Bermuda, the same segment receives little benefit."

Mr. Speaker, during the last course of this House, during the last session, this Government has concentrated on finding a way that we can begin to level the playing field. The frustration that has developed in our Government, that has developed from the Government benches is the fact that it appears that the Opposition, while agreeing somewhat to what we say, do not appear to agree with much at all. The statements that they make are first stated in a way that is positive, and then comes the kicker. I am accused of doing the very same thing, in that I will compliment and then I will flog.

An Hon. Member: That is right!

Mr. Scott Simmons: And so, I will take my licks. But I believe that we have to move this country along. From the time that I have taken my seat in this House, I have tried in some way, shape or form to subtly recommend, to coax, to encourage a community that I am not necessarily connected to, to try to understand our community, try to understand our frustration and to move forward in a way by opening up, by trying to understand us in some way, shape or form.

We have asked, and we have a community in this country who are the black community who have been asked to understand what goes on in Bermuda. And in the last term that we had in Parliament, these last meetings that we have had, we have come to realise that there is quite a gulf between what a government wants to institute in this country, what the Government wants to do in this country and a segment of the community that are struggling with just that.

I sit and wonder if it is simply a black issue? Is it simply that people of colour are not, in some segments of our community, seen as having any respect, are [not] seen as having any credibility, not having the ability to govern? I have listened in the last session, and I have searched for it. I have heard from Members that this Government . . . I have listened, and they have said, *Well, we are merely being faithful stewards. We have a responsibility as an Opposition*, they say, Honourable Members have said, *to scrutinise, going forward in every way*. That will be seen in some circles as responsible government.

We have a responsibility to move the country forward in a way that best benefits the community. What I am concerned about is whether or not that particular dialogue, whether or not that relationship that each of us has in our community and those to whom we represent is not stymying a government and a country that must move forward.

Mr. Speaker, we live in a country where there are those who are wealthy, there are those who have money, there are those who are doing extremely well. And there are those who are not doing so well. And so, what we see taking place, Mr. Speaker, is a segment of our community who are failing to engage. And when they do engage, it is negative. It is against a sitting Government who are, in our own way, trying to make it clear. As a result, Mr. Speaker, we have to find a way that we can move the country along, but the responsibility also sits on the opposite benches to bring their community along, to remove—and I have heard it just now—*remove the politics*, and to send a message.

I recognise that we are halfway and that we are nearing election and that we are getting to a point where we will eventually have an election in this country. So, oppositions are reluctant to make the bold steps to work with a government, because by doing so, it may be seen that it will stymy or it will prevent one from advancing in the polls at the next election. But when you have a government, similar to the Bermuda Progressive Labour Party, who are trying in our own way to move the country forward, it becomes more difficult when it is distilled to a credibility issue from the Member, if I can say, from the Member who is from constituency 10, who continues to express himself.

The Honourable Member continues to treat this Government with absolute contempt. And I do believe he speaks for a segment of the community. I do believe that he represents a segment of this community that absolutely will not move. It does not matter what the Honourable Premier promotes in this country. It does not matter how good the Honourable Finance Minister is. It does not matter how many times the Honourable Member from constituency 21 stands to his feet and says, *Even though race is killing us, I do believe we have hope*. It is that community whom I wonder every day when they are going to turn the corner.

In elections in this country, there has always been the argument that the black community in certain parts (and I love Hamilton Parish), but Hamilton Parish will move on you in a minute.

An Hon. Member: Oh!

Mr. Scott Simmons: They will move on you in a minute. And if you are not doing what you need to be doing, I can tell you right now, they will move on you.

And so, if there is a segment of our community, after having so much positiveness in this last term, if we have a situation in that particular area, a community, a black community who will move and support, which was why in 2012 there was a change of governance, because communities moved. That community of black people are the ones who are expecting this Government to perform. They want us to succeed. And they want us to do [things] for the betterment of Bermuda. What I am concerned about is, I am concerned about the community that is the other . . . and, Premier, I apologise. It is the other 47 per cent, or what is it, Mr. Premier? Is it 46 per cent of the . . .

An Hon. Member: It's 41 [per cent] now.

Mr. Scott Simmons: [There are] 41 per cent, 41 per cent, who are galvanised together. When you have a black community that is discerning and stops and thinks and says, *What is the best side for us?*, we have a community in this country that does not share, that is not interested in—only they are interested, they are interested only in themselves, that is a concern!

So, Mr. Speaker, and I listen to Members. They are right. I am sure the entire 41 per cent are not completely against the black community and do not wish to advance Bermuda. But I will say this, that the Honourable Opposition Leader would say that, as he does his numbers for the next election, he can pretty well speak for quite a group that are guaranteed to be there at the polls and are guaranteed to show up. The Honourable Member, Mr. Commissiong, has stated that many, many, many times, as has the Deputy Speaker.

I think that what we recognise in this country is that . . . and this is what concerns me, Mr. Speaker. And I will try to bring my remarks to a close on this remark, on this particular part. And that is, is that no matter what we do as a government, what I am afraid of is that we are only seen as a black government that is without credit, that is without merit. And no matter what we do positively . . . I listened to the Minister of National Security. And the Minister of National Security, with passion, says, *We have to do something about those in this community of Bermuda and do the right thing*. But he does not get any credit for it. And you do not get any credit for it.

In our community of Bermuda, when are we going to start respecting each other? And when are we going to be starting to advance Bermuda together? That is the question. Because what we are doing right now, in the next session, when we bring the legislation, when the Honourable Premier turns it out, and when we begin the process of moving past, now that we have got our feet wet and now we are moving forward because election time is coming. We have got to do some things as a result of that. We have a responsibility to get cracking! And that is what we have to do!

It is not going to be easy, Mr. Speaker. But the polarity in our communities is unhelpful and is not going to advance Bermuda in any way.

Now, I will say, in my closing minutes, I will say this. The argument has always been, *Well, I will tell you, Honourable Member. You in the Bermuda Progressive Labour Party are guilty because you have beat them to death, and then you want them to support you. You beat the foreigner, and then you want to tell him that you need him.* I believe, Mr. Speaker, that we have demonstrated in every way in this Government, and we can list all of the legislation and the things that we have done to benefit Bermuda. But we must understand that this country is too valuable for us not to try to fix it.

Now, we can fight all we want. The average Bermudian must be dealt with. But, Mr. Speaker, this Bermuda Progressive Labour Party understands that, no matter what, we must deliver for our community. Now, the question is then, is that, Are we able to deliver for our community and then deliver for the entire Bermuda?

Mr. Speaker, I contend that we have not delivered on the whole for the entire Bermuda because this Bermuda Progressive Labour Party since 1998 has concentrated on repair, repairing communities, fixing our people, working on our people. Everything that we have done, we spent the Government's money working on straightening up and attempting to fix our communities, creating jobs, moving forward, producing the infrastructure, making certain that we are being respected and that we are being understood in our communities—the social agenda.

Mr. Speaker, I look forward to the next session. I said it in the beginning, and I will say it again. And the Honourable Premier and the Deputy Speaker, and certainly the Minister of National Security and the Minister of Works—of Public Works have, without apology, moved our agenda forward. Thank you, Mr. Speaker.

The Speaker: Thank you for your contribution, Mr. Simmons.

Opposition Leader, would you like to make a contribution at this time?

UNRESERVED, UNAPOLOGETIC, MISOGYNISTIC COMMENTS MADE IN THE HOUSE

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

I will follow off of the previous Honourable Member and his comments. I appreciate the delivery that he gave just now. And in the vein of what he is saying, one of the challenges that we have is exactly what he speaks to. And that is being able to come together on issues that we recognise to be to the benefit of all. Certainly, with a mandate of, what is it?, 25 to 11 [Parliamentary seats], I would venture to say that—

[Inaudible interjections and laughter]

Hon. L. Craig Cannonier: I would venture to say, Mr. Speaker, that this is a mandate to get on with many of the things that he has spoken to. The challenge is that, as we build the fortunes or are looking to build the fortunes of Bermudians, and we talk about how we are building infrastructure and the like, to set out the equalities for Bermudians, we need to stimulate the economy now. I have said it over and over.

While we are building, at the same time there are people who are hurting, who are looking for relief, who are looking for opportunities. And with that mandate that you have of 25/11, it does not help when the rhetoric is, many times in this House, Mr. Speaker, as we have heard, and I will quote some of the rhetoric, that, you know, Bermudians from Honourable Members in this House, (quote) have “⁷evolved into self-centred, selfish and uncaring public who look to the Government to solve all of their personal issues, up to and including changing their diapers.”

Now, if you are going to make a statement to the very ones who have put you into and given you this mandate, it does not go over very well when they are seeking answers and hoping that you can provide those answers. And I certainly do not . . . I certainly know that it is not going to help, Mr. Speaker, that if we continue on with those kinds of rhetoric in this House, and the Honourable Member who just spoke said, *Well, you know, where does it start?* And we start up here, as leaders of this country!

And when we are disrespectful to one another up in this House and begin to refer to one another in misogynistic remarks like, *Well, you carry the water anyway*, that is going nowhere to levelling the playing field and encouraging Bermudians, whites and blacks—and let's just face it, Mr. Speaker, a 25/11 means that many whites voted for PLP—many.

[Inaudible interjections]

Hon. L. Craig Cannonier: And I recognise that the Premier is looking to get home. I recognise that. But it does not help when we get these kinds of comments, unreserved, unapologetic, misogynistic comments being made in this House about other Members, and from one black Member to another black Member about what they are carrying.

An Hon. Member: What?

Hon. L. Craig Cannonier: I want to know, *Well, what's he carrying?* It does not make any sense. *What?* Yes, exactly, misogynistic comments coming from *your* Members. You *should* be saying, *What?* And you should be checking them, Premier. And they should not be allowed to continue on to make those

⁷ [Royal Gazette](#), 25 July 2019

kinds of comments up in here, because it is ridiculous! And all at the same time, we continue to see the statistics over and over and over that we have a lagging economy. Yes!

And I applaud the Honourable Member for getting up and looking for something outside of the box, from up in Somerset. He is talking about cannabis. I mean, I understand that this tree grows pretty fast. Well, you know, if we take it on, it probably will grow faster than FinTech! So, maybe he has got a point! Maybe he has a point.

And so, you know, I do not like to get up here and have to say some of these things. But if we are going to continue on as we are, I agree with the Honourable Member who just sat down, we are not going anywhere here. We need to find a way on how we move forward. And I am looking forward to the next session, Mr. Speaker, where we are going to conduct ourselves a little better. And, for that matter, with the process as well.

One minute, we are going to meet; one minute, we are not going to meet. You know, everyone is looking for direction here. And we are meeting, and we are meeting . . . and then we are not meeting. And then we are meeting and we are meeting. And then with every session, we are having to go through, *Okay, well, you know, listen. We're only going to do this. You've got seven days to debate this particular issue.* Just after we have had a wonderful time down at Tucker's Point at the hotel there, talking about parliamentary process, and then we debate issues in this House, given a one-day notice to debate an issue. And we do it, and a year later, we still do not . . . we get told that the Grand Atlantic is all painted up, put a lot of lipstick on it, but we have still got to wait another year before, potentially, something happens, a \$42 million project that has been sitting around for almost, past a decade, that is for sure—past a decade!

And I am glad that the Honourable Member is back in the House so that he can fix the mess that he put us in in the first place with this particular situation. So, let us get it fixed, and let us move on.

But the comments that continue to come out of some of the Members within this House are ridiculous. And they certainly do not promote working together. And if you come up with a constructive question, then it is a problem!

[Inaudible interjection]

Hon. L. Craig Cannonier: Well, if you do not know what I am talking about, then you need to show up. You have not opened up your ears; that is what you need to do.

[Laughter]

NEED TO STIMULATE THE ECONOMY THROUGH INWARD INVESTMENT

Hon. L. Craig Cannonier: So, Mr. Speaker, let us address the economy. Let us get this economy going where it needs to be. Everyone in this House is full force ahead with FinTech. Let us get this thing going! But in the meantime, until FinTech gets to where it needs to be, do something about the economy right now! A lot of the things that we have already heard—we are looking at extended maternity leave and these kinds of things. We want to have a living wage. These are all noble things, very noble things! But if we are not getting investment back into this country, who is going to pay for it? And unfortunately, the very people whom the Government talks about, whom it is supporting, it is they who are going to have pay for it! They cannot pay for anything now!

So, we have got to get investment into this country. And the kind of comments that come from this, that happen in this Honourable House certainly are not encouraging direct investment into this Island. It is discouraging it. And so, we have an opportunity, as the Honourable Member just said while he was on his feet, of moving this country forward and working together. It is my job to look and to say, *Listen, guys. This is an honourable thing.*

When the Honourable Member came to this House from constituency 27, and he gave us a one-day notice to do something about Bermudiana Beach, the resort, one-day notice to debate it. I said, *This is a good thing, guys. We're doing it! Let's do it!* I was not even the Opposition Leader at the time. *We're doing it!* Because we are working together to ensure that things happen, moving it along.

Then we have to sit and listen to comments that just do not make any sense. And sometimes, it comes from both sides; I will agree. But this Government must recognise that—they recognise it, for sure, after two years—it is not easy governing. And you have got to do several things at once. And one of the challenges as we move into this second half of the term, as the Honourable Member has said, getting closer towards maybe potentially an election being called, the people are going to ask the question, *Okay. Well, we have seen you sit in this House more times than the OBA did (as the Premier told us). But tangibly, where has that put us?*

Where exactly has that put us?

You are meeting a whole lot. But what are we getting done? And so, the Island will be looking for more direction and more input from this Government as to exactly what it is doing tangibly to ensure that the cost of living does not continue to go up, when they cannot afford it now. The Island wants to know, Bermudians want to know when the investment is coming into this country so that they can open up their next business and thrive.

Until we begin to see this kind of thing happen, the promise of FinTech is just going to be seen as another promise that maybe might not happen and may not deliver. We need some projects going now! And I will continue to emphasise it because we will continue to see Bermuda businesses going nowhere.

[Inaudible interjection]

Hon. L. Craig Cannonier: Exactly, Deputy! Bermuda businesses going nowhere!

And if they do not get something going, Bermudians eventually are going to say to this Government, *You are going nowhere*. And they may not like to hear this here, but this is simply to say you need to get something going, guys.

We are all looking forward to it. We are all in this thing together, all 36 of us. Let us get something going. If there are Honourable Members in here who believe that some of the white community are not rooting and saying, *Well, we want to see this Government succeed*, then they are wrong! Because I hear it on a regular basis—they want to see them succeed! Definitely want to see them succeed.

How do you think the Honourable Finance Minister got voted in? There are many of them of a different persuasion than him who voted for him. Because they are hoping to see success! That is what they are looking for. So, quit the silly comments up in here. It is not helping anyone! It is a train wreck!

ABUSE OF BERMUDA'S BLACK YOUTH

Hon. L. Craig Cannonier: I am going to move off of that because my passion was not that. It is this. We talked about young people today. And I have got a real concern about our young black men and what is happening out there to them. I continue to hear about the abuses against some of our minors, young black men in this Island. And I mentioned before that I hurt. You know, we know about the [hashtag] #MeToo movement. But what we need is a [hashtag] #SpeakUp [movement] to our young black men in this Island. Because too many of them are being taken advantage of in this Island!

And it is leading to major, major issues. All you have to do is go down to Devonshire to the hospital. And you will see them down there. And the stories are horrendous of what is going on and the abuse that is taking place on this Island towards our young men. We have got to speak up! We have got to speak up. Physical abuse, sexual abuse—all of it! It is happening. Mental abuse, it is happening. And these young men are being introduced to things that they should not be introduced at these young ages. And these perpetrators are on this Island, walking around like it is a candy store.

And the penalties, quite frankly, are not cutting it. And all of us in this House need to speak up!

Because we know it is going on. Somebody has got to stand up for these young men to ensure that we take care of our future. I called on the churches back in the election in 2017, *Listen, you know who they are! They are sitting right there. You need to be speaking to these guys taking advantage of these young men, causing all kinds of problems*. And then, to my surprise, I come to find out this abuse was going on, and many of these guys are in gangs! You would not even think.

And then we heard this evening from the Honourable Member from constituency 4 talking about single mothers who are struggling, trying to make it. They are trying to put their kids through school. It is tough out there! They need assistance. They need help. And so, for many of us able-bodied black men who are out there, we need to be mentoring these young fellows and helping them out. But somebody has got to start speaking up because the abuse is rampant and it needs to stop. We need to slow it up. We will not stop it, but we need to slow it up. In this small community, we can identify a whole lot of them.

I had an opportunity down at the Astwood Arms—is that what it is called? That restaurant down on Front Street? The Astwood Arms? And the young lady Swan put on a forum there to speak about some of these issues. I could not believe some of the adults and what they spoke to had happened to them. And this young man got up, . . . well, he is not a young man. He probably was in his 40s. He got up and spoke to what had taken place with him. And he had no support, no support at all. And so, we have got so many vulnerable out there who are looking for assistance, looking for help.

So, I am hoping that somehow and, in some way, we can encourage, just as we saw a worldwide movement on this [hashtag] #MeToo, when it came to women talking about being abused, that somehow . . . and the concerning thing is this. You know, that [hashtag] #MeToo just took off. Here I am talking about young males getting abused, and I feel like it is not going to go anywhere. We got this thing going on, and it is happening. And I must admit, it is not just happening to young black males; it is young white males, as well.

But we have got to fix this here. And it is incumbent upon us as leaders to continue to point these issues out and continue to point them out until it becomes a reality, especially our young people, that they are speaking up. Because the more that we do not speak about it, we are encouraging young people not to speak about it. So, it never really comes to the light of day, Mr. Speaker.

And so, I go back to hoping that, as we move forward with this new . . . well, we have got two more sessions in September coming up. And I must say, I am grateful to see that, if we are going to be laying legislation on the 13th, that we will not be debating it

[the same day]. We will give it its fair time until a second week has gone by.

Thank you very much, Premier. I hope that we continue on in that vein (and not in the vein that we have in the past), of ensuring that we have ample time to go through these things, and the interested groups are spoken to and colluded with to ensure that we get the right legislation to the table.

CUP MATCH—HISTORICAL SIGNIFICANCE

Hon. L. Craig Cannonier: And so, I will move to closing out and talking about Cup Match. I really appreciated the Honourable Member Caines in giving that history about Cup Match. I have heard much of what he said before. Some of it was new. But I am always amazed that, especially in the cricket world, many of our young men who are playing cricket have not a clue, and many of them who play in Cup Match today have not a clue about the history of the game and how it got to where it is today.

So, I hope that, over the holiday, the 36 Members of us, those who will have the opportunity to be at Cup Match, will talk about the historical importance of Cup Match and what it means and what it has provided for us today.

And if this Government feels like it wants to change the second day to name it something else for the significance of what it means to Bermuda and its historical importance, then by all means, hey, listen, we are on board. No question about it. We are on board if they want to seek that out. I certainly am sure that some of us would have some recommendations, as well. I am sure that there are many who could come up with a name, quite potentially. But the name that has been put forward, I was not sure if that is what this Government was actually recommending. I will wait to hear officially if that is the case. But it is a commendable thing to do, no question about it.

But as we go forth wearing our red-and-blue and our blue-and-blue, and certainly we have chosen our teams, and as the Honourable Member said, *Choose a team! Don't be going back and forth.* And certainly, you do not hear about St. George's players going up and playing for Somerset or Somerset players afterwards going and playing for St. George's. Choose your team! And let us just do better, and let us have a good Cup Match. And let us celebrate what is most important, and that is one another.

Thank you, Mr. Speaker.

The Speaker: Thank you, sir.

Would any other Member wish to speak?

I recognise the Honourable Member from constituency 2.

Honourable Member Swan.

JOINT SELECT COMMITTEE TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS ON THE EVENTS OF 2ND DECEMBER 2016

Mr. Hubert (Kim) E. Swan: Good evening, Mr. Speaker.

The Speaker: Good evening.

Mr. Hubert (Kim) E. Swan: The Opposition Leader reminds me of that song, that Marley song I play from time to time, "Can't take your slogans no more."

[Laughter]

Mr. Hubert (Kim) E. Swan: There are a lot of slogans that are going around.

Mr. Speaker, I hear the interpolations, and I can certainly speak to every interpolation I make. Because whilst I started with the UBP, it is not me that is carrying on the UBP's legacy.

Some Hon. Members: Ah! Oh! Ooh!

Mr. Hubert (Kim) E. Swan: It is not me who sits in Devonshire South Central where the majority of the voters are polarising and have not voted or thought about voting for anybody else but a UBP or an OBA all their life! It is not me who would get up and talk—

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: That Opposition Leader represents what Julian Hall wrote about in 2008 in his article entitled "Everything Must Change." And you know what? The Opposition Leader bought into a façade! The Opposition Leader does not know me. He never sat in the UBP. But he could ask anybody in the UBP that this young man has always supported independence, has always spoke for social justice and economic equity, and has always spoken up for the underdog! And could never sit in a seat like he sat in because he will get up and speak out of the left side of his mouth while thinking from the right side of his mouth.

Some Hon. Members: Ooh!

[Inaudible interjections and desk thumping]

Mr. Hubert (Kim) E. Swan: But I am just going by what I hear in here. Because I hear Members in here who would get up, Mr. Speaker, and say, *If you know something, say something.* But when I brought a motion to this House last week, Members of the OBA party got up and said nothing about what happened between nine o'clock in the morning on December 2nd and one o'clock. They said *nothing!*

An Hon. Member: The Premier did not say a word!

Mr. Hubert (Kim) E. Swan: And the Opposition Leader protests. But [neither] he nor none of his colleagues would speak to the fact that two of their Members had witness statements. Two of their Members had witness statements to the police that were not made available . . . that were not made available!

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

The Speaker: Point of order. Yes.

POINT OF ORDER
[Reflecting on prior debate]

Mr. Scott Pearman: The Honourable Member is reflecting on a debate.

Mr. Hubert (Kim) E. Swan: I am reflecting on—

The Speaker: We will not let him go into the debate. He is just—

Mr. Hubert (Kim) E. Swan: I am not going into the debate.

The Speaker: —reflecting on the date.

[Laughter]

Mr. Hubert (Kim) E. Swan: I am just pointing out that, given the opportunity to know something and say nothing. That is what they do! That is what they do. They did it in Jetgate, and they did it in the December 2nd debate.

The Premier Burt did not make the decisions along with the police. He was not the decision-maker on December 2nd. You were part of the Cabinet, Honourable Member. You were part of the Cabinet! You were part of Mr. Michael Dunkley's Cabinet!

[Inaudible interjections and laughter]

Mr. Hubert (Kim) E. Swan: And none of you spoke. You were not here last week. But none of your Members . . . none of your Members spoke to what Suzann [Roberts-]Holshouser, the former Honourable Member, and Kenneth Bascome said, that they were met, and they were talking about—

The Speaker: Let, let—

POINT OF ORDER
[Reflecting on prior debate]

Mr. Scott Pearman: The Honourable Member is *still* reflecting on the debate.

Mr. Hubert (Kim) E. Swan: I am not reflecting on . . . I am not reflecting. There was no debate! They said nothing!

[Laughter]

Mr. Hubert (Kim) E. Swan: I cannot reflect on what they did not say! They said nothing! He did not make the decisions!

[Inaudible interjections]

The Speaker: Member, I know you are seasoned enough to dance around the rule so that you do not infringe the rules, just remember to dance lightly.

**OBA OPPOSITION SOWING TRIPWIRES
ON PLP GOVERNMENT'S INITIATIVES**

Mr. Hubert (Kim) E. Swan: Now, Mr. Speaker, let me talk about the Sylvia Richardson [Home] for a minute, a great initiative that met up with great objections. I declare my interest. I may have been one of those, just like fast ferries, just like the dock in Dockyard now which provides over 400,000 visitors to Bermuda.

Mr. Speaker, we have a serious problem in this country. We have an Opposition in total denial of their real circumstances, hanging on by life support whilst Bermuda . . . whilst Bermuda, Mr. Speaker, needs an Opposition like the Progressive Labour Party was Opposition for 30 years, coming to this Honourable House with solutions! With solutions, Mr. Speaker! What solutions do you hear? The PLP came here with FinTech, led the world with FinTech legislation. A young Premier, a visionary Marc Bean before him, right?

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: Marc Bean before him. And others, calling, talking about FinTech. When you were in Government! You were not Premier then. Talking about what FinTech would bring to Bermuda. Brought legislation. But what did the OBA Opposition do? Well, led by your chief spokesperson, made every effort to put stumbling blocks in much the same way we saw witnessed today.

I could not help but sit here this morning, Opposition Leader, and marvel and say, *Déjà vu all over again*, when Minister Caines had in this House young people who had been through the most traumatic of experiences in Bermuda and with Pastor Bean were working a way forward.

The Honourable Member from constituency 10 used to talk all about Operation Ceasefire. Remember Operation Ceasefire? He talked about it every day, every week almost in the paper, to the extent that my last duty as Leader of the Opposition in May of 2011, when in April of 2011, Mr. Wayne Perinchief

became National Security Minister, I called him up. I said, *The Honourable Member, Mr. Dunkley has often said that he has private sector money that will fund Operation Ceasefire.* I said, *There is no need to wait until Government. Let us hold hands with the Government of the day and make it happen for the betterment of who? The country!*

I had a meeting and caused Mr. Dunkley and Mr. Perinchief to meet right there in the National Security Ministry's office. He went on . . . the Minister was so pleased with that meeting I arranged, because I went there, too, that he invited him that same night on *Let's Talk*. Only for the OBA to become in Government, and that initiative get shelved. Only to have the OBA Government bring it back on the heels of the 2017 election. Remember that? Yes. And it got farmed out.

But where was the private sector money that was being talked about in Opposition? Where was it? Where did it go? And let me tell you the disingenuousness of what I speak of today. Rather than looking at what Minister Caines is doing with these young men and coming forward and saying, *Listen, Opposition Leader, I think I can cause . . .* I am speaking about your Honourable Member who has access to resources. You try to go fundraise and see what he can raise, raising money. You know all about that. You know how to do that.

Look. The same base you rely on, I grew up around. You told me you were PLP and went the other way. I know them better than you will ever know them. And I can tell you, right? You are living a façade. Because the problem in Bermuda is that the constituencies in this country are tied to a polarised race vote that is led by the white community. The white community, unfortunately, has not moved towards the black community. You ask yourselves, *Who have led the charge of integration in this country?*

An Hon. Member: The black community.

Mr. Hubert (Kim) E. Swan: The black community has done that. The black community has led the charge with it. The white community have voted 96 per cent, 97-plus per cent for one party.

[Inaudible interjections and general uproar]

Mr. Hubert (Kim) E. Swan: It is true!

Denial.

But here is the truth. Here is what the truth really is for you. From the days when constituencies like Smith's South, who now enjoy a 71 percentile of OBA voting bloc, you, Smith's . . . you have got Smith's South, you have got Devonshire South, which is yours. And you have got Paget East and Paget West, with 63 [per cent] and 67 [per cent], respectively. And Pembroke South West with 78 per cent. Your other constituencies are down in the 50 percentiles. That

race, that race model of, try to find 20 per cent of the black community, because 95-plus per cent of the white community you can count on has shifted. And the truth is you are going to have to shift the mind-set that you employ in this country.

The white community has got to start moving toward the black community in this country! That is the problem with the economic divide. That is the problem: When this Government came forward with FinTech, the banks and the like did not embrace that. But those same things might be over in Asia somewhere, trying to jump in on those same progressive initiatives. That is what this country is still up against.

And guess what? As long as there are people who can benefit by the construct that was devised hundreds of years ago, and as long as they are more worried about losing a grip on what they have, we could be in for a long ride, ladies and gentleman.

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: That is the real problem, you know. Julian Hall wrote about it. And let me tell something why. Julian Hall was UBP, too!

[Laughter]

Mr. Hubert (Kim) E. Swan: But on the road to Damascus there have been many who have woken up and seen the light, on the road to Damascus.

Let me tell you. The reason why on election night I had people said, *My gosh, man! What were you drinking?* Not one ounce!

[Laughter]

Mr. Hubert (Kim) E. Swan: *What were you smoking?* Not one spliff! You know what else? I was high on life! Because I got up on that stage, and you know what I sang? *Amazing Grace!*

An Hon. Member: Sing it for us!

Mr. Hubert (Kim) E. Swan: How sweet the sound that saved a wretch like me! Right? Well, I can sing it because it is true!

Hon. Lovitta F. Foggo: Once was lost, But now [your] found. Was blind, but now you see!

[Laughter]

Mr. Hubert (Kim) E. Swan: On the road to Damascus! And there are many of you who need a road to Damascus in your life, as well!

[Inaudible interjections and laughter]

Mr. Hubert (Kim) E. Swan: Many of you need a road to Damascus. This country needs you to have that road to Damascus!

It is not about knowing the song. It is about understanding what it represents for the sake of this country! For the sake of our children's children!

You know, it is easy to buy into the façade. I hear young people. I was young once. You know? I know young people see the superficial integration. I tell you, some of our families have been integrated for over 100 years! Some by choice and some not! Mine, both! Over 100 years, I tell you it proudly, I am Ike Hall's great-grandson, an Irish fisherman and farmer in this country. But I am also John Anderson's grandson. And I am also Amy Rose's grandson, from Somerset, who taught Mr. Riley about Marcus Garvey.

And I played golf. And I was taught by caddies who were equally as great as the greatest players in the world. So, I understand a little bit of what I talk about, that façade. I have the scars to show it! And I am proud of them. But this country, if it is going to move forward, has got to come to an honest appreciation for why we are what we are.

And Mary Prince?

An Hon. Member: Yes.

Mr. Hubert (Kim) E. Swan: Mary Prince embodies the lie that we have lived, of the benign nature of the atrocious Bermuda that we have come by. "Dedicate this book to my darling . . . I. K. Swan. The most important history about Mary Prince, a Bermudian responsible for the story about the atrocities of slavery and cruelty."

An Hon. Member: Let's not rile up the natives, now. No need to rile them up.

Mr. Hubert (Kim) E. Swan: Truth won't rile people up! Truth will set people free!

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: And you know what? When a person understands who they are, other people will respect who you are. When we sufficiently educate and empower our people with truth and knowledge about who they are, where their forefathers come from, the West Indies, Jamaica, St. Kitts, Anguilla, Turks & Caicos, Africa, Ghana, Ivory Coast, Tanzania. Let me tell you, when we do that sufficiently, our white brothers and sisters in this Island will have no choice but to come with us!

Hon. Lovitta F. Foggo: That is right!

Mr. Hubert (Kim) E. Swan: The tail has been wagging this dog for too long, Bermuda! Too long! And on this emancipation eve, the great, great, great grandson of Charles Roach Ratteray, a founder of the AME

Church of Allen Temple and other AME Churches in this Bermuda, is here to say this: that the change that Bermuda makes is not dependent on the white man! It is dependent on us!

It is dependent on us. And we cannot . . . we need to look through and past the slogans to get there! And we need to stay the course.

And when people are trying to sow tripwires on the good initiatives Minister Caines is doing, rather than coming and saying, *The money I talked about in 2008, 2009, 2010, 2011, 2012 when I was in Opposition, that was not available in 2013, 2014, 2015, 2016, 2017 when I was the Leader of the country . . .* when he was the Leader of the country, that money was not available. And if it was, it could have done this very thing. So now, Minister Caines is doing something in farming, and the person who has done well off of farming, rather than help the initiative, puts up a tripwire.

No! That is the type of Bermuda we need to move away from, Opposition Leader! So, the façade may not be you personally, but when you are the Leader of what it embodies, it is you!

An Hon. Member: Who is the Leader? Who is the Leader?

Mr. Hubert (Kim) E. Swan: That is the problem! That is the problem. That is the problem.

[Laughter]

Mr. Rolfe Commissiong: White privilege again. Who is the Leader?

Mr. Hubert (Kim) E. Swan: You know, Mr. Speaker, I will close with a quote from the *Royal Gazette*. And it quotes me in May of this year, this 2011.

The Speaker: Member, you have got one minute.

Mr. Hubert (Kim) E. Swan: Pardon?

The Speaker: Fifty-five seconds.

Mr. Hubert (Kim) E. Swan: The bottom line is this. Mary Prince, Mr. Speaker, paid the price. She showed us the way forward. We need to pick up and carry that torch. In military terms (and I was not in the military, my father was a career police officer), I say we need to pick up that flag of freedom and move forward. And that is what we are committed to doing. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member. Does any other Member wish to speak?

Premier, you are rising on your feet. That means we will close this out when you sit down.

Hon. E. David Burt: Well, Mr. Speaker, I hope not to sit down.

The Speaker: You hope not to sit down?

Hon. E. David Burt: I hope to get right out!

[Laughter]

[Timer beeps]

The Speaker: Well, we can consider that your buzzer if you want that buzzer.

[Laughter]

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

The Speaker: Good morning.

PLP GOVERNMENT CHALLENGE TO THE OBA OPPOSITION LEADER TO PUT FORTH IDEAS TO STIMULATE THE ECONOMY

Hon. E. David Burt: I saw that we had a number of Bills and Orders on the Order Paper today, and I was predicting that we would not finish them until about 12:00 and would be starting the motion to adjourn at this time. And then, I imagined that we would have a good five hours of the debate on the motion to adjourn.

Mr. Speaker, before I begin, I would like to recognise a friend of mine who is in the Gallery, a retired Corporal in the United States Marine Corps and one of my oldest friends. We attended the Florida Air Academy together way back when—Mr. Sergio Tyrin from Miami, and his girlfriend, Cassina.

[Desk thumping]

Hon. E. David Burt: He supports Somerset.

[Laughter and inaudible interjections]

An Hon. Member: You have been a bad influence on him.

Hon. E. David Burt: Mr. Speaker, we have heard a lot of things this evening from both sides. And I am going to do my best to touch on just a few topics, because I do not need my full 10 minutes, because this is not the last sitting of this session of Parliament. And we will be back in September to do more work.

But the last Member who spoke, Mr. Speaker, hit the nail right on the head. When he said, and he opened, quoting Robert Nesta Marley, *Don't want to*

hear your slogans no more. Because week after week, Mr. Speaker, we are treated to slogans from the Opposition Leader. And it is literally slogan after slogan after slogan. But behind it, there is never any substance whatsoever, Mr. Speaker. And so, all we hear from the Opposition is, *Stimulate the economy! Stimulate the economy!* That is all we hear.

And here is what I will say, Mr. Speaker. It is easy to say, *Stimulate the economy.* And as I said many times when I have gotten on my feet, I could go borrow \$100 million tomorrow and have a nice, big event and a boat race and give away money and build islands and all the rest. I could do that, Mr. Speaker! But it is not sustainable. And we have had a little bit of those . . .

[Inaudible interjections and laughter]

Hon. E. David Burt: I keep on forgetting that I am no longer the Minister of Finance.

But, as the Minister of Finance has said, the Minister of Finance could go borrow the money, and we can go ahead and do that—add debt to the future. But what do we have to show for it in the long term, Mr. Speaker? And what we find, Mr. Speaker, what we find, Mr. Speaker, what we find, Mr. Speaker, is, as I have said, an empty vessel that is making a lot of noise.

But here is what I am going to say, Mr. Speaker. I am just going to make it very, very simple. And it is a very simple challenge to the Opposition Leader. Because if he believes that he has all of the answers and the ideas, he has about six weeks until we come back. And he has the ability to lay down a motion in this House, not talking about empty items, but lay down a motion for support with his ideas on stimulating the economy. And let the public actually see what proposals are coming from the other side, Mr. Speaker. That is a challenge for him. And I hope that he will take up that challenge, because if he does not, Mr. Speaker, what we will have, week after week after week, is the empty vessel making noise. And the people of the country can see right through it.

And what I will tell you, Mr. Speaker, is that . . . I will say one more thing about the Honourable Opposition Leader, because it is important, because he spoke about a very serious matter in this country when he spoke about abuse. And now, let me be clear, Mr. Speaker. Because he seemed to say that everybody knows what is going on and nobody is saying anything. Mr. Speaker, I do not know people like that. I do not know people who are going to say that they know that someone is being abused and is not going to say anything. And I will support his point to say that we can talk more about it so people can be more comfortable.

But let me be very clear, Mr. Speaker. If I know someone who is harming a fellow Bermudian, I am going to speak up! And if the Opposition Leader

knows, I sincerely hope that he will speak up, too. But you cannot paint the broad brush and say, *Everyone knows what is going on, and no one is saying anything*. And that, Mr. Speaker, is important.

LAHEY CLINIC LAWSUIT—COSTS

Hon. E. David Burt: Now, Mr. Speaker, we heard earlier today Parliamentary Questions, speaking about the incredible amount of money that has been spent on the investigation into Dr. Brown—millions and millions of dollars for a case which is, seemingly, never-ending. And, Mr. Speaker, we have heard about the money that was spent by the former Government for a case that was thrown out in Boston, the fact that we have no charges filed here, and the fact that we have private patient files that are being accessed, Mr. Speaker.

And I may not have spoken about this issue publicly before, but it is personal to me, Mr. Speaker. Do you know why? Because the files that they have, one of them belongs to a member of my family, my father. And the thought that my father's private information is being pored over by persons who are not from this country, investigating inside of the office and being sent over, is something that does not sit very well with me at all.

But that, Mr. Speaker, is where we are. We are in a place where individuals, such as the former Attorney General, can go ahead and request information, can go ahead and destroy documents inside of his office, and nothing happens to him. But eight-year investigations will happen for other persons, Mr. Speaker. It is an example of the country in which we still live. But it is an example of the country of which we were elected to change.

BETTER MANAGEMENT OF PATI [PUBLIC ACCESS TO INFORMATION]

Hon. E. David Burt: And while we are speaking about Dr. Brown, Mr. Speaker, it is helpful to look back, because we heard a lot of sound and fury in trying to take my quotes and my Statement out of context this morning from the Honourable Member from constituency 22, speaking about public access to information, Mr. Speaker.

But, Mr. Speaker, I just want to refer Honourable Members back, and there were not very many of us who are here right now who were in the Chamber in 2010 during that debate. But at that point in time, the Honourable former Premier, Dr. Brown, said that it was his hope that the request for information would go back to the *Sea Venture*.

Now, Mr. Speaker, I am not trying to be too controversial right now. But here is what I will say. I do not think we need to go back this far, Mr. Speaker, because I wonder, if a PATI request was made today, would reveal how much the Pearman family (the fami-

ly of the Honourable Member for constituency 22) received in compensation for the loss of their slaves. And, Mr. Speaker, that might be something [worth] researching. And it also might explain and help us understand, Mr. Speaker, why that Honourable Member has Conyers and this Government has a Redemption Farm.

Understand, Mr. Speaker, that is why we are here—to correct the legacy and build that better and fairer Bermuda.

REDEMPTION FARM PROGRAMME

Hon. E. David Burt: And those are the persons whom we are taking care of, the eight young men in Redemption Farm, which the Shadow Leader of the Opposition, the former Premier, wants to harp on about and, apparently, I hear, went to the site to take pictures of it, probably for his social media, which he is so addicted to. But those young men, Mr. Speaker, last Tuesday came to the Cabinet Office while the Cabinet was meeting. And we stopped our Cabinet meeting, and we went to meet them. And after we met them, we brought them into the Cabinet Chamber.

And, yes, Mr. Speaker, there was an emotional scene where Members of this Government, who knew that we sat around the table and found out where we could sacrifice our budgets to make sure that we not only had the first balanced budget in 17 years, but also found money to make sure that we were providing and tackling the root causes of violence inside of our society.

[Desk thumping]

Hon. E. David Burt: That, Mr. Speaker, is the difference. And that, Mr. Speaker, is whom this Government is looking out for.

SUMMER STUDENTS AT MINISTRY OF PUBLIC WORKS

Hon. E. David Burt: You know whom else this Government is looking out for, Mr. Speaker? The many young men and women who want an opportunity to train and develop inside of their own country. We saw a number of them here today, singled out by the Minister of Public Works, talking about the young engineers whom we are putting in place. And that, Mr. Speaker, is being mirrored throughout the entire Government, because when I came into office, I told the head of the public service to identify every single position in government which is held by a non-Bermudian and identify Bermudians in a path so Bermudians can fill those roles, Mr. Speaker. That is whom this Government is looking out for, Mr. Speaker.

IMMIGRATION MIXED-STATUS FAMILY BILL POSTPONED

Hon. E. David Burt: You know who else we are looking out for, Mr. Speaker? I am going to talk about the wonderful blind woman whom I met today, Mr. Speaker, a lady who has a degenerative eye disease, a beautiful black queen who has five children. Her oldest is 27. And you know what? That 27-year-old, born to a Bermudian, as Bermudian as can be, does not have Bermuda status, Mr. Speaker, and was offered a job here in Bermuda and could not take it. Guess what, Mr. Speaker? When we talk about mixed-status families, those are the Bermudians whom we are taking care of. And in that meeting today, I was able to tell that mother, who was rushing to try to get her application in for her child who was going to turn 22, I said, *Focus on building your charity, because when we come back in September, your children will be okay. And they will be Bermudian, as they should be.*

An Hon. Member: Hear, hear!

PLP GOVERNMENT BUILDING A BETTER AND FAIRER BERMUDA

Hon. E. David Burt: The people whom we are taking care of, Mr. Speaker, is the Bermudian who used to drive the former Premier and who now has his lifelong ambition in opening a barber shop. And the countless entrepreneurs who have been helped through the Bermuda Economic Development Corporation, with the doubling of the guarantee capacity, with direct lending, with the items which we are doing with cooperative economics—that, Mr. Speaker, is what we are doing to build this better and fairer Bermuda.

And you know whom else we are looking out for, Mr. Speaker? The 511 Bermudians in this country who could not afford to go to Bermuda College because budgets were cut under that Government, but under this Government, there is not a single person inside of this country who is Bermudian who is denied an opportunity for higher education, Mr. Speaker. That, Mr. Speaker, is how you build a better and fairer Bermuda.

It is the 19 jobs that we have created thus far in FinTech and the more jobs that are to come that will continue to grow, Mr. Speaker. It is for the young Bermudians who are now having an opportunity to work inside of that industry. Persons I met yesterday, persons whom I met the day before.

And guess what, Mr. Speaker? We just issued another licence, [to] Circle on Monday. Another company was issued a licence on Thursday, staffing up their operations here.

Mr. Speaker, I am not trying to play the short game. As I said, anyone can borrow \$100 million and throw an event. Anyone can do that. But here is what I will say, Mr. Speaker. Here is what I will say, Mr.

Speaker. We hear the noise over on that side. Let us not get into hotel discussion, because the Minister of Finance made it very clear that, underneath your watch, a certain project was in default before we even got here into office. Let us not go there, Mr. Speaker, because smoke and mirrors are easy. But building sustainable economic development is a lot more difficult.

But let us be clear. We are going to continue the work, because we know that it is the right way to go. We know and understand, in the exact same way that someone bright had an idea about the insurance industry and someone bright had an idea back then, we are going to push the envelope, Mr. Speaker. And we will make absolutely no apologies for it.

So, I again lay down the challenge to the Honourable Opposition Leader. Put up, Mr. Speaker, or keep it shut.

Now, Mr. Speaker, that I have gone there, I will take it here. I am proudly wearing my red tie. And it is now Cup Match time. It is Cup Match time, when we celebrate emancipation, while recognising that we have a long way to go in this country, Mr. Speaker. So, as we rise today for the Cup Match holiday, it is my hope and my prayer that the entire Island enjoy their Cup Match holiday. I hope that we are able to keep safe. I hope that we will be free from violence. And I hope that it will be a good match on the field.

And I continue to hope that the dreams and wishes of the slaves who were emancipated in 1834, the hope and thirst for equality inside of a system which was broken and stacked against them, and still stacked against many people now, Mr. Speaker, slowly by slowly will be broken down by a Government that has the courage to challenge the status quo and will continue to work for people of this country, despite the noise which may come from the party opposite. Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

We rise until the 13th of September. Members, I trust that everyone will enjoy their Cup Match holiday next week. And you will be welcomed to Somerset to celebrate the victory afterwards.

[Laughter]

The Speaker: I also remind you that, during the time that we are absent from here for the holiday, when we do come back in September, we will be in another place for our sessions. And, as you know, the renovations will take place. So, I will remind Members that, as soon as possible, you should empty your belongings out of your desks. Because I believe the Minister of Works will start some processes next week.

So, I will encourage Members, if you have a moment this evening, or you get back here on Monday, to empty out your belongings that are in the desks.

But again, enjoy the Cup Match holiday! We look forward to coming to St. George's and seeing some good cricket and returning West for celebrations. Good night, all!

*[At 12:30 am (Saturday, 27 July 2019), the House stood adjourned until 10:00 am, Friday, *13 September 2019.]*

*[*The House of Assembly did not resume on 13 September 2019.]*

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