



**2017/18 SESSION**  
of the  
**BERMUDA**  
**HOUSE OF ASSEMBLY**

**OFFICIAL HANSARD REPORT**

**8 December 2017**  
*Sitting number 12 of the 2017/18 Session*  
*(pages 821–972)*

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

**Disclaimer:** The electronic version of the *Official Hansard Report* is for informational purposes only. The printed version remains the official record.

**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****8 DECEMBER 2017****10:03 AM***Sitting Number 12 of the 2017/18 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mr. Clark Somner, Deputy Clerk]***CONFIRMATION OF MINUTES***[Minutes of 1 December 2017]*

**The Speaker:** Members, we received the Minutes of the 1<sup>st</sup> of December.

Are there any amendments or corrections, adjustments that have to be made? No adjustments, no corrections?

The Minutes are confirmed.

*[Minutes of 1 December 2017 confirmed]***MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

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

**The Speaker:** Yes, there are a couple of announcements this morning.

First, I would like to announce that we have been informed that the Government Whip, the MP Michael Weeks, will be absent today.

**ASSISTANT CLERK**

**The Speaker:** Also, I would like for the Chambers to take note of the fact that we have in our presence this morning a new member of staff, the Assistant Clerk to the Clerk, Ms. O'Meally.

*[Desk thumping]*

**The Speaker:** Yes. Also, we would like, just for the sake of the House, and for well wishes to the Clerk—as you know, Mrs. Wolffe had surgery earlier this week, and we understand that she is recovering quite well from her surgery. And I would just like the House

to acknowledge that she is doing well, and we continue to wish her well.

**Some Hon. Members:** Yes.

**HANDICAPPED PARKING**

**The Speaker:** Also, during the maiden speech of our Member, Ms. Furbert, last week, she highlighted the challenge that the handicapped community faces in this Island, like elsewhere. And she reminded us that we should respect the needs of the handicapped and that handicapped parking at these facilities should be respected. So, I am asking all Members and staff to respect the handicapped parking and realise that it is there for a purpose. And if you do not require or need it, do not park in it.

**SELECT COMMITTEES—MEMBERSHIP CHANGES**

**The Speaker:** I would also like to announce some changes to the some of the standing committees of the House. First, I would like to make reference to the Standing Orders Committee. On the **Standing Orders Committee**, the former Opposition Leader, Mrs. Gordon-Pamplin, was replaced by the current Opposition Leader, Mrs. Atherden.

On the **House Office of the Auditor Committee**, the Honourable Member, Mr. Commissiong, will be replaced by the Honourable Member Lister.

On the **Public Accounts Committee**—the Honourable Member, Mrs. Jeanne Atherden, will be replaced by the Honourable Member Patricia Gordon-Pamplin.

And on the **Living Wage Special Joint Select Committee**, we have changes there as well. The Honourable Member who used to sit in the Senate, Nick Kempe, will be replaced by Senator Davis [*sic*]

And the **Members' Interest Committee**, the Honourable Senator Davis—

**An Hon. Member:** Outerbridge.

**The Speaker:** Outerbridge, yes, will be replaced by the Honourable Member Andrew Simons. Those were the changes to the standing committees.

### **SPECIAL JOINT SELECT COMMITTEE TO LOOK INTO THE INQUIRY OF THE EVENTS THAT TOOK PLACE ON DECEMBER 2<sup>ND</sup>, 2016**

**The Speaker:** In reference to the motion that was passed last week to establish a Special Joint Committee to look into the inquiry of the events that took place on December 2<sup>nd</sup>, 2016, the committee members will be the Honourable Member Kim Swan, the Honourable Member Neville Tyrrell, the Honourable Member Ben Smith, the Honourable Member Tinee Furbert, the Honourable Member Michael Scott. From the Senate, we will have Senator Andrew Simons and the President, Ms. Dillas-Wright. The Senate members will be confirmed at their next Senate meeting, but that is the makeup of the committee.

### **APOLOGY**

**The Speaker:** I believe that is all the announcements—one announcement was omitted last week, and I will do it because the Member is present and I think it should be recorded for the House. The Honourable Member Sylvan Richards, who was absent last week, did duly inform the House; it was left off of the Order Paper (just to have it acknowledged).

I believe that is all the announcements from the Speaker for us this morning.

## **MESSAGES FROM THE SENATE**

### **SEASON'S GREETINGS**

**The Speaker:** Yes, we have a message from the Senate:

“To his Honourable Speaker and Members of the Honourable House of Assembly:

“The Senate has much pleasure in extending to your Honourable House sincere greetings for a very happy Christmas and prosperous New Year.”

Signed by the President of the Senate, the Honourable Joan E. Dillas-Wright.

## **PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE**

**The Speaker:** I believe we have four papers today, and communications. And I am going to start with the first item, which is the Financial Statement on the Bermuda Consolidated Fund. That is by the Honourable Junior Minister Furbert.

### **FINANCIAL STATEMENTS OF THE BERMUDA GOVERNMENT CONSOLIDATED FUND 2017**

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

I have the honour to attach and submit for the information of the Honourable House of Assembly the

Financial Statements of the Bermuda Government Consolidated Fund 2017.

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

The next item, I believe, is in the name of the Honourable Minister of Tourism. Honourable Minister Simmons, would you like to present your communication?

### **FINANCIAL STATEMENTS FROM THE BERMUDA TOURISM AUTHORITY AND THE 2016 YEAR IN REVIEW**

**Hon. Jamahl S. Simmons:** Thank you. Good morning, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the 2016 Financial Statements from the Bermuda Tourism Authority and the 2016 Year in Review.

Thank you, Mr. Speaker.

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

The next item is in the name of the Honourable Minister Brown. Minister Brown, would you like to present yours?

**Hon. Walton Brown:** Good morning, Mr. Speaker.

**The Speaker:** Good morning.

### **TUCKER'S POINT RESORT RESIDENTIAL DEVELOPMENT (HAMILTON AND ST. GEORGE'S PARISHES) SPECIAL DEVELOPMENT AMENDMENT ORDER 2017**

**Hon. Walton Brown:** Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Tucker's Point Resort Residential Development (Hamilton and St. George's Parishes) Special Development Amendment Order 2017.

**The Speaker:** Thank you, Minister. I believe you have a further communication. Would you like to do that as well?

### **ANNUAL REPORT OF THE REGISTRAR GENERAL FOR THE YEAR ENDING 31<sup>ST</sup> DECEMBER 2016**

**Hon. Walton Brown:** I do indeed.

I have the honour to attach and submit for the information of the Honourable House of Assembly the Annual Report of the Registrar General for the Year Ending 31<sup>st</sup> December 2016.

**The Speaker:** Thank you, Ministers and Junior Minister.

## PETITIONS

**The Speaker:** Yes, we have one petition, and it is going to be presented by the Honourable Member from constituency 32, Honourable Member Simmons.

### NORTHSTAR FINANCIAL SERVICES (BERMUDA) ACT 2008

**Mr. Scott Simmons:** Good morning, Mr. Speaker.

I hereby present the following petition:

The petition of Northstar Financial Services Limited requesting the enactment of amendments to the Northstar Financial Services (Bermuda) Ltd. Act 2008, to ensure that Northstar Financial Services (Bermuda) Ltd. becomes compliant with provisions of the Investment Business Act 2003, as more particularly set out in the Private Bill entitled the Northstar Financial Services (Bermuda) Ltd. Act 2017, which accompanies the Petition.

Mr. Speaker, I move that the said Petition be referred to the Parliament Joint Select Committee on Private Bills for consideration and report.

Mr. Speaker, I hereby present the following Petition:

The Petition of Northstar Financial Services Ltd. requesting the enactment of the amendments to the Northstar Financial Services (Bermuda) Ltd. Act 2008 to ensure that Northstar Financial Services (Bermuda) Ltd. be compliant with provisions of the Investment Business Act 2003, as more particularly set out in the Private Bill enacting the Northstar Financial Services (Bermuda) Ltd. Act 2017, which accompanies the Petition.

Mr. Speaker, I move that the said Petition be referred to the Parliament Joint Select Committee on Private Bills for consideration.

**The Speaker:** We have got your point.

*[Laughter]*

**Mr. Scott Simmons:** Thank you.

**The Speaker:** We gave you a little leniency as a new Member. I believe that was the first time that you have presented a petition.

**Mr. Scott Simmons:** I appreciate that. It was my first one, Mr. Speaker. It was my first one.

**The Speaker:** It was stretched. It did not need to be stretched that far.

**Mr. Scott Simmons:** Thank you, sir.

*[Laughter]*

**The Speaker:** Are there any objections to it? We do not have any objections?

Good. Thank you. It will be passed on to the relevant committee.

Thank you, Member.

## STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** Yes. There are Statements this morning, Members. As you will see on the Order Paper, there are some 12 Statements this morning—12 Statements, yes.

We will acknowledge the Honourable Premier.

And you can start us off on these 12 Statements.

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

**The Speaker:** Good morning.

**Hon. E. David Burt:** Mr. Speaker, I will go with the first Statement which was listed on the Order Paper, which is the US\$135 million [Loan] Facility Agreement between the Bank of N. T. Butterfield & Son and the Government of Bermuda.

**The Speaker:** Yes.

### LOAN FACILITY AGREEMENT BETWEEN THE BANK OF NT BUTTERFIELD & SON LIMITED AND THE GOVERNMENT OF BERMUDA

**Hon. E. David Burt:** Mr. Speaker, I rise this morning to advise Honourable Members of the status of Government's borrowing in relation to the pending execution of a [loan facility](#). Mr. Speaker, you would be aware that, pursuant to the Government Loans Act 1978, I am required to inform the Legislature as soon as practicable after the execution of an agreement pertaining to the Act.

Honourable Members will recall that, in the 2017/18 Budget Statement, the former administration advised that Government would have to incur new borrowing of \$135 million to finance the 2017/18 deficit, and, as of March 31, 2018, it was estimated that public debt, net of the Sinking Fund, will be \$2.48 billion.

Honourable Members are advised that, traditionally, the Government finances its deficits almost entirely with borrowing in the international capital markets; there are only \$50 million in Bermuda-dollar bonds. The relative lack of a domestic government bond market and local borrowing implies [that Bermuda enjoys] less financing flexibility than those countries enjoy who are able to borrow largely from their own residents.

Mr. Speaker, \$2.434 billion of the Bermuda Government's borrowings are in US dollars and are in

long-term fixed-rate instruments. Currently, the Bermuda Government's average cost of borrowing is 4.66 per cent. As per Government's debt management policy, the types of debt instruments to be used by the Government include

- banking loan/overdraft facilities;
- revolving credit facilities;
- private placements; and
- public bonds.

Considering the Government's current debt profile and the size of the borrowing requirements, the strategy for 2017/18 is to borrow in Bermuda on a short-term basis.

Honourable Members are advised that, since the beginning of the fiscal year, April 2017, the Ministry of Finance, under the former Government, has been considering various financing strategies to meet the Government's financing needs for the current fiscal year. A request for proposal [RFP] was sent out by the former Government, seeking suitably experienced and qualified financial institutions to provide this financing, and Honourable Members are advised that five financial institutions responded.

All of the responses to the RFP were carefully evaluated by the Ministry of Finance and the new Public Debt Management Advisory Group, established by myself as the Minister of Finance. The members of this group are Barclay Simmons, Chairman; Nathan Kowalski; and Lothar Crofton. The main objective of this group was to ensure that the Government's financing needs and its payment obligations are met in the most efficient manner possible over the short to medium term, consistent with a prudent degree of risk.

Following this RFP process, I can advise Honourable Members that the Bermuda Government will be executing a \$135 million, 18-month loan facility agreement with the Bank of N. T. Butterfield & Son Limited, because of the cost of this facility and speed to market. The facility is competitively priced at 4 per cent and will lower the Government's weighted average cost of borrowing.

Mr. Speaker, it must be noted that, at this time, the Government has not borrowed \$135 million, but is only arranging a facility in place to borrow up to this amount. Funds will only be drawn when absolutely necessary. And it is anticipated that, despite unbudgeted commitments of the former administration, this transaction will meet Government's total financing requirements for fiscal year 2017/18 and a portion of the 2018/19 deficit.

Mr. Speaker, the loan matures in 2019, and Government has the option either to refinance this debt or it can be paid off by using the Sinking Fund. The decision taken will be dependent on market conditions at the time of refinancing and the balance that will exist at that time in the Sinking Fund.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Premier. I believe you have another Statement that you would like to do at this time.

Continue on with your second Statement, Mr. Premier.

**Hon. E. David Burt:** Thank you, Mr. Speaker. My second Statement today will be on the meetings that took place last week in London regarding the Joint Ministerial Council.

### JOINT MINISTERIAL COUNCIL

**Hon. E. David Burt:** Mr. Speaker, I rise today to update this House on my participation—

*[Crosstalk]*

**The Speaker:** Continue.

**Hon. E. David Burt:** I rise today to update this House on my participation last week in the [Joint Ministerial Council](#) [JMC] of UK Ministers and elected leaders and representatives of the Overseas Territories.

Mr. Speaker, I was honoured to represent Bermuda and all Overseas Territories as President of the Political Council of the United Kingdom Overseas Territories Association. Chaired by Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and the United Nations at the Foreign and Commonwealth Office, the objective of the meeting was to uphold and strengthen the relationship between the United Kingdom and its Overseas Territories.

Together, the UK Overseas Territories represent a quarter of a million people throughout the Caribbean, Mid Atlantic, South Atlantic, and Europe. As Prime Minister the Right Honourable Theresa May stated, the Overseas Territories are what she defines as a true global Britain.

Mr. Speaker, I had the opportunity to meet with the Prime Minister, along with my fellow Overseas Territories leaders, at Number 10 Downing Street. The Prime Minister was keen to show her support for the Territories, in view of the recent catastrophic Hurricanes Irma and Maria, and to outline her Government's commitments to address the long-term sustainability for the Territories impacted. As President of the Political Council, it was important that, on behalf of the leaders, I indicated that there is no better example in the need for long-term sustainability than Montserrat, which has been waiting 20 years for the rebuilding of vital infrastructure after the devastating volcanic eruption, and which still remains dependent upon British aid.

Certainly, all Territories desire to be self-sufficient, and most of our JMC discussions focused on this.

Mr. Speaker, one feature of the JMC is the opportunity to dialogue with ministers from all of the

departments across White Hall. This year, we welcomed the Foreign Secretary, the Right Honourable Boris Johnson; newly appointed Secretary of State for International Development, the Right Honourable Penny Mordaunt; Minister of State for the Department of International Development, the Right Honourable Lord Bates; and Financial Secretary to the Treasury, the Right Honourable Mel Stride, MP. We were also joined by Ministers of the Department of Health and the Department for Business, Energy, and Industrial Strategy.

Mr. Speaker, under the chairmanship of Lord Ahmad, we agreed commitments and obligations under the 2017 communiqué for a cross-White Hall approach to supporting the Territories. In particular, we agreed the following items:

- Self-determination, particularly as it relates to the sovereignty claims of the Falkland Islands and Gibraltar;
- Disaster recovery, with the United Kingdom Government committing to put in place plans and structures for the longer-term reconstruction and sustainable economic recovery for those Territories impacted by the recent hurricanes;
- Environments and climate change to ensure that the priorities of the Overseas Territories are reflected within negotiations at international forums;
- Tax and transparency to review the effectiveness of the arrangements under the exchange of notes for law enforcement for the exchange of beneficial ownership information;
- Extension of the UN Convention against Corruption to those Territories where it has not already been extended;
- Governance, human rights, and child safeguarding where we have committed to codes of conduct on human rights institutions;
- Sound public financial management; and
- Strong and effective diverse public service.

We reiterated our commitment for clear codes of conduct for ministers, elected officials, and civil servants, where they do not already exist, and to the highest standards for protection for children and the promotion of children's welfare.

We are encouraged by the overall support from the United Kingdom Department for Health, in partnership with Public Health England, particularly their immediate involvement and support to those Territories impacted by the recent hurricanes, and to address concerns across all Territories with regard to obesity and mental health issues. We have also secured support from the UK Government to raise awareness of the importance of mental health issues.

Mr. Speaker, within the margins of the JMC, I engaged with other key Members of Parliament and committees. The week commenced with a breakfast briefing with influencers who can uphold Bermuda's

reputation regarding tax and transparency. I was accompanied by Jeremy Cox, CEO of the Bermuda Monetary Authority; Bradley Kading, CEO of the Association of Bermuda Insurers and Reinsurers; and Ross Webber, CEO of the Bermuda Business Development Agency. Key influencers joining us included the Right Honourable Dame Margaret Hodge, MP, a British Labour politician and a key voice aligned with the non-governmental organisations' community on tax transparency; and Kwasi Kwarteng, Parliamentary Private Secretary to the Chancellor at the Exchequer, Philip Hammond.

We are confident that Bermuda's team was able to successfully demonstrate that Bermuda is not a place to hide money, given its common reporting standards in country-by-country automatic reporting regimes and membership in the OECD inclusive framework on base erosion and profit shifting.

In addition, I was proud to sign the United Kingdom/Bermuda country-by-country competent authority agreement while in London. It is notable that Bermuda is the first and only Overseas Territory to enter into such an agreement with the United Kingdom.

*[Desk thumping]*

**Hon. E. David Burt:** Mr. Speaker, I was also able to build relationships with the Chairman of the Committee on Exiting the European Union, the Right Honourable Hilary Benn, MP; and the Chairman of the Foreign Affairs Committee, Mr. Tom Tugendhat, MP, who is most keen to engage on behalf of and represent the issues of the Overseas Territories in the United Kingdom Parliament. Mr. Speaker, our approach of high-level engagement in the United Kingdom is the right and most effective one, and it is my desire that this will continue.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Premier. I understand that you have a third Statement that you would like to do.

**Hon. E. David Burt:** Yes, Mr. Speaker.

**The Speaker:** Continue on with it.

**Hon. E. David Burt:** I do have a third Statement. The third Statement that I have this morning, Mr. Speaker, is on the European Council conclusions on the European list of non-cooperative jurisdictions for tax purposes.

#### **EUROPEAN COUNCIL CONCLUSIONS ON "EU LIST OF NON-COOPERATIVE JURISDICTIONS FOR TAX PURPOSES"**

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

Mr. Speaker, I am pleased to rise this morning to inform this Honourable House that, following the Economic and Financial Affairs Council [ECOFIN] meeting on Tuesday, the 5<sup>th</sup> of December in Brussels, Finance Ministers of European Member States reaffirmed Bermuda's status as a cooperative tax jurisdiction.

Mr. Speaker, you will recall that, in June of this year, Bermuda received a Questionnaire Letter from the General Secretariat of the Code of Conduct Group of the [Council of the European Union](#), along with 90 other jurisdictions.

The Bermuda response to that letter, together with our strong and effective direct interventions in Brussels, with experts within the Code of Conduct Group and at a political level, led to Bermuda's being reaffirmed as a cooperative jurisdiction. Our efforts resulted in Bermuda's committing to further enhance our regime of tax transparency.

Mr. Speaker, as I have said time and time again, Bermuda is not a place to hide money. We demonstrate our commitment to transparency and fairness through our participation in the Common Reporting Standard and country-by-country automatic reporting regimes, and by our membership in the OECD Inclusive Framework on Base Erosion and Profit Shifting [BEPS]. Any legitimate tax authority can request and receive information from Bermuda under 114 tax transparency relationships, pursuant to the OECD multilateral tax treaty.

Mr. Speaker, Bermuda is a strong partner of the European Union. Over the past decade, Bermuda has covered US\$25 billion of EU catastrophe insurance claims, including \$500 million in coverage for the *Costa Concordia* accident, as well as regular coverage for natural disasters such as the 2013 floods in Germany.

Brussels recognises Bermuda as a soundly regulated insurance market, so much so that Bermuda has achieved compliance with Solvency II, thereby aligning Bermuda with EU standards. It is important to note that there are only two other jurisdictions, Switzerland and Japan, that have achieved this level of equivalency.

Mr. Speaker, notwithstanding our sound regulatory environment, and fair and transparent tax regime, Bermuda remains a target of some who seek to pursue a political agenda—pushed through by certain international non-governmental organisations [NGOs] on global tax reform—that seek to apply standards to Bermuda and other offshore jurisdictions that are not applied to countries within the European Union, OECD, and the G20. Much of this unfair effort is based on inaccurate and misleading representations, and a wilful lack of understanding of the efficient functioning of the global economy.

Mr. Speaker, last week, following my meetings in London, I had the pleasure of speaking and meeting with Ministry of Finance officials from France

and Germany. These officials support Bermuda's efforts and indicated that we were on the right track with our leadership in global tax transparency. They suggested that Bermuda could serve as an example for other jurisdictions, and it is our intention to do so.

Mr. Speaker, Bermuda plays its part in the global effort for greater transparency in tax regimes. We will ensure that Bermuda fulfils the commitments we have made to the European Union Code of Conduct Group to further enhancements to our transparency regime, and will continue to offer our support to the EU and the OECD in an effort to make their standards globally applicable across varying tax regimes.

However, we will continue to aggressively fight any effort to place us in a disadvantaged position through unfair treatment, based on inaccurate information, often promoted by NGOs and their supporters, designed to serve their own political ends.

To this end, we must continue our dialogue in Brussels and in other European capitals, with senior government and political influencers, to protect Bermuda's reputation and to ensure continued prosperity for Bermuda and Bermudians. Thank you, Mr. Speaker.

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

I understand that the next Statement is that from the Junior Minister of Finance. Junior Minister, you have the floor.

#### **FINANCIAL STATEMENTS OF THE BERMUDA GOVERNMENT CONSOLIDATED FUND 2017**

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

Mr. Speaker, as you aware today, I tabled the Audited Financial Statements relating to the [Consolidated Fund](#) for the year ended March 31<sup>st</sup>, 2017. As Honourable Members are aware, the Consolidated Fund is the general operating fund of the Bermuda Government, and it is the fund through which Government conducts the majority of its transactions. The Consolidated Fund Financial Statements report the financial position, operations, change in net debt and cash flows resulting from the activities of the Government. This includes the accounts of the Senate, the House of Assembly, all government departments and offices, and all courts.

Mr. Speaker, the 2017 annual accounts of the Consolidated Fund of the Government of Bermuda were given an unqualified audit opinion. Despite the clean audit opinion, the Auditor General has, for the seventh consecutive year, included explanatory paragraphs on other matters which she deems appropriate. These are the matters related to the following:

- the increased level of the net debt and the need for the Government of Bermuda to take concerted action to address it;

- the preparation of summary financial statements for the Bermuda Government.

It is important to note that these explanatory paragraphs do not alter the Auditor General's unqualified opinion, but are highlighted matters. However, the Government shares the Auditor General's concerns in these areas and has already started to tackle these matters. For instance, Mr. Speaker, the Ministry of Finance has already put in place a plan to eliminate the deficit and, ultimately, reduce the debt.

Mr. Speaker, liabilities related to pensions and other employee future benefits are also included in the net debt amount disclosed in the Financial Statements, and the Government has already started a review of these benefits to ensure their sustainability.

Mr. Speaker, with regard to the preparation of summary financial statements for the Bermuda Government, the Ministry agrees there are benefits to issuing Consolidated Financial Statements, and will provide the auditors an appropriate plan during the financial year for the year ending March 31<sup>st</sup>, 2018.

Mr. Speaker, the audited report date is November 20, 2017, compared to February the 3<sup>rd</sup>, 2017, when the 2016 audit report was dated. Certain private debt placements made by the Government contain a reporting covenant requiring delivery of the audited financial statements within 240 days of the fiscal year ended November 26<sup>th</sup>, 2017. The reporting covenant was met for 2017. However, Mr. Speaker, the 2016 covenant was not met, and the Government had to pay \$640,000 to the lender to extend the reporting deadline.

Some financial highlights of the 2017 Consolidated Fund are as follows: Cash and cash equivalents at the end of the fiscal 2016/17 total \$95.7 million, which was \$53.6 million higher than the balance at the end of 2015/16. The 31<sup>st</sup> March 2017 total accounts receivable, net a provision for doubtful accounts, decreased by a full 0.2 per cent, to \$156.5 million, as compared to \$163.5 million at March 31<sup>st</sup>, 2016. The most significant contributor to the accounts receivable balance before provision was the Office of the Tax Commission [OTC], of \$227.8 million, representing an approximate \$8.3 million increase in accounts receivable from 31<sup>st</sup> March 2016, which was \$219.5 million. The increase in the gross accounts receivable for the OTC was offset by an increase in respective allowance for a doubtful account balance of \$9.2 million, to \$90.6 million in fiscal 2016/17, from \$81.4 million in fiscal 2015/16.

The net accounts receivable balance was 15.2 per cent of revenue for the year. In 2016, it was 17 per cent. A significant portion of the gross receivable at March 31<sup>st</sup>, 2017, represents payroll tax which was due and payable on April 15<sup>th</sup>, 2017. During the month of April 2017, the Government collected approximately \$112 million in payroll taxes. In 2016, the Government collected \$101.6 million. The 2017 allowance for bad debts was \$126 million, representing a

\$9.7 million, or 8.3 per cent, increase from March 31<sup>st</sup>, 2016.

The closing Net Book Value of Tangible Capital Assets for the year was relatively consistent, at \$686 million—in 2016, it was \$660.9 million—an increase of \$25.1 million, or 3.8 per cent, on the year. Major capital asset activities during the 2016/17 year included the following:

- Re-conveyance of Heritage Wharf from WEDCO to Government for the sum of one dollar, with a net book value of \$41.6 million, resulting in Other Revenue for the Consolidated Fund of \$41.6 million. Additionally, \$30 million of capital expenditure relating to Heritage Wharf was transferred from Assets under Construction, for a total capitalised cost of \$71.6 million. Heritage Wharf was originally conveyed to WEDCO in May 2009 for one dollar, at that time expensed as a capital item in the amount of \$57.9 million.
- The Departments of Civil Aviation and Maritime Administration became public authorities in 2016/17, and capital assets with a total net book value of \$371,000 were transferred to the authorities by Government.
- The Department of Airport Operations ceased to be a government department in March 2017. At financial close, tangible capital assets with a net book value of \$21.4 million were transferred by Government to Skyport and the Bermuda Airport Authority.
- The remaining decrease in net book value was due to standard annual amortisation of capital assets.

Mr. Speaker, net public debt, which excludes guarantees and is net of the Government Borrowing Sinking Fund, increased by \$179.6 million—in 2015/16, it was \$168.1 million—during fiscal 2016/17, standing at \$2.397 billion. In 2016, we stood at \$2.218 billion at the end of the year. This represents an 8.1 per cent increase from 2016. Items of note are as follows:

- There was a public debt issue of \$665 million in October 2016. A portion of the proceeds were utilised to retire \$276.1 million of higher interest bearing senior notes and to retire a \$200 million Bank of Butterfield loan facility.
- Senior notes totalling \$90 million were retired during the year, drawing on funds from the Sinking Fund.
- The 2017 Sinking Fund balance was \$86.6 million. At the end of 2016, it was \$117.3 million. At the close of the year, the available borrowing limit was \$102.7 million. And in 2016, the available balance stood at \$282.3 million.

Mr. Speaker, a full actuarial valuation was carried out on March 31, 2017. The actuarial valuation resulted in a liability for pensions and retirement bene-

fits of \$1.402 billion—in 2015/16, it stood at \$1.328 billion—representing a 5.5 per cent increase from March 31, 2016, which is net of plan assets of \$608.2 million.

Mr. Speaker, the total revenue raised by the Consolidated Fund for financial 2016/17, excluding the extraordinary revenue of \$41.6 million from the reconveyance of Heritage Wharf from WEDCO, was approximately \$98[8] million, representing an increase of \$27.2 million, or 2.8 per cent, from fiscal 2015/16's total revenue, which stood at \$960.7 million. This was below the original budget estimates by approximately \$8.9 million. The most significant generators of revenue for fiscal 2016/17 were payroll taxes, accounting for \$401.8 million, or 39 per cent, of total revenue. In 2015/16, payroll tax raised was \$361.1 million, or 37.6 per cent. And customs duty accounted for \$211.1 million, or 20 per cent. In 2015/16, the amount of revenue raised through customs duty was \$192.6 million, or 20 per cent.

Current expenses for fiscal year 2016/17 were \$1.277 billion. In 2015/16, it was \$1.176 billion. The three largest components of current expenses were employee costs, grants and contributions, and interest on debt. Total employee costs were \$525.7 million, or 42.9 per cent. In 2016, year ending, it was \$532.4 million, or 46.2 per cent, of total expenses. Included in this amount are \$75.9 million of non-cash retirement benefit expenses. Grants and contributions were \$296.2 million, or 23.9 per cent. Interest on debt was \$120.6 million, or 9.8 per cent. In the year ending 2016, the interest on debt was \$116.2 million, [or 10.1 per cent]. The current expenditure on a modified cash basis was \$1.093 billion. In the year ending 2016, it was \$1.071 billion, which was \$15.7 million less than the original budget [estimates].

Mr. Speaker, total capital account cash expenditure was \$76.7 million, which was \$10.6 million [lower] than the original budget estimates. Total capital and current account cash expenditure for 2016/17 was \$1.17 billion, which was \$26.3 million, or 2.2 per cent, lower than the original budget estimate of \$1.196 billion.

Mr. Speaker, Honourable Members are aware that the Financial Statements of the Consolidated Fund were prepared on the accrual basis of accounting, and the all-inclusive results from government operations (both current and capital) for the year ending March 31, 2017, were a deficit of \$247.6 million. The modified cash all-inclusive result from government operations (on the same basis that is shown in the Budget Book) was a deficit of \$182 million. This compares to a deficit of \$199.4 million that was originally budgeted. Therefore, the actual overall deficit was down by \$17.3 million, or 8.7 per cent, when compared to the original estimate.

*[Desk thumping]*

**An Hon. Member:** Very good results.

**The Speaker:** Continue on, Minister.

**Hon. Wayne L. Furbert:** Mr. Speaker, the statements of the Consolidated Fund provide valuable information on the financial position of the Government, and I would encourage the public to examine these statements. Thank you, Mr. Speaker.

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

The next Statement that we have, I believe, is from the Deputy Premier.

Deputy Premier, would you like to present your Statement?

**Hon. Walter H. Roban:** Yes. Good morning, Mr. Speaker.

**The Speaker:** Thank you.

## SPACE INDUSTRY

**Hon. Walter H. Roban:** Mr. Speaker and the Honourable House, I recently participated in a series of meetings in Washington, DC, which focused on the [space industry](#) and space-oriented businesses, and explored the opportunities that exist for Bermuda to increase its involvement in this global industry.

Mr. Speaker, the satellite industry is thriving. It continues to grow and evolve, generating more than \$260 billion in revenue in 2016. This is spread between satellite manufacturing, the launch sector, satellite services such as telecommunications and earth observation, and ground equipment. Bermuda's role in this industry is small at present, but, in line with the Government's commitment to diversify our economy and seek out new opportunities, these meetings afforded us a chance to renew our relationships with existing partners and introduce ourselves to prospective new associates.

In terms of Bermuda's current activities in the space arena, Members are reminded that the Government negotiated the extension of the UK's Outer Space Act to Bermuda some years ago. This enables us to grant licences to Bermudian companies to conduct activities in outer space, thereby establishing Bermuda as a filing administration for satellite operators. This is an ongoing service that Bermuda provides. In parallel, our robust insurance sector is developing products specifically tailored to satellite operators and other providers of space services.

More particularly, though, we worked hard to ensure that Bermuda's 96.2 degrees West Longitude orbital slot was put to use. Currently, Bermuda's first and only live satellite network, BermudaSat-1, operates from that slot as a joint venture between SES and EchoStar. Their company, Satellite Ventures (Bermuda) Limited (SVBL), has a 15-year Orbital Re-

source Use Agreement with the Bermuda Government.

Additionally, Bermuda's geographical location means that our partnership with the National Aeronautics and Space Administration (NASA), in which we host tracking stations, continues. This is a relationship that dates back to the days of the Mercury programme and, more recently, was endorsed by an agreement signed in 2012 between the Government and NASA's Wallops Flight Facility in Virginia. The agreement provides for NASA's mobile tracking station to be located at Cooper's Island where it provides tracking, telemetry, meteorological, optical, and command-and-control services to space flight vehicles.

Mr. Speaker, against that background of current space business and activities, and with our industry consultants, Access Partnership, over the course of the 4<sup>th</sup> and 5<sup>th</sup> of December 2017, we met with GE-Oshare, SES and EchoStar, the Federal Communications Commission (FCC), the Satellite Industry Association, OneWeb, Space Partnership International, Asia Broadcast Satellite, and NASA. Meetings with SVBL partners, SES and EchoStar, and also with NASA, enabled us to reaffirm Bermuda's appreciation for, and ongoing commitment to, these relationships.

With SES and EchoStar, we stressed that the monetisation of BermudaSat-1 is a priority for our Government.

We can report that our partners have indicated they are taking proactive steps to commercialise the network. EchoStar informed us that they plan to de-orbit EchoStar-6, the ageing satellite currently in our orbital slot, in the first quarter of next year, and, potentially, replace it with a different satellite that is better able to serve future customers and generate revenue. SES stated that they are engaging in discussions with commercial partners in the aeronautical and [maritime] markets, where consumer demand for satellite services is projected to be high. This means not only that BermudaSat-1 could provide service to markets with high [revenue] potential, but also that the FCC moratorium on direct broadcast satellite applications is no longer a serious impediment to the network's commercialisation.

We came away from the meeting with SES and EchoStar encouraged about the future of Bermuda's satellite network, but mindful of the need for further progress. Given the work underway to, potentially, refresh the space asset in our orbital slot and identify prospective commercial partners in high-growth markets, we remain optimistic in the plans to monetise BermudaSat-1. Going forward, the Government will continue to drive SES and EchoStar hard to do more with our asset and return more of our investment of time and effort.

Mr. Speaker, our meeting with NASA was reassuring, also. With the existing agreement recently extended, the shared benefits associated with the mobile tracking station at Cooper's Island will carry

on. NASA benefits from being able to offer the full complement of range assets for expendable launch vehicle operations, and Bermuda has access to data collected at the station to track shoreline erosion. Additionally, NASA welcomes schools' engagement with range personnel as part of an educational programme designed to increase awareness of the environment and reinforce STEM [science, technology, engineering and math] in the classroom.

On the education front, there are further possibilities for Bermuda to explore with NASA, such as its international internship programme, NASA I<sup>2</sup>, where students compete to work alongside researchers on NASA-related projects. This is a unique chance for students to engage in real-world space study at one of NASA's nine field centres or the Jet Propulsion Lab. It is targeted at university-level students who are not US citizens. I intend to ensure that Bermuda becomes a participating country so that our students can take advantage of the programme.

Mr. Speaker, taking the two days of meetings as a whole, I was able to identify strands in the space industry business where Bermuda could consider becoming more involved. There are new trends and space activities being explored now that require some regulatory framework. We discussed the deployment of new technologies such as the launch and operation of small satellites, high-altitude platform stations, and non-geostationary orbit satellites. We debated, also, new business applications such as on-orbit satellite servicing, special-purpose entities, condominium-style satellites (known as condo-sats), broadband connectivity expansion, and earth observation advanced analytics. That discourse revealed a business option for Bermuda whereby we contemplate developing and marketing a one-stop shop regulatory package.

Bermuda is already a hub of international business, and the potential synergy with our vibrant property and casualty insurance sector presents further exciting possibilities for the Island.

Mr. Speaker, one thing is clear: The space industry and space-oriented businesses are evolving rapidly. Being at the forefront of this industry requires both agility and tenacity. With this in mind, the Government will consider creating a working group of satellite operators with Bermuda interests for the purposes of identifying policy issues of mutual concern and of developing unified positions. The Government would consult with the group on these issues and advocate on their behalf in various policy venues, most particularly through the UK to the International Telecommunication Union. This would be a group that is consulted on any new space regulatory package.

Further, it may be wise to think about attending a key industry conference, such as that of the Inter-American Telecommunication Commission or the Space Foundation, to broaden our knowledge base. Alternatively, the FCC brought to our attention the US Technical Training Institute, which offers courses on

regulatory best practice that range from one-hour one-on-ones to two-week intensives. I must acknowledge it will be key to build our internal capacity to achieve our space industry aspirations and goals.

On a final positive note, Mr. Speaker, I would draw Members' attention to Space Partnership International, which, I am delighted to announce, is the newest space business to select Bermuda as a filing administration. I was delighted to meet with, and learn more about, this new Bermuda partner and the work that it does in packaging space projects.

Mr. Speaker, going forward, we aim to deepen our existing relationships with space-oriented organisations and develop new partnerships. The space industry presents real economic opportunities for forward-thinking business-friendly jurisdictions. As such, we should strive to become one of the most enabling economic jurisdictions for space-oriented businesses in the world. This series of meetings demonstrated that our efforts can provide immediate and long-term benefits to Bermudian businesses, and we will build on our current efforts, going forward. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Deputy. I understand that you have a second Statement. Would you like to do that one, as well?

**Hon. Walter H. Roban:** Yes, I do. Thank you, Mr. Speaker.

**The Speaker:** Go right ahead.

### ENERGY SUMMIT AND INTEGRATED RESOURCE PLANNING

**Hon. Walter H. Roban:** Mr. Speaker, I take this opportunity to state with clarity and certainty that this Government supports clean energy, diversification in generation, and more competition where appropriate. We desire a more open discussion, which the Integrated Resource Planning process will provide, with sensitivity and understanding for the legacy issues of ageing plants. Noting BELCO's challenges, we also want to assure BELCO that their role is neither underestimated nor unappreciated as we move forward with the transformation of the energy sector.

Mr. Speaker, the Integrated Resource Plan, also known as IRP, is a transparent regulatory process, run by the Regulatory Authority (or RA), which places the ownership of Bermuda's energy future in the hands of the public. The process is interactive and will involve several drafts; and though we cannot now know the exact time by which it will be complete, we can note some statutory time frames.

The RA is tasked with triggering the process with a request to BELCO, the transmission, distribution and retail licensee, to submit a draft of the IRP within 90 days of that request. After the RA has [re-

viewed] that draft and it has verified that the draft meets their requirements and complies with set Government policy, the public then has at least 60 days to review and provide response and challenge, if desired, to that IRP. At that point, there may be several iterations of revision and consultation.

In recognition that the RA was keen to commence the IRP process after having issued licences on October 28<sup>th</sup> of this year, the Department of Energy made that the focal point of the 2017 [Energy Summit](#). The department's goal through hosting this event was to provide key industry participants and prospective market entrants with the tools that they will need to participate in the public consultation that is required around the IRP process.

Mr. Speaker, I am pleased to inform this Honourable House of the success of the Bermuda Energy Summit of 2017, held on November 16<sup>th</sup> at the Hamilton Princess Hotel. There were over 150 attendees, both local and from overseas. Keynote speaker, Dr. Devon Gardner, Programme Manager for Energy at the CARICOM Secretariat, started the day with a passionate and inspiring address imploring the community to be more active and engaged in the future of energy in Bermuda. He brought awareness to the resiliency needed in response to the increasing frequency of natural disasters as our climate changes.

Mr. Speaker, on that note, hurricane season is now officially over, but our preparations cannot cease. As a side note, the Department of Energy also participated in the BELCO Incident Command System Desktop Exercise that was conducted on Wednesday, November 29<sup>th</sup>, as my colleague, Minister Wayne Caines, discussed last week in his Statement to this House. We remain committed to ensuring that Bermuda's energy supply remains secure.

Mr. Speaker, continuing on with a synopsis of the Energy Summit, the first presentation of the day was given by BELCO on the state of affairs at the plant. Their presentation highlighted the challenges we all face with an ageing plant and infrastructure. Mr. Speaker, the morning moved on with a discussion about IRP's and how they are conducted in other jurisdictions, with speakers from the Clinton Institute's Small Islands Energy Programme, Worldwatch International, and the Brattle Group. Rounding out the morning was a panel discussion about the regulatory environment and the role of the regulator in the electricity sector. It examined examples of more progressive rate-making in other jurisdictions, with a focus on performance-based regulation.

Mr. Speaker, the Energy Summit also included a panel on energy efficiency, specifically as it relates to the hospitality sector, with some outstanding local examples from Rosedon and Rosewood Resorts—of course, both of those properties are here in Bermuda, Mr. Speaker. The Regional Manager of the Caribbean Hotel Energy Efficiency Action gave some insight as to how small and mid-sized guesthouses

and hotels were able to make small improvements that amounted to substantial savings in energy costs.

Mr. Speaker, it is plain that energy conservation and efficiency must play a far more prominent role in the IRP process. After all, the lower the overall energy demand is, the fewer the resources are needed to meet demand. Simply put, we can no longer afford to be less competitive as a jurisdiction in which to do business, due to high energy costs. We can, should, and will do better.

Mr. Speaker, the summit continued with a panel discussion on those things that were within Bermuda's reach, namely, storage technologies and electric vehicles, which are no longer concept cars and bleeding edge batteries. These are now a combination of energy-management systems, utility-scale batteries, and even commercial vehicles that might well transform the transportation sector as we know it. It concluded with a panel tying together all the points of discussion.

The main take-away from this year's Energy Summit was that we, as citizens, need to be involved, engaged, and a part of every step of the IRP process. This plan will be owned not by the utility nor by the regulator, but by the people of Bermuda.

Mr. Speaker, it is worth noting that, shortly after the summit—as a matter of fact, the day after—on November 17<sup>th</sup>, the RA issued a notice requesting an Integrated Resource Plan draft from BELCO, in accordance with Section 40 of the Electricity Act 2016. BELCO has up to 90 days to submit the IRP proposal to the RA. This means that the RA should expect to see that draft no later than mid-February. All things running smoothly, and in recognition of the iterations and revisions of an interactive process, we may see a final IRP by the end of August 2018.

Mr. Speaker, the Government is acutely aware of the need for reliable energy. As such, we understand BELCO's challenges, which are, in essence, Bermuda's challenges. We believe in an equitable way forward, where we recognise that fossil-fuel generation still has a prominent role to play. What must happen, though, and what our regulator is empowered to allow, is for the regulatory compact to be honoured with the utility, where used and useful assets are approved to be purchased by the utility, which, in turn, is allowed to recover the costs and make a reasonable profit.

What this means is that any licensed entity in the electricity sector is effectively in the public service, and it has to purchase equipment and pay for personnel to operate that equipment or manage the grid. There would be no reason for any utility to ensure that its equipment was modern, efficient, safe and reliable if it could not make a reasonable profit from it. This is the essence of the regulatory compact. The regulator examines the costs of providing service to the public and determines what the utility may expect to be

compensated for. This concept underpins all regulation in Bermuda. There is a duty to be fair to the rate payer, but also to be fair to those providing energy to the grid—both large and small energy producers—and to those providing the infrastructure to get that energy to the customers. This noted, we must simultaneously make certain that Bermudians have their say and have their preferences honoured, while ensuring that there is healthy and sensible competition.

Mr. Speaker, a great deal of consultation goes into every policy we create. At this point, we simply need to move forward with those policies in the foreground, guiding all that we do. We will base our actions on the firm foundation of the 2011 Energy White Paper. Its broad principles still stand, though we do need to adjust some of the sub-goals. The broad principles of achieving more energy independence through indigenous renewable resources frame what we have done and will continue to do. As we re-examine the Energy White Paper, we will ensure that those broad goals are reinforced and that they underpin policy and practice, moving forward.

With that in mind, Mr. Speaker, the Government expects to finalise the National Fuels Policy later this month, to be published within the first six weeks of the new year, if not sooner. The Department of Energy published the Fuels Policy discussion paper in June of 2017, after which the public's comments were reviewed, and responses provided and published in August of 2017. The Government has taken this thoughtful input into consideration and is making final adjustments to the policy now.

The purpose of the policy is to direct the Island's fuel sector towards a future that is affordable, sustainable, safe and secure, helping inform the IRP and Bermudians' involvement with the IRP process. All sectors of our economy are dependent on imported fuels, and Bermudians' concerns over the monetary cost, as well as the environmental and health costs, point to a need to chart a more sustainable course for the energy sector. This involves making a key distinction between conventional fossil fuels and low-carbon fuels, and endorsing actions that shift our use from the first to the second. (However, I should point out that we have not lost sight of the significance of displacing fuels—whether low carbon or conventional fossil fuels—with clean renewable sources of energy.)

Mr. Speaker, as we progress to a greener—and I repeat, *greener* energy economy, we look forward to job creation and sustainable, sensible competition in the electricity sector. We look forward also to seeing the public have more interaction with the Regulatory Authority.

Mr. Speaker, the Government is committed to the transformation of the regulatory environment to one that is nimble and responsive. The RA is in the process of building capacity, ensuring that it is fit for purpose, streamlined and efficient, with the expertise it needs to be an effective and responsive multi-sector

regulator. We will require a management review of the RA to ensure that this capacity gets built up in a responsible and affordable way—I repeat, *affordable way*—ensuring that the needs of the utility sectors are met. Mr. Speaker, the regulator is only as good as its legislation. Toward this end, we will be examining the Regulatory Authority Act 2011, along with the Electricity Act 2016, in order to ensure that the legislation allows for the agility that a dynamic energy sector requires, and that it promotes the goals of cleaner, sustainable [electricity] with price stability. The RA must implement policy through prudent regulation that considers the public's needs, listens and responds to all affected stakeholders, and uses progressive rate-making principles to ensure that decisions made are efficient, timely and prudent.

Mr. Speaker, we look forward to a regulator that renders decisions that implement policy for a properly regulated and vibrant energy industry. We will also examine accountability measures and how they are framed in legislation to ensure that the regulator is held to the high standard of operation and decision-making that Bermuda deserves.

Mr. Speaker, one may ask why we feel green energy is so important. One could go so far as to say that Bermuda did not create the challenges of climate change, and so we should not make ourselves responsible for attempts to halt that change over time. However, we know that a greener economy has more than moral imperative behind it. Mr. Speaker, the benefits of keeping our currency in Bermuda, circulating in our economy, as opposed to purchasing foreign oil, are numerous and cannot be ignored. Greener energy will contribute to the health and well-being of all of Bermuda, not just for those who directly participate in the energy sector. Air quality improves just a little, both locally and globally, with every solar panel on a roof. A little extra money stays in the local economy with every conservation measure.

There is a job for an installer with every PV (photovoltaic) system purchased. The renewable energy sector will provide jobs for electricians, technicians, computer and software specialists, repair and maintenance specialists, salespersons, marketers, engineers, and design professionals. It all adds up, and these benefits should no longer be considered as vague externalities, because there are real and tangible benefits for Bermuda. We look forward to a regulatory environment where these benefits are considered with every decision.

Mr Speaker, we will all be participants in Bermuda's energy future, whether as active investors or thought leaders, or as more passive consumers. Whatever your role, this energy future is ours. Our position going forward is simple and clear: Bermuda's energy future must be owned by Bermuda, for the benefit of Bermuda—for the benefit of our economy, our environment, and our people. Thank you, Mr. Speaker.

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

I recognise the following Statement will be coming from the Minister of Reform. The Honourable Minister Foggo, you have the floor.

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

**The Speaker:** You are welcome. Go ahead.

#### UPDATE ON UNION NEGOTIATIONS

**Hon. Lovitta F. Foggo:** Good morning, Mr. Speaker. Good morning to the House; good morning, Bermuda. I rise to provide an update to the Members of this Honourable House on the status of the negotiations with the Government's five Union partners specific to six Collective Bargaining Agreements.

Mr. Speaker, Honourable Members will be aware that the Government had pledged to conclude [negotiations with Public Sector Unions](#) to ensure continued provision of high-quality public services, within its first 100 days in office.

The Public Sector Negotiating Team (PSNT), comprising Gary Philips, Chair, together with Mr. John Harvey and Mr. Martin Law, initially appointed by the former Government and retained for continuity purposes by the current Government, have remained focused on concluding the process.

Mr. Speaker, to date, Collective Bargaining Agreements have been executed with the Bermuda Public Services Union [BPSU] and the Fire Services Association. Agreements in principle have been reached with the Bermuda Industrial Union and the Bermuda Union of Teachers. It is expected that these agreements will be executed within the coming days.

Mr. Speaker, talks continue with the Prison Officers Association and the School Principals. The School Principals are represented as a separate bargaining unit by the Bermuda Public Services Union. Talks with both groups are at varying stages, though it is anticipated that they will progress quite quickly.

Mr. Speaker, the Bermuda Police Association has not yet given notice of its intent to commence negotiations. Such notice is in accordance with the statutory provision as set out in the Conditions of Service Order. The Government remains hopeful that a communication confirming the association's readiness to commence negotiations will be received shortly.

Mr. Speaker, the Government has taken the decision that there will be parity amongst all of its employees. To this end, Mr. Speaker, all Government employees will contribute equally to health insurance. There has long been disquiet over what can be described as an unacceptable situation wherein some groups of employees contribute 50 per cent towards the Government Employee Health Insurance (GEHI) scheme, whilst other groups have both the employer and employee portions of their GEHI paid by the gov-

ernment. This can no longer continue as the norm, Mr. Speaker.

Mr. Speaker, the PSNT stands ready, in accordance with their mandate, to work with those Union partners, wherein agreements remain outstanding, to regularise this imbalance as a part of the negotiations process.

Mr. Speaker, it would be remiss of me if I did not highlight a false assumption. Mr. Speaker, this Government, like the people of Bermuda, prior to July 18<sup>th</sup>, was under the distinct impression that negotiations with all of the unions were in progress prior to the general election and had been for over a year. Yet, upon taking office, it emerged that, while the PSNT had been in ongoing talks with the unions under the guise of negotiations, they had not been given a formal mandate and therefore could not advance talks to the negotiations stage. Mr. Speaker, the PSNT had been retained to simply have talks with the unions as opposed to earnestly negotiate collective agreements. These disingenuous and unproductive talks resulted in scepticism and mistrust. Valuable time was wasted in having to address the negative relationship issues that had evolved prior to commencing honest negotiations.

Mr. Speaker, this Government moved quickly to review the matter and to provide the PSNT with a clear mandate to ensure a positive outcome. Mr. Speaker, this Government is committed to engendering again a respect for the workers in the public service. Further, the Government is committed to building productive employer, employee, and union relationships.

Notwithstanding that we, in our role as employer, and the unions, sit on opposite sides of the bargaining table and sometimes represent divergent interests, it is our firm belief that these relationships can be healthy and productive. Mr. Speaker, this Government will work with the unions to cultivate improved organisational performance, which will ultimately benefit the Government, the employees, and, by extension, the people of Bermuda. Mr. Speaker, in the future, Honourable Members can expect that our relationship with our Union partners will be based upon mutual respect, regular communication, proactive policies and, most of all, teamwork.

At the conclusion of this round of negotiations, our Union partners can expect that we will convene a series of initial meetings to commence discussions on issues affecting the delivery of public services, issues of the Government and regarding the employees. Thereafter, the unions can expect that we will invite their participation in the Government reform strategic planning process. In the meantime, our Union partners will be consulted on those short-term reform initiatives that the Government plans to advance so that we are armed with their views on the most effective way to achieve successful outcomes in the best interest of all parties, Mr. Speaker.

Mr. Speaker, I am eternally grateful to all those who have been engaged in the negotiations process, and I look forward to working with our Union partners on building a better and fairer Bermuda, as we undertake to establish a more efficient public service. Thank you, Mr. Speaker.

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

The next Minister we will recognise for Statements this morning is the Minister of Education. Minister of Education, you have the floor.

## NATIONAL CERTIFICATION PROGRAMMES

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

Mr. Speaker, I rise this morning to provide this Honourable House with an update on the [National Certification programmes](#) undertaken by the Department of Workforce Development [DWD].

Mr. Speaker, let me first give a backdrop for my honourable colleagues. The National Certification programme for designated occupations is a “critical component for the sustainability of the workforce.” Persons operating as a welder, electrician, automotive service technician, and landscape gardener are required to be nationally certified, as legislated by the National Occupational Certification Act 2004. National certification is directly aligned with workforce development initiatives and is meant to create a level playing field and build a competitive advantage for all Bermudian trade professionals. This process is instrumental to providing enhanced work opportunities for Bermudians and was designed to ensure an outcome of potential growth, increased confidence, and improved quality and efficiency of our workforce.

Mr. Speaker, it was in July 2016 in this Honourable House, through a Ministerial Statement, we were informed that national certification was a priority, with the following being highlighted—and I quote from that Ministerial Statement, Mr. Speaker.

**The Speaker:** Go ahead.

**Hon. Diallo V. S. Rabain:** “National Certification is directly aligned with other workforce development initiatives and is an important approach towards empowering our citizens. This process is instrumental in providing enhanced work opportunities for Bermudians. The concept was designed to ensure an outcome of increased confidence, and improved quality and efficiency of our workforce. It is meant to create a level playing field and build a competitive advantage for all technical professionals.”

Mr. Speaker, the Statement from July 2016 also went on to say that by August 1, 2016, there would be policies in place to ensure that all work permit applicants requiring certification would be registered with the Department of Workforce Development before a permit was issued. By October 2016, the

Bermuda College would re-launch the Basic Horticultural Programme. All electricians remaining uncertified would be certified by October 2016. The national certification process for Automotive Service Technicians would be complete by December 2016. The Registration and Certification process for all landscape gardeners that had not registered with the Department of Workforce Development would be complete by March 2017.

Mr. Speaker, despite recognising the importance of having certification in place and how it could level the playing field for Bermudians in these trades, none of these goals were accomplished prior to July 18, 2017. However, Mr. Speaker, in September 2017, the Department of Workforce Development was given a mandate to have certification in place before the end of 2017. As a result, effective December 4, 2017, the national certification process began in earnest. All persons must be registered with the Department of Workforce Development [DWD] and prepared to participate in occupational-driven education programmes and assessments to gain additional skills and knowledge to become nationally certified.

Bermudians have up to 12 months from the effective date to be assessed and meet all of the requirements, while current work permit holders have six months to complete the process. Failure to fulfil the requirements could result in cancelled work permits in the case of non-Bermudian workers. A fine up to \$10,000 could also be imposed on anyone who does not comply with the legislation. The credentials received are valid for five years before one has to recertify.

Mr. Speaker, it is encouraging to share, this morning, that, as of December 4, 2017, a total of 793 persons have registered with the Department of Workforce Development. Included in this number are 38 welders, 193 electricians, 102 automotive service technicians, and 460 landscape gardeners. Of the total registrations, there were 350 work permit holders and 443 Bermudians. To ensure a healthy response to the registration process, I previously announced that the \$265 application fee would be waived until December 31, 2017.

Mr. Speaker, I am excited that this initiative is well underway with training initiatives and certification assessment having commenced. In fact, during the week of November 27, 2017, representatives from the Canadian Welding Bureau [CWB] evaluated the welding facility at the Bermuda College and accredited the lab as a CWB test centre. This process needed to be fulfilled prior to the facilitation of the welding assessments for national certification.

Mr. Speaker, the National Standard for Welders is aligned with the Canadian Standards Association [CSA 47.1] curriculum. All materials, including electrodes and coupons, were provided by DWD. The test allowed participants 45 minutes to complete four welds in the following positions: flat, horizontal, verti-

cal and overhead. Thirty-eight Bermudians participated in the assessments, which will now be sent to Canada upon completion to be evaluated and X-rayed to determine accuracy and proficiency. The Canadian Welding Bureau will provide the results in approximately three weeks; and welders who successfully pass all four assemblies will be issued a 4GF S class qualification that is recognised globally. All of those who receive a passing grade will be granted the title “nationally certified.”

Mr. Speaker, let me further add that two members of the Occupational Advisory Committee [OAC] are currently participating in the Welding Visual Inspection Training programme in Troy, Michigan, at the XRI Testing Facility. The programme is scheduled from the 6<sup>th</sup> to the 9<sup>th</sup> of December 2017. Visual scanning, inspection, or visual examination of welds or fabricated joints is specified in most of the national and international standards. The test method is applied as a quality assurance tool. This training is essential to ensure that there are individuals available to assess the non-Bermudian worker’s proficiency against the national standard prior to national certification being issued and their temporary work permit becoming an unconditional work permit.

In addition, Mr. Speaker, looking ahead, during the months of February and March 2018, it is anticipated that a select number of qualified welders will have the opportunity to attend overseas training to acquire an assessor certification. This will allow Bermudians to facilitate the assessments and proctor tests associated with the National Certification programme instead of relying on the resources from the CWB group. I will provide this Honourable House further information on this in due course.

Mr. Speaker, the momentum continues this month as the electricians begin preparing to participate in their continuing education programmes to satisfy the requirements for national certification. Assessments will be held at the Bermuda College during the week of December 11<sup>th</sup>, 2017. All electricians who require re-certification must contact DWD and enrol in the Analysis of Code Changes course. This is a one-day course for those who must re-certify. The course will highlight the changes in the National Electric Code. This code is updated every three years, and electricians must be well-versed with changes in order to maintain their skills and knowledge of the occupation. Participants have a choice of attending on December 14<sup>th</sup> or 15<sup>th</sup>, from 8:00 am to 4:00 pm, and there will be a maximum of 25 participants in each course.

Mr. Speaker, the National Fire Protection Association [NFPA] course, NFPA 70, will also be offered this month at the Bermuda College. This is a three-day course being held from 8:00 am to 4:00 pm, from December 11<sup>th</sup> to the 13<sup>th</sup>. This programme is open to all electricians—those who have not yet received certification and those who are re-certifying.

Similar to the Analysis of Code Changes course, there will be a maximum of 25 participants. Enrolment is in full effect, and we are encouraging any electrician to contact DWD to reserve a space, as the next offering is not until February 2018.

Mr. Speaker, DWD is working diligently with the Bermuda College to revive the Automotive Technician and Landscape Gardener accredited programmes. The automotive lab and curriculum will soon be evaluated by City and Guilds representatives. This is vital for the national certification automotive programme, as the OAC have adopted this standard for all assessments. With respect to the landscape gardener standard, the curriculum already exists and the Bermuda College is in the process of seeking a suitably qualified person to facilitate the training. This course will complement the National Certification programme and will provide a pathway for persons to achieve the City and Guilds standard.

Mr. Speaker, a great deal of coordination is required to ensure the success of the National Certification programme. However, it is evident that the launch of this process shows great potential. And we can look forward to future trades being added to the list of designated occupations. It is anticipated that collaborative efforts and consultation will continue with the Department of Immigration to seek policy changes that will enhance the features of the programme and make it a more seamless process, with a synergistic approach to ensuring that Bermudians are always afforded first option for employment opportunities.

Mr. Speaker, the Department of Workforce Development will continue to assist in improving the quality and efficiency of Bermuda's workforce through training and retraining. I would like to take this time to thank the Director, George Outerbridge, and the Training Manager, Ms. Pandora Glasford, and her staff, who have heeded the challenge I issued to them in September to have national certification in place before the end of 2017. Once again, it gives me great pleasure at this time to update this Honourable House about the progress of the National Certification programme. Thank you, Mr. Speaker.

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

I believe we now have the Minister of Economic Development and Tourism who has a Statement. Honourable Minister, you have the floor.

### ST. GEORGE'S HOTEL DEVELOPMENT UPDATE

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

Mr. Speaker, I rise this morning to update this Honourable House with the progress of the hotel development in St. George's.

For years, the residents of the East End have been holding out hope that some form of development would take place, which in turn could assist with reviv-

ing the old town, that will provide much needed jobs at the new hotel—from entry level to management. This development should also encourage existing businesses to prepare for the additional customers and offer opportunities for budding entrepreneurs.

Mr. Speaker, the progress has been visible. The commitment to hiring Bermudian professionals is genuine, and the pledge to the people of St. George's, and Bermuda's overall tourism product, is becoming more of a reality each day.

Mr. Speaker, on the technical side, since the last update, the developers have confirmed that there have been numerous soil tests, with excavation and road works well underway. In fact, Mr. Speaker, there are several photos of the project posted on social media by area residents who see the progress on a daily basis.

To address and facilitate the first phases and produce a lasting road-works product, Barry Road has undergone realignment, surface improvements and asphaltting. A Bermudian company, GL Construction, was engaged by the developers and contracted to carry out this work. And we commend GL Construction on a job well done.

Mr. Speaker, in addition to all of the road works, the hotel excavation and fill process is well underway. I have had the pleasure of touring the site with the developers to witness this progress. I must say, Mr. Speaker, it is exciting! We are well beyond the shovels-in-the-ground phase. We are now seeing real-time activity, and that is what we have committed to deliver.

In January, another Bermudian company, Crisson Construction Ltd., will begin the piling phase. For those unaware of what a pile is, I can say it is simply a long cylinder made from a strong material, such as steel, hammered into the ground and then filled with concrete. These piles will provide steady support for structures built on top of them. Once the piling has been completed, the foundation works for the hotel will proceed. The progress beyond this point will be very noticeable.

Mr. Speaker, I would like to remind area residents that the hammering of the piles does make a bit of noise. Fortunately, there are not many residents in the direct vicinity of the piling area, but I would still like to prepare them for any added noise they may hear. The piling [phase] is expected to last for around three months.

In the first weeks of the New Year, the very foundation of a once-forgotten land will be formed. Simultaneously, the site will be thoroughly prepared for the next construction phases, and that implies the ring-fencing of the site, the installation of facilities for the work force, offices for the technical teams, workshops, and warehouses.

Mr. Speaker, I had been made aware of concerns raised at a recent public meeting between residents and the hotel developers about the access to

Fort St. Catherine Beach. As Minister, I wish to reiterate to my honourable colleagues and to the people of Bermuda that Gates Beach, more commonly referred to as Fort St. Catherine Beach, will remain open and accessible to the public. As it is stated in [section 3(3)(a)] of St. George's Resort Act 2015, "The public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ." Let me be clear: This is a public beach. The developers are aware of this and supportive of its use by all.

I want to ensure all that this Government and the developers remain open to keep the St. George's residents and their constituency representatives in Parliament apprised as the development progresses.

Mr. Speaker, building a world-class tourism product is one of the reasons Bermuda became known for tourism. It was not just the developments of hotels, restaurants, and golf courses, but a showcasing of the culture of our people. Mr. Speaker, this development celebrates those things in clear ways, as it brings to Bermuda a renowned hotel brand, operated by a world-leading hotel operator.

Through the investment in the bricks-and-mortar projects and road works to the investment in our people, by creating hundreds of jobs in multiple industries, we are poised to return Bermuda to the tourism apex—not just by creating jobs, but by enriching the industry and, in doing so, our Island's culture.

Mr. Speaker, I look forward to updating this Honourable House in the new year with further developments at this site. The developers and my Ministry remain in constant contact and are committed to progress and delivery. We are excited of the developments to date and extremely optimistic that we will see those professional renderings become a reality for both Bermudians and visitors to enjoy.

Mr. Speaker, the Government is unwavering in its commitment to St. George's, her people, and all of Bermuda. Thank you, Mr. Speaker.

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

The next Statements we are going to recognise this morning are those from the Minister of Works. Minister of Works, you have the floor.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, good morning.

**The Speaker:** Good morning.

**Lt. Col. Hon. David A. Burch:** With your indulgence, I would like to do the Statements in the reverse order as they are printed, please.

**The Speaker:** You would like to do the Statement on the bridges first?

**Lt. Col. Hon. David A. Burch:** Yes.

**The Speaker:** Yes, go ahead. You have my permission.

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

**The Speaker:** Yes.

**Lt. Col. Hon. David A. Burch:** That was my request, so I am not sure how it got lost in translation, got in the cross-hair.

**The Speaker:** Well, we will oblige.

**Lt. Col. Hon. David A. Burch:** It was probably in my shop, though, Mr. Speaker, rather than yours.

**The Speaker:** It is okay.

### UPDATES ON BRIDGES

**Lt. Col. Hon. David A. Burch:** I rise to report on the state of bridges infrastructure within the Island and the new contract awarded to Ramboll UK.

Mr. Speaker, infrastructure is crucial. Humanity is naturally pulled toward what sustains us, be that practical or amenable. Real infrastructure is essential to modern living and our economy. Our infrastructure, especially our roads and bridges, play a vital role in social development and economic growth for all Bermudians. Over the past decade, there has been an increased awareness of the significance of bridges to our nation's economy and to the safety of the travelling public. At all levels of government, a concerted effort has been made to reduce the number of structurally deficient bridges that require significant maintenance, rehabilitation, or replacement.

Mr. Speaker, in Bermuda, our history and future are linked to our bridges, and I would like to take just a moment to give a brief history lesson, if you will.

**The Speaker:** Go ahead.

**Lt. Col. Hon. David A. Burch:** Hundreds of years ago, Richard Norwood divided the land in such a way that every share would have access to the water, north and south. For decades, it was possible to avoid extensive travelling overland. Nevertheless, Governor Butler's Fifth Act in his General Assembly of 1620 ordered the "construction of certain public bridges and their maintenance," essential for footpaths allowing people to gather on public occasions. By 1624, three bridges were marked on Captain John Smith's chart of Bermuda, included in his *The Generall Historie of Virginia, New-England, and the Summer Isles*. Today, some 397 years later, we have over 40 bridges.

As a point of significance, Mr. Speaker, Somerset Bridge, which was built in 1634, is still the smallest drawbridge in the world, but it might also be the

first bridge ever built in the Western Hemisphere. As such, our nation has a great legacy with bridges.

Mr. Speaker, today, bridges are still an important asset to this country. Our teams inspect and fix our bridges on a continuous basis to ensure safety and infrastructure integrity.

The swing bridge substructures were built in 1864. A hundred years later, in 1964, the actual superstructure was constructed.

Mr. Speaker, over 100 years ago, the predominant form of transport was the horse and carriage and foot traffic. Traffic load has increased over these years, and, after 1964, the swing bridge structure has been subjected to a number of modifications and repairs. These include the strengthening of the approach spans by the addition of girders, strengthening of many cross-beams by the addition of steel plating and other such reinforcement work.

Mr. Speaker, corrosion is a serious threat to the long-term function and integrity of a steel bridge. This is true for all bridges, but it is more serious in Bermuda where saltwater and warm weather are the perfect storm to accelerate corrosion on a steel structure. Typically, lifespan for this type of bridge is around 50 years. The swing bridge is now 53 years old, and 153 years old when considering the substructures.

Our latest studies on the swing bridge show that this bridge will have to be replaced within five years. The work completed earlier this year will allow us to extend its lifespan until 2021, but it is time, Mr. Speaker, to rebuild this essential piece of infrastructure.

The other infrastructure that causes some concern for us is the Causeway and Longbird Bridge. The Causeway was opened to traffic in 1871. In the late 1940s, civilian motor vehicles were allowed on the Causeway, and this bridge has since become a vital artery for Bermuda. Several inspections were performed on the Causeway, and various scenarios were also looked at to see what would be the best improvement for both safety and investment for the taxpayer. Mr. Speaker, the Causeway is an old structure, but I am pleased to advise that the Causeway is sound. Maintenance work needs to be done every year, but there is no structural or economical argument to support the construction of a new Causeway.

However, Mr. Speaker, Longbird Bridge is another story. It was condemned several years ago. Two single spans of Bailey Bridge were erected to accommodate traffic as a temporary solution. This temporary solution was put in place in 2007. Mr. Speaker, accelerated corrosion on these bridges forced us to change deck plates earlier this year. In ordinary climate conditions, these plates should last 25 years, but in Bermuda they lasted only 10 years. This bridge is safe, but its lifespan is similar to that of the swing bridge.

As the Minister of Public Works, I am responsible for ensuring the continued safe condition of Government-owned bridges. The condition of both the swing bridge and Longbird Bridge, combined with the lead time required to design, procure, construct, and commission replacements, make this work critical. As such, a three-phase action plan was developed by the Ministry, as follows:

Phase I is to study the location of the bridges, the topography, and the volume and flow of marine and highway traffic, and to provide well-defined options for each of the two crossings, including a Class C cost estimate. Phase II is to narrow the options down to one preferred option for each bridge, including a Class B cost estimate. Phase III is to prepare detailed designs, plans, and specifications that are 100 per cent complete and ready to be issued for tender with a Class A cost estimate.

The contract was tendered in February this year to select an engineering company to provide six scenarios for the future of the bridges. For each bridge, we asked for three movable and three non-movable options. Tender documents for this open tender process for the Phase I feasibility study were collected by five companies. Ramboll UK Limited, an award-winning experienced engineering company, having completed many successful bridge projects around the world, the lowest bidder, tendered a competitive price that was within 13 per cent of the Works and Engineering estimate and was awarded the contract in August of this year, for \$400,460.

Mr. Speaker, as we speak, the study is on time and on budget. The report will be presented [to me] on January 10<sup>th</sup>, 2018.

Following this report, we will choose one option for each bridge and the best procurement methods for the construction—conventional, or design build, or other format—to optimise quality and cost.

Mr. Speaker, we are weeks away from the year 2018. As such, new technologies and materials are helping engineers build bridges better and faster, while also improving maintenance for longer bridge life. Sensors are being embedded into both new and existing bridges to provide continuous feedback on structural conditions. These data help engineers identify and address problems earlier and improve public safety.

Mr. Speaker, new materials such as ultra-high performance concrete, high-performance steel, and composites are being used to add durability, higher strengths, resilience, and longer life to bridges. Prefabricated bridge elements—structural components that are built off-site—are being used to reduce the amount of time that traffic needs to be disrupted while a bridge is being repaired or constructed. Prefabricated bridge elements will also improve significantly the quality of concrete in our work, with high-performance aggregates (not normally available in Bermuda) and optimal curing conditions. These technologies will be

used in our design to lower our construction cost, increase durability, and decrease maintenance cost. Mr. Speaker, the target lifespan of the new bridges will be 100 years.

Finally, Mr. Speaker, built into the process for Phase I is the provision to imbed a Bermudian engineering trainee with the successful bidder so that the process and knowledge gained during this exercise will be available to the Ministry once the bridges are in place. These new bridges will be engineered by one of the best bridge engineering firms in the world, and, as such, an outstanding young Bermudian engineering trainee, Mr. Ricardo Graham-Ward, will commence a six-month secondment with Ramboll's UK office, commencing on the 15<sup>th</sup> of January 2018. Mr. Speaker, this secondment will allow this young Bermudian civil engineer the opportunity to work on this project at the very beginning and be trained by the best movable bridge engineers in the world. I am certain this attachment will provide him with invaluable training and experience that would otherwise not be available to us.

Mr. Speaker, I shall keep this House informed of progress on this initiative as we advance through the remaining two phases. Thank you, Mr. Speaker.

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

I believe you can continue now with your second Statement.

### SCHOOL CONDITIONS SURVEY

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, my second Statement today is to provide an update on the work being done within the Ministry of Public Works related to the physical conditions of our schools and their maintenance.

Mr. Speaker, you will recall that, during the initial stages of this Government and the work carried out to prepare schools for September, we gave an undertaking to conduct a full and comprehensive Conditions Survey of all schools so that a methodical plan to address deficiencies could be devised and implemented. The intent, of course, is to avoid the mad rush every year during the summer to prepare schools for the next school year.

Mr. Speaker, the Department of Public Lands and Buildings within the Ministry of Public Works has responsibility for the maintenance and repair of some 31 government schools including preschools, primary schools, and middle schools. Now, Mr. Speaker, if you are keeping track of the number of schools, you will note that those numbers have increased by one. I have taken the liberty of including the K. Margaret Carter Centre, the facility for the physically challenged co-located on Roberts Avenue with the Centre for Student Achievement, so that issues with that facility do not get overlooked.

Ensuring that schools are fit for purpose and providing a safe and healthy environment is an ongoing exercise throughout the year that is managed jointly by teams from the Ministry of Education and the Department of Public Lands and Buildings. In respect of the buildings themselves, the Buildings Team works closely with the Ministry of Education Facilities Management Team to identify defects and prioritise works based on health and safety, severity, and school operations.

Mr. Speaker, next year, the Ministry will be completing a comprehensive condition survey of each school with the assistance from the private sector. The Ministry will shortly be putting out to tender requests for quotes from qualified companies to complete condition surveys on all schools. These condition surveys will identify any defects within schools as well as prioritising them for remediation, including estimated costs. This will also provide a basis for budget and planned preventative maintenance for the next five to ten years. Of note, Mr. Speaker, there are no as-built drawings on file for many, if not all, of the older schools; therefore, the production of these drawings for all of our schools is a very important element to be included in the condition surveys.

Remedial works will be planned, based on priority and whether or not they can be completed during the school term without disruption to school programmes, or must be completed during school holidays. Whilst we have a dedicated in-house Works Unit that will continue to carry out remedial works on schools, we will also continue to require the assistance of private contractors to ensure that the identified defects are dealt with in a timely manner. It is anticipated that the surveys will be completed by the end of the first quarter next year and a decision be made early in the second quarter so that proper planning and preparation can occur well before the end of the summer break. Thank you, Mr. Speaker.

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

Now, the final Statement is that from the Minister of Home Affairs. Minister Brown, you have the floor.

### ANNUAL REPORT OF THE REGISTRAR GENERAL FOR THE YEAR ENDING 31 DECEMBER 2016

**Hon. Walton Brown:** Thank you, Mr. Speaker.

Mr. Speaker, today I rise to introduce the Annual Report of the Registrar General for the year ending the 31<sup>st</sup> of December 2016. The Registrar General recognises the essential role that vital statistical information plays in planning for the provision of services in areas such as tourism, health, education, and housing, to name a few. And the Registrar General has performed his duties to a high standard in the recording, collating, and presenting of the data to be included in the annual report. However, Mr. Speaker,

because the House did not convene until September and other priorities took place, the annual report is being introduced late this year.

In accordance with section 19 of the Registration (Births and Deaths) Act 1949, "The Registrar-General shall, within ninety days after the expiration of each calendar year, compile for publication in such form and manner as the Minister may approve a summary of the births and deaths which occurred each year, together with a general report on the increase or decrease in the population of Bermuda." The Registrar is required, also under section 35 of the Marriage Act 1944, to publish a summary of marriages conducted each year.

In preparation for the annual report, Mr. Speaker, the Registrar has relied on information received from the Records Office of the King Edward VII Hospital relating to births, from the local funeral directors and medical practitioners in relation to deaths, and from local marriage officers and masters of Bermuda registered ships in relation to local and maritime marriages, respectively.

Mr. Speaker, the report, which deals primarily with the vital statistics pertaining to the Island's residential population, indicates that, for the second time in five years, there has been a slight increase in the number of births. In 2016, there were 591, an increase of 8, or 1.4 per cent, over the 583 births recorded in 2015. The live birth rate of the population has increased by 2 points per thousand, from 8.9 in 2015 to 9.1 in 2016. There were 11 babies born in 2016 in the residence of the parents, an increase of 6 from the year ending 2015.

Mr. Speaker, the distribution of live births by nationality, based on information provided by the parents at the time of registration of their children's birth, for 2016, reflects 80 per cent, or 473, of the total live births [who] have at least one Bermudian parent. [Additionally,] 20 per cent of the births have parents who are both non-Bermudian in 2016. Mr. Speaker, honourable colleagues are advised that, in 2016, a total of 492 deaths were recorded among residents. A death rate of 7.5 per thousand of the population for 2016 reflects an increase of 14, or 2.9 per cent, from 478 recorded in 2015. The report also indicates that there were a total of 503 deaths recorded for the year ending 31 December 2016. Eleven were in respect of non-resident persons. One stillbirth was recorded in 2016.

Mr. Speaker, there was an increase of 99, or 0.15 per cent, in the estimated resident population at the end of 2016, at 65,391 persons as opposed to the 65,292 in-resident population estimated in 2015. At the end of 2016, there were 2,751 more females than males in the population figures.

Mr. Speaker, for the year ending 31 December 2016, there were 450 total marriages performed in Bermuda, an 11.6 per cent decrease from the 509 marriages recorded in 2015. During 2016, marriages

between parties who were both non-residents accounted for 231, or just over half of the total of 450 marriages. This figure still is in keeping with the trend over the past five years for marriages between non-residents to exceed the number of marriages between residents and marriages between a resident party and a non-resident party. Mr. Speaker, the report also shows that there were 177 marriages between parties who both were residents and 42 marriages between a resident and a non-resident.

Mr. Speaker, 468 marriages were performed on board 28 Bermuda registered ships in 2016. This total represents a decrease of 97, or 17.2 per cent, from the 2015 total of 565. The cumulative number of marriages (local and maritime) processed through the Registry General for the year ended 31 December 2016 was 918, as compared to 1,074 for the year ending 2015.

In closing, Mr. Speaker, the Annual Report seeks to provide an illustrative statistical digest of vital events such as live births, deaths, stillbirths, marriages, adoptions, and re-registration of births for the year ending December 31, 2016. Thank you, Mr. Speaker.

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

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

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** This begins our Question Period, the 60 minutes we have for this. And we will start with the written question that has been submitted by the Honourable Member Patricia Gordon-Pamplin, to the Honourable Minister Walton Brown.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you. Thank you, Mr. Speaker.

### QUESTION 1: WATERFRONT PROJECT UPDATE

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Speaker, my question to the Minister: On November 8<sup>th</sup>, the Minister for Home Affairs, on public radio, stated that, in 2015 or in 2016, Mr. MacLean approached him concerning the Waterfront matter, and there was agreement that he would assist in resolving the matter. Subsequently, the Minister's Statement to the House on November 18<sup>th</sup> indicated that he [the Minister] was not involved in any dialogue or any sort of negotiations on the matter either before or after becoming Minister.

Will the Honourable Minister please explain to the Honourable House the contradiction between his

statement on public radio and the November 18<sup>th</sup>, [sic] 2017, Hansard?

**The Speaker:** Minister, would you like to respond at this time?

**Hon. Walton Brown:** Certainly, Mr. Speaker.  
Mr. Speaker, there is no such contradiction.

**The Speaker:** Thank you, Minister.  
Supplementary? Further question?

**Mrs. Patricia J. Gordon-Pamplin:** Yes.

**The Speaker:** No further question, but a supplementary. (It is a written.)

**Mrs. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Yes.

### SUPPLEMENTARIES

**Mrs. Patricia J. Gordon-Pamplin:** What were the terms of the agreement to which the Minister stated on public radio that *we agreed*?

**Hon. Walton Brown:** Mr. Speaker, for the edification of the Honourable Member, the House, and the listening public, there was no contradiction, because there was no parliamentary session on the 18<sup>th</sup>. And so, the Member has submitted a question that cannot be answered and cannot have a conflict, because there was no such parliamentary [sitting].

But what I will say, for the purposes of increased transparency, is that matters relating to this issue are currently under investigation. And therefore, it is not advisable that I issue any further comment on this matter.

**The Speaker:** Supplementary?

**Mrs. Patricia J. Gordon-Pamplin:** I have a supplementary. I have a supplementary.

As the Member has not filed a Members' Interest Declaration, in what capacity did the Honourable Member offer representation, given that he has not generally identified himself as an attorney?

**The Speaker:** Can you restate the question, for clarity?

**Mrs. Patricia J. Gordon-Pamplin:** As the Member has not filed a Members' Interest Declaration, in what capacity did the Honourable Member offer representation in this matter, given that he has not generally identified himself as an attorney?

**Hon. Walton Brown:** Mr. Speaker, as I just said, the matter is the subject of a police investigation. Therefore, there will be no further comment.

**The Speaker:** Thank you.

Your supplementaries are all used up. You used your two supplementaries.

We will now move on to the oral statements.

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

**The Speaker:** You have a supplementary?

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

**The Speaker:** Okay.

### SUPPLEMENTARY

**Hon. Michael H. Dunkley:** In light of the comments by the Honourable Minister, has the Honourable Minister taken legal action against Mr. MacLean for his comments?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, as I have said earlier, there will be no further comment on this matter because it is the subject of a police investigation.

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

**Hon. Michael H. Dunkley:** I appreciate that answer, Mr. Speaker, but we would not prejudice any action if the Minister said yes or no to legal action by himself.

**The Speaker:** No comment, Minister?

**Hon. Walton Brown:** No comment.

**The Speaker:** No further questions or supplementaries. We will now move on to the questions related to the Statements that were presented this morning by Ministers. The first Statement that was delivered by the Premier would have a question by one Member who has put forward a question this morning, and that is from the Leader of the Opposition.

Madam Leader of the Opposition, you have the floor.

### QUESTION 1: LOAN FACILITY AGREEMENT BETWEEN THE BANK OF NT BUTTERFIELD & SON LIMITED AND THE GOVERNMENT OF BERMUDA

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

Mr. Speaker, I have two questions. The first—can the Premier indicate to this House, and obviously, for the people of Bermuda, whether he anticipates that the borrowing limit would be breached . . . that the borrowing that you have undertaken will breach Bermuda's legislated debt ceiling of \$2.5 billion?

**The Speaker:** Premier, would you like to respond?

**Hon. E. David Burt:** Thank you, Mr. Speaker.  
No.

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

### SUPPLEMENTARY

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

I anticipated that. But, Mr. Speaker, I wonder if the Premier would indicate that, based on the Statement that he submitted, which indicated that the former administration had anticipated borrowing, new borrowing of \$135 million, to finance the 2017 deficit, and he has indicated in his Statement that this is new borrowing and made it clear that it is just a facility; it is not drawing down . . . that this new borrowing will meet government's total financing requirements for the fiscal year, not only 2017/18, which the previous administration had thought of, but also a portion of the 2018/19 deficit, could the Finance Minister/Premier indicate whether this ability to meet the portion of the 2018/19 deficit is because of the extremely good results that Bermuda has had for the first half of 2017/18?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Thank you, Mr. Speaker.  
No.

**The Speaker:** Thank you, Mr. Premier.  
Further supplementary?  
No further supplementary; no further question.  
We now move on to the second Statement.  
And, Premier, that Statement was from you, as well. And we have two Members who have indicated that they have questions for you, the first, again, being from the Leader of the Opposition.  
Madam Opposition Leader, you have the floor.

### QUESTION 1: JOINT MINISTERIAL COUNCIL

**Hon. Jeanne J. Atherden:** Thank you, Mr. Speaker.  
Mr. Speaker, I wondered if the Premier could indicate to us . . . although the Premier talks about building relationships with the chairman of the committee on exiting the European Union, there is no indication in this report about Brexit actually being dis-

cussed, which is very important to Bermuda and every UKOT [United Kingdom Overseas Territory]. Can the Premier advise whether it was discussed and what was said that relates to Bermuda?

**The Speaker:** Mr. Premier?

**Hon. E. David Burt:** I thank the Honourable Opposition Leader for her question, Mr. Speaker.

Mr. Speaker, as I indicated in the Statement that I had given two weeks ago, there was an entire afternoon section on Brexit. The Opposition Leader is correct that that is not included in my Statement. But I was trying to be a little bit brief.

Regarding the issues of Brexit, a lot of the issues that were discussed at the EU do not necessarily pertain strictly to Bermuda, as a number of matters dealing with the [United Kingdom's] exit from the EU apply to countries that are eligible for overseas assistance, which receive a large portion of their aid from the European Union, of which they will be no longer able to receive. There are also issues that are distinctly related to Gibraltar, as Gibraltar has special status related to the European Union, in addition, on those matters.

What should also be known, Mr. Speaker, is that also the discussions on Brexit were limited, because there is not actually clarity on what Brexit will be at this point in time. And as we can see, Mr. Speaker, there is still a lack of clarity of where that item will go.

What I can advise the Honourable Member, or the Honourable Opposition Leader, is, as we gave commitments when we met in Brussels and also discussions directly in our bilateral meeting with the members from the Foreign and Commonwealth Office, we will look to continue to engage in this process. But it is difficult to engage without actually knowing what Brexit will mean and the implications, as those negotiations are still ongoing. That much being said, the EU Overseas Territories are being represented. Those matters from our representative in the UK continue to liaise with White Hall. If there are any particular updates that we have, I will be happy to bring any further updates to this House.

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

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

**The Speaker:** The Honourable Member from constituency 10, Honourable Member Dunkley.

### SUPPLEMENTARIES

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

To the Honourable Premier: I appreciate the comment on Brexit. Can the Honourable Premier inform this Honourable House, what is the main discussion point in relation to Bermuda and our desires [for a positive outcome] from Brexit with the UK?

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

**Hon. E. David Burt:** Thank you, Mr. Speaker. I thank the Honourable Member for his question.

Our main point of discussion in these particular items is ensuring that Bermuda can continue its trading relationship with the European Union, as that is important to our international finance sector. And that is the focus of our negotiations and our discussions with the United Kingdom.

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

**Hon. Michael H. Dunkley:** Yes. Thank you, Mr. Speaker. And I thank the Honourable Premier for that comment and that understanding.

Question to the Honourable Premier: Has there been any discussion or movement forward on the ability of Bermudians to have access throughout the European Union as we currently enjoy?

**The Speaker:** Mr. Premier.

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

Mr. Speaker, the Honourable Member should know that those matters are the current issues that are under debate, which is currently taking place within the United Kingdom and the European Union. As Members would know if they are paying attention to the news, those debates are fluid and they are continuing. And at different points in time when there is something to update, I will be happy to give that information to the House.

However, what I can be certain of is that from the perspective of Bermuda, the fact that we have a passport that issues to the United Kingdom, the rights that will be given to UK citizens are, more than likely, the same rights that will be given to persons with Bermuda status.

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

## SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary, Mr. Speaker.

Mr. Speaker, has the UK provided any guidance to Bermuda or the other Overseas Territories in regard to a post-Brexit situation regarding the EU and

the offshore financial activities of Overseas Territories?

**The Speaker:** Premier.

**Hon. E. David Burt:** No, they have not.

**The Speaker:** Thank you.  
No further questions?  
Supplementary?

**Hon. Jeanne J. Atherden:** Further question.

**The Speaker:** That is right. You had asked one. Okay. Your second question, the Opposition Leader.

## QUESTION 2: JOINT MINISTERIAL COUNCIL

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

Mr. Premier, on page 4, you indicate that you were proud to sign the United Kingdom/Bermuda country-by-country competent authority agreement. Could you explain to us and Bermuda what this means as it relates to our taxes?

**The Speaker:** Mr. Premier.

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

Mr. Speaker, in order for our countries to enhance their country-by-country reporting relationships, they have to recognise each other's mutual competent authorities. This will mean that there is a country-by-country relationship that now is taking place between the United Kingdom and Bermuda, and we can share country-by-country information upon request.

**The Speaker:** Thank you.  
Any further question? No? Supplementary?

**Hon. Jeanne J. Atherden:** Just for clarification.

Does this mean, Mr. Premier, that, by doing this, this enhances the tools that we have available to us as it relates to tax regimes and thus not being deemed to be a tax haven?

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

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

What I have said on numerous occasions in my Statements is that Bermuda is a global leader in tax transparency, and we will continue to lead the Overseas Territories in this regard, because we want to make sure that Bermuda is recognised as being different. This is to make sure that we are fulfilling our commitment, which we have previously signalled. And I will be giving the House a further update on a similar

agreement with the United States when we return in February.

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

No further questions? Supplementary? Question?

Yes. You had indicated that you wanted a question. You can put your question now.

The Honourable Member from constituency 10, Mr. Dunkley.

#### QUESTION 1: JOINT MINISTERIAL COUNCIL

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

Question to the Honourable Premier: In light of the recent, it appears, positive developments on moving the Brexit negotiations forward by Prime Minister Theresa May, has Bermuda been contacted by the UK with an update, or [has Bermuda] reached out to the UK for an update on how these positive developments might affect us?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I do believe that these developments broke this morning in the news. And I can assure the Honourable former Premier that I have not spoken with Downing Street in the last four hours.

**The Speaker:** Thank you.

Supplementary? No supplementary?

We will move on to the third Statement. Mr. Premier, that Statement is from you, as well. And we again have the Leader of the Opposition who has indicated that she has a question for you.

Madam Opposition Leader, would you like to put your question now?

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

**The Speaker:** Go right ahead.

#### QUESTION 1: EUROPEAN COUNCIL CONCLUSIONS ON "EU LIST OF NON-COOPERATIVE JURISDICTIONS FOR TAX PURPOSES"

**Hon. Jeanne J. Atherden:** To the Premier: As issues which ultimately affect our status as a corporate tax jurisdiction are very important to the people of Bermuda, will the Premier confirm that the commitments made to the European Union Code of Conduct Group, to have further enhancements to our transparency regime, will be shared with the Opposition so that we may support [it], and ultimately share with the regulated industries and the public so that they may be kept informed?

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

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

Mr. Speaker, I welcome the question from the Leader of the Opposition. The Leader of the Opposition and I have spoken, and I have given her a commitment to give her members, her shadow economic team, and anyone else a full briefing of the matters which are taking place between the European Union and Bermuda. And we will endeavour to have that completed today. In addition, the second part of her question is about consultation with industry. When it is clear as to what precisely is being looked for in the global context of the OECD, when they are looking at this issue, then we will be going out to industry, and that consultation is expected to take place in February.

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

Supplementary?

No supplementary. The second Member who indicated that he had a question for you, Mr. Premier, is the Honourable Member from constituency 22.

Honourable Member Gibbons, you can put your question.

#### QUESTION 1: EUROPEAN COUNCIL CONCLUSIONS ON "EU LIST OF NON-COOPERATIVE JURISDICTIONS FOR TAX PURPOSES"

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

I am not sure whether this would be part of the consultation that the Premier refers to, but I have a very specific question. On page 16 of the European Council's Report, under the heading "*Existence of tax regimes that facilitate offshore structures which attract profits without real economic activity*," Bermuda, the Cayman Islands, Guernsey, the Isle of Man, Jersey, and Vanuatu ought to have committed to addressing concerns related to economic substance by 2018.

I am happy to have the Premier defer response, but I would be curious to know what those commitments are. Perhaps that is part of the briefing. But I would also ask that the Premier, if that briefing does not go public, [would he] be committed to making the briefing public so that the community understands what those commitments are? Thank you, Mr. Speaker.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I am happy to inform the Honourable Member, as was stated in my Statement, that there will be many people who will put many different spins on many certain things to fill their own domestic local agendas.

But what I will state in this particular place, in which I have made clear in other places, is that what we said we will do is that we will continue to examine our tax transparency relationships. And in regard to the commitments that were made to the European Union, the commitments that were made were to engage inside of the process to address the concerns which they had.

But I would like to speak very clearly to something that the Honourable Member said. And the Honourable Member said something regarding the issue of *not attracting profits where profits are not earned*. And these are items which we were addressed by country-by-country reporting regimes, which is something which we lead on, which is something that the European Union does not even have inside of their countries. And what the Code of Conduct Group and Ecofin [Economic and Financial Affairs Council] actually stated is that what the European Union has to do as well is to get their own house in order on these particular matters. We will continue to engage in these discussions. And as we have made an indication, we will be happy to continue to engage and to enhance our transparency regime so people can be ensured that the specific question of which people are trying to cure is something that is addressed through our transparency regime.

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

No further question? No supplementary?

We will now move on to the fourth Statement. And that was the Statement given by the Junior Minister of Finance. Junior Minister Furbert, the Honourable Member from constituency 21, indicated that he has a question for you.

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

#### QUESTION 1: FINANCIAL STATEMENTS OF THE BERMUDA GOVERNMENT CONSOLIDATED FUND 2017

**Mr. Rolfe Commissioning:** Thank you, Mr. Speaker.

Minister, would you inform this House the total penalty, or fees, paid to Bermuda creditors as a result of the One Bermuda Alliance Government submitting late financials?

**The Speaker:** Mr. Junior Minister.

**Hon. Wayne L. Furbert:** Mr. Speaker, I believe that, in 2015, there was a penalty of \$410,000 paid out by the Government. And in 2016, there was a \$640,000 penalty paid, which makes \$1,050,000.

**The Speaker:** Thank you.

Supplementary?

Ah! Ah! Ah! Ah! Nope, nope, nope, nope!

*[Inaudible interjection]*

**The Speaker:** Okay. Go ahead, Member, with your supplementary.

#### SUPPLEMENTARY

**Mr. Rolfe Commissioning:** Thank you, Mr. Speaker.

Would the Honourable Junior Minister concede that the imposition of the aforementioned fees has egregiously hindered the ability of the Government to deliver services? Can you outline to the House and the Bermudian people how those fees have hindered the said services that I am referring to, and in what areas?

**The Speaker:** Junior Minister.

**Hon. Wayne L. Furbert:** I would not say that they actually hindered. But I would say that we could have given more money to scholarships, helped out our seniors, and helped out other people who needed help, with the \$1 million.

**The Speaker:** Thank you.

Any supplementary?

**Hon. Jeanne J. Atherden:** I have a supplementary.

**The Speaker:** We recognise the Opposition Leader.

#### SUPPLEMENTARIES

**Hon. Jeanne J. Atherden:** Mr. Speaker, could the Junior Minister indicate to the public whether the cause of this delay was something that was related to internal control issues or related to completion of audit issues?

**The Speaker:** Thank you.

Junior Minister.

**Hon. Wayne L. Furbert:** Mr. Speaker, the Honourable Opposition Leader was in Cabinet, and she should know what happened.

**The Speaker:** Supplementary?

**Hon. Jeanne J. Atherden:** Could the Minister repeat what he said?

**The Speaker:** Junior Minister, would you mind repeating your response?

**Hon. Wayne L. Furbert:** Yes. Mr. Speaker, I said the Honourable Leader was in Cabinet, and she should be well aware of why [there was a] penalty [for filing] late, but they were the ones responsible for paying the fees; we were not.

**The Speaker:** Supplementary?

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

I asked the Junior Minister if he could tell me what it was. I did not ask him how it occurred, in terms of when it occurred. I wanted to know what caused it.

The reason I am asking this is because sometimes you have things which are structural in terms of delays in audits. And if this is continuing, it is not just this year. It could have happened the year before and will happen in the year going forward. I want to understand why, because I think the people of Bermuda are interested.

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

**Hon. Wayne L. Furbert:** Mr. Speaker, it is very simple. They submitted their financials late. We did not, and that is why we did not pay a penalty this year. They did.

**Hon. Jeanne J. Atherden:** Supplementary.

**The Speaker:** You have used your two supplementaries.

**Hon. Jeanne J. Atherden:** Well, then, I have a new question.

**The Speaker:** Ah, no. You were not down for a question. Somebody else would have to ask the supplementary.

Would you like to ask a supplementary, the Member from constituency 22?

**Hon. Dr. E. Grant Gibbons:** Yes, Mr. Speaker.

**The Speaker:** Honourable Member Gibbons, you have the floor.

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Yes.

So, could the Junior Minister please tell us whether it was the Minister of Finance who submitted the financial statements late to the Auditor General, or whether the auditing process after the submission of the statements was responsible for delaying the process?

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

**Hon. Wayne L. Furbert:** Mr. Speaker, I do not understand why the former Minister, who should be well aware of why the penalty was paid, was asking this side, because we did not pay it—they paid it.

**An Hon. Member:** Just answer the question.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** Supplementary.  
Supplementary.

**The Speaker:** Supplementary from the Honourable Member from constituency 23.

The Honourable Member Gordon-Pamplin, you have the floor.

#### SUPPLEMENTARY

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Speaker.

Mr. Speaker, the transparency that the Government has committed to dictates that we can ask questions relating to the Honourable Minister's Statements. The question that is being asked, in terms of the reasons behind the delay, are legitimate questions. And we would wonder if the Minister would be willing to give the response *for the edification of the public*, in light of full transparency.

**The Speaker:** Thank you.  
Junior Minister, do you care to respond?

**Hon. Wayne L. Furbert:** Mr. Speaker, I am very surprised at the former Cabinet Minister, who should be well aware of why the financials were late. But if we can get some further questions, I'll give answers to either one. But they should have been aware of why the financial statements were late at that time.

**The Speaker:** Thank you.  
No further questions, no further supplementaries?

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

**The Speaker:** Yes, go ahead, the Honourable Member from constituency 10.

#### SUPPLEMENTARY

**Hon. Michael H. Dunkley:** Yes. The Junior Minister will not answer; I am sure, because he does not know. But, Mr. Speaker, he was quick to answer the fees paid for the past two years. Would the Junior Minister be able to find out from the Premier the fees paid in the prior three years?

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** What was the question?

**The Speaker:** Put the question. Basically, you indicated that the response from the Junior Minister responded to the last two years.

**Hon. Michael H. Dunkley:** The Junior Minister responded for the prior two years. What were the previous three years before that?

**The Speaker:** You want to find out about the previous three years.

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

**Hon. Wayne L. Furbert:** I had nothing to do with the placements before then. I had to do the placements that took place. And that is why, in the agreement, the Government failed to file the financial statements in time, and they had to pay a penalty in 2015 and 2016. It did not happen in 2014.

**The Speaker:** Okay.

No further questions or supplementaries.

We now move on to the next Ministerial Statement for which Members have questions. And that is for the Deputy Premier. Deputy Premier, you have a question from the Member from constituency 22.

The Honourable Member Gibbons, would you like to put your question in reference to the first Statement on the space industry?

#### QUESTION 1: SPACE INDUSTRY

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker. Mr. Speaker, I would.

The Honourable Member will know that, a year ago, I was also in Washington with the Financial Secretary at the time, William Francis, on the space issues. And at the time (because the FCC is mentioned in the Honourable Member's Statement on page 7), at the time we started a procedure with discussions with the head of the International Section, the head of the Satellite Section, to review the moratorium on additional satellites doing direct broadcast TV.

I wonder if the Honourable Member had that discussion with the FCC as to what the status of the review of that moratorium is. He will know that direct broadcast TV is a huge market and one that could really help us to monetise EchoStar 6 and our BermudaSat-1.

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

**Hon. Walter H. Roban:** Thank you, Mr. Speaker, and thank you for the question.

Yes, we raised the question on their review. The FCC informed us that they had done nothing to address the review of that particular moratorium.

**The Speaker:** Thank you, Deputy Premier.  
Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary, Mr. Speaker.

**The Speaker:** Supplementary?

#### SUPPLEMENTARIES

**Hon. Dr. E. Grant Gibbons:** Yes.

Did they indicate that, although nothing had happened to date, that they were likely to pursue a review of that moratorium?

**The Speaker:** Deputy Premier.

**Hon. Walter H. Roban:** I will inform the Honourable House exactly what the FCC told us. *It's on our list.*

**An Hon. Member:** Of to-dos.

**Hon. Walter H. Roban:** I am sorry; *It's on our list of to-dos.* And that is exactly what the FCC told us.

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

**Hon. Dr. E. Grant Gibbons:** It sounds very bureaucratic.

Yes, Mr. Speaker, I have got another question, a second question.

**The Speaker:** New question, no supplementary. Second question.

**Hon. Dr. E. Grant Gibbons:** Yes, second question, yes, yes.

**The Speaker:** Continue on.

#### QUESTION 2: SPACE INDUSTRY

**Hon. Dr. E. Grant Gibbons:** In regard to the issue of . . . let me see if I can find it. Yes, page 6 of the Honourable Member's Statement, he refers to condominium-style satellites, or condo-sats. I wonder if there was any further discussion about Bermuda's existing segregated accounts legislation, the fact that we are actually looking at incorporating cell legislation, or [IT-] ISAC, as it is known, because this could be a great benefit to satellites, where you have multiple users in the same rocket going up and where you want to segregate the different business interests of those users.

Has there been any further discussion with space industry partners about that?

**The Speaker:** Thank you, Member.  
Deputy Premier?

**Hon. Walter H. Roban:** The answer is yes, and with a particular company, GEOshare, which the Member will be aware of, we did have discussions about their business development in this area.

**The Speaker:** All right.  
Supplementary?

**Hon. Dr. E. Grant Gibbons:** It is actually a third question, Mr. Speaker.

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

### QUESTION 3: SPACE INDUSTRY

**Hon. Dr. E. Grant Gibbons:** Yes. The Honourable Member will be aware that Luxembourg and, actually, also the UK have been very active in the last year or so, particularly Luxembourg, in looking at legislation that would allow for such diverse areas as space mining and putting in place a structure for those sorts of things. Was there any discussion with respect to the possibility of Bermuda's looking at additional legislation that might position us very well as a jurisdiction for additional types of space business, which is, obviously, as the Honourable Member said, growing substantially now?

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

**Hon. Walter H. Roban:** I can confirm yes. Those discussions went on, and we will be looking at similar legislation for Bermuda.

**The Speaker:** Thank you.  
No further questions?  
The next Statement is that, again, of the Deputy Premier, your Statement in reference to the Energy Summit. And we have the Honourable Member from constituency 22, who again has a question for you.

Honourable Member.

### QUESTION 1: ENERGY SUMMIT AND INTEGRATED RESOURCE PLANNING

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. I appreciate the update the Honourable Member has given on the energy sector.

In his Statement, he refers several times to displacing fuels with clean, renewable sources of energy. He talks about a greener energy economy. And I

think there is another statement here about . . . yes, with respect to photovoltaic—that is, solar panels—where he says, “Air quality improves just a little, both locally and globally, with every solar panel on a roof.” Missing from the Honourable Member's Statement was any comment on the solar farm that was well underway under the former Government with respect to the Finger down at the airport. I wonder if the Honourable Member could give an update as to where that particular project is. It would make a significant contribution to replacing fossil fuels, as it would replace up to 6 per cent of our peak demand with renewable solar energy. Could the Honourable Member please give an update?

**The Speaker:** Well, I am going to caution you before the Minister gets to his feet, because that particular project was not singled out in his Statement. I think the Statement responded to the summit itself.

So, Minister, if you want to respond? It is outside of your Statement. If you do not want to respond, I will accept that you are not responding.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker. I am happy to give a very brief answer on that.

**The Speaker:** Okay.

**Hon. Walter H. Roban:** They are currently in discussions with BELCO on a project, purchasing . . . a PPA [power purchase agreement]. So that is the state of the situation with that particular project. But I can say no more, of course.

**The Speaker:** Thank you.  
Any further supplementary? No questions?  
The next Statement is that of the Honourable Minister for Reform, the Honourable Minister Foggo.

You have one Member who has put a question to your Statement regarding the union negotiations. And that is from the Honourable Member from constituency 10.

Honourable Member Dunkley, you have the floor.

### QUESTION 1: UPDATE ON UNION NEGOTIATIONS

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker.  
To the Honourable Minister Foggo: The Honourable Minister Foggo mentioned in the Statement that the Government has taken the decision, on the top of page 2, “that there will be parity amongst all of its employees. To this end all Government employees will contribute equally to health insurance.” Not getting into that specific subject, Mr. Speaker, but part of the formal mandate given to the public sector negotiating team—and I say “formal mandate” because the Minister said there was none, there was no financial mandate. But part of the formal mandate given to the

Government negotiating team was to try to look at harmonisation across the number of government unions there were, to bring harmonisation to various union contracts. Clearly, with the health and the Bermuda Police Service, that is one aspect of it.

Can the Minister update the Honourable House of Assembly on the other aspects of harmonisation that will be taking place in the formal mandate?

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

**Hon. Lovitta F. Foggo:** I can undertake to say that, when further harmonisation takes place, this Honourable House will get a report to speak to such.

**The Speaker:** Thank you, Minister.  
Any supplementaries? Supplementary?

### SUPPLEMENTARIES

**Hon. Michael H. Dunkley:** Yes, just for clarification.  
So, the Honourable Minister is agreeing that harmonisation is part of the discussion?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** If we are talking about parity and the like, yes. Harmonisation, of course, would be part of any normal union negotiations.

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

**Hon. Michael H. Dunkley:** Yes.  
Is the Honourable Minister in the position to state what areas are being looked at? Would it be sick leave? Would it be vacation time?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** When I have a full report for this Honourable House, I will share it at that time.

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

**Hon. Jeanne J. Atherden:** Yes, I have a supplementary, Mr. Speaker.

**The Speaker:** Yes.

### SUPPLEMENTARIES

**Hon. Jeanne J. Atherden:** Would the Honourable Minister clarify for the public the statement that she made with respect to a “false assumption”? And the reason I want clarification is because, having gone through some negotiations in the past, this fine line

between having discussions and talking with individuals, and then being able to come up with a dollar figure that one can agree on, I find it sort of strange in the sense that, from July and now up to November, we were able to get these particular unions to agree to this. On what basis is the Minister saying that there was a false assumption in the sense that there was a guise in terms of having talks versus negotiations? I just want to understand how she concluded that there were talks versus negotiations?

**The Speaker:** Okay. I will try to get the clear question.  
Minister, did you get the question?

**Hon. Lovitta F. Foggo:** I think that the final comment, yes, finally.

**The Speaker:** Yes.

**Hon. Lovitta F. Foggo:** It was made very clear that the former Cabinet gave no clear mandate to the PSNT, and then, not having received a mandate, they could not negotiate in earnest. And my report speaks to that.

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

**Hon. Jeanne J. Atherden:** Yes.

Could the Minister indicate when the contracts that are being negotiated right now, or agreed upon—when do they actually expire?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** The contracts that have been agreed are three-year contracts.

**The Speaker:** Thank you.  
No further question? No supplementary?

We will move on to the last Statement, where there is a Member who has indicated that there was a question, and that is to Minister Burch, your Statement on the bridges. We have one Member, the Honourable Member from constituency 9.

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

### QUESTION 1: UPDATES ON BRIDGES

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

This is specifically about the Causeway. Before 2012, there was a plan under the PLP administration to put a single-span bridge to replace the whole Causeway and Longbird Bridge. Can the Minister elucidate the reasoning behind deciding not to move forward with that plan, in view of the danger that a severe weather event poses to the 150-year-old struc-

ture of the Causeway and the additional risk of flooding of the airport from a severe weather event?

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

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

**The Speaker:** Yes.

**Lt. Col. Hon. David A. Burch:** I am pretty sharp. But I cannot possibly see into the future or predict what decisions folks would have made in 2012. I was not a Member of Cabinet, Government, or the Legislature in 2012, so I cannot speak to what considerations they may have made at that time.

**The Speaker:** Thank you.  
Supplementary or new question?

**Hon. Trevor G. Moniz:** No, Mr. Speaker, I think he misunderstood. I am not asking him what the considerations were then. I know the plan is still sitting there in Public Works, and I presume it was brought to his attention when he made the decision. He said today that they have decided not to do anything about the Causeway. And it would not be economic to do anything about the Causeway. So, presumably, when they looked at the risk/benefit analysis, they looked at the risk of a severe weather event severely damaging this 150-year-old structure and the risk of the Causeway causing flooding to the airport. If a bridge were built, there is more space for the water to go under, so the risk of flooding to the airport disappears. So, presumably—

**The Speaker:** So, put your question. Put your question now.

*[Laughter]*

**Hon. Trevor G. Moniz:** That is the question. Can he elucidate on the decision structure that he went through in order to make that decision?

**The Speaker:** Thank you.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, that Honourable Member was the Minister of Public Works, and obviously has intimate knowledge. Why did he not make the decision when he sat in that chair? I considered solely the advice of the engineers within the Ministry of Public Works. And not being an engineer myself, I did not second-guess them. I accepted the recommendation that was made to me, and that is how we are proceeding. The most important aspect of this, though, Mr. Speaker, is, in my humble opinion, the fact that the country does not have to endure the expense of replacing a Causeway.

That is the point that should be taken away from this whole exercise. Thank you, Mr. Speaker.

*[Desk thumping]*

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

There being no further questions, I recognise that we did go past lunch, but that was the final question. I am sure you Members did not mind us going a couple of minutes past. I would now like to recognise the Premier.

Premier, you have the floor.

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

Mr. Speaker, I move that the House do now adjourn for lunch.

**The Speaker:** The House now stands adjourned until 2:00 pm.

*[Gavel]*

**Proceedings suspended at 12:34 pm**

**Proceedings resumed 2:02 pm**

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

**The Speaker:** Members, we are . . . I trust you all had a nice lunch break, because it looks like we are in for a long evening. I said that lightly hoping that you all understand that we do not have to have a long evening, but we will get the business done.

**An Hon. Member:** Yes, sir.

## **CONGRATULATORY AND/OR OBITUARY SPEECHES**

**The Speaker:** Good.

The next item is the Congratulatory and/or Obituary Speeches.

Does any Member wish to speak to that?

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

**The Speaker:** Minister, you moved pretty quickly that time. I did not even look your way yet, Minister, but being you are on your feet go ahead, Minister.

I recognise Minister Burch.

**Lt. Col. Hon. David A. Burch:** I told you I was sharp earlier before we went to lunch and I could predict . . . this is the one thing I could predict, Mr. Speaker.

**The Speaker:** Did lunch sharpen you up a bit more, I guess?

**Lt. Col. Hon. David A. Burch:** I have not had any yet.

Mr. Speaker, I would ask that congratulations be sent to a number of organisations, starting with the opening of the Farmers' Market this past Saturday.

Mr. Speaker, they had the largest number of vendors—45—that they have had in a long time. I had the privilege of opening it and, as somebody who often patronises it, I can advise that it was . . . they advertise hours of 8:00 am to 1:00 pm during this pre-Christmas season and 8:00 am to noon from after that until June. I would venture to say you had better get there before 9:00 [am] if you want to have the pick of the litter in terms of items that are for sale, particularly baked goods, which are my favourite there.

Mr. Speaker, may I also ask that—

**The Speaker:** Continue on.

**Lt. Col. Hon. David A. Burch:** —and encourage Members who have children to go and visit the Festival of Lights in the Botanical Gardens, which is sponsored this year by BELCO and in support of Friends of Hospice.

You will be aware, Mr. Speaker, that the Friends of Hospice normally have the Rubber Duck Derby, but that was pre-empted this year by the America's Cup and so they have come up with this idea to try and raise funds. And I suspect, Mr. Speaker, that considering the success and excitement that this has generated from young people that this will probably be an annual feature on the Christmas calendar. But BELCO has done an absolutely amazing job in terms of creating all sorts of lighting in the Botanical Gardens and it will be open on Fridays and Saturdays for the rest of this season.

Mr. Speaker, I would also ask that while people are out taking little people around that they visit the Mistletoe Market in Dockyard put on by WEDCO. And what this is, in the Clocktower building itself, six Christmas trees have been decorated by schools across the Island and they had a competition where members of the public could vote for the most popular tree. I was pressed into service on Sunday to announce the winners and I would like to do so again today, Mr. Speaker. Whilst they had First, Second, and Third places, they were very generous in making Honourable Mentions of the three other participants and [giving] a donation to each school.

So the Honourable Mentions went to Mount Saint Agnes Academy, Gilbert Institute, and Somersfield Academy, all of which received a \$250 donation from WEDCO for their schools. In Third Place was Saltus Grammar School which was awarded a \$500 donation; Purvis [Primary School] was Second Place with a \$1,000 donation; and St. David's Primary was Third with a \$1,500 donation. I would encourage Members as well, if shopping in the Dockyard, some of the actual decorations are quite outstanding, Mr. Speaker.

*[Timer beeps]*

**The Speaker:** Time is up.

**Lt. Col. Hon. David A. Burch:** That cannot be for me?

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

**Lt. Col. Hon. David A. Burch:** Is it?

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

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

**The Speaker:** I actually was going to say save the rest until next week, but it may be a little longer before we get the others.

**Lt. Col. Hon. David A. Burch:** Can I just list them, then, Mr. Speaker, and somebody else might . . . ?

I would like to offer congratulations to 21 long-serving members of the Ministry of Public Works who have a total of 265 years' service, and also to Purvis Primary School for their Christmas Parade Broadway Centre, and West Pembroke Primary School for Christmas Cinderella.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Are there any other Members who wish to speak?

I recognise the Honourable Member from constituency 32. Honourable Member Scott Simmons, you have the floor.

**Mr. Scott Simmons:** Mr. Speaker, I rise and ask that this Honourable House recognise the passing of Mrs. Helen Kathleen Hall of 14 Leacraft Hill in Southampton—and I will associate MP Swan. She is the beloved mother of Mr. Lionel Hall (and his wife Diane Hall). And we also wish to recognise other members of the family—Patrick, Gregory, Stephen, and Roger—and, of course, their families.

Mr. Speaker, Mrs. Hall passed at the wonderful age of 97 years. In the US Military and also in their civil life, they refer to the passing of a fallen soldier and their families as "Gold Star" parents or families. That said, Mr. Speaker, I mark Mrs. Hall [as] having standing in our community as a Gold Star senior and recognise their family as a Gold Star family. She represented a golden age in our community and she is fondly remembered, Mr. Speaker. We ask then that they be given the protection of God the Father, the intercession of his Son, and the love and comfort and peace of the Holy Spirit. Thank you, Mr. Speaker.

**The Speaker:** I thought you were going to preach at that time . . . I was a little worried.

I recognise the Honourable Deputy Premier.  
Deputy Premier, you have the floor.

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

**The Speaker:** Yes, I have seen you there.

**Hon. Walter H. Roban:** These congratulatory remarks may have already been given, but I was away last week, so I would just like to be associated with them, with the wonderful tree lighting ceremony that was held in St. George's on November 26<sup>th</sup>. I would like to be associated with whatever congratulatory remarks were given to that and look forward to seeing St. George's do whatever else it is hoping to do through the holiday season.

Thank you very much.

**The Speaker:** You are welcome, Deputy Premier.

I now recognise the Honourable Member from constituency 22.

Honourable Member Gibbons, you have the floor.

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

Mr. Speaker, I think some Honourable Members will have noticed the retirement of Bradley Kading who, as many will know, was the President and Chief Executive Officer of ABIR. And I think it is only appropriate . . . Mr. Kading has been sort of operating in that capacity for about 12 years, to recognise his contribution and [to] wish him well in his retirement. His primary responsibility, as Members will know, was the lobbying on behalf of the larger reinsurance firms, but in that process, I think, he has contributed quite a bit to Bermuda's standing in the halls of the US Congress in terms of the jurisdictional issues which we constantly try to reinforce.

So I would ask that the House take note of his contribution over the years, both to his industry and also to Bermuda, and wish him well on his retirement and, I guess, offer congratulations to Mr. John Huff, who was the former President of the National Association of Insurance Commissioners in the US who will be replacing him in that role.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Minister. Minister De Silva, you have the floor.

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

Mr. Speaker, I rise and ask the House to give congratulations to two very special people. And they would be Mr. Bernie and Josie Woods from Southampton, whom I think you know, Mr. Speaker, but

they recently—on November 30<sup>th</sup>—celebrated 50 years of marriage.

**The Speaker:** Yes.

**Hon. Zane J. S. De Silva:** And many people may know Mr. Woods as a former bus driver.

**The Speaker:** Mm-hmm.

**Hon. Zane J. S. De Silva:** In fact he drove bus for 30 years, and whilst we are on [the topic of] buses, that is where he met his wife. She was a clerk and many of us—well, I should not say many anymore, but—some of us in the House will remember when the bus terminal was down at East Broadway—

**The Speaker:** Yes.

**Hon. Zane J. S. De Silva:** —and yes, and she worked behind the counter as a clerk and, of course, he was a bus driver. And if anybody knows Mr. Woods, they will know that he was a very shy young fellow coming up, and he used say, in his words, *he was a Sunday school boy*. So I think he finally got up enough nerve to ask Josie out for a date. And it is one of those cases where I think, Mr. Speaker, you will find that it was love at first sight. So I certainly give them congratulations [on] 50 years of marriage. And, of course, you will know it, you are getting close yourself, I believe, Mr. Speaker, so—

**The Speaker:** Well, well—

**Hon. Zane J. S. De Silva:** —you know what it takes to stay married for a long time.

**The Speaker:** One of us deserves a medal.

**Hon. Zane J. S. De Silva:** Yes.

**The Speaker:** One of us.

**Hon. Zane J. S. De Silva:** Yes, indeed.

And Mr. Speaker, whilst I am on my feet I would also like the House to send congratulations out to Dr. Lynette Thomas. And I declare my interest, Mr. Speaker, but Dr. Lynette Thomas is the nephrologist at the hospital and she has realised her life-long dream by opening her own dialysis centre. And I would also like to congratulate the nurses, Hugh Murray and Lorna Fox; the Biomed water plant team, Richard Smith and Dayton Wharton; and, of course, her clinical manager, Ms. Jill Caines—all of whom have been in the industry for a long time, and I am sure that this centre will be one that will be enjoyed by many Bermudians for years to come.

And Mr. Speaker, whilst I am on my feet, I would also like to ask the House to give congratula-

tions to Donna Raynor. She was recently appointed to the International Athletics Foundation by the IAAF President, Sebastian Coe, who you know held the 1500 meter world record for a long time, and it is nice to see that he stayed involved with the sport and saw Donna worthy enough to be added to this foundation so, certainly, congratulations to Donna.

Thank you, Mr. Speaker.

**The Speaker:** You are welcome, Minister.

I now recognise the Honourable Member from constituency 24.

Honourable Member Lawrence Scott.

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

I would just like to associate myself with the congratulations from the Minister of Works and Engineering and I just wanted to mention some of those names for long-standing service: Mr. Anthony Seaman, for 20 years; Eric Somner, 25 years; Robert Smith, 15 years; Valerie Adams, 15 years; Charlie Richardson, 15 years; Andrew Bean, 5 years; Larry Robinson, Keideo Arrorash, Michael Perinchief, Kai-juan Williams, Marico Iris, Kenneth Dyer, Jamahl Dill, Casey King, Michael Rogers—10 years; Ernie Johnson, 15 years; Clinton Outerbridge, 15 years; Samuel Williams, 25 years; Alvin Dublin, 25 years; and Robert Somner, 30 years.

And Mr. Speaker, with those people working for 30 years, I was feeling old for a minute there because I hurt myself with my football training and had a back injury and so I just remember my father telling me that, you know, *One sign of being old is when your back goes out more than you do.*

[Laughter]

**Mr. W. Lawrence Scott:** So one thing is that when I talk about that, I am glad that the Minister Zane De Silva allowed me to be the one to congratulate the seniors who are awarded with their service to the country this past week. I was able to give my remarks and I appreciated that. And I noticed that one of the seniors that were honoured was the former Speaker, Mr. Randolph Horton, but also there were a couple of my constituents, Ms. Nell Johnston and also you had Ms. Roban that was honoured as well. So I guess that I think I have a few more years to look forward to before I can actually be considered one of the senior citizens like my cousin that sits next to me, the Deputy Speaker.

[Laughter]

**Mr. W. Lawrence Scott:** And actually I think the Member from constituency 6, as well, I think is a senior as well, Mr. Furbert.

But I just want to make sure that the letters of congratulation go out to our seniors that have done so

much for us. And let us put it this way, Mr. Speaker, their contribution—one of the greatest contributions of seniors—were my parents when they brought me into this world.

Thank you very much.

**The Speaker:** I now recognise the Honourable Member from constituency . . . what is it? . . . 21.

Honourable Member Commissiong, you have the floor.

**Mr. Rolfe Commissiong:** Thank you, Mr. Speaker.

I would like the House to send congratulations to Ms. Tannock, her first name is—

[Crosstalk]

**Mr. Rolfe Commissiong:** Mm-hmm. Thank you, Mr. Speaker, for the interruption.

Ms. Louise Tannock, who as of October has just been appointed as the Honorary Consul for St. Kitts and Nevis. Many of the Members here are aware of the historic commerce, ties of commerce and history and culture and family between Bermuda and St. Kitts and Nevis. She was actually born in St. Kitts and Nevis.

**The Speaker:** Yes.

**Mr. Rolfe Commissiong:** I want to associate the Members from [constituencies] 26 and 2 with these congratulations—she was born in St. Kitts and Nevis and was sent here during the mid-1970s or so to live in Bermuda with her father's relatives who were already here. And so we wish her all the best as she goes about her new and quite important task. As you know, Mr. Speaker, over the last 20–25 years or so there has been a growing movement to reconnect with those Bermudians who are of St. Kitts and Nevis' ancestry, as many of us here are, with St. Kitts and Nevis itself. Many have actually gone down there. Some have built homes down there. And so this is a welcome addition to the number and list of Honorary Consuls and Consuls that grace our shores. And, again, I wish Ms. Tannock all the best.

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

Does any other Member wish to speak?

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

**Mr. Hubert (Kim) E. Swan:** Yes, good afternoon, Mr. Speaker, and thank you.

I would like to be associated with the condolences being sent to the family of Mrs. Helen "Kay" Hall from Rose Hill—my aunt, she married one of my grandmother's younger brothers, Uncle Stanley, who passed away not too long ago—her five sons and

many grandchildren. And I associate the honourable representative of the area who brought condolences, who I am associating myself with, Mr. Speaker. She was a delightful lady. I send condolences out to her Bailey's Bay and Devil's Hole family as well, who I also know very well, Mr. Speaker. I know she will be sadly missed, the matriarch of the family, the last of the Hall clan from Ikey Hall's connection.

Mr. Speaker, I would like a letter sent to the PGA of Great Britain and the European Tour on the passing of a gentleman who was iconic in Britain who I had the great pleasure of working with for a week and being a member of the PGA tour at the same time, and that was no other than Tommy Horton from Royal Jersey Golf Club in the Channel Islands, who passed away. I was very sad when I picked up and looked on Facebook to learn of his passing just yesterday, I believe, Mr. Speaker, or maybe earlier today. His contribution to the game of golf is legendary and his stature—he was a golf professional's golf professional—an iconic figure, indeed. And I just feel blessed to have had the opportunity to work [with him] and have some of his teachings rub off on me. And he will be sadly missed by family and friends and the PGA family in Europe.

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

I recognise the Honourable Member from constituency 26. Honourable Member Tyrrell, you have the floor.

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

I rise to assist my ministerial colleague at the other end who seemed to run out of time. But because we share a Warwick interest I would like for congratulations to be sent to the principal and teachers at the Purvis Primary School who put on a very exciting presentation of "Broadway Centre" earlier last week, if those congratulations could be sent.

Thank you very much, Mr. Speaker.

**The Speaker:** You are welcome, Member.

I now recognise the Honourable Member, Ms. Furbert, from constituency 4.

**Mrs. Tinee Furbert:** Thank you, Mr. Speaker.

**The Speaker:** Honourable Member Furbert, you have the floor.

**Mrs. Tinee Furbert:** I would like to send congratulations out to the Pembroke Rotary Club and Mr. Mark Selley who had their annual Special Persons' Christmas Party. What was unique about this Christmas party was that special persons in our community have the opportunity to attend a very special function for them. And what made it particularly interesting was I remember persons walking in who used to be part of

an institutionalised or locked unit, and they now are able to live in the community free and they walked into that event very, very, happy and proud and free. So I just want to continue to thank the Pembroke Rotary Club and Mark Selley for having that event for them.

I would also like to congratulate Miss Carol Clarke who held the 19<sup>th</sup> Annual Seniors Party last Saturday. They had over 300 seniors at that event and our seniors look forward to that event. It is a joyous occasion and I would just like to congratulate Miss Carol Clarke and her team.

And I just came back from lunch, visiting with the Dame Marjorie Bean Hope Academy. They had their annual Christmas play and, again, it is a joy to see persons with disabilities—or children with disabilities—be able to display their talents in such a way. So I would like to congratulate Dame Marjorie Bean Hope Academy and their team.

And also, as many of us attended the Premier's CARIFESTA Showcase last Saturday as well, and the amazing talent that is out there, particularly representing our shores of Bermuda, is a sight to be seen. And we congratulate that team and all the participants who were a part of that event.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Minister. Minister Simmons, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker, and good afternoon.

Mr. Speaker, yesterday I had the honour to attend the CedarBridge prize-giving with the Senator Jason Hayward.

Mr. Speaker, the CedarBridge Academy from when it first started in 1997 has a storied past, but I think that we can look at the success and achievement of these young people and the potential within them as something to be nurtured and encouraged and supported. We were honoured to be with them and we look forward to hearing more about their successes academically and other . . . when they complete their education and when they graduate successfully from CedarBridge Academy.

Mr. Speaker, while I am on my feet I would also like to extend congratulations to the students and teachers of Dalton E. Tucker Primary School who last night held their Christmas Extravaganza.

Mr. Speaker, again, when you look at the academic performance at the older end, but then the creative talent and the creative . . . the work that went into producing this performance, you know, when you hear young people do the 12 Days of Christmas in Spanish . . . Lord help the poor child who was on day number 12 because he had to go through it and do it impeccably. But I say all that to say this, we go and we enjoy these spectacles and we enjoy the work that

goes into them, but I think we do not really take the opportunity to give thanks and appreciation to the teachers who go above and beyond during this Christmas season when the children are probably more focused on getting gifts and the Christmas holiday celebration than actually focusing on these performances. And so, the work and sacrifice that they put into that so that the parents and members of the community can enjoy it should be appreciated. I commend the school [and] I commend the Principal, Ms. Dean, for their continuing really excellent work with our young people in the community.

Thank you, Mr. Speaker.

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

I recognise the Honourable Member from constituency 1. Honourable Member, you have the floor.

**Mrs. Renee Ming:** Good afternoon, Mr. Speaker, and listening audience.

**The Speaker:** Good afternoon.

**Mrs. Renee Ming:** I just want to send a few congratulatory notes today. And one would be to the Bermuda National Trust on their Annual Christmas Walkabout that happens in St. George's every year. The estimated crowd number was around 4,000 people, so I would say that we had a pretty good event down there.

Also, Dellwood Middle School on their Big Dell Run; a few of my parliamentary colleagues participated and we had to run around the field. So I am going to associate MP Leah Scott, Opposition Leader Jeanne Atherden, Tinee Furbert, Dennis Lister . . . everyone, everyone.

**The Speaker:** Did they all run? You have not indicated if they all ran.

**Mrs. Renee Ming:** Yes.

**The Speaker:** They all ran, okay.

**Mrs. Renee Ming:** And also on Saturday afternoon, Mr. Speaker, we had the annual *Santa Comes to Town Parade* in St. George's, which was hosted by the Corporation of St. George's. An absolutely beautiful event, the town looks fantastic, the lights are awesome. Like I said to you, if you have not visited St. George's, please take this opportunity to do so.

And the Ebenezer Methodist Church for hosting their annual Candlelight Service, and this is something that they do every year, the service is held in mostly candlelight (because we do have to have a little bit of light to read the Scriptures), but we do . . . these are some of the events that we look forward to

and people take time out to come and so we try to make sure we get to them.

And just real quick—

**The Speaker:** Yes.

**Mrs. Renee Ming:** —a big congratulations to Kalmar Richards on her appointment as Acting Commissioner of Education, Mr. Speaker, and to Mr. Caesar on his appointment as Acting Principal of CedarBridge. Mr. Simmons would like to be associated with these comments. Mr. Tyrrell would like to be associated with these comments.

Thank you very much, Mr. Speaker.

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

I now recognise the Honourable Member who sits behind you there, the Honourable Member from constituency 28. Honourable Member Lister, you have the floor.

**Mr. Dennis Lister III:** Good afternoon, Mr. Speaker.

I first want to start off by also associating my congratulations with Purvis Primary for their Christmas Play last night and also associating with the CARIF-ESTA [celebration] last weekend. I attended and thoroughly enjoyed it and was blessed by the performances that our own Bermudians and a few that even came in from abroad to perform for that night. So I was blessed and thoroughly enjoyed it.

I also want to congratulate the Sandys Parish Council, in association with sponsor Lister Insurance Agency, for organising the Jay Donawa 5K [Road] Race which is to take place December 17<sup>th</sup>, so the Sunday after next. I believe that as a Somerset through and through that we have taken this chance to honour Jay Donawa for what he has contributed to the sport of running in Bermuda and by honouring him with this 5K road race, which I will be participating in myself, and hopefully I can get a few other of my honourable colleagues to join in.

**The Speaker:** That is a big hope now.

**Mr. Dennis Lister III:** But yes, I just would like to congratulate the Sandys Parish Council and its partnership with its sponsor, the Lister Insurance Agency.

Thank you.

**The Speaker:** I now recognise the Honourable Member from constituency . . .

**Ms. Susan E. Jackson:** Twenty.

**The Speaker:** Twenty.

Honourable Member Jackson, you have the floor.

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

I just want to get up and very briefly congratulate Berkeley Institute students that are a part of a virtual enterprise. The young people have been working for a couple of years now on developing a product that is a virtual product, and they are selling this through the Internet. And the programme has been comprehensive, it is a part of their daily curriculum, and they have developed the product to such an extent now that last Friday they were able to present their product to the community through an open house. And they are successfully on their way, very enthusiastic, and very knowledgeable on the topics that they have learned around business development and entrepreneurship.

The CedarBridge students, which I am mentoring now, are doing a similar . . . they are now also creating a virtual business and a virtual product, [and] they are going through all of the components to sell the product virtually in a secure and educational platform. And then they are competing with other students around the world who are also in this virtual entrepreneurship programme. So, I congratulate them on all of the hard work that they are doing.

And I would also like to very much send out congratulations to Summerhaven residents and staff who worked so hard to decorate the Christmas tree. I welcome everyone to go into the upper level of the Washington Mall where there are a number of trees on display, all competing for a donation of funds that can be put to good use. I personally believe that the Summerhaven handmade ornaments of wheelchairs that are decorated with beautiful glitter and also photographs of our Summerhaven family that are also attached to homemade ornaments are well worth voting for. And so I encourage everyone in the community, if they have a chance, to go out and enjoy the Christmas trees and vote for Summerhaven.

Thank you.

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

Does any other Member wish to speak?

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

**Mr. Christopher Famous:** Good afternoon, Mr. Speaker, and to the listening audience.

Mr. Speaker, I firstly rise to ask that condolences be given to the family of Mr. Calvin Harris of Friswell's Hill, who was a taxi driver of T1654, a long-time ambassador for tourism, a proud "pond dog" and a proud Bermudian.

Mr. Speaker, if possible, I would like a letter to be sent to this following gentleman, wishing him a Happy 53<sup>rd</sup> Birthday: the Honourable Dr. Timothy Harris, Leader of the People's Labour Party (PLP) in St.

Kitts, who is also the Prime Minister of St. Kitts and Nevis.

Mr. Speaker, it does not seem coincidence that the PLP is running Bermuda and running St. Kitts and Nevis. So, if possible, could we get a letter sent to the Prime Minister?

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

No other Member? Aah . . . okay.

We recognise the Honourable Opposition Leader.

Honourable Member, you have the floor.

**Hon. Jeanne J. Atherden:** Sorry, Mr. Speaker, you know you just wanted to—

**The Speaker:** No, I did not want leave you out.

**Hon. Jeanne J. Atherden:** —just a few minutes longer.

**The Speaker:** I do not want to leave you out. Put a smile on my face now. Go ahead.

**Hon. Jeanne J. Atherden:** Mr. Speaker, I just wanted to do two things. One, to be associated with the remarks in terms of congratulating Carol Clarke because Carol in terms of her . . . the Christmas parties that Carol has every year are just amazing in terms of the people that come there. And I keep looking at them and I say that they are getting younger and younger or I am doing something else. But she also makes sure that they have young people involved and I like the fact that they have the cadets that come there and serve their elders. And she makes everybody feel that they are special as they are. And for me it was one of those nice things to go there and eat all that food and enjoy it and then go right behind . . . and would I like to congratulate the Dellwood people because I had to leave there before the dessert was finished to go and participate in that walk that was helping at Dellwood. But I think that the mere fact that we have all of these Christmas functions taking place and our seniors are getting out is very important. But as we have said here today, so many schools are out doing things with our young people and making sure that they are able to go forward. And I liked . . . what was special in terms of Dellwood was the fact that they were raising funds to be able to take their students abroad, and it was good to talk to the two teachers who were going to do that because our students need to get off the Island and they need to benefit.

Thank you, Mr. Speaker.

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

I am hesitating . . . no other Member?

That brings us to a close of the Congratulatory and/or Obituary Speeches.

## MATTERS OF PRIVILEGE

**The Speaker:** There are none.

## PERSONAL EXPLANATIONS

**The Speaker:** There are none.

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

**The Speaker:** There are none.

## INTRODUCTION OF BILLS

**The Speaker:** There are none.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** So we now move on to the Orders of the Day.

The first Order before us today is that of the Casino Gaming Amendment Act 2017 in the name of the Honourable Minister Simmons. Honourable Minister, would you like to have the floor?

## BILL

### SECOND READING

#### CASINO GAMING AMENDMENT ACT 2017

**Hon. Jamahl S. Simmons:** Thank you very much, Mr. Speaker.

**The Speaker:** Yes.

**Hon. Jamahl S. Simmons:** Mr. Speaker, I move that the Bill entitled the Casino Gaming Amendment Act 2017 be now read the second time.

**The Speaker:** Continue on.

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

Mr. Speaker, the purpose of this Bill before the House of Assembly is to make amendments to the Casino Gaming Act 2014.

Mr. Speaker, as I informed the Honourable House in a Ministerial Statement, the Government has been subjected to a calculated, malicious, and divisive media campaign surrounding the issue of gaming. A calculated, malicious, and divisive campaign designed to resurrect the deplorable stereotype held by a few of a Progressive Labour Party that it is inherently corrupt, inherently dictatorial, and inherently incompetent.

Mr. Speaker, the Government . . . we reject those stereotypes, and we reject the practitioners of dog-whistle-politics-style media campaigns that may excite the fears of an ever-shrinking, increasingly irrelevant few, but that are rejected by the many.

Mr. Speaker, the Government has been given a mandate, a mandate which has never been seen since the advent of one man, one vote of equal value under the former Progressive Labour Party Government. It is right and it is proper that every entity that we have under our remit as the Government has with us a relationship based on mutual trust and mutual respect to execute that mandate.

Mr. Speaker, the AML/ATF assessment that Bermuda faces next year (and for the benefit of the listening audience that is anti-money laundering/anti-terrorist financing) is critical to the protection of our economy and maintaining a foundation for economic growth. Every arm of the Government and every entity under our remit must understand this and, based on relationships of mutual trust and respect, must be prepared to execute wherever they can and whenever they can to assist with this assessment.

Attempts to receive cooperation from the previous incarnation of the Bermuda Casino Gaming Commission on this critical assessment were not forthcoming with a non-participation in the Anti-Money Laundering Committee's national risk analysis, failure to provide the requested presentation for the related workshops, and failure to provide the analysis and conclusions of the working group that the Commission was chairing. This lack of cooperation potentially jeopardised our ability to meet the obligations under my Ministry and was not acceptable to either myself or this Government. And I am sure, Mr. Speaker, it is not acceptable to the people of Bermuda.

Mr. Speaker, to that end we propose an amendment to the Act that will enable the Minister to provide direction to the Commission after consultation with the Commission.

And Mr. Speaker, in the Committee phase I would like to propose an amendment to the Bill that will make it clear that such direction be provided only in written form to ensure that there is a clear and unambiguous record of any directions provided by the Minister in consultation with the Commission.

Mr. Speaker, this approach that we have taken with this amendment is not unusual, not unique, and not unheard of in this jurisdiction or in others. The Bermuda Monetary Authority is the prime example that many are aware of, and whose independence

remains unquestioned. And the wording of the amendment is reflective of the wording in the Bermuda Monetary Authority Act.

But, Mr. Speaker, if we were to compare the original Bermuda Casino Gaming Act passed under the previous Government with the Singapore Casino Control Act, one could easily come to the conclusion that the legislation passed by the previous Government was little more than a cut and paste of that document, with one major exception, specifically, clause 11 in Schedule 1 of the Singapore Casino Control Act, which makes provisions for ministerial direction and the revocation of appointments of commissioners. This was left out of the Bermuda Casino Gaming Act.

Mr. Speaker, the Government has taken note of the disquiet and angst surrounding the broadness of the powers laid out in the initial Bill tabled several weeks ago. Upon reflection, with careful consideration and with the guidance and assistance of the new Chair of the Casino Gaming Commission, we would like to move further amendments to this Bill in Committee that will provide more clarity and specific conditions upon the ministerial ability to revoke an appointment based on the inability or unwillingness of a member to perform their duties, or in such other circumstances that may amount to misconduct, breach of best regulatory practice, or are likely to bring the Commission or the Government into disrepute.

Mr. Speaker, these changes to the original Bill, in our view, preserve the intent of an independent commission and prevent the arbitrary, unjustified, removal of members of the Commission by this Minister, a future Minister, or a future Government. It should be noted and stated once again that the Chair—Ms. Cheryl-Ann Mapp, the former Magistrate—has been consulted on the proposed amendments and with her guidance we have made these changes.

Mr. Speaker, it is the intent of this Government to move forward with gaming, focused on creating economic growth, jobs, and opportunities for Bermudians. As Bermudians continue to lose jobs at hotels, while non-Bermudian jobs continue to grow, it is clear that economic growth, job creation, and the expansion of entrepreneurial opportunities for Bermudians are what we have been elected to deliver on and what we will deliver on and deliver in a clean, corruption-free gaming environment and a fantastic regulatory environment in every aspect of our economy.

But, Mr. Speaker, what is clear, for progress to occur in Bermuda we must have relationships and a commitment to mutual trust and respect. Where there is no trust and when there is no respect there will be no progress. As the former Leader of our country once articulated quite well, *Bermuda works best when we work together*. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Deputy Leader of the Opposition. Madam, you have the floor.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker, and good afternoon.

**The Speaker:** Good afternoon to you.

**Ms. Leah K. Scott:** Mr. Speaker, I have a bunch of pieces of paper here . . . let me see where I want to start. First of all, I have to give my disclaimer. The Minister and I do try to work together. Anything that I say today is not personal or directed at him personally, and I hope that we can be like people were in the old days—when we are finished, we can still go out and have a drink together.

*[Laughter and crosstalk]*

**Ms. Leah K. Scott:** Very good.

Now, I actually have the Hansard from 2014 that sets out the debate, and if you would allow me, Mr. Speaker, to speak to some of the clauses in there . . .

**The Speaker:** Being you asked, yes, I will allow you.

**Ms. Leah K. Scott:** Thank you, sir.

**The Speaker:** Go right ahead.

**Ms. Leah K. Scott:** So, the Honourable Shawn Crockwell (our late colleague) stated that, <sup>1</sup>“the purpose of the Bill . . . is to provide the legal framework required to permit the establishment of a casino gaming industry within Bermuda.”

And also, the Bill was to be “augmented with regulations to enable implementation of an appropriate regulatory regime and administrative structure to effectively oversee the casino gaming industry.”

And, as you will know or recall, we did have a lively debate concerning casino gaming. Part of the challenge was that, at that time, there was no referendum when they said that there was going to be a referendum. It was thought that we started out wrong and because we started out wrong we ended up wrong.

The Bill also provided for—if I may read again—“Part 2 of the Bill has provided for the establishment of the Bermuda Casino Gaming Commission, which provides for the Commission’s constitution and structure. The Commission will have a minimum of five members for purposes of issuing and overseeing licences for casino gaming.

“The primary objectives of the Commission are to be responsible for enforcing the provisions in the Casino Gaming Act and regulating casinos in

<sup>1</sup> [Official Hansard Report](#), 12 December 2014

Bermuda. This is consistent with overseas practices where dedicated bodies are set up to regulate casinos.”

Now, it is interesting to note, Mr. Speaker, and I will say that the Honourable Minister did not have the benefit of hindsight when he made this statement, but at the time that the legislation was debated he said:

“Mr. Speaker, I have wrestled with this Bill and wrestled with how I will vote on this Bill . . . It started out wrong. And Mr. Speaker, this Bill, there is a vile and despicable stench surrounding this Bill. It is a vile and despicable thing . . . It is extremely, extremely displeasing . . . Distasteful . . . if it was in my mouth I would spit it out because it tastes bad on the tongue and burns the stomach.”

So I would like to ask the Minister, with the benefit of hindsight does he still feel that way about the legislation now?

Mr. Speaker, in addition to the Honourable Minister’s comments, there were several colleagues on the other side that also were not in agreement with the legislation. Quoting Mr. Roban: “The whole journey of the OBA around gaming has been a bit of an escapade, frankly. It has been a farce to some degree because of some of the things that it has brought about as a result of the behaviour and the decisions of Members of the One Bermuda Alliance.”

Well, I would say the whole journey around trying to get rid of the chairman has also been a farce because I do not think that there has been a legitimate reason put forth as to why he should have been dismissed. And because it was a statutory appointment because he would not . . . he eventually fell on his sword, but as a statutory appointment . . . you want to change legislation to get rid of somebody because they are not going to do what you want them to do? I have not seen, I have not heard a justified explanation from that Minister yet as to why Mr. Dunch had to resign as the chairman and I want to know what the real reason is.

*[Inaudible interjection]*

**Ms. Leah K. Scott:** I said the real reason, Minister.

Going on, one of the things that Mr. Roban also said was: “My concern about this Bill in itself is that there are some things missing that I am not happy with. One is I do not like the composition of the Gaming Commission.”

And he said that he thought that it should be bigger and that there should be more people. So my question to the Minister is, Are you planning on enlarging the Gaming Commission at all?

It was thought that because there was a Problem Gaming Council that there should be somebody on there that has a social services background, there is a hospitality person in there, and then perhaps a general member of the public.

Mr. Roban also went on to say: “Concerns have been raised as to the power, responsibilities of the Minister related to the Commission. I will leave those details up to my colleagues . . . I expect the Minister will answer, and perhaps his answers will give them the confidence that they require. But those are issues, irrespective of what the Minister said, those are issues that we are concerned about in this Bill, and I am as well.”

It is important that there has to be independence between the Government and the authority. And I note that the Minister has said that the Singaporean model did not include . . . we left out what they included about having ministerial direction. The Ministers in Singapore make a whole bunch of money and so, you know, I think that they intentionally left this section of the legislation out of our Bill because we actually do want to have true independence. We want there to be no possibility of corruption whatsoever.

On the 12<sup>th</sup> of December, Mr. Roban *[sic]* also went on to say: “I did not feel comfortable (going back to the Green Paper) that that kind of independence and that kind of care was going into it back then, and certainly was not able to support any of the legislation or any of the attempts at . . .” gaming “with the former Government.”

Now the [Green Paper](#) when it came out, Mr. Speaker, said “In order to create” . . . oh, may I read it please?

**The Speaker:** Yes, you may read it.

**Ms. Leah K. Scott:** Thank you.

“In order to create both the reality and appearance of a transparent and legitimate industry to global gaming investors, operators, and patrons alike, it is imperative to create a strong regulatory and oversight mechanism (such as a properly empowered, and funded Gaming Control Board or Commission) which can enforce the operating guidelines established for the industry. Such an authority will ensure confidence among investors and fairness to gaming patrons. Furthermore, the authority will guarantee that there is no tint of corruption or criminal involvement within the jurisdiction. This is necessary to attract major international gaming companies with licences at risk in other jurisdictions, and also broadens the availability of debt financing to those companies.”

But I note, Mr. Speaker, in their Green Paper they did not have anything about independence of the authority.

Finally, Mr. Speaker, Mr. Burt, the Premier, in the debate on the 12<sup>th</sup> [of December] indicated that he wanted anti-corruption protections put in the Bill. And he wanted to actually extract the actual corruption clause from the Criminal Code Act, section 111. And he went through, you know, what the clause says, and what he said was that we do not want anything that will indicate that corruption will be tolerated. When it

comes to the awarding of a designate site there should not be any influence or undue influence given to members of the Commission in the awarding of such sites. And he moved that the Government should accept this.

Now, Mr. Speaker, I understand that we want to have gaming in Bermuda and we want to move it forward and we want to do things, but we have to do things right. And I actually do not think that with this interference by the Minister that anybody is going to want to actually invest in Bermuda in the gaming industry. What bank—

*[Inaudible interjection]*

**Ms. Leah K. Scott:** Okay.

What bank is going to process the money? How are they going to flow through . . .? I know that the corresponding bank for the Bank of Butterfield and for Clarien Bank is Wells Fargo and I know that Wells Fargo has a questionnaire that in order to be a corresponding bank you have to complete, and two of the main questions they ask are: What is the legal framework and how mature is the legal framework? And do you have in place anti-money laundering procedures to prevent money laundering of gaming proceeds?

How are we going to be able to process these things and how are we going to convince people that the Gaming Authority is independent of political interference and convince people that they should come here? And I know that they have made comparisons to the Bermuda Monetary Authority Act. The BMA Act is very specific in the powers of the Minister in respect of the members of that board. And I just do not think that internationally it gives a good perception for the Minister to be able to interfere. And I would like the Minister to let me know how it is that he thinks that he is going to draw people to Bermuda when people are looking for us to be a clean, pristine, jurisdiction and the Government has the ability to interfere with gaming.

Finally, Mr. Speaker, because I am elected as a public servant by my constituents I actually sent them the gaming legislation and asked them for their comments. And with your indulgence, may I read some of the concerns of my constituents?

**The Speaker:** Continue on.

**Ms. Leah K. Scott:** “Those operators that have expressed an interest in operating in Bermuda should walk away, including the hotel owners. Please express my outrage by name on the floor of the House.”—Barclay Carmichael, “This Amendment is an epic mistake. Politicians need to oversee the funding of organisations”—

*[Inaudible interjection]*

**Ms. Leah K. Scott:** No, he asked me. He asked me. I am not going to call him . . . he asked me, he said, *Call my name.*

“This Amendment is an epic mistake. Politicians need to oversee the funding of organisations that act in the public interests, not control them. At best, ineffectiveness will result; at worst, corruption. Sadly, the BTA is next up according to the Minister despite the fact that the OBA proved in four years that an independent tourism authority could turn around an industry after more than 30 years of failed government control.

“It defeats the purpose of having an arms-length commission if one Minister can so blatantly pull the strings by dictating policy and threatening to remove members that do not agree with said Minister. Even if everyone acts in the best interests of the country, as opposed to their own pocketbooks, it still brings the whole structure into disrepute. It may even scare off potential operators who fear working in a potentially corrupt jurisdiction, but then again, who ever heard of a casino operator who cares about morality?”

Next constituent: “It is very obvious that this Amendment is highly controversial and, according to reports in the press, should not be considered at all. I do not agree with it. Its past and its present wording will be contrary to other jurisdictions that have gaming laws governing them.

“I am not for gaming-period. As far as casino gaming goes I am not for it. My wife and I are not gamblers. As far as I know, there are four casinos in the planning stage, which will be looking for the Bermudian population to support and that means my black brothers and sisters who are struggling now. They will end up on welfare, supported by the taxpayer, which means we all lose except for the casino owners.”

And finally, “I am a resident, a voter, in your constituency and I have been a supporter since 1968. I see Jamahl Simmons as hell-bent on having the absolute power to fire and replace any member on the Gaming Commission without cause or reason. It is sad that this can happen. The only direction the Minister can give to the gaming authority is to place his people in power to achieve their personal aims that will probably lead to corruption. It has been reported in the”—

**Mr. Rolfe Commissiong:** Point of order, Mr. Speaker.

**The Speaker:** We will take your point of order. We take the point of order.

#### POINT OF ORDER

**Mr. Rolfe Commissiong:** Mr. Speaker, she is reading from a document where she is directly impugning the motives of the Minister and the rest of the Members of the Government.

**The Speaker:** I was allowing her to go on because I hope when she speaks she will clarify the fact that those were just comments that were made from constituents and not views that she supports.

**Mr. Rolfe Commissiong:** Could—

**The Speaker:** If she indicates that she supports those views of the corruption, then there is a problem for me.

**Mr. Rolfe Commissiong:** It is a sad day in this House when we allow that. I tell you.

**The Speaker:** Ah! Ah! . . . Mr. Commissiong, Mr. Commissiong! This is still—

**Mr. Rolfe Commissiong:** With all due respect—

**The Speaker:** The Chair is my control. If you want to take that approach, you can go out.

You can go out.

I was giving you my view on this. If you do not like my view, I can take a different position on your attendance in this House. Just remember the rules come from up here; the control comes from up here.

**Mr. Rolfe Commissiong:** My apologies, Mr. Speaker.

**The Speaker:** Thank you.

Honourable Member, Deputy Opposition Leader, continue on.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker.

And Mr. Commissiong, if you would like, I can show you all of the emails where I have taken these from.

So, “It has been reported in the RG that this power Jamahl is seeking in the gaming is similar to what can be directed against the head of the Bermuda Monetary Authority. Can you tell me whether this is true—the Minister of Finance or Premier or anyone else who has the same power as Jamahl wishes to acquire to replace the head of the Bermuda Monetary Authority without cause because he did not follow their directions? I have never, ever heard of any political interference in the affairs of the Bermuda Monetary Authority, a body that has served us so well as our central bank, upholding our financial standards as a clean tax area in the financial services and insurance industry.”

And, again, those are quotes that have come directly from my constituents and, as we are representing our constituents up in the House, I think it is fair that I should be able to read what their concerns are.

I would just ask the Minister—and we have had dialogue about this—to reconsider the legislation, to consider the importance of Bermuda as a jurisdic-

tion, to consider the times that we are in now. We have a lot of regulatory issues that we are being faced with, we have got the Paradise Papers, we have got the FATF, we have got the IMF review that is coming up, and so we need to—and the EU—and we need to present ourselves as a jurisdiction that is pristine and clean and above reproach.

Thank you for your time, Mr. Speaker. I will take my seat.

**The Speaker:** Thank you. Member, I do want to say that I did allow you some leniency because you did say those were comments that were expressed to you by constituents and they were not your personal comments that were being expressed. That is why the leniency was allowed. If you had been on your feet and made those comments, as a personal comment against the individual Members, I would have called you up on it.

Any other Member wish to speak?

No other Member?

I recognise the Honourable Member from constituency 22. Honourable Member Gibbons, you have the floor.

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

I see the Honourable Member does not have a lot of defenders on that side of the House.

**The Speaker:** Now, um . . . um . . . do not start off—

[Laughter]

**The Speaker:** Do not start off taking a little risk. Start off on the high road. Continue on.

**Hon. Dr. E. Grant Gibbons:** Well, Mr. Speaker, I waited and nobody seemed to rise in support, so I was just, I thought, stating the obvious.

Mr. Speaker, let me start by saying that had the Honourable Member tabled legislation like this in the House of Commons in the UK and prefaced his introductory remarks along the lines that he did, I think they simply would have said the Honourable Member needs to grow up.

We are a little more . . . (what is the word?) *polite* here, and so what I would start by saying is that the Honourable Member, when he makes comments like—and I quote—“the tail will not wag the dog in this Government,” the Honourable Member needs to, I think, maybe the word is not “learn” but understand that as a Minister his job is to be able to work with people who are not going to sugar-coat their comments and they are going to tell it like it is. Because I think for what I would call chemistry reasons and simply two heads banging against each other, what we have ended up [with] here is not an issue of mutual respect or mutual trust; it is almost mutually as-

sured destruction. And I do not think I am overstating it.

The Honourable Member—and obviously we have collective responsibility here so Cabinet clearly has endorsed it—has produced legislation that can, and probably will, do a great deal of harm to our gaming industry and, certainly, damage Bermuda's reputation as well.

The Honourable Member, obviously, was in the mix with the former chairman, but I think it is clear to everybody that the Honourable Minister got his way. And he got his way because the chairman, as I think he put it quite rightly, said, *In the best interests of the country, I'm stepping down*. So we on this side feel that the Honourable Member should, now that he has gotten his way, do the appropriate thing and simply let this legislation die on the Order Paper.

I had a quick look at some of the amendments that were proposed. They do water it down slightly, but they do not detract from the very problematic nature of this legislation.

I have to say I have been watching things for coming up on 24 years now. Mr. Speaker, you are aware, I think, of an award that is given annually called the Darwin Award. And that is given to the most foolhardy or dangerous self-inflicted exploits that could lead (I think that is why it is called the Darwin Award) to personal extinction. And it includes things like jumping out of airplanes without a parachute. There was a fellow recently who kissed a cobra. After rescuing him the results were unfortunately pretty dramatic for the individual that kissed him. But the point is that this amendment to the Casino Gaming Act really, in many respects, deserves a Darwin Award.

The problem is not just that the Honourable Member's reputation as a Minister will be at stake here, but, unfortunately, by attaching this to our legislation he is putting Bermuda's reputation at stake here as well. And I think as my honourable colleague, Leah Scott, noted, the timing simply could not be worse.

The United States right now is in the midst of what I will call full-scale tax reform. They are looking at issues relating to offshore earnings and corporate money and tax avoidance. Others have mentioned, and we have seen it today, we have seen it for the last few weeks, Bermuda is currently under review through the OECD, CFATF, the IMF—they are all looking at Bermuda's AML structure and its effectiveness. Certainly the issue about betting shops, which has come up as well, is only going to draw further attention to issues like this amendment which directly have the ability to impact the independence of an independent regulator and put into question whether there is significant potential for political interference in a regulator.

And I think to simply try and make a connection with the BMA is just wrong. The BMA has been around since 1969. There is clear custom and practice there. It has evolved its own independence. And I

think were there any efforts now by a Minister to try and exercise direction of any sort there would be an outcry.

This is a very different situation. The Casino Gaming Act is only 2014; the Commission, in many respects, is in its infancy. How it essentially relates to Government is still evolving. And to all of a sudden come along because of what I would call . . . what I would say from my perspective, almost a personal issue, to put in place amendments which dramatically undercut the independence and allow the Minister to provide direction, is simply . . . is ill-advised and simply very, very wrong.

I think the Honourable Member has opened the door to political interference in the regulation of gaming and has simply exacerbated concerns about Bermuda's ability to essentially come through a review on AML and its effectiveness and the issue of potentially corrupt activity, which is obviously behind any AML issues.

I think the other thing that the Honourable Member may not be personally aware of, certainly he is aware of it in terms of the press we have seen not only about this, but it is the whole issue of being able to bank the casino industry here. My honourable colleague, Leah Scott, touched on it. But those that are in the business sector have recognised over the last few years that there has been increasing concern about correspondent banks working with local banks and banking businesses in Bermuda. This is not an issue to somehow suggest that Bermuda is a rampant jurisdiction when it comes to anti-money laundering, but the issue is in many respects purely one of scale and also compliance cost.

What do I mean by that? If you are an overseas correspondent bank, with the exception of HSBC which does its own, all the other banks here (and as Honourable Members know I have a family connection with Clarien [Bank]) . . . as Honourable Members will know, there is a great deal of nervousness when it comes to correspondent banks dealing with Bermuda. That is because Bermuda and other offshore jurisdictions have been very much in the limelight with respect to Europe and the United States and, as a consequence, it means there needs to be an enhanced amount of compliance being done by correspondent banks dealing with Bermuda banks, and particularly correspondent banks dealing with smaller Bermuda entities that may handle money or through which checking or funds transfer may occur.

What this means is that correspondent banks are often looking for an excuse to drop a Bermuda client or customer simply because it costs too much to go through the enhanced screening required because we are an offshore jurisdiction and we are in an area which is known, certainly in some respects, or at least is perceived to be involved in tax avoidance.

So I think the whole issue here is when you escalate the matter of compliance by suggesting that

there may be issues of AML or enhanced ministerial interference when it comes to casino banking, it makes the matter a whole lot worse. And I think the fact of the matter is . . . and I can tell you the former Government was very concerned about the ability for casinos which start up here to be able to have correspondent banking ability. This simply exacerbates that problem to no end and could very likely be the death knell, another nail in the coffin, for what is a fledgling casino industry here. We will obviously have to wait to see. But I would submit that anything that makes that more complicated, more difficult, requires more compliance and more expense, is likely to certainly torpedo it.

I think it is also fair to say that with the potential of reducing this new opportunity, which is what gaming certainly is both as a tourism product and certainly from a jobs and investment possibility, it simply means that an amendment of this sort is putting a lot of things at risk. And I think the Honourable Member has gotten his way. The Honourable Member should chalk that up as a victory, if he wants to see it that way, but he certainly should do the right thing now and simply let this legislation die. The amendments do not make it any more palatable. It is still a big issue.

And I think it might be appropriate, because he ended with the comments . . . sorry, I am going to comment on Singapore as well. For those who have not been to Singapore and do not understand Singapore, it is hardly a comparable jurisdiction for Bermuda. Singapore is a dictatorship. The Government gets its way no matter what there. And, quite frankly, if a commissioner or whatever is not behaving there, it is a very different situation.

But anyway, the Honourable Member ended with the words from Alex Scott, which we have heard before. But the former Premier said, *Bermuda works best when it works together*. Last night I happened to come across an interesting quote from the former Premier Alex Scott when he was talking about good governance and gambling. And he said that (this is in an article going back a number of years, with your permission, Mr. Speaker) . . . he said “gambling can take its toll on good governance.” And Mr. Scott said that gaming had tainted Atlantic City and some of the Caribbean islands.

He went on to say “I am made to understand every mayor who has come into office in Atlantic City during gaming has run afoul of the law and protocol. They have either been accused of corruption or convicted. Gaming can take its toll on good governance. There may be controls put in place, but this would be one of the first places that escape the all-corrupting influence of the gaming industry.”

To simply have this amendment go forward as it currently reads is going to call into question the very concerns that Alex Scott had.

I am not accusing this Minister. All I am saying is that when it looks like political interference . . . when

it quacks like a duck, it is a duck. Mr. Speaker, thank you very much.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Before I recognise the next speaker, I would just like to acknowledge the fact that former Premier Brown is visiting us. Former Premier Brown is in the Gallery of the House this afternoon. Welcome.

*[Desk thumping]*

*[Casino Gaming Amendment Act 2017, second reading debate continuing.]*

**The Speaker:** Does any other Member wish to speak?

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

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

Mr. Speaker, as we speak about the Casino Gaming Act I think it is important for us to look at things in a little bit of a historical context. I will declare my interest. I am a person (along with others) that went around this country and asked persons to sign a petition for a referendum. I believe at the time the One Bermuda Alliance came and promised a referendum and shortly afterwards the Government reversed that and that went awry.

I do believe, Mr. Speaker, history will prove that as persons are looking at themselves as being holier-than-thou and above reproach, I believe they may have made history by being a Government that came in and one of their first acts was to reverse a contract in this country. And I think that speaks volumes in and of itself, Mr. Speaker.

Mr. Speaker, as we speak about casino gaming, I believe that the Member who just took his seat referred to Singapore as a dictatorship and made some comments, I guess in order to sort of water down the fact that their Government actually looked to Singapore as the model. And when I looked at the Singapore Act, as all this was playing itself out, I could not help but notice that Singapore did make mention to the Minister and the ministerial role. It was pointed out in this House by the Honourable Premier, David Burt, that the Bermuda Monetary Authority has similar guidelines and maintains its independence.

So the only conclusion that I can draw is that this honourable party is not afforded the same amount of respect when it comes to setting up something that will operate for years to come. And that is what we are

looking at doing. Because at the end of the day if the Gaming Commission, under the observation of the Minister, gets it wrong, Bermuda hurts. It hurts Bermuda. So we on this side have no interest in hurting Bermuda any more than I think you are not interested in hurting Bermuda on the other side— notwithstanding acts that you carried out that would be looked at afool.

And the Honourable Minister spoke of how persons would look at persons in the Progressive Labour Party and try to paint the picture of dishonesty and paint the picture of incompetence and all the like. That is a political narrative that carries itself here. But if at the end of the day the Government is going to be ultimately held responsible for whether the Gaming Commission works or not, the Government of the day owes it to itself to ensure that it is satisfied with those who are going to carry out that task.

And when the Government went to Singapore and looked and saw, *Well, hmm, Ministers have some responsibility. But, oh man, the way we're acting I don't think we're going to be in Government too much longer. Let's make sure that whoever we appoint to those boards can last long enough so that maybe we can rebrand ourselves and be in charge again someday.* Those are the political realities that come into play in this country. And it is wrong; and that is what hurts Bermuda.

And when the Honourable Minister spoke earlier and made reference to the fact that it is the first time since one man, one vote that the country has come 59-plus per cent in favour of one political party—being the Progressive Labour Party—they clearly want change. And if the previous Government, when it went around and did things during its tenure, such as Pathways to Status, which could very well be a way of stacking the deck or stacking the ballot box as some members of the public would put it . . . when it comes around to looking at how it can appoint persons that can then make the very laws and circumvent the role of Government, I think the incoming Government has to address that.

And I am not here to allow anyone to take to task the Minister who recognised that this had to be done. No disrespect to a person who might be on a board and, you know, they hold strong political allegiance and may be directed in a way that may be more consistent with the political will of another party—the Opposition.

And when you look at the Singapore Act it has in there where such things as the appointment of the CEO looks to the Minister, as it relates to the appointment of board members and the like. And I believe that is the spirit which the Minister felt needed to be addressed right from the outset . . . right from the outset. That is the type of governance that I would expect. That is the type of governance the One Bermuda Alliance thought was necessary when it came in and went barrelling down the road on Pathways to

Status, went barrelling on an airplane trip with Mr. Landau who, if you look at his history, has connections with what? Casinos!

I mean, give me a break.

You know, this narrative that gets given to political entities from persons that are foreign to find a way to disparage their opposites or the persons that they are trying to replace is harmful to good governance in Bermuda in the very essence of the way it is carried out. And this is an example.

So, you know, to suggest that the Minister does not have support . . . he is here today with an amendment that came from the Cabinet and it has the support of the caucus. I am here. We do not have to have a thousand speakers to tell you that it is in the best interests, it makes eminent good sense, and you know the scaremongering and calling everybody who is not in alliance with you “corrupt” is not going to hold water in Bermuda. It did not hold water on July 18<sup>th</sup> and it is not going to hold water going forward.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 36. Honourable Member Scott, you have the floor.

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

Mr. Speaker, you know, the Minister for Economic Development and Tourism is a good man, and the spectre of what he faced on this important Bermuda initiative, of the misconduct and complete effort to describe his ministerial powers as irrelevant, was astounding. It was unprecedented in anything that we have seen and in anything that the Opposition Members—the most recent Government—have ever seen. So how on earth can anybody stand in this House today and object to a policy move by a Minister to exert power—proper ministerial power, oversight—on something as important as a revenue-generating initiative under gaming?

We all know, Mr. Speaker, and you know this has been going on. I have been noticing this thesis of irrelevance and treating black leadership as if we are irrelevant. I just left the service of Mr. St Clair Blakeney. It was historically documented just with the tributes there. He faced this in the 1970s. A gentleman stood up—Michael Spurling—as a consequence of his friendship, because they talked. It was documented . . . the disparity, challenges against black entrepreneurship in this country is retaking root today.

And it is disgraceful that we, as Members and representatives of this country, this small Island state, make the kinds of statements that Dr. Gibbons has stood up and made. With that weak monologue of objection he never, I say with the greatest of respect, even referred to the contents of the Bill. They are

moderate, they are reasonable, they are responsive. I dare not say reactive, but they are responsive to a most unprecedented development in our country.

And by the way, in the context of Paradise Papers, Brexit, Bermuda in seeking to introduce gaming into this country, it probably is an extremely good idea that we have oversight as opposed to going down the merry road that the Opposition—the former Government—was so commonly known for, just going along willy-nilly.

This Bill of amendments made by the Honourable Jamahl Simmons, our Minister of Tourism, is necessary, is reasonable, it is prudent, and it addresses this problem we are developing in this country that all of us in this House need to have a mind to restrict and stop. It is born of the attack on black leadership in this country that preceded the last general election. And the roots of it and germs of it continue to exist and to display their head—their ugly head—in terms of treating this Government as irrelevant.

We will not put up with it. And that was the context in which the Minister found himself by this unprecedented conduct. How would the Government of the OBA have reacted? I know not. But I guarantee you it would have been a strong reaction. Yes, something would have happened that was strong.

So we have come with a rational, we have come with a reasonable statement of the aims of this amendment. We have made efforts to introduce and be sure that there are written directives to the Commission so that they are precise and clear, as opposed to being irrational or born of irrationality. This is good governing and this is good governance.

And as for the most controversial clause in the Bill, which is, the Minister has the power to determine—very specific—either misconduct or things that bring our country into disrepute in the context of gaming, he has the power to remove. And so I stand quickly, having not . . . because I am focusing on other things that are going to be happening in the House today, I stand quickly but firmly in support of this amendment. It is prudent, it is necessary. Let us not ignore the elephant that surrounds the driver of this amendment. And I commend the Minister for taking the country quietly, wisely and reasonably to a gaming casino management and regulation that will stand us in good stead. And I wish him well.

Thank you.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** Minister, before I recognise you I would just like to acknowledge that we also have two other former Members of this House visiting us today. We

have the Honourable Member Arthur Hodgson here this afternoon and the Honourable Member Renee Webb.

*[Desk thumping]*

*[Casino Gaming Amendment Act 2017, second reading debate continuing.]*

**The Speaker:** Minister De Silva, I recognise you now.

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

Now would it not be nice to have those former Members here today to add to the talent and the majority that we enjoy, Mr. Speaker?

Now, Mr. Speaker, I am also very happy to support the Honourable Minister Simmons with this amendment.

Quite frankly, Mr. Speaker, had the OBA concentrated on the real work when they were in Government, maybe we would not be here with this amendment today. Why do I say that?

Mr. Speaker, for the life of me I do not know why the OBA did not bring this amendment. You had a chairman that seemed to be running off on his own accord every week. He seemed to be able to do whatever he wanted to do without any responsibility to the people of this country. And why do I say that, Mr. Speaker?

Mr. Speaker, with your indulgence, the former Chairman of the Commission, Mr. Dunch, released a <sup>2</sup>press release on July 13, 2016, and he said in one of . . . which was a very long press release. One of the things he mentioned was about a trip that he and Mr. Schuetz took to Las Vegas, and I quote: “It is also important to note that during this trip Mr. Schuetz and I met with four other large gaming operators that comprise the biggest and best brands operating in the global casino resort space. All of these appointments were made through Mr. Schuetz’s contacts in the gaming business.”

Now, Mr. Speaker, you have a Commission that has a job to do. I do not think it was in their remit to go out and find developers and casino operators for Bermuda. Not at all.

Now, the Honourable Deputy Opposition Leader talked about *there’s no legitimate reason to make this change in legislation . . . no real reason*, she said. Well, if the Honourable Member has really been paying attention to what has been going on with gaming in this country over the last four years, she would not ask the real reason. When you have, Mr. Speaker, a chairman that is courting possible operators and developers . . . and the Honourable Member Dr. Grant Gibbons talked about Bermuda’s reputation. What do you think that did to Bermuda’s reputation when you have the Gaming Commissioner and Mr.

<sup>2</sup> [Bernews](#), 14 July 2016

Schuetz courting folks from Caesars and frankly talking about how they were courted and got Bermudians a discount by staying at Caesars on one of their visits? Well, what do you think the international business said about that? You have a Commissioner and the CEO, Mr. Schuetz, who are quite openly stating that they went to Caesars and . . . I will give you another quote, "We went to Caesars, toured their offices, spoke to" . . . let me get the quote, Mr. Speaker, with your indulgence.

This two-page document was quite revealing indeed. They went on to visit five—five—casino operators, Mr. Speaker, while they were there in Vegas—five.

Now, Mr. Speaker, you may know this, but the casino world is one that is very small. The operators all know each other, whether it is Singapore, Las Vegas, Macau . . . you name it, they all know each other. All the players know each other. So what do you think any possible developer or casino operator thought when you get announcements by the Commissioner in the *Royal Gazette* releasing press releases that say this is who we are courting? The same people that you are expecting to regulate operators when they set up. And you wonder why this legislation is here today?

Now, Mr. Speaker, we have only been Government for four and half months, going on five. And the Honourable Deputy Opposition Leader said, *Why are we here? There is no real reason.*

Mr. Speaker, how many people have seen what has been going on in the last four months? Disrespect to our Minister of Tourism! Every time you turn around there is an announcement, there is a function, you know, they are saying this is what we are . . . and the Honourable Member said, *Why are we doing this? And don't make comparisons to the BMA.* And we know that the BMA have this same . . . similar legislation for them. But do you know why we do not have a problem, we do not have any of this noise in the newspaper? Because there is a great working relationship. And if you have someone that is going to be defiant and disrespect your Tourism Minister, like we have seen in the last four months, yes, there needed to be some changes. Because where there is no trust, Mr. Speaker, where there is no trust there is going to be trouble.

And you will know I talked about a trust deficit the country had with the OBA for the last four years. And what happened? We know what happens when there is no trust. People speak, Mr. Speaker.

Now, Mr. Speaker, why else are we doing this? We have heard the Honourable Member Dr. Gibbons, we heard our Tourism Minister talk about the requirements of NAMLC and the AML. Well, when you have the Tourism Minister who is trying to communicate with a Commissioner with regard to these very important items that are on the agenda . . . next year we know that we will be assessed. That is why the

Minister is here making that change. And it is important to Bermuda's future, Mr. Speaker.

And the Honourable Member Dr. Gibbons made me laugh when he talked about, you know, Singapore and Singapore's dictatorship. But it is interesting . . . and I do not know if members of the public or this House were listening to the Minister in his opening remarks, when he said that the legislation that the OBA brought before this House was almost a copy and paste from the Singapore legislation, but they left out one important part—

**An Hon. Member:** Tell us what it is. Tell us!

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** The Minister in Singapore has the opportunity, if he so desires, to make some changes. But the OBA, funny enough, left that out of their copy and paste act.

**An Hon. Member:** I wonder why.

**Hon. Zane J. S. De Silva:** I wonder why that was.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** Just in case, you know, some might say, *Well, you know what? The PLP might get in, so maybe we'll put one of our people in charge and let them control things while the PLP get themselves sorted out.*

Can you imagine? Can you imagine for a moment if you had an OBA Government with the Honourable Member Grant Gibbons as the Premier and the Honourable Member Michael Dunkley as Deputy, and you had Dr. Ewart Brown as the Chairman of the Gaming Commission, how quickly do you think they would have brought legislation in this House to make a change? They certainly did not have a problem bringing legislation to take away that waterfront from Mike MacLean, did they?

*[Desk thumping]*

*[Inaudible interjections and general uproar]*

**Hon. Zane J. S. De Silva:** Man, I am glad I got that in before he left. I was hoping he would buy dinner tonight.

But, Mr. Speaker, let me say this: The Honourable Member Dr. Gibbons (and I will not be much longer now), likes to use that word or that phrase "if it quacks like a duck, then it must be a duck."

Mr. Speaker, you know when he said that, do you know what I thought of? Just immediately, when he said *it looks like a duck*, or, *it quacks like a duck*, *it must be a duck*, I thought about the airport and America's Cup.

**Some Hon. Members:** Hmm. Hmm.

**An Hon. Member:** Quack!

**Hon. Zane J. S. De Silva:** Yes, quack, quack!

You see because, Mr. Speaker, here we are having this debate today. And we will use up a couple of hours of our time over this, but the fact that . . . and you know, it is amazing because we should not even be here having this discussion today. We should be talking about some things that are more important. And I could say we could be here today maybe talking about regulations that will actually get casinos off the ground.

But you know, it is interesting, because since the OBA lost the election, it is amazing how their former Premier, Mr. Dunkley, the Honourable Member . . . it is amazing how he found his voice after July 18<sup>th</sup>, in particular to do with gaming, and in particular to do with regulations. They had four and a half years to bring regulations to this House. Why did it not happen?

But you have heard the Honourable Member and former Premier, Mr. Dunkley, talk about that several times in this House. Why did they not bring it?

Mr. Speaker, I will end on this note: This Government—the PLP Government, 24 Members to 12—we know what we are doing. The people of this country entrusted this Government and the decisions that we are going to make to us, and we will do that, Mr. Speaker, to the best of our ability and in the interests of the people of whom we serve.

So Mr. Speaker, on that note I congratulate the Minister for finally getting it here. I know that, you know, this has been a thorn, certainly in all of our sides, Mr. Speaker. So hopefully now with the new commissioner who already has made a fantastic suggestion to the Minister with regard to [this] amendment . . . and it just goes to show what will happen—what can happen—when you have a commissioner that wants to work with the Minister.

Just within a short two weeks she has come up, not only with a great communication relationship with the Tourism Minister, but she has come with an amendment that I think this whole House—even the other side—is going to approve of. Maybe if former [Commissioner] Dunch had been that communicative and transparent and wanted to work with the Tourism Minister we would not be here wasting this time.

But it is a new day and we have a new Minister. And thank you Minister for bringing it here.

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

Does any other Member wish to speak?

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

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker, and I thank the Honourable Members who have spoken before me for their presentations. And the Honourable Member who just sat down, Minister De Silva, from constituency 29, said we could be doing more important work today. Well, all the work in this House is important. And this is a very important piece of legislation here today. So I do not think anybody should try to underscore the importance of this legislation.

Before I start in earnest on my comments, let me take this opportunity, Mr. Speaker, to thank members of the Commission, the Commission itself, and the members who are employed by the Bermuda Casino Gaming Commission for their work today. I know I see at least one member of the Commission in the Chambers here today—Ms. Judith Hall-Bean. And I see members who work at the Gaming Commission in the House today. And I want to thank them for their work because they have done a great job, to this date, in moving this forward.

And let me set a little bit of context, Mr. Speaker, to the issue of gaming, because I think a lot of people in our community thought that when we said we were going to have gaming, it was in the blink of an eye, and it would happen. But even leading industry experts in gaming throughout the world have said that the progress we have made and the time it has taken to take this progress, Mr. Speaker, is laudable for Bermuda and our jurisdiction. Now there are some people who would like to see it certainly occur at a faster rate. But I think we have made reasonable progress, and we continue to need to make that progress in the appropriate way so we get it done quite properly, Mr. Speaker.

On the 22<sup>nd</sup> of September this year I spoke on the motion to adjourn about gaming and the need to continue to move gaming forward in the appropriate manner. And I raised concerns, Mr. Speaker, on a number of levels. I raised concerns that it was clear at that time that the CEO was moving on. I raised concerns that regulations still had not been laid yet. And I raised concerns that with the issuance . . . and I believe the first casino licence might have been issued about that time, but with the issuance of the first casino licence it was important that we continue to move this matter forward, because without regulations and without the all-critical correspondent banking relationships, Mr. Speaker, gaming would be dead in the water.

And I did that against the backdrop, Mr. Speaker, and a lot of this challenge has risen today. And I say this with all due respect to the individual concerned. And before I get to that comment, the CEO has left, and I want to thank Richard Schuetz for the work that he has done. He brought a great deal of experience to our community and he helped us move it forward. And I believe members of the Commission worked well with him and I believe they are grateful for the work he did. And I think we as legislators should

be grateful for the work he did as well. I understand there are three members of the Commission who are going to resign. Mr. Dunch is one of them. And I would like thank Mr. Dunch and the other members who have resigned for the work that they have done.

Now, Mr. Speaker, it is very clear that Mr. Dunch is a well-respected member of our community who has a tenacity to try to get things done, but also he has tenacity when he believes that things are not done the right way, to speak out about it. He has a strong personality. The Minister also has a strong personality. And I think this is where the challenge has arisen, Mr. Speaker, because you had two strong personalities who had the interest of doing what they believe is right, who could not find some common ground on this.

And I spoke on the 22<sup>nd</sup> of September because I was concerned that we seemed to be calm—flat calm—in the water and moving nowhere, Mr. Speaker. I understand that the original conversations between the Minister and the chairman of the Bermuda Casino Gaming Commission seemed to be reasonable, where the Minister (and the Minister can correct me if I am wrong with a point of order) seemed to throw his support behind the work that they had done as they moved forward. But the relationship somehow deteriorated from there. It was clear that the Minister and the Government wanted to go in a different direction and it was clear that Mr. Dunch and, I would assume, the Commission wanted to continue with their work before there were any changes made—very critical work, as I have already mentioned—finding a new CEO, get the licence issued, get the gaming up and running, and getting the regulations tabled before all that. So we had an impasse that could not be breached in an appropriate way, Mr. Speaker.

And, as I have watched this scenario unfold and the impasse get more difficult through these weeks, I have reflected back over time. And there is something that I find quite startling, Mr. Speaker. Because here we are today, early in December, where the Government has brought what I consider, and I think many of my colleagues consider as well, a draconian clause to do something. But if you look back, Mr. Speaker, gaming has been a very talked about issue, and at times a contentious issue, for Members of this Honourable House. But it was not featured in the PLP manifesto leading up to the election. And in the Throne Speech I do not believe there was a mention of gaming as we headed into this legislative session.

So, Mr. Speaker, this Government has all the authority . . . and forget the 24/12; they were elected to be the Government of Bermuda on July 18<sup>th</sup>. With all that authority, Mr. Speaker, they have failed to lay out their vision for gaming. And the first thing we hear, the first thing we see, Mr. Speaker, is that their vision for gaming is to totally change the Act that was passed December 12<sup>th</sup>, 2014, with a sledgehammer.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** And I hear Honourable Members say that is not true. They will have an opportunity to speak. That is the way I respectfully see it.

That is the way I respectfully see it, Mr. Speaker. And I find it quite interesting that there is no vision laid out, but the first thing we are going to do is in absolute power, absolute direction, and we are going to move forward in doing this, Mr. Speaker.

Now, Mr. Speaker, do not listen to me or my honourable colleagues in the Opposition if it is a good thing, if Members of the Government do not want to listen to us. But perhaps you might listen to some of the experts who are involved in gaming, Mr. Speaker. And if you will allow me to go to some of the publications that have come out, first I will use Mr. Fredric Gushin, who is the Managing Director of the Spectrum Gaming Group.

Spectrum, I believe, has been employed by the past two Governments—the PLP Government and the OBA Government. And he worked closely with us in the OBA Government to draft the Casino Gaming Act 2014, and he also worked, as Honourable Members have said, closely with the Singapore Government. He said that: <sup>3</sup>“ . . . gaming Commissions had to be accountable, but the minister’s amendment was not the way to ensure that.” He went on to say, “Gaming Commissions around the world are created to be independent, as much as possible, from the political process because experience . . .” Mr. Speaker, I think we have to repeat that word, “experience has generally been that politics and gaming do not mix very well.”

That is what I said on September 22<sup>nd</sup>.

And I go on to quote, “It usually results in an implosion or an explosion.”

This is a man, Mr. Speaker, who has worked in 33 American states and for 45 countries around the world. That is a pretty impressive résumé.

“He said one way to ensure independence was to have staggered fixed-term appointments for commissioners . . .” Perhaps that might be an appropriate amendment today.

“Another was to ban those working for the regulatory body from entering the gaming industry for several years . . .” That is something we included in an amendment made in the legislation, I think it could have been early this year or last year, which, Mr. Speaker, was met with a great deal of pushback by certain Members of this House.

Mr. Gushin went on to say: “It’s all done to preserve the integrity of the decision-making process.” And it is not about an individual; it is about the process, Mr. Speaker.

Mr. Speaker, he added the Singapore model was very different jurisdiction from Bermuda. And col-

<sup>3</sup> [Royal Gazette](#) 17 November 2017

leagues have talked about it is a dictatorship and that is why that clause is in there, and that is exactly why we did not include that clause in the 2014 Act. In addition, as my honourable colleague who introduced our comments on this side said, Ministers in Singapore get paid a tremendous amount of money, and for some people they believe that this allows them not to be coerced or corrupted in any way. I do not necessarily buy that.

Mr. Speaker, the honourable Mr. Gushin worked along with the Honourable Member (former Member) of this House (unfortunately deceased now), Mr. Crockwell, and the Attorney General, and it was the “consensus that the legislation ought not to copy Singapore entirely and that the commission should be as apolitical as possible.” And there was no objection from any of our colleagues on that, Mr. Speaker.

I go on next to <sup>4</sup>Gene Johnson of Victor Strategies and he says:

“It looks, quite frankly, like an attempt to exert political [influence] over what should be an independent organisation.’ He warned it could open the door to corruption and added: ‘Even the perception of corruption will have a negative impact on the industry’” and on the wider jurisdiction.

Now, Mr. Speaker, I move on to another gentleman who works for *Global Gaming Business*, and he published an editorial just last month about . . . his name is Mr. . . . *Global Gaming Business*, Dr. . . . sorry, Roger Gros (I do not think he is a doctor, but Dr. Roger Gros). And it was publicised in Bermuda, as well, and you can research it [if] you go online.

He says—

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** The Honourable Members will have a chance to speak.

But Mr. Gros goes on to say that:

<sup>5</sup>“In no respected gaming jurisdiction can the government remove a duly appointed member of a gaming commission without proof of wrongdoing. And there are no charges of wrongdoing in the Dunch case. In fact, [the Honourable Minister] has yet to give any reasons why he has [tried] to remove Dunch.”

He goes on to say the amendment will interfere with the independence of the Commission in investigations, and he is very concerned that this is moving forward.

I will end the quotes from Mr. Gros and say that he goes on to say, “the transparency and integrity [that] the Bermudian Government has achieved in all industries [to date] are at risk should the legislature pass this measure. All the years of operating with the respect that Bermuda has earned will come crashing to earth with a government that controls what has

been designed to be an independent and fair regulatory body.”

Mr. Speaker, those are from people within the industry. Those are from people who have worked across the world in many different jurisdictions. Those are the types of comments and voices that we should be listening to. In fact, Mr. Speaker, the first one I mentioned, in *Spectrum*, was somebody that had been employed by two successive Governments. So, we pay them, but we refuse to listen to them.

Now, Mr. Speaker, Members on the other side had raised concerns when the legislation was passed in December of 2014. And my honourable colleague, who introduced our speaking on this side, referred to the Hansard. Well, I also took the opportunity, Mr. Speaker, to go review that Hansard, and it numbers dozens and dozens of pages, but it is important to understand the backdrop of how we got here and what we are doing today, Mr. Speaker.

And I hear the concerns from Honourable Members on that side, and some of those concerns were raised and the Hansard shows the record of that. And my honourable colleague has done a good job of talking about some of the concerns that were raised, but, Mr. Speaker, when it comes to the two clauses that we deal with here today in the Bermuda Casino Gaming Amendment Act 2017 amending section 8 and amending Schedule 1, you could have heard a pin drop because there was silence when it came to anything in those two clauses during that debate.

The debate went on for a long period of time in Committee and, as the Honourable Member MP Scott had said, the Honourable Premier mentioned bribery and corruption, and there was a great deal of discussion about that. And the Honourable Attorney General at that time said that legislation was coming.

The legislation was passed.

The Honourable Member from constituency 17, Minister Brown, mentioned the size of the Commission and he thought it would be appropriate for the Commission to be moved from five members to seven members, and why was it necessary to have a chairman? The chairman was a lawyer, he took on board some of those concerns, and there was an amendment put forward, I believe about the size, and the amendment was defeated.

So, Mr. Speaker, there was conversation on many of the clauses in the legislation, but when it comes to amending section 8 and amending Schedule 1 as we are here now tonight, Mr. Speaker, nothing . . . silence.

So I wonder, Mr. Speaker. For an Opposition who took great pride in the work they did, and we sat across this red carpet for four and half years and we debated legislation, for an Opposition that seemed to have gone through legislation with the finest-tooth comb that you could find, Mr. Speaker, to bring legislation within four and half months of being elected to take any type of independence away from the Casino

<sup>4</sup> Ibid.

<sup>5</sup> [GGB News](#), 13 November 2017

Gaming Commission, when they never mentioned it in 2014, it makes you wonder why. I do not think that they missed it in the fine print. I do not believe in any way that they missed it in the fine print, because, in my view, they were well-prepared and they had discussed the issues that they wanted to take.

But Mr. Speaker, something happened. Something happened, Mr. Speaker. And what happened, Mr. Speaker, is they agreed with it then but they do not agree with it now because it changes their ability to give unfettered direction, Mr. Speaker.

And do you know what? I do not support this amendment today, and in 10 years' time or 20 years' time, no matter who is the Government of the day, Mr. Speaker, because gaming the world over . . . and you know, Mr. Speaker, if we talk about gaming in here today, there are 35 MPs who can speak on this Bill. You would probably have half the Members in this Honourable House talk about gaming with great hesitancy because of all the challenges that it raises—problem gaming, corruption, addiction, security, all of those types of things, Mr. Speaker. We could have a debate until Christmas on that, Mr. Speaker. And let us hope not because you are a good Speaker and you keep us on the straight . . . you keep us to the subject.

But I raise that because, Mr. Speaker, if gaming is going to bring what we expect to Bermuda, in my humble opinion . . . [gaming is] another amenity to the tourism industry, something that hotels are looking for, something that . . . people, when they visit Bermuda, want to see something else rather than just go to the golf course during the day, go to the beaches, or look at all our culture and the sights and sounds and things like that . . . another amenity to do.

If we are going to bring gaming to Bermuda, we need to make sure, to the best of our ability . . . and you cannot build a mousetrap that is totally complete and will catch every mouse, Mr. Speaker. But when we make changes like we are making here today—all of a sudden we take away that independence, we take away that critical thought, we take away the reputation that we have worked so hard to build over the past 30 or 40 years when we have become an international jurisdiction for commerce, business, and trade—we start to undermine that, Mr. Speaker.

And this is not about Minister Simmons; this is about the foundation of what is important for the future of all Bermudians, Mr. Speaker. It is about a foundation where we can stand there and put our hand on our heart and say, *We do things the right way in Bermuda*, Mr. Speaker.

And for the life of me, Mr. Speaker, for the life of me I do not understand why we are here today to make changes when those in the industry who have the experience, who have seen it take place in jurisdictions all across the world, urge us otherwise. Politicians do not know everything. Politicians know a lot. Politicians listen a lot. Politicians get good advice when we listen. In this case, Mr. Speaker, I do not

think the Government, with all due respect, is listening outside that box, which they need to do.

And as the Opposition, we know that we have no ability to stop this legislation today because of the numbers in this House. But I do not want to be here in a year's time or two years' time, or whenever down the road, and say, *We told you so*. That does not do any good for the Bermuda that we all work so hard to put in a better place, Mr. Speaker. It does not do any good for all of us.

This legislation, started out as a *tête-à-tête* between a very strong Minister, who wants to get things done, and a very strong chairman of the Gaming Commission who had a passion for trying to move it forward. [They] could not come to an agreement, and so now we are breaking that hazelnut with a hammer that we cannot even pick up because it weighs so much, Mr. Speaker.

And I hear Honourable Members from that side saying, *Well yeah, I picked it up*. Well, that is all good, Mr. Speaker. But it is not going to help Bermuda going forward. And you know I am not . . . I wish the next Gaming Commission all the best in what they have to do, because we want to see this move forward. There is one licence [that has] been issued. There is one licence issued, and I am sure that there are others who believe it is important for Bermuda to move in this direction. But we need to make sure that, no matter who the Minister is, the Bermuda Casino Gaming Commission can operate as independently as possible, make the decisions they have to make, and allow this very difficult industry to have some footing in Bermuda and do some good, not only for our Bermuda Tourism Industry, but for the people of Bermuda, Mr. Speaker. And I say those comments with a great deal of passion and sincerity because I am very concerned about the direction that we are going in here today.

Now, Mr. Speaker, I could say a lot more about the back and forth between people involved in this whole scenario. I am not going to do it, because it is personal politics. I would rather see us come to some foundation here today where this fledgling industry can get up on its feet and move forward. And I think this is going to be a backward step in what we have to do. And I thought, Mr. Speaker, as we came in here today that the Minister would leave the legislation on the table and try to move forward—leave it there with the new Commission being put in place to see how it worked, take the advice of people. Because I am sure the Honourable Premier, I am sure the Minister himself and Members of the Cabinet have been approached by those in the community, especially people who are worried about our reputation, giving comment to, *Wait a second. Let's pause. Let's pull back. Let's make some changes*.

Now, Mr. Speaker, I am not going to put anybody on the Commission in a difficult position because I believe this was a Government initiative that they

decided to do. But it is a wrong move. It is a bad move, and it will backfire on what we need to do. As an Opposition we do not want to see that, Mr. Speaker. We want us to continue to move forward.

So let us put aside the personal animosities that have developed over this. We do not need to hear about public fights and who said what and how one said it, Mr. Speaker. All I am interested in is making sure the people of Bermuda are served by solid legislation—which means progress for all—so we in Bermuda can move forward together. This is a backward step. And if the experts tell you something, you should pay attention or you should have a proper reason to go in a different direction.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

**The Speaker:** Good afternoon.

**Hon. E. David Burt:** Mr. Speaker, I am going to start by recognising the fine people and the staff and members of the Casino Gaming Commission who are joining us here today.

*[Desk thumping]*

**Hon. E. David Burt:** And I am happy that they are here, Mr. Speaker, because for the commissioners that have remained on the Commission, and for the staff that has had to work under incredibly trying circumstances, having the people whom you work with question your worth, question the direction or even question what it is that you are doing. It must be very unsettling. And therein lies the challenge of what we have to do today, Mr. Deputy Speaker.

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

**Hon. E. David Burt:** So I was happy to visit them on my birthday. I was happy to stop by their office to offer them support on the exact same day that their boss was in the newspaper saying that the work which they were doing probably did not need to be done. And therein lies the challenge, Mr. [Deputy] Speaker, because I just heard a former Premier of the country get up inside of this House and say that we need to do things the right way.

Now this (now I see he has left the Chamber), coming from a former Premier who stood up in this particular House and said that he would guarantee due diligence over a loan that was made for \$18 million, and said that the money would not be released

without the Government checking it, and that money went missing.

This is the same Minister, or former Premier that was a Minister of the Government, that stood here in this House and voted for a retroactive rescindment of a contract that caused our rule of law ratings in the world to decrease. And he is coming in here talking about how he is worried about the reputation of the country? The same former Premier who will get up and quote a 25-year friend of the Executive Director of the Gaming Commission, Mr. Richard Gros.

Let me tell you what Mr. Gros said, Mr. Speaker. Mr. Gros said, and I quote, <sup>6</sup>“My friend Richard Schuetz is a regular contributor to our magazine. I have known Richard for more than 25 years in all of the iterations of his career.” (End quote.)

So we have a former Premier quoting a long-time friend of the Executive Director of the Gaming Commission, someone who said he is worried about the country’s reputation, but is not worried about the Executive Director of the Gaming Commission getting his friend to write negative articles impugning the reputation of the country that he cares so much about.

See, Mr. Deputy Speaker, this is the challenge of the Bermuda which the Progressive Labour Party governs. And when I am asked about what is the most surprising thing that I found in my time in office, I reply the same way every time, Mr. Deputy Speaker. I reply by saying that I am surprised how hard people hang on to things when they realise that they are no longer in charge.

Now when I hear the Honourable Deputy Leader of the Opposition getting up and talking about . . . the Minister wants the change because the Minister wants control. No, Madam Deputy Opposition Leader, it is not the Minister who wants control, it is not us who want control, it is the people who put this Government in charge of the country.

*[Desk thumping]*

**Hon. E. David Burt:** Those are the people who we represent. Those are the people who we speak for and those are the people whose authority we cover.

So when we hear these arguments about chicken little . . . it is almost like Chicken Little and the Sky is Falling, that is what we get from the Opposition. And they use their favourite word, “corruption.” That is all they can get to. Never mind [that] this Government has put in the most stringent regulations ever when it comes to dealing with ethics. Never mind the fact that in a simple four months we have passed things that they talked about for four and a half years. But they still carry on about this favourite word “corruption.”

Now, a Minister of the Government and us—

<sup>6</sup> [GGB](#) January 2015

**Ms. Leah K. Scott:** Point of order, Mr. Deputy Speaker.

**The Deputy Speaker:** What is your point of order Deputy Leader?

#### POINT OF ORDER

**Ms. Leah K. Scott:** I actually did not accuse the Government of corruption. I read statements from my constituents.

**The Deputy Speaker:** Carry on, Premier.

**Hon. E. David Burt:** I am so happy that the Honourable Deputy Opposition Leader went there because the Speaker had made an intervention. But I am happy that she brought that back up, because it is astounding that the Honourable Member would lower herself to read things and say, *Oh, that's not my position*, but would come there and read them in this House. If you don't support it, then don't read it.

**Ms. Leah K. Scott:** Excuse me, I am representing the—

**The Deputy Speaker:** Do you have a point of order?

**Ms. Leah K. Scott:** Point of order, sorry, Mr. Deputy Speaker.

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

**Ms. Leah K. Scott:** I am representing my constituents—

**The Deputy Speaker:** That is—

**Ms. Leah K. Scott:** —that is what I am here for.

**The Deputy Speaker:** —that is . . . you need to have a point of order before you take to your feet.

**Hon. E. David Burt:** See? Here we go. So it is like that cloak-and-dagger stuff that we get from that side, Mr. [Deputy] Speaker, who cannot stand up with the courage and the conviction, but are going to hide behind people and say, *Oh, my constituent said it*. The fact of the matter is, the question is, do you support it or not? Do you believe that we are corrupt or not? And if you believe so, say so.

Understand, Mr. Deputy Speaker, we are going to continue to lead with integrity, we are going to continue to make sure—

**Ms. Leah K. Scott:** Point of order.

**The Deputy Speaker:** What is your point of order Deputy Leader?

#### POINT OF ORDER

*[Misleading]*

**Ms. Leah K. Scott:** The Premier is misleading the House. I am not implying corruption; I am reading what my constituents sent to me. That is their opinion. That is not my opinion.

**The Deputy Speaker:** Carry on, Premier.

**Hon. E. David Burt:** Mr. Deputy Speaker, every time the honourable lady gets to her feet she is losing the little credibility that she has inside of this place. And it is very simple: if you do not agree with it, then do not say it. Because there are a lot of things that we could say that other people said about other people. It is very simple.

Now I will continue because it is important . . . the work which we do up here, Mr. Deputy Speaker . . . and it is important to understand that bodies which are funded by the Government and the taxpayers should be responsive to the taxpayers' representatives. And for a former chairman of the Gaming Commission to write to a Minister and say, *If you want a media war you will have one*, and then follow through with that by getting these articles placed and these . . . it is insane! And if we really care about the reputation of this country, Mr. Deputy Speaker, then we would say that this is not the way to go. But that does not suit the Opposition's aims. The Opposition wants to tar us with the brush of corruption.

Well, I can tell you this, Mr. Deputy Speaker, I have not taken \$350,000 from anyone, or gone on a plane when it came to gaming. Inside of this Government we are holding ourselves to a standard that means we are going to conduct the operation of this country in a high place. Do you know why, Mr. Deputy Speaker? Because the people who depend on us for jobs and economic growth want to ensure that we can have an environment where those jobs and economic growth are created, Mr. Deputy Speaker. And that is not going to come from petty sniping back and forth.

The amendment which has been put forward is a simple amendment. It will allow the Minister to give written direction to a Casino Gaming Commission. Now, if you think that written directions are going to come from a Government that understands the reputation of this country that is going to say, *Oh, here, Commission, here. I want you to give a casino contract to this person*. It is an insult to the fine people who have accepted their jobs with the Casino [Gaming] Commission to say they would accept that, and it is an insult to the integrity of this Government that we would do something so reckless. But that is the point, Mr. Deputy Speaker. They do not think we are up to the job. They do not.

But here is what I will say, Mr. Deputy Speaker: We will continue to prove that we are up to the job. And I will close on this. It is amazing—amazing—to hear the other side talk about their concern for our AML test that is coming up next year. When I came into Government, the first meeting that I had to have was with the Chairman of the AML/ATF. The sound from international business were worried that the Government was not doing enough job and the Government was not taking it seriously. It took a whole lot of time and pressure. And one of the things which they are talking about, Mr. Deputy Speaker, was the regulation of betting shops. But the former Casino Gaming Commission told the former Government that they were not going to do it.

So when the Honourable Minister says the tail will not wag the dog . . . guess what? The tail will not wag the dog. We are going to have a Casino Gaming Commission that is going to work with the Government, that is going to make sure our reputation is there, that is going to bring jobs and bring investment, and no amount of Chicken Little, the Sky is Falling, from the Opposition is going to help.

We are going to make sure that we do it right. And I expect the Opposition to call us out if we get it wrong. But do not say what it “may allow” because you can have “may allow” in anything. Talk about it if it happens; but until that point let us make sure that we are responsible in our actions because the people who we all serve—in all of our constituencies—are depending on our success.

Thank you, Mr. Deputy Speaker.

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

Any further speakers?

The Chair recognises the Leader of the Opposition Ms. Atherden.

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

Mr. Deputy Speaker, I am glad that the Premier finished on that note in terms of calling out and bringing jobs and bringing investment because we too, on this side, have been supporting gaming as a way of making sure that Bermuda had something more to offer as it relates to our visitors and making sure that it was going to be a viable proposition here in Bermuda.

So we have actually done a lot to make sure that not only is gaming going to be viable, but some of the things which were going to allow us to have gaming in Bermuda were put into place as it relates to making sure that whichever person got the licence and whichever person was given the opportunity to be the gaming operator, that this person would be able to operate here in Bermuda. And we know that there are issues with respect to correspondent banks. We know that there are issues with respect to being able to make sure that there is a degree of independence so

that when the operator is trying to go out and have someone decide that they would actually take this on, that we would enhance our chances.

Now what has struck me today, which is concerning to me, and that is why I am going to deal with it right away . . . I have been really concerned about how much personal stuff has been put into this, lots of personal stuff about interactions between individuals, things that were called out as it relates to what somebody did, what things people said in terms of questioning people’s work. And, to me, we are supposed to be trying to look at this more on terms of procedures, regulations, and keeping this personal stuff aside.

That was why I was pleased when, after all the interaction, that Mr. Dunch decided to resign because I thought to myself, *Okay, now maybe the personal stuff is gone, and then we can stand back and look at what are the regulations.* Did they give us the type of independence that we really wanted? Did they allow us to turn around on the things that we have to put in place to make sure that Bermuda could have gaming?

And so, that is why when my colleague wondered whether the Minister would consider not proposing these amendments because, if you will, the red flag had gone away, I was hoping that this would happen. But when I have heard today all of these things which, once again we keep introducing things which are personal which then start to go into all sorts of racial and other undertones, I keep thinking to myself *when are we going to turn around and start just looking at things as it relates to what are the issues—*

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

**Hon. Wayne Caines:** Point of order, Mr. Speaker.

**The Speaker:** What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Wayne Caines:** The Honourable Member is misleading . . . no one mentioned any racial overtones in this discussion. No one mentioned any racial overtones this afternoon.

**The Speaker:** I think you may have missed part of the debate.

**Hon. Wayne Caines:** I was—

**The Speaker:** You may have missed part of the debate, because the Honourable Member from constituency 36 brought it into play. And it was not out of order; he brought it into play in the right context, I will say that. It was not derogative in any way, but the Honourable Member from [constituency] 36 did make reference to it.

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

And all I am trying to do . . . because the people of Bermuda are expecting us to do things in their behalf. And as the Premier said, that is why we are here. And that is why we all wanted to have gaming introduced—the bringing of the jobs, the bringing about the investment. That is everything that we support. And as we have said many times we are going to support things which are going to benefit Bermuda, and we will call the Government out if we believe that it is not in the right interests.

And that is why we are making our plea right now, that we believe by doing this you are weakening the independence of the commissioner. And what really bothered me, and I cannot remember which speaker said it, is that when you started to talk about commissioners talking about how they felt about whether it was their work and this divisiveness . . . I am thinking to myself, *this is where you're starting to get into people's feelings*, turning around and coming and influencing something that should not be, that we should not be talking about how the commissioners interact with each other.

We should be having them sorting out amongst themselves the job they have to do and making sure that they focus on the rules and the regulations and get what is right done for Bermuda.

So I am really concerned that as we go forward we do not lose sight of the fact that the independence of the Commission was very important. The issue of the BMA control is important, and it has been suggested that this was something that was not taken care of by the previous Commission. I cannot answer to that, but all I can say is that is the type of internal issue that can be easily dealt with by the people that are in charge.

You do not have to turn around and talk about rewriting legislation to put control in place. Many other places . . . and I know because I had a conversation about the BMA. If there was some issue with respect to the BMA chairman, et cetera, that was very easily taken care of by having the Minister have the conversation. There was not the need to turn around and rewrite legislation.

So it worries me that something which I believe is more personal has resulted in us changing some legislation and weakening what I believe is the independence that we strived to have. And that has nothing to do with our belief that we want gaming, because if it comes into Bermuda and it is implemented in the right way it will enhance the tourism product that we have to offer. I would like to think that the Minister will consider that.

And that is without even going into some of the amendments, because I know that the Minister has tried to make some amendments to try and, if you will, tighten up some of the concerns.

But I worry that they do not do what we want them to do and, in some respects, if we could rise and

leave them where they are and let the Minister work through . . . He has praised his new chairman. He has praised her in terms of what she is going to do, et cetera. And to me that should be an opportunity for us to carry on with what I call the robust, tight control that we have and the independence of the Commission and not turn around and put something in that is going to weaken it.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

No other Member?

Minister, would you like to close us out so we can go into Committee?

**Hon. Jamahl S. Simmons:** Yes, thank you, Mr. Speaker.

**The Speaker:** Thank you.

**Hon. Jamahl S. Simmons:** Mr. Speaker, I do not agree with much that has emerged from the presentation of the previous speaker, but I agree on this point. I agree that we should focus on the issues; that we should be focusing on the gaming regulations; that we should be focusing on getting the betting shops and the regulations in order. But unfortunately when we tried to address those issues, I had an individual write me an email and say, *Do you want a media war?* So you will understand that when you go to war . . . when you go to war, I will pick up the hammer. I will pick up the hammer.

Now, Mr. Speaker, the Opposition talks about personal . . . and I am going to talk about personal right now, Mr. Speaker. Let us talk about the holders of positions when the Progressive Labour Party came into power: At the BTA—Premier Dunkley, Minister Fahy, David Dodwell. At the BEDC—Premier Dunkley, Minister Gibbons, Nick Kempe. Bermuda Gaming Commission—Premier Dunkley, Minister Michael Fahy, Alan Dunch.

**An Hon. Member:** Shawn Crockwell.

**Hon. Jamahl S. Simmons:** Well no, I am talking about what we inherited. Pay attention . . . pay attention . . . pay attention. Stick with us.

Mr. Speaker, we have had a long debate about the independence of the Gaming Commission, a Gaming Commission that was comprised initially of political appointees. A political appointee chaired this Commission, who was proclaimed as the mentor of the Minister that the Honourable former Leader of the Opposition, who just brought his name up, he claimed him as his mentor.

Mr. Speaker, imagine . . . just imagine if I had stood up two weeks ago and referred to the new Commissioner as my mentor . . . friends and family

. . . corruption. And that takes me to another point that I would like to raise, because I understand the Honourable Shadow Minister speaking for her constituents. But it speaks to the issue that we have been speaking of before.

Mr. Speaker, I never nicked marbles with her constituents. Okay? I did not grow up with them. And if they cannot . . . I never gave them permission to call me by my first name, and the fact that you have individuals in this country who would call me out by my name in writing speaks to the issue of respect that we talk about.

You do not have to like Jamahl Simmons. You do not have to like my approach. But you will respect the office. And so when you have a mind-set that says the Bermuda Progressive Labour Party is inherently corrupt, it is inherently incompetent, it is inherently dictatorial, then you have an attitude that says, *I can call you whatever [I] want. I can say to you whatever [I] want.* And it is an attitude where the Honourable Member can say, *That Member needs to grow up.*

Well, Mr. Speaker, we have tried . . . we have tried—

**Hon. Dr. E. Grant Gibbons:** Point of order, Mr. Speaker.

**The Speaker:** Point of order?

#### POINT OF ORDER

**Hon. Dr. E. Grant Gibbons:** I did not say that Honourable Member needs to grow up. I said, *Had it been in another place.* What I said was that he needed to be able to get along with people who do not sugar-coat stuff and tell it like it is.

**The Speaker:** There was a comment that was made about growing up. I do not know if it was contributed from you; it may have been from someone else sitting next to you—

**Hon. Jamahl S. Simmons:** Yes.

**The Speaker:** —but there was a comment that was made, not while on the floor, but when someone was interacting from the chair . . . said something about growing up.

*[Inaudible interjections]*

**Hon. Jamahl S. Simmons:** Mr. Speaker—

**The Speaker:** Okay, all right.

**Hon. Jamahl S. Simmons:** Mr. Speaker, it is a mind-set that thinks it is appropriate and fine to call a man a boy. It is a shared thread running through some of this behaviour. It is a shared thread, Mr. Speaker.

So, Mr. Speaker, when the Minister of a former Government sits with his mentor and sits with his Premier and they are all cool . . . that is cool, that is fine, we are independent. Okay? We are independent. We are cool. Because, you know what? There is a belief in the same type of people who would write and refer the things that this Honourable Member read that believe that they are the only ones capable of being objective, the only ones capable of managing the affairs of this country. My, my, my.

Mr. Speaker, I take offence to it; but I am not bothered by it. And I do not take it personally because understand this: Things have changed, and they have changed for the better in this country. The days of sitting in rooms together with your Ace Boys and making decisions are over. They are done.

Mr. Speaker, we inherited a gaming industry that was started wrong, that was fraught with deception and the perception of corruption and you name it. And, Mr. Speaker, I am glad the Honourable Member, the former Premier, brought up the previous gaming debate, and he talked about how no one on this side pointed out any flaws relating to the appointments of the chairman and the independents. But what he forgot to mention, Mr. Speaker, was how this Honourable Member voted. I voted against the Bill—but he did not tell you that in his little tale.

He did not tell you that in his little tale because it did not match the narrative, you know. And I heard his speech on October 22<sup>nd</sup>, and I am not going to reflect on it, but I can tell you this: I have sat in this Chamber every Friday since and waited for him to get up and repeat it. And I am going to quote something . . . before today, I am going to quote it.

**The Speaker:** Where are you quoting it from?

**Hon. Jamahl S. Simmons:** I am quoting it from a movie, and many of you will recognise it.

**The Speaker:** Yes, yes.

**Hon. Jamahl S. Simmons:** “After all these weeks I had begun to think he was a coward.”

I had begun to think he was a coward. And I can tell you, outside of this Chamber, I agree with that quote because I have seen that Honourable Member on Facebook, on Twitter, everywhere but this Chamber, participating in a malicious and divisive media campaign designed to paint this Government as corrupt, incompetent and dictatorial.

**Hon. Dr. E. Grant Gibbons:** Mr. Speaker, point of order.

**The Speaker:** Your point of order?

#### POINT OF ORDER

*[Imputing improper motive]*

**Hon. Dr. E. Grant Gibbons:** The Honourable Member is certainly [imputing] improper motives against another Member in this case.

**The Speaker:** Okay.

Remember there is a thin line that we do not cross.

**Hon. Jamahl S. Simmons:** I understand, Mr. Speaker, feelings are very delicate.

But I think that what we have now . . . and this is where I am very pleased. When you have a relationship . . . the integrity of the Commission is important, but we must know that we have people who are prepared to give us frank advice, prepared to make a stand, and prepared to cooperate and work together. And that is why, Mr. Speaker, this morning I brought to the Shadow Minister a revised amendment to the Act, based on the advice and the expertise of our new Casino Gaming Commissioner, a person whose qualifications are impeccable. Now, some would argue more impeccable than some we have seen in the past.

Mr. Speaker, what we want is the ability to meet our AML/ATF requirements. We want the Gaming Commission to work with us on gaming regulations and create gaming regulations that create the standard that can address the concerns that Members have raised about correspondent banking. We want to have a Gaming Commission that is prepared to take on the betting shops, assist us with writing the regulations, assist in getting it passed and assist us in ensuring that this blind spot does not become a challenge for us in our assessment next year. That is all we want.

Mr. Speaker, these changes will not allow me, the next Minister or a future Government, to interfere with corruption investigations. It will not allow me, a future Minister or a future Government, to decide who gets and who does not get casino licences.

Mr. Speaker, I will remind Honourable Members of the original Act which, despite having voted against it, there are a few things in here of value, many of value. But if you look at the [Casino Gaming Act \[2014\]](#) under clause 187F, and I want you to listen closely, Bermuda: "Improper approach or influence by member of Legislature or public officer. It shall be an offence for—(a) a member of the Legislature; (b) a public officer; (c) any other person carrying out any function of a public nature; or (d) the immediate family of any of the persons listed in paragraphs (a) to (d), to improperly approach, or to seek in any way to improperly influence, a Commissioner or an employee of the Commission as regards any decision of the Commission."

There are penalties for these things—strong penalties—Mr. Speaker. And I can tell you, despite the belief of an ever shrinking, ever increasingly irrelevant minority, I am not inherently corrupt. And my

colleagues are not inherently corrupt. And you will never see me sitting in a cell over casino gaming. You will never have that pleasure. No, sir.

So, Mr. Speaker, we on this side do not do this lightly. But we have had a chance to collaborate and we believe that the way forward is positive. We have had three members resign—Mr. Dunch, Mr. Madeiros, and Mr. Ramm. But we have had two members stay—Ms. Hall-Bean and Mr. Tucker. And I am very pleased that they have decided to do as the Opposition wants, [and] not take it personal, because they have insight that even I do not have as to some of the goings on over there. And you must ask the question, Why did some leave and why did some stay? And what were their motivations? Ask the question.

And Mr. Speaker, I now move that the Bill be committed.

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

The Bill has now been moved to the Committee and the Deputy Speaker will take the Chair.

[Pause]

**House in Committee at 4:22 pm**

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

## COMMITTEE ON BILL

### CASINO GAMING AMENDMENT ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Casino Gaming Amendment Act 2017](#).

Minister, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. I would like to move clause 1, the citation.

**The Chairman:** Any objections to moving clause 1? No objections? There appear to be none.

[Motion carried: Clause 1 passed.]

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. I would like to move clause 2.

**The Chairman:** Any objections to moving clause 2? There appear to be none.

**Hon. Jamahl S. Simmons:** Thank you, thank you.

And just for the information of the House, we will be moving an amendment to the Bill as tabled.

**The Chairman:** Yes, go ahead, continue.

**Hon. Jamahl S. Simmons:** Mr. Chairman, do you want me to read the original or go right to the amendment?

**The Chairman:** You can go to the amendment.

### AMENDMENT TO CLAUSE 2

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. Mr. Chairman, I am asking to delete clause 2 and replace it with the following:

“Amends section 8. [Section 8] of the Casino Gaming Act 2014 [is amended] by renumbering the existing provision as subsection (1) and inserting after that provision the following—

“(2) The Minister may, from time to time after consultation with the Commission, give to the Commission in writing such general directions as appear to the Minister to be necessary in the public interest, and the Commission shall act in accordance with such directions.”

Mr. Chairman, as Members will see, this change requires a written direction and is more specific and in line with the legislation governing the BMA. These changes came at the recommendation and consultation of the incoming Bermuda Casino Gaming Commissioner, former Magistrate Cheryl-Ann Mapp.

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

Any speakers to the amendment?

The Chair recognises the Deputy Leader of the Opposition, Ms. Scott.

**Ms. Leah K. Scott:** Thank you, Mr. Chairman.

Just a question for the Minister. The wording “necessary in the public interest”—do you not feel that “the public interest” is rather broad? Could you tighten that up a little bit, or do you want to leave it the way that it is?

**The Chairman:** Minister?

**Hon. Jamahl S. Simmons:** As this is as a result of consultation with the Bermuda Casino Gaming Commission, we are satisfied that this fine as it is.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.

Mr. Chairman, I recognise the consultative process that the Minister has just alluded to, but I just wanted to point out for the record that the . . . according to what my colleague has indicated on the terms “necessary in the public interest” but it is prefaced by “appear to the Minister to be necessary in the public interest.” I think that this makes it a lot more subjective

in terms of how that is going to play itself out. And I just wonder if the Minister would just comment on that if he would.

**The Chairman:** Any further speakers? Minister, you have the floor.

**Hon. Jamahl S. Simmons:** I think your concerns and points are noted, and I do believe, and I think this will speak to a point as well, any changes to this going forward will be as a result of consultation with the Bermuda Casino Gaming Commission and we will take any suggestions under advisement and revert. Thank you.

**The Chairman:** Any further speakers? Any objections to the amendment? There appear to be none.

*[Motion carried: Amendment to clause 2 passed.]*

**The Chairman:** Continue, Minister.

**Hon. Jamahl S. Simmons:** Mr. Chairman, I would like to move clause 3.

**The Chairman:** You may proceed.

### AMENDMENT TO CLAUSE 3

**Hon. Jamahl S. Simmons:** Mr. Chairman, clause 3 amends Schedule 1 to the Casino Gaming Act by inserting after paragraph 2 the following—

“Removal of member.

“2A Notwithstanding anything in paragraph 2, the Minister may at any time revoke the appointment of a member who is unable or unwilling to perform his duties as a member or in such other circumstances where the member’s conduct may amount to misconduct or breach of best regulatory practice, or is likely to bring the Commission or the Government into disrepute.”

This is greater specificity in terms of the reasoning for members to be removed and we believe that this is the best way to ensure that any issues relating to willingness to perform duties, misconduct, breach of regulatory practice, or bringing the Commission or Government into repute can be addressed.

Thank you, Mr. Chairman.

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

Any speakers to this amendment?

There appear to be no speakers to this amendment.

Any objection to this amendment?

There appear to be none. The amendment is approved.

*[Motion carried: Amendment to clause 3 passed.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move that we move the Casino Gaming Amendment Bill 2017, as amended.

**The Chairman:** Yes, are there any objections to this Bill being approved?

**Some Hon. Members:** Yes.

**The Chairman:** Any . . . all in favour of the Bill being approved, can you signify by saying, yes?

**AYES.**

**The Chairman:** Ayes (that is "yes," for me). Any against?

**NOES.**

**An Hon. Member:** Names.

**The Chairman:** Names. Okay, we will have names. It is crazy, but we will do the names. Yes.

*[Inaudible interjection]*

**The Chairman:** No, we understand that. Did you ring the bell? We have to wait two minutes.

*[Pause for the ringing of the bell]*

**The Deputy Clerk:** All right, Members, we are going to call the names.

**The Chairman:** Sergeant-at-Arms, can you secure the doors, please?  
Can everybody take their seats?

**The Deputy Clerk:**

#### DIVISION

*[Casino Gaming Amendment Act 2017, Committee]*

#### **Ayes: 17**

Hon. Walton Brown  
Lt. Hon. Col. D. A. Burch  
Hon. E. David Burt  
Hon. Wayne Caines  
Mr. Rolfe Commissiong  
Hon. Zane J. S. De Silva  
Mr. Christopher Famous  
Hon. Lovitta F. Foggo  
Mrs. Tinee Furbert  
Mr. Dennis Lister III  
Hon. Walter H. Roban  
Mr. W. Lawrence Scott  
Hon. Jamahl Simmons  
Mr. Scott Simmons  
Mr. Hubert (Kim) E. Swan

#### **Nays: 12**

Hon. Jeanne J. Atherden  
Mr. Jeff Baron  
Mr. L. Craig Cannonier  
Hon. Michael H. Dunkley  
Hon. Dr. E. Grant Gibbons  
Mrs. P. J. Gordon-Pamplin  
Ms. Susan E. Jackson  
Hon. Trevor G. Moniz  
Mr. Sylvan D. Richards, Jr.  
Ms. Leah K. Scott  
Mr. N. H. Cole Simons  
Mr. Ben Smith

Mr. Neville S. Tyrrell  
Hon. Kim N. Wilson

#### **Absent: 5**

Hon. Wayne L. Furbert  
Mrs. Renee Ming  
Hon. Diallo V. S. Rabain  
Hon. Michael J. Scott  
Mr. Michael A. Weeks

**The Chairman:** It was a very close vote, but the Ayes have it: Ayes 17; and 12 Noes.

So the motion is approved, with the amendments.

*[Desk thumping]*

*[Carried by majority on division: The Casino Gaming Amendment Act 2017 was considered by a Committee of the whole House and passed as amended.]*

*[Pause]*

**House resumed at 4:33 pm**

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

## REPORT OF COMMITTEE

### CASINO GAMING AMENDMENT ACT 2017

**The Speaker:** Members, are there any objections to the Bill being reported to the House with the amendments?

No objections? The matter is approved.

We now move on to the second Order of the day, yes, it is still just the second Order of the day.

The second Order of the day is the Health Insurance Amendment Act 2017 in the name of the Minister of Health. Minister Wilson, you have the floor.

## BILL

### SECOND READING

#### HEALTH INSURANCE AMENDMENT ACT 2017

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Health Insurance Amendment Act 2017 be now read a second time.

**The Speaker:** Continue Minister.

**Hon. Kim N. Wilson:** Mr. Speaker, I am pleased to bring to this Honourable House today the Bill entitled the Health Insurance Amendment Act 2017.

This Government is committed to ensuring enhanced regulatory oversight of health insurers while

at the same time improving patient care. The primary amendment in this Bill provides for the increase in licensing fees for health insurers. In addition, the amendment includes a correction to the Mutual Re-insurance Fund coverage due to a prior error.

Mr. Speaker, to address the latter point first, this Government is keen to address the rising health care costs associated with chronic kidney disease. There are currently approximately 210 people receiving dialysis in Bermuda and the Health Council estimates that there are 971 people with chronic kidney disease. During 2015/16 claims for dialysis amounted to \$24 million and the claims associated to health care for chronic kidney disease were \$32.7 million. These figures are staggering, Mr. Speaker.

Mr. Speaker, in June 2017 the coverage and funding for all forms of dialysis was transferred from the Standard Health Benefit (SHB) to the Mutual Re-insurance Fund (MRF) to improve pooling of these life-saving treatments. In the process of moving back to the Mutual Re-insurance Fund, the wording in the Health Insurance Act 1970 erroneously used “haemodialysis” rather than “dialysis,” which encompasses other modalities including peritoneal dialysis provided by the hospital and in the community.

Mr. Speaker, the intervention was to cover all dialysis, rather than only haemodialysis. Covering all dialysis is crucial as research confirms that people with end stage renal disease live longer and have more productive lives if they are able to access peritoneal dialysis before transplantation or starting haemodialysis.

Mr. Speaker, actuarially, all dialysis was priced out of HSB and into MRF, therefore, the premium to pay for both haemodialysis and peritoneal dialysis is being collected by the MRF with no such funds in the Standard Health Benefit premium, making it unaffordable for all insurance groups with dialysis patients and, in particular, for HIP and FutureCare which covers 80 per cent of all dialysis patients in Bermuda. This Bill corrects this error by amending the Health Insurance Act 1970 by replacing the word “haemodialysis” with “dialysis” in section 3A(2E)(a). Next and most importantly, Mr. Speaker, the Health Insurance Amendment Act 2017 will increase the licensing fees of health insurers and approved schemes to allow enhanced compliance and monitoring by the Bermuda Health Council.

Mr. Speaker, the current licensing fee for health insurers and approved schemes is \$1,000. This is insignificant to adequately cover health insurance market regulatory activities. This Government wishes to improve the scope of supervision, compliance, monitoring, and scrutiny required of health insurers.

Mr. Speaker, health insurance currently finances 62 per cent of all health insurance expenditure—and this is according to the National Health Accounts for 2018. The need to provide adequate and affordable health insurance coverage to all residents

in Bermuda becomes more pronounced as the population ages and the incidence of chronic diseases increases. Within this context the Bermuda Health Council has increased oversight focusing on areas of non-compliance and risk to the health system resulting from the business activities of health insurers and approved schemes. Regulatory oversight is especially important in the context of employers and public demand for more affordable health insurance premiums.

Mr. Speaker, the Bermuda Health Council held individual consultation meetings with all four insurers, two out of three of the approved schemes, the Association of Bermuda Insurers and Reinsurers, [and] the Association of Bermuda International Companies. Stakeholders do not object to the proposed fee increases. They found the level and the logic of the fee increases acceptable, assuming that corresponding health insurance premium decreases, sustainable health system savings, and care delivery improvements.

Mr. Speaker, this amendment provides for licensing fees for health insurers and approved schemes to be allowing to the total premiums collected with more rigorous scrutiny and onerous requirements applied where material amounts of businesses are transacted with respect to health insurance claims. Licensing fees will be tiered based on premiums written, and all fees will be retained by the Bermuda Health Council to fund their supervision and enforcement.

Mr. Speaker, licensing fees will not be payable in respect of Government Employees' Health Insurance (GEHI) or the Health Insurance Department as they are already subsidised by government funds.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak to the matter?

I recognise the Honourable Member from constituency 20. Honourable Member Jackson, you have the floor.

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

I am very new as a Shadow Minister of Health so I am going to kind of go back to the A, B, C's, and I want to start out by just making the distinction between haemodialysis and dialysis. My first gut thought is, who has the haemodialysis and where are those costs coming from? It seems as though haemodialysis is a major part of the Bermuda Hospital, that there is an extensive care facility where the equipment is new and the unit is new and it provides for people who have chronic kidney failure. And the other side of it is the dialysis.

Now, general dialysis (as I am going to say it, in a more generic form) allows for a more of a daily treatment that allows for people who are living with chronic disease to be able to manage their illnesses at

home, that they are able to have a bit more of a lifestyle that allows them to be more mobile and ambulatory because the dialysis is much . . . it can be more cost-effective and is better equipped to allow people to improve their standard of living. So, I certainly agree that dialysis is something that should be included in the definitions of the legislation simply because it does improve the standard of living for patients, and a number of patients are involved and are using these treatments.

The other side of it is the health . . . one moment please . . . because there are only about three or four amendments to the Health Insurance Amendment, there is not a lot of . . . it is not like it is a sequential story to tell. It is just two or three sections. And so, having covered the haemodialysis and dialysis changing of the wording . . . I clearly understood.

And the second big piece is the change in the fees that the insurers will be paying. Historically, and may I add that the original Health Insurance Act goes back to 1970, so insurers were paying \$1,000 to relicense and there is going to be a substantial increase . . . the bands for payment. So everyone was at \$1,000, annually. Now we are looking at a range of fees that start at \$12,500 and go all the way up to the highest band which is \$187,500. So that is a substantial increase in premiums that insurers will be paying into the fund.

It has, you know, been many, many decades and so it is understandable that changes will take place even though they are somewhat significant. I would imagine that many of our insurers will probably fall into the higher bands because we have large insurance companies and so they will have to make that adjustment.

But if I had one question to all of this, it would be that since this large amount of money is now going to be invested in the Health Council and, through the brief, the Health Council will hopefully be looking forward to improving and increasing their inspections and their management of insurers, it would be wonderful, although it would be an amendment to yet another Act (the Health Council Act [2004]), but it would be really nice if those inspectors were also increased to also look at and investigate the health businesses as well.

But today we are looking at the health insurance industry. And so looking at it now from a funding perspective, with \$187.5 thousand down to \$12,000 going into the fund, I am just curious whether the Health Council now will still get . . . like their government grant, whether they will still be funded in other ways as well because this will be a significant increase in the incoming funds to the Council.

Sorry, Mr. Speaker, I am just having a look to make sure that there is not anything else that I am missing here. Just looking at my notes.

So, Mr. Speaker, I believe that that is about it. I understand the amount of money that . . . the premiums . . . let me just look at that just here . . .

**The Speaker:** Are you gathering your notes there, Member?

**Ms. Susan E. Jackson:** Yes, I am right here, I am right here, Mr. Speaker.

**The Speaker:** Okay.

**Ms. Susan E. Jackson:** Yes, just being thorough.

So right now, as I understand it, the Bermuda Health Council receives a substantial government grant. They receive funds from the Mutual Reinsurance Fund, which will increase substantially. And so, again, I am just curious what all of that funding will be used for. And certainly the licensing fees from the insurers which will go from \$125,000 (approximately) will increase to about \$450,000, so it will be interesting to see what the Bermuda Health Council will do with those funds. And, again, Mr. Speaker, I will take my seat and see what the Minister has to say.

Thank you.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** Before I recognise any other Member, let me recognise that we have in the Gallery two of our Senators—the new Senator Mathias and Senator Campbell.

*[Desk thumping]*

*[Health Insurance Amendment Act 2017, second reading debate continuing]*

**The Speaker:** Now, does any other Member wish to speak?

No other Member. Minister, would you like to wrap up?

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker.

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

**Hon. Kim N. Wilson:** And I thank you for that Honourable Member's contribution which revealed one question, which is, the money as it relates to the Bermuda Health Council with the increased amount paid in licensing fees for the health insurers.

As I indicated previously in my brief submissions the Government will . . . through the Bermuda Health Council, it will help to improve the scope of

their supervision and compliance with respect to their regulatory regime as it relates specifically to health insurers and that the money that will be collected from the insurance payments for the licensing will go to the Bermuda Health Council to that end.

Mr. Speaker, I can also indicate that the Health Council does appear to receive a grant from the Government, which will be substantially reduced to reflect the amount of money that they will receive from the insurance licensing fees, the majority of which will be in the higher bands, and a few of the schemes will be in the A to D bands. But that is with respect to the fee that will be paid for the licensing. And, again, to answer that question, that money will be used for further supervision and [the] regulatory remit of the Bermuda Health Council.

Mr. Speaker, in that regard, as that was the only question that was raised, I would like to move that this Bill be now committed.

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

Mr. Deputy, would you like to take the Chair?

[Pause]

**House in Committee at 4:48 pm**

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

## COMMITTEE ON BILL

### HEALTH INSURANCE AMENDMENT ACT 2017

**The Chairman:** Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [Health Insurance Amendment Act 2017](#).

Minister, you have the floor.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I would like to move clauses 1 through 7.

**The Chairman:** Any objections to moving clauses 1 through 7?

There appear to be none. Continue, Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

Clause 1 is self-explanatory.

Mr. Chairman, clause 2 amends section 3A(2E)(a) of the Health Insurance Act 1970. Section 3A(2E)(a) was inserted by section 4(b)(ii) of the Health (Miscellaneous) Amendment Act 2017 to provide for payment out of the Mutual Re-insurance Fund of claims for the use of “haemodialysis” facilities. As the intention was to cover all dialysis rather than only haemodialysis, subsection (1) amends section 3A(2E)(a) by replacing the word “haemodialysis” with “dialysis.” Subsection (2) therefore deems the amendment to have come into operation on 1 June 2017 immediately after the coming into operation of

section 4(b)(ii) of the Health (Miscellaneous) Amendment Act 2017.

Mr. Chairman, clauses 3 and 4 deal specifically with the prescribed fees to be paid to the Bermuda Health Council for licensing health insurers and approved schemes.

Mr. Chairman, clause 3 amends section 26 of the Health Insurance Act 1970 by inserting subsection (2A), which provides that the prescribed fee for the annual renewal of approval of a scheme shall be paid to the Bermuda Health Council and shall accrue to the funds of the Bermuda Health Council. It also inserts subsection (2B), which provides that the Government, in respect of any renewal of approval of the health insurance scheme for Government employees under the Government Employees Health Insurance Act 1986 is exempt from payment of the prescribed fees.

Clause 4 amends section 28 of the Health Insurance Act 1970 by inserting subsection (3A), which provides that the prescribed fee for the grant or the annual renewal of a licence shall be paid to the Bermuda Health Council and shall accrue to the funds of the Bermuda Health Council. It also inserts subsection (3B), which provides that the Health Insurance Committee, in respect of the Health Insurance Plan and the FutureCare plan, is exempt from payment of the prescribed fee.

Mr. Chairman, clause 5 revokes and replaces the prescribed fee for approved schemes based on a tiered fee schedule.

Clause 5 revokes and replaces regulation 4 of the Health Insurance (Approved Scheme) Regulations 1971. Currently, the prescribed fee for the annual renewal of an approval of an approved scheme is \$1,000. This would be replaced by a tiered fee structure based on the gross premium written in respect of the scheme in the 12 months preceding the date of renewal of the approval.

Mr. Chairman, clause 6 revokes and replaces the prescribed fee for insurers based on a tiered fee schedule in that it revokes and replaces regulation 4 of the Health Insurance (Licensing of Insurers) Regulations 1971. Currently, the prescribed fee for the grant or annual renewal of a licence is \$1,000. This would be replaced by a tiered fee structure. In the case of the first grant of a licence, the fee would be based on the gross premium expected to be written by the insurer in the first 12 months of the licence. In the case of the annual renewal of a licence, the fee would be based on the gross premium written by the insurer in the 12 months preceding the date of renewal of the licence.

Mr. Chairman, clause 7 makes it clear that the new licensing fees are payable in respect of any licence or approval that is renewed after this Act comes into operation.

Clause 8, Mr. Chairman, is self-explanatory.

Thank you, Mr. Chairman.

**The Chairman:** Any speakers to this Bill?  
There appear to be none. Minister, continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
Mr. Chairman, I do now move the Preamble.

**The Chairman:** Any objections to the Preamble being approved?  
There appear to be none.  
Continue, Minister.

**Hon. Kim N. Wilson:** Mr. Chairman, I now move that the Bill be reported to the House as the Health Insurance Amendment Act 2017.

**The Chairman:** The clauses first.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman, I apologise.  
Mr. Chairman, I move clauses—

**The Chairman:** One through 8?

**Hon. Kim N. Wilson:** Yes, [clauses] 1 through 8.

**The Chairman:** Any objections to clauses 1 through 8 being approved?  
There appear to be none.  
They are approved.

*[Motion carried: Clauses 1 through 8 passed.]*

**The Chairman:** Continue, Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
I move that the Preamble be approved.

**The Chairman:** Any objections to the Preamble being approved? There appear to be none.  
Minister?

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
I move that the Bill be reported to the House as printed.

**The Chairman:** The Bill is approved.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

*[Motion carried: The Health Insurance Amendment Act 2017 was considered by a Committee of the whole House and passed without amendments.]*

*[Pause]*

**House resumed at 4:54 pm**

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

## REPORT OF COMMITTEE

### HEALTH INSURANCE AMENDMENT ACT 2017

**The Speaker:** Members, are there any objections to the Health Insurance Amendment Act 2017 being reported to the House?

No objections. It is now passed.

Now we move on to the next item, and Members, you are all aware that we are going to do [Orders Nos.] 3 and 4 after [Order No.] 6, so right now we are moving to [Order No.] 5.

[Order No.] 5 is the Domestic Partnership Act 2017 in the name of the Minister for Home Affairs.

Minister Brown, you have the floor.

## BILL

### SECOND READING

#### DOMESTIC PARTNERSHIP ACT 2017

**Hon. Walton Brown:** Thank you, Mr. Speaker.

Mr. Speaker, I rise today to introduce a Bill entitled Domestic Partnership Act 2017. The Bill seeks to provide for the formalisation and registration of a relationship between adult couples to be known as a “domestic partnership” and to clarify the law relating to marriage.

Mr. Speaker, before I continue with my formal comments, I am going to make a few informal comments off script in order to put this Bill in the appropriate political context.

Why are we here, Mr. Speaker? We are here because we have a fundamental divide in our community. We have a quite legitimate argument being advanced for LGBT rights. We have, at the same time, Mr. Speaker, a significant percentage of this population which is fundamentally opposed to same-sex marriage.

Alongside this, Mr. Speaker, we have a majority of Members in this current Parliament who do not support same-sex marriage.

Mr. Speaker, everyone in this House knows, and the public will know, that in the absence of a clear Government position and leadership on this issue, there would be a Private Members’ Bill tabled which would have the effect of outlawing same-sex marriage without any rights being given to same-sex couples.

Alongside this, Mr. Speaker, this Government in its election platform made a solemn commitment to the Bermudian people. We said that the issue of same-sex marriage is a matter of conscience for the party. It has been a conscience vote for more than 20 years. It remains a conscience vote, Mr. Speaker.

*[Inaudible interjection]*

**Hon. Walton Brown:** And I do not need a choir. Alongside this, Mr. Speaker—

**The Speaker:** I agree.

**Hon. Walton Brown:** Alongside this, Mr. Speaker, our party also made a commitment to ensure that same-sex couples would have a wide raft of legal benefits. It is not an ideal position, Mr. Speaker, but it is a manifestation of leadership based on the totality of facts and the totality of circumstances that we have to deal with. It is not a matter that this Government will leave to another important arm of the Government, which is the Judiciary. We have a solemn responsibility to pass laws that give effect to the positions of this Government and that is what we are doing, Mr. Speaker.

There is no doubt that LGBT rights in Bermuda are legitimate. There is no doubt. We are along a continuum of a further granting of such rights, we are not in an ideal space for those who support the LGBT rights campaign. I am speaking here today, obviously, Mr. Speaker, as a Member of Cabinet and I fully embrace my responsibilities under the collective responsibility mantra. And, of course, you will know, Mr. Speaker, that there are times when the collective responsibility—

*[Inaudible interjection]*

**Hon. Walton Brown:** There is no “but.” The collective responsibility poses questions for certain Ministers, not this Minister.

Mr. Speaker, part of the reason why we are at the point today and not at a point where some of us wish for us to be in terms of progress and human rights, is because of the inability of key segments on this issue to properly, to respectfully lead and help to educate and bring change on this issue.

I just want to make a few comments on what I call, and deliberately call, the evangelical sentiment within both the LGBT community and the fundamentalists.

As I said earlier, the LGBT community have legitimate claims on legitimate rights. But we have this evangelical segment within that community, Mr. Speaker, who while espousing that love wins, that love is a mantra that we should all embrace, espouse some fundamental hate. You cannot say on the one hand love wins, yet espouse hate at every turn when people disagree with your position. To denigrate, to name-call, is not a helpful way to bring about progress on this issue. And when I see their comments directed at those who do not support the LGBT community it raises a number of concerns in my mind about a lost opportunity.

And I will take for an example, Mr. Speaker, my mother. My mother is 85 years old. For 82 years of her life she has never had to confront this issue of same-sex marriage, so she had a very clear position.

She is not a bigot. She is not hateful. But it is a matter, an issue that she has never had to confront. And when I hear comments about those who do not support LGBT rights in ways that espouse hate, I take that as a personal matter. As someone who supports LGBT rights, I take it as a personal matter when you attack those who do not share your view.

You have an opportunity to provide information and to help [lead] to a more progressive position. My mother has a different position today than she had three years ago. She has changed her position to some extent. But when you name-call or when you denigrate, you turn people off. So, there is a lost opportunity. You cannot conduct a campaign to change people's views and hearts just on Facebook. That does not work. Anyone who has worked in civil action movements knows that Facebook is just a lazy person's option for campaigning. Anybody can get on a keyboard and look like they have done all kinds of work. That is not educating, that is not campaigning.

Mr. Speaker, you know the issue of intolerance exists on both sides, within the LGBT community and in the . . . what was the term my colleague used, Mr. Commissiong?

*[Inaudible interjection]*

**Hon. Walton Brown:** The fundamentalist camp. Yes, there is intolerance on both sides.

What is offensive, Mr. Speaker, in the evangelical segment of the LGBT community is that you have people there who express a view invoking the very leadership of racial justice campaigns, people who resisted the oppression of black people and the oppression of brown people. But when I see people who have never been a part of a racial justice campaign invoke the names of Lois Browne-Evans, invoke the name of Barack Obama, Nelson Mandela, I take offence. Because you cannot only partially embrace what you view as a human rights issue. If you are a human rights advocate, your position should be consistent on each and every issue of progress. So when you do that you offend those who are involved in the campaign for racial justice.

Let me speak a little bit about the fundamentalists section. But before I get to that let me say one other thing about the approach taken by an element within the LGBT community. In some respects, Mr. Speaker, it is akin to cultural imperialism—that you believe so much in what you articulate, you do not care to understand the context in which other people have evolved and developed. It is, your way is the only way. Anyone that does not support you is an idiot. That is not helpful. It does not help to advance our community. So I reject any attempt at cultural imperialism. I embrace an attempt to educate, to pass on information and try to develop a sensible and engaging discourse, one that is truly committed to the notion

that love wins and not saying it in a *pro forma* way, yet espousing hate at every turn.

Now, we also have an evangelical segment within the fundamentalist movement, embraced in part by groups like the Preserve Marriage. Here is the fundamental problem with fundamentalism, Mr. Speaker. First of all, it all emanates from a Christian mind-set. You cannot base policy—and this may come as a challenge for some—but you cannot base policy, you cannot base sound policy on a particular interpretation of religion. Yes, we may be largely a Christian society, but we are not only Christians here. And our Constitution says we should respect religious beliefs, even those who have no belief. It is embedded in our Constitution. So you cannot just articulate a view that because a particular religious interpretation argues something that requires . . . that it is valid. It cannot be, Mr. Speaker, because if you say you should adopt a Christian interpretation, well, which version of Christianity should you embrace? It is Catholicism, it is AME, is it Seventh-day Adventist, which one? They all have nuances, they all have different views.

And to those in the fundamentalist camp I say to you, during my canvassing in the last election everyone knew what my position was on it, and at one household, which happened to be a parsonage—and for those who would like to look at it as if the black community is fundamentally against same-sex rights, it happened to be a black household, because there are people who keep count of that—the family said to me, *Mr. Brown, this household supports same-sex marriage . . .* in a parsonage. So let us not paint everybody with a broad brush. There are nuances; there are opportunities for us to listen and to learn. Fundamentalism sitting on an ideological precipice gets us nowhere. We should engage each other to try to find a way to move forward.

Minority rights are important in a country. Anyone who understands anything about divisions in many countries is that when you ignore rights with minorities, you foment the seeds of discontent and unrest. So we need to try to find ways in which we can take this country forward in a real and meaningful way.

The Bill today, of course, is not ideal, but we all know that. But it is the result of the political circumstances that we have to confront. This Government will provide leadership. There are some who will view it as a step backwards, but there is a question to be asked, which entity has been elected by the people to formulate the laws of this country? The answer is obvious. If you embrace the notion of our political system, we have three important bodies, don't we? We have the Judiciary, we have the Executive, and we have the Legislature. Each component has constitutionally mandated responsibilities.

Our responsibility, Mr. Speaker, is to first of all get a mandate from the people to get governance (which we have), listen, and try to identify a way for-

ward. It is not this Government's position that we will allow the courts to rule and allow the courts to determine what the laws of the land should be. This Parliament, under this PLP Government, will lead. And sometimes when you lead you upset people. I know there are people on both sides of the camp who are very upset because no one is getting all that they wish. Some will see this as a retrograde step, others will see it as a modicum of salvation, but it is compromised legislation designed to put us in a space where we can accommodate a variety of interests. And it is my hope, Mr. Speaker, that we can make progress as time unfolds so that the space we are in today is not the space we are going to be in five years from now.

Now, having moved away from my prepared remarks, I have always been advised by my technical staff [that] I should read everything as written, and I see someone looking at me funny over there, but I am now going to get back to my properly scripted remarks, Mr. Speaker.

*[Inaudible interjection]*

**Hon. Walton Brown:** No, no. Everything I just said has absolute merit. It is contextualising the Bill. What I will do now, Mr. Speaker, is go through the technical aspects of the Bill and then, hopefully, we can have a robust and a respectful debate, not one rooted in personal vitriol.

Mr. Speaker, this Bill seeks to exempt the Matrimonial Causes Act 1974 from the primacy of the Human Rights Act 1981, thereby preventing further same-sex marriage while at the same time providing the legal framework for same-sex couples that was prescribed by the European Court of Human Rights in the case of *Taddeucci and McCall v. Italy*. It is that framework that encapsulates the essence of where this Bill is going, Mr. Speaker.

Mr. Speaker, I have noted comments from Honourable Members across the floor who have stated that the decision of the Supreme Court must stand. But I must ask those who make such comments, when did we abdicate the authority of Parliament to make laws to the court? When did we do that? It is our solemn responsibility to make laws. The courts interpret laws. We should not shy away from our responsibility to pass laws.

It is to be expected, Mr. Speaker, that a Bill such as this would illicit very strong opinions on both sides—we know that. This Government, however, will not shy away from or stand on the sidelines and state *let the courts decide*, even when, as it is in this case, persons on the other side of this argument are not completely happy with the Bill . . . not completely happy (that is sort of charitable language). There are some who are just very upset with this Bill.

Mr. Speaker, Honourable Members would be aware that a two-week consultation period was provided to gain public feedback regarding the Draft Bill.

A copy of the Draft Bill had been circulated to all the relevant stakeholder groups including OUTBermuda, Preserve Marriage, Centre for Justice, and the Human Rights Commission. This Draft Bill was also posted on the Government's website [www.gov.bm](http://www.gov.bm), Facebook page, and we invited comments and questions from the public. A town hall meeting was held on November 8<sup>th</sup> at the BIU building and it was shown multiple times on CITV and also on the *Bernews* website. We had over 3,000 people submitting emails on this Bill, Mr. Speaker.

A great deal of work went into finalising this Bill, including benchmarking with other jurisdictions, such as the UK. And, therefore, certain concepts that are in the Marriage Act [1944], but are no longer considered relevant in modern day legislation and do not work in the context of a domestic partnership relationship are not included in this Bill; such as, the lack of consummation being a grounds for annulment, and adultery being a ground for dissolution.

Mr. Speaker, the Bill defines a "domestic partnership" as being between two persons who, first of all, are both over the age of 18, neither of whom is currently married or already in another domestic partnership or overseas relationship; the relationship is not within the prohibited degrees of domestic partnership as set out in Schedule 1 of the Bill, such as, for example, a relationship between a parent and a child or between siblings; [and] if the couple is in compliance with the conditions outlined of the Bill, they, whether same sex or heterosexual, can formalise their relationship as a domestic partnership.

Mr. Speaker, the Bill requires that notice of an intended domestic partnership must be given to the Registrar General (the Registrar) in a prescribed form. One of the persons of the intended domestic partnership must appear before the Registrar to give notice and to make a statutory declaration stating the following: That the parties are both over the age of 18; neither party is currently married, in a domestic partnership or overseas relationship; the parties are not within the prohibited degrees of domestic partnership; the particulars of the notice are true and there is no other lawful impediment to the intended domestic partnership.

Mr. Speaker, these rules are consistent with the requirement for notices to marry in Bermuda. The Bill sets out the process for registration and publication of notices and for the issuance of a licence to enter into a domestic partnership. Once a notice of the intended domestic partnership is received at the Registrar General, the Registrar is required to enter the particulars of the notice and a date of receipt in the Domestic Partnership Notice Register and keep the notice posted in a conspicuous place in the Office of the Registrar for a period of 14 days from the date of receipt. The Registrar, within three days of the receipt of the notice, shall publish the notice twice in any newspaper circulated in Bermuda.

At any time later than three months and no earlier than 14 days after the receipt of the notice of domestic partnership, a licence for a domestic partnership is issuable in the prescribed form to either of the parties to the domestic partnership if there is no lawful impediment to the domestic partnership that has been shown to the Registrar's satisfaction, and if no caveat opposing the domestic partnership has been entered.

Mr. Speaker, the formalisation of a domestic partnership may only be conducted by either the Registrar, Deputy Registrar, or a Domestic Partnership Officer on the appointment of the Minister, at the Office of the Registrar or at an alternative approved location. These locations, such as beaches and public parks, will be designated in regulations that mirror the Marriage (Alternative Approved Locations) Regulations 2016.

Mr. Speaker, the Bill will also provide for domestic partnerships to be formalised on board Bermuda registered ships (cruise ships) when the ships are on the high seas. The formalisation of Maritime Domestic Partnerships may only be conducted by either the Master of the ship, or a person who is second in command when acting as the Master of the ship, who has been appointed as Domestic Partnership Officer.

Mr. Speaker, it is important to note that the Bill stipulates that a person granted a licence as a Marriage Officer under the Marriage Act 1994, the Jewish Marriage Act 1946, the Baha'i Marriage Act 1970, the Muslim Marriage Act 1984, or the Maritime Marriage Act 1999 is *not* authorised to formalise a domestic partnership unless he or she is also appointed as a Domestic Partnership Officer under this Act. And this person is not compellable—let me repeat so people can digest that—is not compellable to allow premises under his or her control to be used for the formalisation of a domestic partnership.

Mr. Speaker, the Bill provides for quite specific circumstances in which a domestic partnership is void, as if the formalisation of the domestic partnership had never taken place. Examples of such circumstances include: (1) the domestic partnership has not been formalised by the Registrar, a Deputy Registrar, or a Domestic Partnership Officer; (2) there is a lack of capacity of either party to enter into a domestic partnership, for example, under the age of 18, or not being free to enter into the partnership or being within the prohibited degrees, such as marrying a sibling; or (3) both parties knowingly and wilfully acquiesce in the formalisation under a false name or names or without notice or the authority of a licence.

The Bill also provides for a domestic partnership to be voidable and that the partnership can be annulled by either party in certain circumstances. For example, a domestic partnership can be voidable if either party did not validly consent. It could also be voidable, Mr. Speaker, if either party was suffering

from a mental disorder such as to be unfit for domestic partnership.

[Inaudible interjection]

**Hon. Walton Brown:** Well, . . . a possibility.

The petitioner was unaware that, at the time of the domestic partnership, the respondent was suffering from a venereal disease in a communicable form or was pregnant by another person.

Mr. Speaker, in other jurisdictions that have introduced similar legislation, they have often made hundreds—hundreds—of consequential amendments to ensure that domestic partners can derive benefits from other legislation, such as inheritance or pensions. Clause 50 simplifies this process by providing that specified words or phrases relating to marriage in other legislation shall, in the case of a person in a domestic partnership, be read as a reference to the corresponding word or phrase relating to domestic partnership as set out in the Table, unless the context otherwise requires that the enactment is specifically amended by this Bill or contains an express provision to the contrary, or it is listed in Schedule 3.

The effect of this provision, Mr. Speaker, is that, subject to the exceptions, the law applying to marriage, spouses, and widows and widowers will apply to domestic partnership, domestic partners, and surviving domestic partners. Notably, the expressions “next of kin” and “relative” will include a domestic partner.

Mr. Speaker, the Bill applies the Matrimonial Proceedings (Magistrates’ Courts) Act 1974 and rules which relate to ancillary matters, such as maintenance and children, to proceedings brought in respect of a domestic partnership as they apply in respect of matrimonial proceedings with the necessary modifications and certain amendments by reference.

The Bill also applies the Matrimonial Causes Act 1975 Rules and Orders, which relate to divorce and annulment, to proceedings brought in respect of the dissolution of a domestic partnership, with the necessary modifications and certain amendments by reference.

However, Mr. Speaker, adultery, which has a specific common law meaning and would need to be adapted for circumstances other than marriage, will not be a separate ground for dissolution of a domestic partnership. Unreasonable behaviour is sufficient.

The review of Bermuda’s existing laws related to marriage for these purposes has highlighted the need for a complete review and modernisation, but that is not something which could form part of this Bill.

Mr. Speaker, the Bill repeals and replaces section 201 of the Criminal Code Act 1907 to extend the offence of bigamy to a person who purports to marry or enter into a domestic partnership when already married or in a domestic partnership or overseas relationship.

Mr. Speaker, I must now speak to the elephant in the room. Clause 48(2) states that: “Section 15(c) of the Matrimonial Causes Act 1974 (which provides that a marriage is void unless the parties are male and female) has effect notwithstanding anything to the contrary in the Human Rights Act 1981.”

This and the other carve outs from the primacy of the Human Rights Act 1981 have caused a great deal of consternation and debate in the community, but are necessary to give effect to the policy that no further same-sex marriages will be possible in Bermuda.

Mr. Speaker, the Bill also seeks to overturn the decision in *Godwin and DeRoche* and clarifies the law of marriage as between a male and a female by amending section 9 of the Marriage Act 1944 and inserting at the end of that section: “A marriage may only be celebrated or contracted under this Act between two parties who are, respectively male and female.”

And similarly, in the Maritime Marriage Act 1999 the Bill makes clear that notwithstanding anything in the Human Rights Act 1981 or any other provision of law, or in the judgment of the Supreme Court in *Godwin and DeRoche v. The Registrar General* and others delivered on May 5, 2017, a marriage is void unless the parties are respectively male and female.

Mr. Speaker, the Bill does provide for a transitional period beginning on May 2, 2017, the date of the Supreme Court judgement on *Godwin and DeRoche* and ending immediately before the commencement of this Bill. The Bill does not affect the validity of any marriage between two people of the same sex entered into under the Marriage Act 1944 or the Maritime Marriage Act 1999 during the transitional period. Similarly, overseas same-sex marriages taking place during the transitional period will also be capable of recognition as marriages in Bermuda.

Mr. Speaker, the Bill as tabled states that any same-sex relationship formalised in a country or a territory outside Bermuda prior to or after the transitional period will be treated in Bermuda as domestic partnership. However, I intend to introduce a motion to make an amendment that will not prevent the recognition of same-sex marriages formalised before or during the transitional period overseas. The effect of this is not to validate such marriages, but to state that nothing in the Act prevents recognition in Bermuda of an overseas same-sex marriage registered before or during the transitional period.

Honourable Members should note that if this motion to amend is approved, it will apply in relation to any such marriages, including those entered into before the words “sexual orientation” were added to section 2 of the Human Rights Act 1981.

Mr. Speaker, in closing, the Domestic Partnership Bill 2017 fulfils the Government’s platform promise to provide a legal framework to permit and recognise same-sex unions. And also to ensure that

couples that are in an established or committed relationship, which is formalised as a domestic partnership, are entitled to rights and benefits which mirror those of spouses.

At this juncture, Mr. Speaker, I would like to recognise the efforts of my technical officers, especially the Chief Parliamentary Counsel Ms. Catherine Balfour-Swain and her team, and thank them for their stellar effort in producing this Bill in a very timely fashion.

Mr. Speaker, I now move that the Bill entitled the Domestic Partnership Act 2017 be read for the second time.

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

Does any other Member wish to speak to it?

I recognise the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Speaker.

Mr. Speaker, the Honourable Member who just took his seat has quite a way of being able to bring a sense of calm to what might otherwise be an emotive and controversial set of circumstances that have been put before us for debate. And I am hoping that I can continue along the same vein as the Honourable Member has in terms of my contribution to this particular matter. But I have to say that the Honourable Member's opening comments showed that he has very deftly been able sit in the midst of a picket fence and keep both ears on the ground at the same time.

It is interesting to hear how the Honourable Member has indicated the impact that this legislation has on prior positions that he has taken in this regard. I speak specifically, Mr. Speaker, of a debate which was held in June of 2016, during which time the . . . sorry, let me go back to March of 2016, during which time the now Minister took great exception to the idea that there was being a Civil Union Bill being proposed. And in the conversation in respect of a Bill that the Honourable Member from constituency 6, I believe, brought to this Honourable House.

And one of the comments that was made—sorry, I am going to the June comments as opposed to the March comments, I will return to those in a minute—the Minister indicated that, “as a rule”—if I just may be allowed to refer very briefly—

**The Speaker:** You sought permission, so continue on.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, sir.

<sup>7</sup>As a rule, one should never address the issues of minority rights by way of a popular vote be-

cause the minority issues are almost invariably not going to be supported by the majority.”

That was when we were doing the debate in respect of the referendum. And he went on to say: “Or do we only take positions when it is politically convenient or because we are jockeying to establish some position of marginal gain?”

Those were some very telling comments. And let me just . . . not reflecting on a debate, but juxtapose those against comments that were made earlier today in which the Premier effectively castigated my Honourable Deputy Leader for indicating that she was advancing some positions that were those positions of her constituents. And it was effectively determined, according to the Premier that either you believe this or you do not. If you believe it, say so; if not, you know, say that. So how on the one hand can we say that it is appropriate to consider our constituents in our decision-making at one time, and it is not appropriate at another? That is basically playing both sides of the coin.

The Honourable Member also, on another occasion, in a March debate . . . actually, let me get back to that . . . indicated that the substantive Minister responsible for these matters had a series of public information sessions and, therefore, he went on to say that it required a great deal of consideration.

Let me just say here, Mr. Speaker, that understanding the difficulty of the environment in which we live, in which we have two completely different factions representing the challenges of this particular Act . . . we formerly, as an administration, attempted to look at what existed in the matrimonial area and recognise that, as not only time has gone on, but circumstances have changed which permitted a different approach than what we had historically known to be the norm in our environment. And as a result, we did ask that the House consider discussing and debating a Civil Union Act.

And in trying to get some level of support for that particular Act, which effectively gave representation to a respect for our LGBT community, we got no support from Members then opposite, the purpose for which, as was indicated, that the . . . and the one person that I spoke with . . . I am talking about my consultation with the Opposition. I got zero support. Two Members indicated . . . one indicated (and I will not necessarily call out who) that he supported the concept but he would not vote in favour of it because it was political . . . it was political.

The other Member, and I can refer to him because he has identified himself as such, the Honourable Member who is now carrying this Bill, indicated that he would not vote for civil unions because it is his fervent belief that full rights ought to be given, and to give somebody only a civil union effectively would serve to bastardise what existed for marriage for them and he did not think that it was fair in those circumstances.

<sup>7</sup> [Official Hansard Report](#), 24 June 2016

So the Honourable Member has indicated that the purpose for which we are here today is because the previous administration did not take the lead. What we did, Mr. Speaker, was to bring an issue to the fore to have an open and honest and relevant conversation to try to gauge both sides of the issue. And as the Minister at the time, I led those debates, those very public debates, Mr. Speaker.

Mr. Speaker, I held town hall meetings, three major ones. I also held additional meetings in terms of how the actual Civil Union Bill was drafted so that there would be understanding. I will say, without fear of contradiction, that the Bill that we have here today is very, very, similar to the Civil Union Bill that was previously drafted with a few tweaks to allow for domestic partnership by heterosexuals—

**Hon. Walton Brown:** Point of order.

**Mrs. Patricia J. Gordon-Pamplin:** —domestic partnerships.

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

**The Deputy Speaker:** The Chair recognises the Minister Brown. What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Walton Brown:** The Honourable Member is misleading the House. There is a fundamental qualitative difference between the two. And what is most fundamental is that this Bill would apply to same-sex as well as heterosexual couples, and also provides for a full raft of legal benefits.

**The Deputy Speaker:** Member, continue.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. [Deputy] Speaker.

Mr. [Deputy] Speaker, I held, as I said, several town hall meetings and also, as the Minister now has done, encouraged people to communicate with the Ministry in terms of articulating the concerns that they had in this matter. The Minister, on the other hand, held one town hall meeting having tabled this, having promised two, held one, cancelled the second and indicated that he was going to have input from the specific interested parties. So I did not get the feeling that there was a wealth of embracing of articulating what the challenges were or hearing where the problems lay on behalf of the Minister in this regard.

And from feedback from the one town hall meeting that he did have, the criticism (if I could put it that way) was that his approach was dismissive to effectively say that, *I have to bring this. It is not ideal. I'm doing what I need to do because if I don't some-*

*body will bring a Private Member's Bill and there will be no rights for any of you all.* And you know, that is, perhaps, the disappointment that I have.

And why do I say it is disappointing, Mr. [Deputy] Speaker? Because the transitional period that is now in existence as a result of this new legislation that is coming through is actually permitting people who were married . . . same-sex couples who were married during the period from the Supreme Court decision of 5<sup>th</sup> of May until immediately preceding the coming into force of this Act . . . it will permit their marriages to continue to be valid and to be recognised.

Now if we start to talk about treating our citizens with respect and equality, that is effectively saying that any heterosexual couple who gets married can get married however they can, but a same-sex couple can enter into a domestic partnership within a specific period of time—which would be the court decision until now—for it to be recognised. Outside of that, no-go—

**Hon. Walton Brown:** Point of clarification.

**Mrs. Patricia J. Gordon-Pamplin:** Yes.

**The Deputy Speaker:** Minister Brown.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** Yes. I believe that the Honourable Member is unintentionally misleading the House. This Bill, once approved, will afford same-sex couples who have entered into a marriage prior to the commencement of the Bill to have their marriage recognised.

**Mrs. Patricia J. Gordon-Pamplin:** Yes, that is what I said.

**Hon. Walton Brown:** No, you said domestic partnership.

**Mrs. Patricia J. Gordon-Pamplin:** Oh, sorry, sorry, sorry. That was unintentional.

**The Deputy Speaker:** Okay.

**Mrs. Patricia J. Gordon-Pamplin:** I meant entering into a marriage and they would have that marriage recognised after or during that period of time.

So what does that do? It says to a couple that if you were not standing at the [courtroom] dock on the 5<sup>th</sup> of May you have missed the boat. Is that fair?

Is that equal?

I do not believe so, and I do not think the Honourable Minister believes that is fair. I do not think that . . . I think that what he is doing is making lemonade out of the lemon that he has had to deal with be-

cause we cannot get broad brush support across the board in this matter.

So, I do not like the idea that we continue to treat any of our citizens in a discriminatory manner. I know that the Minister . . . we had a discussion on a case very shortly after the change of Government, in which the Minister was adamant that we have to be fair. And he made it a point to ensure that one individual who perhaps forgot that he had a spouse and had made representations thereto, was regularised because it was appropriate to do so based on the application of that particular legislation that existed. So if you bend over backwards to make sure that one faction of your community is treated fairly, does it . . . can we really live with our conscience to say, *It's okay for you guys over here, but it's not okay for you over here?*

If people will hurry up and get married, they can do that, where there is no such chronological pressure on any other relationship that would end in marriage or, for that matter, in a domestic partnership.

If you are married abroad within the time frames that are existing, you know, you can bring your spouse to Bermuda. You will be recognised based on what the legislation now provides. And in that recognition it will be as a Bermudian, let us say, who chose to get married or who chose to enter into a domestic partnership. You can do that; you can do it abroad and come home during that period of time (we will acknowledge that) but you do not have . . .

You know, people when they get married, Mr. Deputy Speaker, they do not want to get married because of a chronological calendar. They do not want to get married because they have to escape their home environment. People want to get married and want to commit and have domestic partnerships or whatever you will call it—civil unions—in the context of being in the presence of the people whom they love and care about. So, why should someone have to go abroad in order to be able to get married, to then come home for it to be recognised? Is that fair?

What is fair? I do not see it that way.

Mr. Deputy Speaker, I do not believe . . . or the Honourable Minister alluded to the fact that there are very strong Christian principles and that is a circumstance that basically governs what drives us as a community, what drives us as a people. I had a very interesting conversation with somebody around this matter who said, *If good, strong Christian principles were a prerequisite for getting into church, the pews would be empty.* So while we understand the type of community that we live in, it is not necessary that the tenets of one faction of our community need to be able to dictate how everybody else lives, believes, and responds.

I think sometimes the dogma concerning the attitudes that we have can almost border on bigotry . . . almost border on bigotry. And I understand that feeling. When people feel as though they are left out,

when people feel as though they are second to, or less than, and it is being done under the cloak of what the religious principles will dictate and, therefore, they are completely—

**Hon. Walton Brown:** Point of order.

**The Deputy Speaker:** What is your point of order, Minister?

**Hon. Walton Brown:** It is a very important one, Mr. Deputy Speaker.

**The Deputy Speaker:** Yes?

#### POINT OF ORDER

*[Misleading]*

**Hon. Walton Brown:** The Honourable Member is misleading the House. This Bill has not been brought forward because of the dictates from any church.

**The Deputy Speaker:** Just . . . let us be careful with the comments, Member.

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Deputy Speaker, I never said that the Bill was brought about . . . I said that the attitude that is expressed in the environment, in the community, which is where you are getting a lot of the pushback coming predominantly from people who have those basic Christian faith and tenets and wish to—I said almost dogmatically, I was very precise about that—to put those thoughts on others. And that is what I said.

So we have, you know, basically different factions. And I am not going to criticise one or the other. I am going to say that we have representation for both sides of the equation. Hence, it was important to gauge how people responded to the situations they had that were going to make them feel as though they were not equal to their peers, to their sisters and brothers.

Now, in making that determination as to whether people felt equal or not, the civil union route was one that was chosen, having had the consultations and having been made to understand that at the very least this would satisfy because it gave them something.

Fast forward. We have a court case, the DeRoche and Godwin case, on which Justice Simmons opined and gave her decision in a declaratory judgment in May, which effectively spoke to the interpretation of the legislation as it existed and, as a result of that, allowed for same-sex marriage to occur.

Now, I read earlier comments that the Honourable Member made when he sat on the other side and opposed what it was we were trying to do. But with the Justice Simmons' ruling that provided for the recognition of that same-sex marriage, effectively the

. . . the Justice in so doing was . . . I do not want to put it incorrectly. Let us say she put our country in a situation in which people felt that they could take advantage of that. So we gave people something that they did not have before. And now what we are doing is to take it away.

We are taking away the construct of what Justice Simmons deemed that the law required, according to its interpretation and according to what international human rights were dictating. We gave them, and for a brief period of time now, based on this legislation, we are taking it away. And therein lies a difficulty that when you have something . . . if you never had it you would be satisfied having something. But when you have had this much, and if you are taking it away, to give you only this much, it makes it difficult. It makes it difficult to swallow for those people who now find themselves disenfranchised by what has developed in these circumstances.

You know the comment that the Honourable Minister made in his objection earlier when he spoke about rights that ought not to be dictated by common and by popular support and vote, is a position that I fully understand. Because I stop to think of the likes of Rosa Parks who in her determination that (a) she was not going to get up and give somebody else her seat, and (b) she was tired . . . took a stand based on a principle in which she believed. And having taken that stand based on that principle, the timing under those circumstances were that she has to stay in her place, she has to learn how to be in her place, because that is what is generally accepted. So, nobody was going to say, *You know what? She's right. Let's all just make life easier for her and she can sit down and everything is okay.* No, that was a part of the struggle that was necessary to gain a level of equality.

So, I can imagine that people who find themselves in this situation, knowing that the only thing that is afforded to them now is a domestic partnership and not a marriage, will find themselves feeling almost like Rosa Parks, being told—

**The Deputy Speaker:** Member, that is a bad analogy. Rosa Parks is racial and we are talking about morality. You cannot compare the two.

**Mrs. Patricia J. Gordon-Pamplin:** I am speaking, Mr. Deputy Speaker, about a situation in which the popular circumstance at the time dictated one thing and expected that people would adhere to it, irrespective of the underlying . . . but what I am saying is that if that situation . . . and I believe it is analogous, that the circumstances at the time were such that this lady was diminished. Yes, it was racially driven; but she was diminished and she was not going to stand for it.

So, the question begs, why then, having understood those kinds of struggles to get to a level of equality, are we attempting now to diminish some of our citizens?

We have the situation in which we also, when there is no reckoning in this new legislation, with respect to the impact of section 19A of the Immigration Act . . . the Immigration Act speaks to the ability for partners to be able to obtain status—marital status—after a 10-year period of time. So the question begs, when we heard the amount of criticism coming from the other side . . . you know, when the script was flipped in terms of how individuals or how the former Government was trying to stack the deck, have we thought about the impact of domestic partnerships in flooding? And I am not suggesting that they ought not to. I mean let me make that clear.

If a domestic partnership is all that you have got, then your significant other has the right to come to Bermuda as would my foreign spouse. But is this likely . . . because you know there is an interesting thing here, which basically . . . in the legislation and we will see it when we get into Committee, it is interesting that adultery, which is a grounds for dissolution under a traditional marriage, is not being considered as being a grounds for dissolution of this domestic partnership Act. The question is—

**Hon. Walton Brown:** Mr. Deputy Speaker.

**The Deputy Speaker:** Do you have a point of order, Member?

**Hon. Walton Brown:** No, I am happy to provide clarification if the Member will allow it.

**Mrs. Patricia J. Gordon-Pamplin:** Yes, go ahead.

**The Deputy Speaker:** Please.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** This Bill is looking at the issue of domestic partnerships. It is not reforming the Marriage Act. And if the Marriage Act has some antiquated components within it, that is for another time to address. It is not our position that we should add such components to this legislation.

**The Deputy Speaker:** Continue, Member.

**Mrs. Patricia J. Gordon-Pamplin:** And therein lies the thin edge of the wedge, Mr. [Deputy] Speaker. Because what happens is that if you do not lock it down there is nothing to stop me from saying, *Let me go find my significant spouse or my significant partner from abroad, bring him in, and let's have ourselves a domestic partnership*—because this could be a he or a she, it could be you know, *let's have a domestic partnership, but that is not really the situation that I want. The situation that I really want is the relationship that I may be engaged in here.*

So at the moment I think that it is difficult sometimes to separate things out without recognising the consequential effects of what it is that we are doing. That is my point, that I can stay with my relationship here, marry somebody else or have a domestic partnership with somebody else, because at the moment adultery is not being included in this legislation, and then I have it both ways. I have a relationship here and one that I can . . . but more importantly, that other relationship, we could have somebody now coming in after the 10-year period of time and saying that this person can now take up residence, justly and rightly, because *that is my domestic partner*, and then we have an immigration issue, we have an immigration situation.

So I just wanted to point that out, that when amendments are going to be made down the road, then we certainly have to consider, not just the importance, but the urgency of making sure that we do not leave ourselves with loopholes that are difficult to plug as we go further down the road.

I think it is also important to say that we do not wish to find ourselves locally in conflict with international human rights and laws. And you know Bermuda is, as we always say, Bermuda is another world . . . we are another world. I do not know that there is another jurisdiction that has provided for a same-sex marriage environment and then has taken it away. I do not think there are . . . I think we may be unique in that regard, so in that space we are another world.

We ought also to consider the judgment that was made by Justice Simmons in May and, just for clarity, to say that this judgment was not . . . the judiciary [was not] writing the law. What she did was interpret the law. So the Government has now brought a piece of legislation so that any future interpretation would take into account the restrictions that are being included in this particular piece of legislation.

Let me just explain why I have a challenge with this. And I think that when you look at how the pressures of our existing society dictate how we respond to different circumstances, that we would want to say this is the status quo and let us move towards it so that we do not have any further division in our community.

But what about, as my Bible tells me, the Christian approach? And I do not wish to employ Christian tenets to the entirety of this debate, but, for the purposes of the areas in which we have had dissension, if your Bible tells you to embrace one another, your Bible tells you that Jesus, when he spoke to the woman with the extra husbands, he said, *Yeah, I know all about you. You've had all these men and the one you've got now is not your own . . . but yet [he said], he who is without sin cast the first stone . . . let us embrace one another.* Could we consider as a people on a one-by-one basis saying to others that, *You know, we've had a dogmatic approach, we've had a very restrictive approach, this is how we were*

*brought up, this is the approach that we've had to these situations . . . can we not consider how we can have a positive influence on the environment that allows people to have a respect for all of our fellow men?*

There is nothing in any legislation, either a same-sex marriage, civil unions, domestic partnerships, that demands it as a necessity. So you can opt out or opt in if you so choose. So there is nothing to say you *must have*, this just says *if you choose* to this is what . . . this is the menu of offers that you could have. It does not say you have to have, it does not say that . . . you know, as I have said before, somebody said to me, *If you don't like same-sex marriage, then don't have one.* I am not sure who is impacted by the choice that two people will make to spend their lives with each other, in whichever circumstances they believe to be appropriate for them. It may not be what I would choose for me. It may not be what others would choose for themselves. But do we have the right to impose our dictates on our fellow citizens . . . on our brothers and sisters?

So I have difficulty with this legislation as it stands. I understand that the Minister is on the horns of a dilemma, that he finds himself perhaps between a rock and a hard place in these circumstances, having to go against his grain of full human rights and principles to which he has just spoken, and to pilot and shepherd through a piece of legislation that goes completely against what he has stood for. That has got to be difficult.

I know that as politicians there are times when we find ourselves in those circumstances . . . we find ourselves in that situation. And I certainly understand and respect it. I understand the difficulty because it is so easy for us to be mired by the thoughts and the environment in which we were growing up and the lessons that we learned and what Granny said.

But I was really thrilled to hear the Honourable Member speak to the issue with his mom. To say that up until three years ago—and he said his mom is 83, I think he said, 85. Up until three years ago she never had to deal with this. We had a different society and a different community. And now she has an opportunity to be educated and therein is where we have an opportunity. Because some of us may have to go to our homes after today and say to our children, *I just voted to make sure that you are not equal to your brother.* Your brother is just normal, can have a chance to go down to the Registrar, can go get married, can do whatever he wants to do, but you cannot, you are limited to a domestic partnership. And you now have to go home and say to one child that, *You have to be treated differently than your sister or brother.*

So those in domestic partnerships have two choices, (this is a heterosexual couple): they have a domestic partnership choice and they have a marriage choice. Whereas homosexual couples have only domestic partnership. So that, already, has put them on

an unequal footing in terms where this equality that we want to espouse falls short. And that is difficult . . . that is difficult.

I think also, Mr. [Deputy] Speaker, that as we look at our community, and having had significant conversations with people on this issue both as a Minister and now as the Shadow, trying to come to a landing as to what people believe in terms of this domestic partnership, that it is not ideal. People are upset on both sides of the argument, interestingly enough. You have those who did not like the idea of civil unions effectively say that, *This is civil union by another name. Call it domestic partnership, add in a heterosexual couple for good measure, but it is no different.* You have people on the other side of the argument saying, *I have my rights. I'm an individual and I should have freedom to choose.* But we are restricting them by a chronological sequence of time between the judgment that was handed down and the passage of this Domestic Partnership Bill and, notwithstanding what the Minister is trying to do, I do not believe that we are accomplishing that which he has indicated that he wants to accomplish in these circumstances.

I do not like to accept that it is okay for us to treat our sisters and brothers differently, whether fair or unfair, to treat them differently under similar circumstances. Those are the things on which a dissenting society and an unhealthy society will thrive. Those are the conditions—unhealthy will thrive—when you start treating people differently. And bitterness sets in.

You know, I spoke to a lady two days ago who said to me that if she, as a member of the LGBT community . . . she said, you know, all I can say is if I were a nasty LGBT community, we would be the most unpopular people because we will out a lot of people who have practiced different lifestyles in a clandestine manner, but we know about it. But we are not. We are too respectful of each other to out them. And these are the kinds of circumstances. So when we start pointing fingers and when we start talking about what is ideal and what is perfect and where we want to get to . . . I can say I can sympathise with the Minister. I sympathise with the Minister because you cannot, on the one hand, espouse that you are concerned and want to advance human rights, and then on the other hand pass something that is less than.

On July the 8<sup>th</sup> the Minister indicated—this was on a debate on same-sex marriage and perhaps the Bill that had been tabled before—the Minister said:

<sup>8</sup>“I am here today, Madam Chairman, in support of us creating a more just society. I think that this piece of legislation is retrograde, but it was compounded by Government's position when we amended the Human Rights legislation in 2013.” He went further to say, “I cannot support any legislation which acts as an inhibitor to the further progression of rights.

I know there is a sentiment out in the community which says *Oh, these are not human rights. It is a contrived position.* But Madam Chairman, every single society has seen the evolution of human rights over time. . . . [We] cannot look at human rights as [though] it is a static concept.”

Truer words, Mr. [Deputy] Speaker, were never spoken. I support that position wholeheartedly. I cannot support this position, having given a community something that does not impact anybody else—*does not impact anybody else*—and now to take it away.

Now, we will have some proponents who would say, what about the children? And I can tell you, Mr. Deputy Speaker, that the biggest challenge that I had when we were looking at the civil unions matter and gathering information and listening to input and trying to formulate a position, the biggest challenge I had was, what about the children? And it is something that I have not yet come to grips with, either emotionally or mentally because as children, knowing that we grow up in an environment which is influenced by our parents, children can be very cruel. So when some child says, *I've got two mommies* or *I've got two daddies* and, you know, the tradition has been set aside, it is difficult. And that is a minefield that a home and a loving and nurturing environment have to be able to determine how to traverse because that will exist with these domestic partnerships. That does not make that matter go away. This Domestic Partnership Act does not do anything much different than what the same-sex marriage allowed or what the Marriage Act allowed, but it does not do a whole lot different, it calls it something different, gives a couple of extra benefits down the road to say that, you know, this is what we will do, but it does not negate that the relationships that have been deemed to be abhorrent by some and unacceptable to others—they are not going to go away. They will not go away.

So with those comments having been made, I think it is important to say I sympathise with the Minister, with what he is trying to do . . . when you catch yourself on the horns of a dilemma, but I do not believe that while you try to satisfy an election promise, you cannot prostitute the votes in this House to say that this is what we will do because people in the community, this is what they voted for. And you do not say that in one hand and then castigate a Member for articulating the position that her constituents had asked for. You cannot have it both ways.

So I am hoping as time goes on, Mr. [Deputy] Speaker, that we have the ability to show a level of respect for our community, for whether they are domestic partners heterosexual, domestic partners homosexual, I hope that we have . . . that we progress. Because many of those people, as I started to say, the Honourable Member spoke of his mom not having to deal with this in 80-plus years of her life and now, perhaps, having been confronted with it and maybe

<sup>8</sup> [Official Hansard Report](#), 8 July 2016

having to make an educated decision as to what position she chooses to take—the Honourable Member did not say what position—he just said his mom thinks differently than what she would have done over the first 80-some years of her life.

*[Inaudible interjection]*

**Mrs. Patricia J. Gordon-Pamplin:** And, you know, mom is perhaps more progressive. There are some who will be stuck who will never take a position that is different. And those people, thankfully, one of these days, Mr. [Deputy] Speaker, will die. That then will allow us to treat our people—all of us—in a fair way—

**The Deputy Speaker:** Honourable Member, that language . . . you cannot . . . I would ask that you withdraw that language. Because what you are saying is we are going to get rid of those people because they are going to die, right? So please withdraw that statement, please.

**Mrs. Patricia J. Gordon-Pamplin:** I will withdraw that statement if you found that to be offensive. What I am saying is that when people are stuck and entrenched in a particular position, that absolutely nothing is going to change, Mr. Deputy Speaker, I had said this to members of my constituency. I had people in my constituency who did not like the idea of the colour of my skin and I had to say, *You and your attitude*—and I . . . straight up, straight to their face—*you and your attitude, one day you will die then I don't have to deal with that.*

**The Deputy Speaker:** Yes, but that is not . . . Member, that is not parliamentary language and I would ask you to withdraw the statement and if you want to make it, make it different.

**Mrs. Patricia J. Gordon-Pamplin:** I will withdraw that statement.

**The Deputy Speaker:** Okay.

**Mrs. Patricia J. Gordon-Pamplin:** I will say one thing, they will expire and will not have the ability—

**The Deputy Speaker:** Member, let us not play with words with me.

**Mrs. Patricia J. Gordon-Pamplin:** No, I am not.

**The Deputy Speaker:** Please.

**Mrs. Patricia J. Gordon-Pamplin:** I am not trying to—

**The Deputy Speaker:** “Expire” means the same thing. You are smart enough and intelligent enough to rephrase that, and I want you to do that.

**Mrs. Patricia J. Gordon-Pamplin:** Well, let me just say that perhaps eventually they will not have an influential say in the things that a progressive society enables as time goes on and, hence, we will not find ourselves in a position in which we are treating one segment of our society differently or unfairly to the rest.

Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Any further speakers?

The Chair recognises the Honourable Wayne Furbert from constituency 6, the Bible Belt.

**Hon. Wayne L. Furbert:** Thank you, Mr. [Deputy] Speaker.

I will not be long. I have . . . I think I have half an hour, right?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Twenty minutes, all right.

Mr. Deputy Speaker, everyone in Bermuda knows my position. It is very clear. And everyone in this House knows my position.

Let me explain why we are here today. In 2013, Mr. Deputy Speaker, the Government of the day—the OBA Government—brought a Bill called . . . well, sexual orientation, and dealt with a few things. The Honourable former Minister Wayne Scott said (and I read):

<sup>9</sup>“There has been much talk and speculation throughout the community that the addition of protection against discrimination based on sexual orientation is a slippery [slope] which will eventually lead to same-sex marriage. I wish to state emphatically that the changes to the Act being debated today have nothing to do with same-sex marriage.”

The Honourable Member Mark Pettingill, who was the Attorney General at the time, said:

<sup>10</sup>“In my view, it is not a valid fear or concern that someone can take the very significant thing that we are doing here today and sensibly, in law, run off and try and apply at the Registry to have a same-sex marriage, because the first thing that is going to happen is that those provisions are going to be looked at and the answer on the face of it would have to be no. It would have to be no because the law is in place.”

That is what happened in 2013, and I could name some other colleagues on that side. At that time I brought a motion because for some reason I knew we would be here where we are today. [The motion] said that marriage shall be defined as between a male

<sup>9</sup> [Official Hansard Report](#), 14 June 2013

<sup>10</sup> *Ibid.*

and a female. The motion was on the floor, the amendment. But the Honourable Member Mark Pettingill convinced his colleagues that this would never take place.

Well, guess what happened, Mr. Deputy Speaker. The Honourable Member stepped out, took off his . . . whatever he took off, and put on his hat, walked across to the courts and argued the same situation . . . what he said would never take place. And I believe that if the Member would have said that this was what was going to take place, both sides would have never, never . . . sorry, would have passed that Bill with an amendment in 2013 because it was the intent of Parliament never to have same-sex marriage.

So do not say that someone gave someone something. No one gave them . . . in 2013 Parliament said no. As a matter of fact, the former Leader who walked in (who was the Leader at that time) said to us, and I agree with him, he said, *No, I do not support same-sex marriage, and this Bill that we are passing today will have no impact.*

Well, the Honourable Member went to court and the Chief Justice, as the Honourable Member said, interpreted the law—exactly what the Honourable Member Mark Pettingill said would never take place. Hmm.

So we brought an amendment in 2016 recognising that Parliament—which is supreme (I will remind you all about the McDonald's issue when the Privy Council said that Parliament is supreme, even after Parliament made some decisions)—Parliament is supreme, not any one judge . . . not any one judge. I sweated and walked up and down hills day and night to represent the people, in Hamilton Parish in particular, but generally Bermudians who I heard speak. And then one judge . . . the Member said that it would never happen in history, never in history has one judge made a decision on this particular issue, even in the United States when they passed this thing it was 5 to 4. But one judge in Bermuda decides to interpret it . . . as a matter of fact, as far as I am concerned, "misinterpret" it.

So we have to be clear on what Parliament's view is. When we brought it back in 2016 overwhelmingly—overwhelming, on both sides of Parliament—we said marriage shall be defined as between a male and a female. It went to the Senate and it was defeated by one vote. Well, that is fine. But because Parliament is supreme we said we will wait for the whole year. But one day we [will be] coming back to you, and we are going to tell you from Parliament what our intent was.

Well, we laid down a Bill in 2017 and if it was not for the Honourable former Leader Michael Dunkley suspending Parliament, and dissolving Parliament, that Bill would have passed in Parliament, I can tell you up front. We had support from this side of the House and some Members on that side of the House. We had enough Members on this side of the

House, except for two, and that side of the House. I do not have to call their names; they all know who they are.

It would have been a different kettle of fish . . . it would have been a different kettle of fish, and then it would have gone back to the Senate and we could say, *Yeah, you can fail it*, but then it [would go] up to Government House. Now there could be some constitutional crisis, and as my Honourable Member Minister Brown would probably have enjoyed, where the Parliament says yes, no, and the Governor says something else. Well, we do not face that day.

So Parliament dissolved and we had an election. And the time had run out for the year. Well, because the OBA Government did not show leadership in this particular issue—it did not, because it had been there from 2013 to 2016, 2017 . . . they did not show leadership, despite the Honourable Member saying she went up and down having these meetings. She knew she could not get support at all for same-sex marriage or civil unions. She did not. She did not have support. The Honourable Member did not have support.

But fortunately, we have, I think, a good Leader on this side, the Honourable David Burt, who said we have got to make a decision. So he asked four individuals, two against and two for—the Honourable Walter Brown, the Honourable Michael Scott, the Honourable Kim Swan [*sic*] and the Honourable Wayne Furbert—to go in a room—

**An Hon. Member:** [Kim] Wilson.

**Hon. Wayne L. Furbert:** —Wilson . . . sorry. And you do not come out until you make a decision—2 to 2. And we had some heavy debates. Right?  
[*Inaudible interjection*]

**Hon. Wayne L. Furbert:** Heavy debates. But we had to find a way to move forward because we had . . . the courts had already made a decision. And this Government was not going to sit back because, at the end of the day, I believe that there are more people . . . we had a significant voter turnout that said that . . . and particularly in the white community, particularly in the Catholic Church, that said, *We do not want same-sex marriage. Hence, why we will support the Progressive Labour Party.*

There was an ad going around at that time, Mr. [Deputy] Speaker, that said this . . . if I can find it . . . it said "86 per cent of the Progressive Labour Party Members support traditional marriage; 36 per cent of the OBA Members of Parliament supported traditional marriage. Vote for the party that will give us the greatest chance to support traditional marriage." [Would] you take a chance with 86 or 36, which one would you choose?

So I believe there are more people, particularly in the white community in Hamilton Parish, support-

ing it than ever before. I believe that other Members support it, but the OBA never took a position . . . weak leadership on this particular issue. *Let the courts . . . let me just brush and let the court . . . let me run for cover and hide under this brush . . . let me hide and let the court make the decision.* Where is the leadership?

That is not the decision because everybody knows that this was not the end. This was the beginning of the end, because anyone could appeal it . . . where the Government failed to appeal on the grounds of service and function. Lack of leadership.

And we understand within the Attorney General's Chambers that they recommended that this take place. But you ran for cover. What did you want? Lack of leadership. And I believe you suffered at the polls because of the lack of leadership, particularly on this particular issue. Because your traditional base said, *We do not support same-sex marriage.*

You had a referendum where over 14,000 people said no to same-sex marriage—69 per cent of those people showed up. And you ducked it and said, *Oh well, the total numbers did not come out, we're 3 per cent short.* Well, give the 3 per cent to those who said yes. They still did not add up to the numbers. But they rejected, 14,000 individuals, and said that it was not valid. But they only got 13,000 votes themselves, but yet they say they are valid. Can someone explain to me that point? They are valid with 13,000 but the referendum was not valid for 14,000?

Mr. [Deputy] Speaker, we are here because of the leadership that has been taken on this side. The Honourable Walton Brown is not happy with the total Bill. I am not happy with the total Bill. But we sat in the room for . . . as a matter of fact, one time we told the Premier, *No, we're not coming to any conclusions.* The Premier said, *Go back, make a decision. You have to go back.* And so we came up with the concept of where the parties stood. The issue of same-sex marriage remains a conscience matter for our Members . . . which will be done today.

We accept that same-sex couples should have similar legal benefits as heterosexual couples, save for marriage. And we will introduce legislation to achieve this end. What are we doing today? It is not . . . my colleague is not . . . you know we stand on opposite, but yet, the Honourable Members on that side . . . and I know Members on that side who supported same-sex marriage and some that did not. But the leadership . . . as a matter of fact, when we voted in the House in 2016 everybody voted yes and no besides one individual—the Premier of the country said, *I abstain.* What the . . . ?

The Bible says I do not want you to be hot or cold . . . sorry, I would rather you be hot or cold, not lukewarm, or I will spit you out. So he was lukewarm. He would be . . . you want a person where you know where they stand.

I have had attacks on me; I have had somebody come in my face down on Front Street, Mr. Deputy Speaker. Come right in my face like this on this issue. I have had more names called on Facebook. As a matter of fact, I have probably been called every name besides Jesus. But I stood my ground. Everybody knew where I stood. My honourable colleague, the Honourable Walton Brown, I know where he stands. And he and I are the best of friends.

I am glad a colleague . . . I thought he was my friend, we used to have breakfast every morning . . . it starts with a "T" and ends with a "B", and he does not come around anymore. As a matter of fact, when we show up he runs off, he runs . . . he runs.

Yesterday he sent out an email to everybody and he must think it does not get back to me. And he called me every name and . . . I do not worry about that stuff. I am past that stage. I have been around since John Stubbs' days.

**The Deputy Speaker:** Just one second, Minister.

**Hon. Wayne L. Furbert:** Okay.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Deputy Speaker:** Let me recognise in the Gallery Senator Crystal Caesar and former Member of Parliament the Honourable Maxwell Burgess.

*[Desk thumping]*

*[Domestic Partnership Act 2017, second reading debate continuing]*

**The Deputy Speaker:** Continue, Minister.

**Hon. Wayne L. Furbert:** So, Mr. Deputy Speaker, I have been around since John Stubbs' days. Yes.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Oh, yes. The Honourable Maxwell Burgess sat in that chair . . . he and I, yes, we are from the Bible Belt. We know clearly why Sir John Swan had to vote that day, because he was not coming down to Bethel Church and talking about, *I voted yes.* That is part of politics. He understood it. That is why he stayed as a Premier for 12 years, hence, why you stayed one term.

*[Laughter]*

**Hon. Wayne L. Furbert:** Because somebody on that side does not understand the role. If the people said no, and you are forcing them . . . you are forcing them. You forced them on the hill. You had more people

show up and the House was not even in session. The House was surrounded by people. So many people showed up and you could not see the signal that people were sending to you. *Where is the Leader? Let me teach her a little bit about politics.*

You cannot ignore the voters and expect to get voted in! How dumb is that? That does not even add up. *I am not going to do what you said. I am not going to do what you said.*

Mr. Deputy Speaker, the question is, Is same-sex marriage a human right? It is a right. Well, in my findings the European Court of Human Rights . . . in the decisions made in 2010, 2014, 2015, and 2016 the court has concluded that there is no obligation to grant same-sex couples access to marriage. So that is an authority. The United Nations said the same thing.

The United Nations Human Rights Committee [said] that “not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the covenant.” So those two bodies.

So, where are you getting your rights? I mean to make it very clear to you all. If those two bodies had said this was a human right, I would have a responsibility, because of the role I play in this Parliament, even against my own personal beliefs. But it is not. There are more states and countries that said no. But what they did say is that every country should have the right to determine what it wants to do—not about whether you are Christian or fundamentalist.

There are a lot more people on this Hill that are not fundamentalist, but I do not know what that name means. What does it mean? Are Pentecostals fundamentalists? Are the Seventh-day [Adventists] the fundamentalists? Are the Muslims the fundamentalists? Are the Jehovah’s Witnesses fundamentalists? Are just ordinary Bermudians who do not even go to church fundamentalists? Because that was what was on the Hill that day, they said, *We do not want same-sex marriage.*

So I do not know whether that side is under the Whip or not. But I am saying to you today that a court should not be able to take the rights away from you. If not, you are weak one more time tonight and the people of Bermuda will remember your weakness.

Now I understand there are people who support it, and there are people who do not support it. But we all know, and the roll will be called tonight [and will show] where you stand. But make your calling and election sure because there are people out there who are going to be watching you and listening and remembering you in another four or five years from now.

And if you believe you have changed and are listening to the people, then make your call tonight. It is because the Government said that we felt that we should give rights to individuals. [That is] why we are here today.

Now I am not a lawyer, and I cannot draft up things. But if you tell me you are going to give rights, then give some rights. And whether we call it domestic partnership or Gombey treasure, or whatever you want to call it, they have to be rights. But we said . . . and I promised the people—and it is a promise made and it is a promise kept—that I will not support same-sex marriage. And in this Bill it defines marriage as being between a male and a female.

My promise was made and my promise will be kept. And everyone who voted for the United Progressive Party in 2012 who said, *We do not want same-sex marriage*, from St. George’s to Somerset . . . I believe the Honourable Member Lister snuck through by 12 votes, because there were large amounts of Catholics in his community who said, *I do not support same-sex marriage. I am going to vote the OBA out.* Why do you think you lost? Because you did not listen. That is what it is simply about. I do not know what strategy . . . who your advisors are . . . I sat down when I was with another group like yours—

[Laughter]

**Hon. Wayne L. Furbert:** Absolutely right. I listened, that is why I left you.

**Some Hon. Members:** Ooh! Ooh!

**An Hon. Member:** Yes, sir!

[Inaudible interjections]

**Hon. Wayne L. Furbert:** Now, you do not want me talking about that, do you, Cole?

**An Hon. Member:** Oh, yes!

**An Hon. Member:** You can talk about it.

[Inaudible interjection]

**Hon. Wayne L. Furbert:** No, that’s another day. My time is almost up. But maybe on the motion to adjourn I will tell him about how we met down at his house.

**An Hon. Member:** Ooh!

[Inaudible interjections]

**Hon. Wayne L. Furbert:** Oh, yeah, you want me tell them?

He did not want to hear that one . . . having dinner and voting for our new leader. I remember that. Oh, yeah . . . even here tonight I will read my book . . . maybe I should just read my book.

**An Hon. Member:** Now you see him, now you don’t.

[Inaudible interjection]

**Hon. Wayne L. Furbert:** But my point, Mr. Deputy Speaker . . . how much time do I have left?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** All right.

So, if you want to start a new beginning on that side this vote on same-sex marriage has been a conscience vote for as long as I can remember—on that side and this side. And now you are going to bind your people to make you all look like you are . . . a three-line Whip, to look like you are marching in some line of some soldier? It is not about that.

We have a conscience vote on this side and maybe some individuals will vote against this Bill. That is fine with me. It is about what the people have decided to do and what they want. And if you fail to recognise that, you will never change. You will never change.

Let this be the beginning, let this be a new beginning for your party on where you stand. I know where the Honourable Member Patricia Gordon-Pamplin stands, and I respect her view. She has been arguing against this . . . even when I was with her.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** No, she was against it. Yes, I remember that. She has never changed. No.

So, Mr. [Deputy] Speaker, we have an obligation tonight to put this thing behind . . . no, no, let me make it very clear to you. If you think that I think this is the end, no, no, no . . . no, no, no, because Parliament changes. As long as I am here, I am going up against it. But at the time I step off of this seat, I will make sure I put the person from Hamilton Parish that looks like me.

But there are people who would change our seats. So it is not about whether a Bill . . . whether you define that, you know, if you vote for civil union it is going to lead to same-sex marriage. No, it does not lead to same-sex marriage. It only leads to it if the people in the Parliament vote for it.

**The Deputy Speaker:** Minister, you have got seven minutes.

**Hon. Wayne L. Furbert:** How many minutes?

**The Deputy Speaker:** Seven.

**Hon. Wayne L. Furbert:** All right. So, it is not about whether we vote tonight and it is going to lead to . . . no. As long as the Members who are in this House, as we currently stand, will not support same-sex marriage—in this House—but as time changes and individuals sit in this House, time will change.

Like I said I have seen a total change from Stubbs' days to where it is now. Because in 1993/94,

as the Honourable Maxwell [Burgess] will realise, they said we just wanted to change that law, but this will never take place. And we used to . . . when that Bill passed in 2013 . . . I will tell you a story.

In 1994 someone said to us, the Honourable Maxwell [Burgess] will remember, *Oh, we got that through. Let's bring sexual orientation.* That was way back then. Two individuals—the Honourable Maxwell Burgess and myself—said if this thing . . . and it passed through a place down that sits on the Hill that is going to pass . . . if this thing goes to caucus, we will walk away from this House, this party. And they needed Hamilton Parish more than ever before because it was us two that kept that party on track. So we have held our finger in the dike for all those years. So we stood against it—the Honourable Maxwell Burgess and I—way back then. Just the two of us.

As a matter of fact, I was leaving the room and the Honourable . . . a certain person said, *No, no, Maxwell and Wayne have a problem.* They sat back down and said, *We're not taking this to caucus.* And it never came back until 2013.

What I am saying to you is to send a message to your group and say, *I'm going to stand for what I believe is right*—not for what, you know, there are different rights . . . where do I define “right”?

So, Mr. Deputy Speaker, I will support the Domestic Partnership Act 2017 despite [the fact] that there is not everything in it that I want. But I support it because, at the end of the day, it removes the right to same-sex marriage and it tells the court that this Parliament will stand for what is right and where it is today. Thank you.

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

Any further speakers?

The Chair recognises the Honourable Member Mr. Baron from . . . I do not know where you are from . . . where are you from Baron?

*[Laughter and inaudible interjections]*

**The Deputy Speaker:** Anyhow, go ahead, Mr. Baron.

**Mr. Jeff Baron:** Mr. Deputy Speaker, the fine constituency of 25. Thank you.

**The Deputy Speaker:** Twenty-five, thank you.

**Mr. Jeff Baron:** Indeed. Thank you, Mr. Deputy Speaker.

I rise tonight on this dark December evening clutching the 37 pages, Mr. Deputy Speaker, of this very flawed Bill . . . this very flawed and, frankly, shameful Bill.

Mr. Deputy Speaker, a vain emperor who enjoyed wearing all sorts of fancy clothes was approached by two con artists who told him that they

would create for him a suit of clothes that is invisible to stupid and incompetent people. The emperor paid the men to create these clothes, though in actuality they created nothing at all. They sat there and they pretend to weave for the emperor. Everyone pretends to admire the clothes for fear of being seen as stupid and incompetent. The emperor ends up taking off his clothes to try on this pair of his new clothes—the invisible clothes—

**The Deputy Speaker:** Where are you reading from, Member? What are you reading from?

**Mr. Jeff Baron:** These are my notes of a fine parable by Hans Christian Andersen, Mr. Deputy Speaker.

**The Deputy Speaker:** Okay, thank you. Continue.

**Mr. Jeff Baron:** May I continue?

**The Deputy Speaker:** Yes, you may.

**Mr. Jeff Baron:** Thank you, Mr. Deputy Speaker.

And as the parable goes, Mr. Deputy Speaker, the only person, after this emperor walked through the town naked, to call attention to the fact that the emperor had no clothes on was a young boy who said, *But he's not wearing anything.*

And someone started to whisper in the town. *Did you hear what the boy said? He's not wearing anything. Did you hear what the boy said?* And of course, everyone after says, *But, of course, he's not wearing anything!*

And of course the emperor shivered, he suspected that they were right, but he said, *This procession has got to go on.* So he walked even more proudly, Mr. Deputy Speaker, more proudly than ever as his noblemen held high the train of clothing that was not even there.

*The Emperor's New Clothes* by Hans Christian Anderson is the result—

**The Deputy Speaker:** Member, you need to address me and not the Gallery.

**Mr. Jeff Baron:** Yes, Mr. Deputy Speaker.

**The Deputy Speaker:** Okay?

**Mr. Jeff Baron:** Absolutely, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you.

**Mr. Jeff Baron:** I am referring to this parable. It is about people's unwillingness to call attention to something that is wrong for fear of looking foolish.

This Bill, Mr. Deputy Speaker—all 37 pages of it—is wrong. It is foolish. This Bill should be seeking to protect equality, to clothe our people. Instead it is

stripping Bermuda's reputation naked for the world to see.

And there are others, Mr. Deputy Speaker, who agree with me—not just on this side. Others, like the Human Rights Commission; others, like the Centre for Justice; others, like the Rainbow Coalition; others, like OUTBermuda, and for reasons diametrically opposed to mine. Preserve Marriage, they also oppose this Bill, and they made their statement very public this week, Mr. Deputy Speaker. The Bill is simply flawed.

So today as parliamentarians we have the opportunity to acknowledge that this is wrong. We have the opportunity to acknowledge that this Bill removes rights for the LGBT community, that it removes the right for them to legally marry the person they love. And that, Mr. Deputy Speaker, is a right that they have, as I speak and I stand today. They have that right, right now. We in this House, for political expediency, are seeking to remove it.

So will we call attention tonight, Mr. Deputy Speaker, to something wrong for fear of looking foolish? After all, this is, as we have heard, a conscience vote. So let us see. Or, Mr. Deputy Speaker, will we let Bermuda parade itself through the streets naked after passing this flawed legislation?

By way of context, Mr. Deputy Speaker, we have heard some legal nuance, political nuance, historical nuance, and some funny political historical nuance from the Member who just sat down. But let us just keep this to the last year.

**The Deputy Speaker:** Member, can you just pause a second?

**Mr. Jeff Baron:** Yes, Mr. Deputy Speaker.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Deputy Speaker:** The Chair would like to recognise the Vice President of the Senate, Senator James Jardine.

*[Domestic Partnership Act 2017, second reading debate continuing]*

**The Deputy Speaker:** Continue, speaker.

**Mr. Jeff Baron:** Thank you, Mr. Deputy Speaker, and welcome Senator Jardine.

On the 5<sup>th</sup> of May, Mr. Deputy Speaker, the Supreme Court of this country ruled that “the common law” (and I will quote from the ruling from the daily paper of that day, with your permission, Mr. Deputy Speaker). “The common law discriminates against same-sex couples by excluding them from marriage

and more broadly speaking the institution of marriage.”

Of course, that was the landmark same-sex ruling on the 5<sup>th</sup> of May.

I would also like to point out, Mr. Deputy Speaker, that on that same afternoon, the same Minister who drives this Bill in here for us today took to the public airways on his Twitter account and he wrote the following thing, which I admired, he said . . . it is good, I promise: “The Supreme Court ruling in favour of same-sex marriage is to be applauded. Pity it took a judge to do what parliamentarians refused to do.”

That was sent out the same day in May.

And now this Member, the Honourable Minister, advances a Bill, a compromised piece of legislation (to use his words), that deals with stripping the rights of LGBT community members. We have been using that acronym all night—lesbian, gay, bisexual, transgender—there are members of our community who are living in this community that are members of that community. We are removing the right for them to marry the person they love.

But in May the Supreme Court of this country interpreted our law—not created a law, interpreted, Mr. Deputy Speaker—and said that their marriage is just as equal as any other marriage in Bermuda . . . just as equal, just as fair.

And so what happens in June? On the 1<sup>st</sup> of June the media reports that we have the first same-sex marriage in Bermuda’s book, Bermudian lawyer, Julia Saltus, and her fiancée, Judith Aidoo. They were the first couple to take advantage of our Supreme Court ruling.

In July, Mr. Deputy Speaker, we heard, whilst in the thick of an election cycle, the pledge from the Progressive Labour Party—the then Opposition, now the Government. And they are right, because everyone who has represented that party tonight has said very plainly they are not hoodwinking anyone, they are not surprising anyone; this is what they said they would do. They said they would do this—tonight.

Mr. Deputy Speaker, from the platform, if I may, creating a Vision for a Better and Fairer Bermuda, may I quote one page, one paragraph under the same-sex relations bit of the Progressive Labour Party platform? Members of this House probably know it because we studied it on both political ends, but for the edification and benefit of the listening public I will read the following thing:

“Same Sex Relationships” (this is, again, from the PLP’s Vision for a Better and Fairer Bermuda) “The issue of same sex marriage remains a matter of conscience for our members. We accept that same sex couples should have similar legal benefits as heterosexual couples, save for marriage, and will introduce legislation to achieve this aim.”

Well, here we are—promises made, promises kept. Removing the rights of gay people in this country to marry the person they love was a promise the Pro-

gressive Labour Party told us in July. Here we are, Mr. Deputy Speaker—

**Hon. Walton Brown:** Point of order.

**The Deputy Speaker:** Minister, what is your point of order?

Take your seat, Mr. Baron.

#### POINT OF ORDER

[Misleading]

**Hon. Walton Brown:** I am happy to see the Honourable Member so animated, because I have never seen him animated before. But he is deliberately misleading the House, and he knows it.

**Mr. Jeff Baron:** How is that? Explain.

**Hon. Walton Brown:** The Member is misleading the House. We never said that we would outlaw same-sex marriage. You read from the statement. It said that it is a matter of conscience. So if you want to make your comments, do so, but do so with a level of integrity.

**Mr. Jeff Baron:** Mr. Deputy Speaker, thank you, I accept that.

However, let me remind folks (and I do not want to read it again) that it was in their platform that they would advance legislation to achieve that aim that same-sex couples have legal benefits as heterosexual couples *save for marriage*—nuance. What are we doing here tonight? We are removing . . . we are *removing* equality; we are removing the rights of people like Ms. Saltus and Ms. Aidoo who married in July . . . to marry again.

**Hon. Walton Brown:** Mr. Deputy Speaker, point of order.

**The Deputy Speaker:** What is your point of order, Minister?

#### POINT OF ORDER

**Hon. Walton Brown:** If the animated Honourable Member had actually read the Bill he would know that no rights that same-sex couples who are married currently have will be taken away from them.

**Mr. Jeff Baron:** The answer . . . the question, I suppose, is rhetorical, because I have the floor, not him.

**The Deputy Speaker:** Minister, Minister—

**Mr. Jeff Baron:** Yes, Mr. Deputy Speaker.

**The Deputy Speaker:** I am in charge of this House.

**Mr. Jeff Baron:** Indeed, you are.

**The Deputy Speaker:** All right.

**Mr. Jeff Baron:** Mr. Deputy Speaker—

**The Deputy Speaker:** No, no, I will make statements like that, not you.

**Mr. Jeff Baron:** Thank you. Thank you.

Mr. Deputy Speaker, the fact remains that as I stand right now the gay and lesbian community, same-sex couples, can legally marry in this country. The fact remains that after the Progressive Labour Party . . . that after the Honourable Minister advances this Bill, those rights will be gone. They will not be able to marry in Bermuda.

So, I have read the Bill. I have read the Bill. Do you want to discuss nuance? Do you want to discuss things like human rights? Let us discuss the honest facts. That was July.

In September, as the Minister was interviewed by our media, he was questioned about this very topic and uncomfortably, I suspect, Mr. Deputy Speaker, had to deal with a very interesting issue of one of his own Members advancing a Private Member's Bill. Because that Member who just took his seat said, again, from an article, this is from September . . . let me get the exact date . . . [the] 8<sup>th</sup>, Mr. Deputy Speaker. May I read a sentence from this article? Thank you.

<sup>11</sup>Government MP Wayne Furbert reiterated last month that he would bring his bill to outlaw gay marriage back to Parliament in September and said he expected it to pass.”

And, of course, our Honourable Minister who advances this now reminded the folks in Bermuda of what the pledge was that I just read out—gay people have some rights as heterosexuals, but not marriage . . . not marriage . . . not marriage. That is why we are here. Despite what the Supreme Court said on the 5<sup>th</sup> of May, that is why we are here.

And I would like to point out something rather obvious, that since the 5<sup>th</sup> of May, since Mr. Godwin and Greg [DeRoche], while they were married in Canada, ushered in a new conversation into our culture. Not a new subculture. Not a new lifestyle, Mr. Deputy Speaker, because gays, lesbians, bisexuals, and transgender have been in Bermuda for many years. That is a fact. Sadly, though, they are still classed as vulnerable people. Why? Because of some of the rhetoric that we hear in this House, some of the rhetoric that we see and read in the papers, that is discriminatory, and some of the things that we hear and that are still lobbed at them.

No wonder they are vulnerable. No wonder they do not want to speak out. No wonder they do not want to identify themselves . . . so-called “in the closet.” And they stay there, Mr. Deputy Speaker, because people like us do not protect them. Since the 5<sup>th</sup>

of May, since the 1<sup>st</sup> of June when Ms. Saltus—a lawyer, a very qualified Bermudian—got married to the person she loves, frankly, her fiancée, there has not been social unrest in Bermuda. There has not been the ground opening. If your god loved you then and you loved your god, he still loves you today. Their marriage made no impact on any of your personal lives in here. None.

Today, Mr. Deputy Speaker, because I have given you a bit of history, we have gone back to September. Today, Mr. Deputy Speaker, there are 26 countries that have legalised same-sex marriage—26 as of yesterday. And those countries are . . . the first country to legalise same-sex marriage was the Netherlands in the year 2000, 17 years ago. Next was Belgium. Next was Canada, Spain, South Africa, Norway, Sweden—I am quoting from *Fortune* magazine, yesterday's article, Mr. Deputy Speaker—Iceland, Portugal, Argentina, Denmark, Uruguay, New Zealand, France, Brazil, England and Wales, Scotland, Luxembourg, Finland, Ireland, Greenland, United States, Columbia, Germany, Malta, and yesterday, Australia.

Twenty-six countries, Mr. Deputy Speaker, have legalised same-sex marriage. There has not been one country until tonight that has ever re-banned same-sex marriage. Bermuda is on its way. We, too, can be in *Fortune* magazine—for all the wrong reasons, Mr. Deputy Speaker. Not one country has ever re-banned same-sex marriage.

Tonight Members here have a choice: Do they vote and support this Bill? Or do they say it is wrong and say it is backward, it is retrograde? And there may be people who will stand up here and talk about the tourism impact of gay dollars, and there may be people who stand up here and say, *Our reputational risk management really needs to be checked* because we talked about that with casinos. However, I am not doing it for any of those reasons, Mr. Deputy Speaker, I am doing this quite simply because it is the right thing to do. It is the right thing to do.

In speaking, though, of gaining some national reputation, the human rights, speaking of Twitter (because I know my learned friend here, the Honourable Minister, is into Twitter, I already read his tweet) . . . the Human Rights Campaign when they ran an article called the following—the Human Rights Campaign on Twitter—the headline was the following: DISPICABLE—The Human Rights Campaign condemns Government effort to repeal marriage equality in Bermuda.”

That was sent out on the Human Rights Campaign Twitter. But so what?

So what?

The Human Rights Campaign has over 800,000 followers globally. Globally, 800,000 people got that message.

Do you know who also got that message, Mr. Deputy Speaker? Chelsea Clinton. Chelsea Clinton is the daughter of former Senator and [First] Lady Hillary

<sup>11</sup> [Royal Gazette](#), 28 August 2017

Clinton and Bill Clinton. She has 2.1 million followers globally—2.1 million followers globally. And she, again, was quite outraged at this notion. She took this tweet and she sent it on. So Bermuda is already being questioned about our national reputation . . . already . . . and we have not even gotten there yet. We have not even gotten to a vote. Just a mere idea of removing rights that people enjoy today sickens people . . . sickened people—

*[Inaudible interjection]*

**Mr. Jeff Baron:** Did I say that? Chelsea? I said Chelsea, yes. Thank you. Chelsea Clinton, 2.1 million followers. She has got a lot more.

Mr. Deputy Speaker, as a parliamentarian I hold hope. I do. I hold hope that I can work hard, not just with my colleagues here, but with colleagues on the other side to see safer communities, an economy that works for everyone, less divisive politics during the Progressive Labour Party's tenure in Government. However, clearly, I stand here troubled—clearly. This Bill is not appropriate to be advancing at this time.

Mr. Deputy Speaker, the Domestic Partnership Act appears today 218 days after our Supreme Court ruled that same-sex marriages are just as legal and equal as any marriage. This Bill here today, only months after the PLP campaigned on bridging a divided community . . . bridging a divided community . . . they said Bermudians first. Clearly, your deeds say Bermudians first—except gay and lesbian Bermudians. What a troubling action after such a short time in Government.

Mr. Deputy Speaker, now is the time for us to reaffirm. Now is the time for us to reaffirm what makes Bermuda special, that we are not just a diverse Island, but we are also a diverse community. And this holds true whether you are black, whether you are white, rich, poor, gay or straight. When we move a little bit further forward on our journey towards equality and justice, we still in this House, we still outside of this House, have a responsibility to reach back and help out those who are striving to do the same.

Mr. Deputy Speaker, now is the time to unite our people, not divide them further apart. Right now we live on an Island where our young men are reaching for guns instead of textbooks. We live on an Island where for some an honest day's work may not be enough to buy healthy food. We live on an Island where many college graduates come home and struggle to find employment. These are the matters that deserve total focus by this Honourable House. These are the matters that require leadership. These are the matters that are existential.

I am very proud, Mr. Deputy Speaker, to have fought alongside Bermuda's lesbians, gays, bisexuals, transgender, and that entire community. I have fought against the attempts of our very own Members to amend the Human Rights Act by way of this Private

Member's Bill *[sic]*. While there are clearly more miles, Mr. Deputy Speaker, on the journey against discrimination, you should know that the gas tank is full. Justice, faith, and compassion will always keep that tank full.

And so, I am glad to be travelling on that journey with all of them. And even others, despite their feelings regarding same-sex marriage, will not support a tax on equality in any form. So, Mr. Deputy Speaker, when it comes to social justice, there is always room for more at the table, more people to join the struggle. And many more in Bermuda will, regarding this very topic. Many more will.

It is my hope, Mr. Deputy Speaker, that our Premier, our Ministers, and our Government can one day join us in advancing the equal rights for all of our people, regardless of what they look like, how much money they earn, what God they pray to, and whom they love. We owe it, Mr. Deputy Speaker, to all of our LGBT brothers and sisters to do what is right—not what is expedient, not what is popular, but to do what is right. We owe it to ourselves, in here, as we work to advance our Bermudian values, those values of tolerance, those values of love and faith. And we owe it to Bermuda, everyone in here who casts a vote tonight. We owe it to Bermuda, for our reputation, to stand up for our vulnerable people here, despite how hard it may be, and tell the emperor when he is not wearing any clothes. Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, Honourable Member, Mr. Baron, from constituency 25.

Any further speakers?

The Chair recognises the Honourable Member, Lawrence Scott, from constituency 24.

**Mr. W. Lawrence Scott:** Thank you, Mr. Deputy Speaker.

And just to refer to the Honourable Member who just took his seat, with his glasses on looking like Clark Kent over there, you know, it is funny because I am a big comic-book fan. And we all know that Clark Kent is one of the personas of Superman. So, the Honourable Member over there looking like Clark Kent, I will tell you, look . . . you know how they have that little intro, *faster than a locomotive*? The Honourable Member disappears from the House of Assembly faster than a locomotive.

*[Laughter]*

**Mr. W. Lawrence Scott:** Cannot find his seat when he wants to sit down. *It's a bird . . . No, it's a plane! No, it's MP—*

**Hon. Dr. E. Grant Gibbons:** Mr. Deputy Speaker, point of order.

**The Deputy Speaker:** What is your point of order, Dr. Gibbons?

**POINT OF ORDER**  
*[Imputing improper motives]*

**Hon. Dr. E. Grant Gibbons:** It is, at best, disrespectful. At worst, he is imputing improper motives.

*[Inaudible interjections and laughter]*

**ANNOUNCEMENT BY THE SPEAKER**

**HOUSE VISITOR**

**The Deputy Speaker:** One second, Member.  
The House wants to recognise Senator Vance Campbell, who is in the Gallery.  
Continue.

*[Domestic Partnership Act 2017, second reading debate continuing]*

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.  
Well, you know what? I will go this way. All right? The Honourable Member wanted to start off by talking about Hans Christian Andersen and the emperor not having any clothes. The emperor not having any clothes is just like his speech, which has no point. So, the thing is that also, when it comes to the emperor not having any clothes, the emperor's clothes were just as visible as the OBA's leadership when they were under their administration.

*[Inaudible interjections]*

**Mr. W. Lawrence Scott:** But one thing I want to do in talking about leadership in the midst of a challenging situation is that the OBA's leadership on this matter, originally, reminds me of British-ruled India.

When the British first went over there, they had concerns about the number of venomous snakes that were in the streets down there, Mr. Deputy Speaker. And so, the British came up with a plan. And they said, *We'll put a bounty on every snake's head. So, Indians, bring us a snake; we'll give you money for it.* So what they did seemingly worked at first, where they were getting all of these snakes off of the street. But they did not realise that some Indian entrepreneurs were breeding snakes. So, therefore, the snakes that they wanted to get off the streets [multiplied, and] they ended up with more snakes than when they started.

That is the thing about faulty leadership, not being able to look at what is really going on and misinterpreting what you think you see for what is actually happening. And what I just referred to is known as the *cobra [effect]* (for those who want to look it up). But the thing is that it is all about context.

This Bill, I believe, is more about context versus interpretation. Almost every person, every MP who has gotten up and spoken today, has used the word "interpretation," has referred to interpretation. So, let me show you the difference between context and interpretation, Mr. Deputy Speaker. You and I listen to some of the same music. I know that one of your favourite artists is Kanye West, Mr. Deputy Speaker.

*[Laughter]*

**Mr. W. Lawrence Scott:** One thing is that I know that you know, one of the songs that you and I listen to on the car rides to and from the House of Assembly is "No Church in the Wild." And the words to the chorus of that song, Mr. Deputy Speaker . . . do not sing it. I see you are getting ready to sing it. Do not sing it, Mr. Deputy Speaker. But it says,

*Human beings in a mob  
What's a mob to a king?  
What's a king to a god?  
What's a god to a non-believer?  
Who don't believe in anything?*

So now, can you tell me what the hierarchy of that line-up is? You cannot! Because you have to know the context in which the artist was writing that to be able to properly interpret it, Mr. [Deputy] Speaker. So, therefore, that is how I say that it relates to the Bill, Mr. [Deputy] Speaker, because I see you were just about to ask me, *How does that relate to the Bill?* I am glad you asked, Mr. [Deputy] Speaker.

*[Laughter]*

**Mr. W. Lawrence Scott:** And the thing is that I believe that it relates to the Bill because you have to look at three different things: wants versus needs, benefits versus rights, and the majority rule versus the minority voice.

So what I am going to do is start with wants versus needs. And you know I like to do my research. And you have to say, what constitutes a need? Simply put, Maslow's hierarchy of needs, Mr. Deputy Speaker. And it breaks down into five key areas, which are physiology, safety, belongingness, esteem, and self-actualisation. Now, physiology is your food, your water, your warmth, your rest. Safety is security. Belongingness is, basically . . . belongingness and love are your intimate relationship and your friends. Esteem is the prestige of the feeling of accomplishments. And then, self-actualisation is achieving one's full potential, Mr. Deputy Speaker.

So, what I have noticed in a lot of these talks, and a lot of the conversations that we have when we talk about same-sex marriage and domestic partnership, is that we confuse or mistake a strong "want" for a "need." Like there are some people, and I will quote my mother, who says that I "need" to get married.

[Laughter]

**Mr. W. Lawrence Scott:** And yes, yes, yes, my mother tells me that I need to get married. And I tell my mother that Maslow would not constitute marriage as a need, but more so as a strong want. So, she strongly wants me to get married, right? So, now, in this context, Mr. Speaker, I just feel as though we need to figure out, what is marriage?

And marriage, Mr. Speaker, can be defined as a formally recognised union of two people as partners in a personal relationship. So, the thing is that this brings me to the . . . so, it is this recognition of the union of two people, where you can start looking at the benefits of marriage. And the point that I bring up is that when it comes to the benefits of marriage, a lot of people say that when you get married, you get certain rights. No. I believe that you get certain benefits. Marriage brings the benefits of the lending institutions. The organisations see you combining and becoming one, as you are combining resources, you are combining . . . what I see in my household is that my dad brings in the money and my mom spends it. So I guess that is a partnership of some sort.

[Inaudible interjection]

**Mr. W. Lawrence Scott:** I have my own home, Colonel.

But the thing is that, currently under the law that has been interpreted by the Justice, those individuals who are recognised as married under same-sex marriage do not get the benefit of being able to go for large loans, to go for mortgages. They do not get the benefit at the hospital in emergency situations of next-of-kin situations, meaning that if two individuals, [a] same-sex couple gets married and one is in a serious accident and has to be taken off of life support, that husband or that wife or that partner does not have the opportunity, does not have the right or the benefit to be able to say, *No. Keep them on*. It goes to the next family member. That is under the current law as it is now.

That is what the OBA is currently fighting for. We would like to change that with our Domestic Partnership Bill. We want to be able to extend the same benefits that are seen in traditional marriage under the Domestic Partnership Bill versus what is being seen now. Because, Mr. Deputy Speaker, I believe that, as a Government, it is our duty to ensure that there is an environment that promotes and ensures that everyone, or at least the majority of the country's population, have access to these benefits, that everyone at least has the opportunity to obtain the things that we need in order to live happy, productive, and balanced lives.

And that is what brings me to the majority rule versus minority's voice. And in democracy, which is what we are a part of, we are all about majority rule.

And if you look at the way, when it comes to this topic, the polls, the petitions, the marches, the referenda all have easily and significantly indicated what the majority want. However, in 1963, there was a majority that had their way. In 1963, there was a group of individuals that came together to ensure that the minority of the day had a voice and gave voice to the voiceless. And in 1963, it was about the haves being able to continue to have while the have-nots needed to be able to have more.

So, in 1963 was the creation of the PLP. So, instead of having a Government—it is a PLP Government now. And instead of having a Government that sits there and does nothing, a Government that continues to add to the Bermuda's version of a cobra siege, a Government that is like Hans Christian Andersen's emperor with no clothes and has no leadership, the PLP is keeping true to its DNA of being able to be a voice for the voiceless and making sure that everybody's voice is heard, that everybody's suggestions and wants and needs are at least significantly and seriously considered. And that is how we got to this Domestic Partnership Bill today.

As you heard my fellow colleagues, they sat down and they hashed it out. That is leadership. The Honourable Premier David Burt said, *We need to hash it out. We are not going to take the easy road. We're going to take this head-on*. So, what has happened is that now we have a Bill which the Preserve Marriage lobbyists feel does not go far enough. We have a Bill where the LGBTQ—because I notice everybody is quick to say LGBT and they forget the "Q." So that makes me wonder how much research and how connected to the community are they really if they cannot get the name right.

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

**Mr. W. Lawrence Scott:** So, therefore, you have the LGBTQ community that feels as though this Bill does not go far enough, which is a good thing, Mr. Speaker, because that means we are balanced. We are right down the centre. We are shooting straight, Mr. Speaker. We are giving benefits where they are needed. We are keeping the traditional definition of "marriage," which is what has been identified by the majority. So, right now, we have established that this Bill provides and finds that balance between wants versus needs. This Bill provides the balance between benefits and rights. And this Bill, this Domestic Partnership Bill finds the balance between majority rule and the minority's voice.

And I cannot see how a Government, a party, a Premier, a Minister who have been able to do all of this within the first six months could be chastised. I cannot see how a Government that has done something that the other party was unable to—well, not unable—unwilling to do, could now have Members stand up and say that we are not doing enough. That is like

having me do a job for free and then saying, *You know what? You did such a good job, I'm going to double your salary.* Think about that! You still get nothing.

So, that is why I wonder, what is going on? How could you dare stand up and say that we are not doing enough or we are doing the wrong thing, when you did nothing? When you allowed, instead of the 36 of us duly elected representatives of the people . . . you silenced us. You muzzled us. You muted us, and let one individual make their interpretation of a Bill, of a law, of a piece of legislation, and they did not have the proper context. *What is a human being to a mob? What is a mob to a king? What is a king to a god? And what is a god to a non-believer?* You ask the Justice to tell us which one comes in the hierarchy, and they do not know what the purpose was of the context of the person who wrote it.

So, when we, the PLP Government, come and find a balance within four months, and the Honourable Member who just took his seat, the Honourable Jeff Baron, said 218 days—in 218 days, we were able to come to a balance between wants versus needs, benefits versus rights, majority rule versus minority voice. We were able to do that in 218 days, and they could not do that in 2,000 days. You need to, as I will say [in the words of] another rapper, “You better check yo self before you wreck yo self.”

[Laughter]

**The Speaker:** Members in the Gallery, you are not here to participate. You have got to sit quietly. Thank you.

**Mr. W. Lawrence Scott:** So, therefore, Mr. Speaker, I have a hard time for anybody on that side who says that this Bill does not do anything, because it gives the same-sex, the LGBTQ community, the benefits which they have been asking for. The only thing I would say is they might have mistaken their benefits for rights, and that they wanted the rights. But we are able to provide them with the benefits. So, as it stands now, they could have the name “marriage” without the benefits. But after this Bill passes, they would have the benefits and just not the name “marriage.” I think the benefits are what they really want.

That is like having . . . everybody who knows me knows that I am a big dog lover. I have a dog, myself. And that is like having just the head of the dog and not the body. It does not make sense. You would rather have the whole dog. You can have that right now. So, I do not want to hear any more scaremongering. I do not want to hear anybody who is manipulating the facts to try to prove their points. The facts are what they are. This Bill gives benefits to those who go into domestic partnership so that they can have the hierarchy of Maslow's hierarchy of needs,

which is what is needed to have a happy, productive and balanced life.

And who in this House could say that this is not what they want? Who in this House says that this is not what this Bill does? So, the thing is that we have allowed for almost every situation in the context of what a Bill can do that was devised in 218 days. If you get sick and you are on your dying bed and you are part of a same-sex couple, your partner, your domestic partner, can determine whether you live or die. If you need to have shelter, a roof over your head, you two now, as a domestic partnership, could go and buy property and get a loan or a mortgage. Is that not what we all want? I know some of us get married traditionally to be able to do stuff like that, which is why I am not married.

[Laughter]

**Mr. W. Lawrence Scott:** I have got to find the right one, Mr. Speaker, got to find the right one.

[Inaudible interjection]

**Mr. W. Lawrence Scott:** The Honourable Member says, *Got to kiss a lot of frogs to get a princess.* I have done my share of kissing, Mr. Speaker.

[Laughter]

**Mr. W. Lawrence Scott:** But I digress, Mr. Speaker.

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

**Mr. W. Lawrence Scott:** I am sorry.

But I really believe that this Bill is not one-sided. This Bill does not go against the LGBTQ community. This Bill gives them what their community says they want, the main components. It might not give them everything, Mr. Speaker, and I will admit to that. But it does not give the Preserve Marriage lobbyists everything that they wanted, either, which goes back to the point. A good contract has both sides coming away having the feeling that they came away with more than they wanted, both sides coming away feeling as though they got less than they wanted—that is the sign of a good contract. Because that is when you know it is balanced.

So, I will be voting the conscience of the people who live in constituency 24. And the conscience of the people who live in constituency 24 is that, *If you can provide me my needs, if you can provide me those benefits, and if you can ensure that my minority voice is being heard in spite of the majority rule, you have my support, MP Scott.* And I believe that this Bill does exactly that. Thank you, Mr. Speaker.

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

I recognise the Deputy Opposition Leader. Madam Deputy Opposition Leader, you have the floor.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker.

Mr. Speaker, I do not support same-sex marriage, and I am one of the Members who hangs on Tony Brannon's Wall of Shame. And I am one of the people who gets barraged by his emails about how wrong I am and not loving people because of their sexual orientation.

But I am against this Bill not because I support same-sex marriage, but I am against it because it takes [away] the rights that already exist, and I have a problem with that. It is like going into a business for somebody, and I say, *We're going to go into this business. We're going to be 50/50 partners. We're going to split the profits equally. We're going to do all kinds of things.* And then we form the business, and my partner says to me, *Well, you're not going to be a partner anymore. You're just going to be an employee.* So, my rights change. I am not entitled to any dividends. I am not entitled to any profit-sharing. I am not entitled to any vote. I am not entitled to anything that I would have gotten if I had been a partner.

The Honourable Member who just took his seat said that this Bill provides the benefits that the LGBTQ community is looking for. And it seems to me that he thinks that those benefits are only hospital rights and going to the bank and getting a loan. But I think that it is beyond that. People do not automatically derive benefits just because they are married. And sometimes people think that because you get married, you have an automatic right to property, you have an automatic right to your partner's pension, you have an automatic right to life insurance.

You do not have an automatic right to those things. You have to name a beneficiary for your pension. You have to name a beneficiary on your life insurance. You do not get property automatically unless it is joint property.

The one thing that it does allow you to do is to make decisions on behalf of your partner if they are in the hospital. But you can also assign a health care directive, and it may not be your partner who you want to pull the plug on you. The only thing that you would get automatically as a domestic partner, in terms of property, is if you die without having a will, and under the rules of intestacy, your estate will go . . . it hunts for your wife or your children or the closest next of kin. But other than that, in most instances you have to provide for your estate. And that is part of good asset protection and succession planning.

If the Opposition Government [*sic*] is for human rights of all people . . . sorry. (That was an oxymoron, too.) I am sorry. If the Government is for human rights, then why are they carving out marriage? If same-sex couples already have that right, why are you carving that out now? And that will end when this Bill is assented; is that correct? If you truly are listen-

ing to the voice of everyone, the voice of the majority, then you would not be putting forth this legislation. And as I said, I do not support same-sex marriage.

[*Inaudible interjections*]

**Ms. Leah K. Scott:** Is this really what the people want, to have civil union rights? Because I think that they went to court so that they could have the right to get married. And as I said, I do not support same-sex marriage, but I also do not support having rights taken away from people. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Madam Deputy Opposition Leader.

I recognise . . . Everybody sit down. Nobody wants to speak? We can close this. Now, everybody has jumped up . . . I recognise the Deputy Opposition Leader [*sic*]. Deputy Opposition Leader, you have the floor.

**Some Hon. Members:** Deputy Opposition Leader?

**The Speaker:** I mean Deputy Premier. Deputy Premier.

[*Laughter*]

**The Speaker:** The Deputy Opposition Leader just sat down. No, no.

**Hon. Walter H. Roban:** That's why I sat down.

**The Speaker:** Deputy Premier, go ahead. Continue.

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

It is quite clear that this is one of those very important debates that legislators are confronted with. Now, I think there has been enough retell of the history of where we have come with this already, so I am not going to delve into the history. But I will speak on a few things so that I am not long, other than to make it clear that I do support this Bill.

I do believe that it is in line with the agenda that the Government put forth to the people, sought the people's validation, and the people decided that this is what they wanted. And the substantial majority of the population decided that the agenda that was in that document is what they desired to be implemented and worked on in their behalf.

In some cases, Mr. Speaker, politics is pretty simple. And in some cases, it gets complicated. And this issue is one of the ones that make politics a little complicated, because it taps into the aspect of humanity that we often grapple with, that we often struggle to reconcile, with what is the best thing for the people? What is, ultimately, going to be of great benefit to the people? And how do you, personally, in the

role you have been given, balance all of that out? Because sometimes you find the tide from the people may confront what you feel is right, from the standpoint of your conscience and your belief and your philosophy. And that comes up against, as I said, where the people may believe they are.

Now, this is not the first time in Bermuda's history where we have seen this happen. This is the sort of struggle that perhaps was indicative of the great debates in this House through the times of Dr. Gordon and Dr. Cann and others who were championing for more rights for those who were disenfranchised. And what you found is that the prevailing, perhaps, at least, the wind of the country coming from those who were listened to were against the efforts that they were making, even though, substantially, what they were campaigning for was right and ultimately did see the day. And that is the Bermuda that we see ourselves in now.

So sometimes the will of the majority does clash with the minority, and sometimes there are times when the minority voice may ultimately be like the victor down the road. And it takes a level of courage to push that. Those men and women who pushed the efforts to create greater rights for the disenfranchised in the past not only were clearly intelligent and able, they had courage. And that is to be admired. Because sometimes, that is ultimately what you need, is courage. Intellect will not do it; eloquence will not do it. It is courage. Because courage is what allows you to stay the course, to stand in the face of great resistance, hostility, and even attacks that put your life in jeopardy. It is courage.

So, we are to admire those who have decided, certainly publicly, because as my honourable colleague who introduced this Bill talked about, you know, it is easy to get on a keyboard and promote your view or put people on lists of shame. That is not courage. That is cowardice. Because the real steps toward whether it be liberation or freedom or equality have been made by people making themselves known and heard, and despite their greatest fear, getting out there and standing for something. That is where the real steps have been made.

Yes, sometimes some strategies require a level of secrecy and silence, such as people who were a part of the progressive group. But, ultimately, even they came out into the light and have been rewarded for their courage under the circumstances they present. And others have been rewarded for their courage. So, those who will stand out in front and stand up for what they believe, and stand and make a choice to be a part of a cause that may be unpopular and take what comes with it, that is courage.

Now, here we are again, dealing with an issue that does challenge the role of leadership. But at the same time, leadership also is about trust, because you are put there because people have entrusted you with responsibility. And sometimes, that responsibility

puts you in difficult positions. And this is, perhaps, where many in this House are today. It is a difficult decision for those of us who are in the position that we are in.

I, myself, have thought about this issue quite a lot. And frankly, I perhaps have found myself within my own sphere of operation in my own household having interesting debates with my 17-year-old daughter about this issue, who has very clear views on this. And, frankly, she is pretty progressive. In some cases, it surprises me. And I thought I was progressive. And she is adamant about, uncompromising about the rights of LGBT people. And perhaps is a reflection of her generation and where they are. And I respect that.

And she argues her points intelligently and clearly. But I also make her know my views. And we respect that, but it is a part of the ongoing dialogue. And I hope, and I believe that we both, as two people, I as her father and she as my daughter, have grown through that experience.

But I stand here today as someone who knows that, and believes that the Progressive Labour Party is being consistent because the matters upon which this issue have been constantly debated for us, as a party with extremely diverse opinions around this issue, which have always been plainly out in the public to see, Mr. Speaker. We have dealt with these matters always as conscience, because there are some issues that we, as a party, have felt, in the scope of the parliamentary process, people should have freedom. Our party embraces freedom as a part of its base philosophy. We desire freedom for our people in all aspects of life. And also, for parliamentarians on issues that, by their very nature, demand that you be free to exercise your conscience.

How you frame your conscience, in my view, can be a number of ways. Your conscience can be personal. Your conscience can be a matter of political policy or platform. And your conscience can also be reflecting what your constituents . . . so you have a freedom. We have the freedom to exercise our conscience on all those bases. Traditionally, in Parliament you do not have conscience. You vote a line. You vote a policy line. And you come to Parliament exercising that as a group. One group is the Opposition; the other group is the Government.

Now, if you are skilful enough in your formulation, perhaps your policy can reflect the wider view of the community which you desire to represent. And I assume that the One Bermuda Alliance and all the renditions upon which it has existed for the past 40 years have desired to represent the interests of their constituency. But so has the PLP. And what we have brought to Parliament today, of what we put in our platform, which was endorsed on July 18<sup>th</sup>, is a reflection of our own consultation with the community, our consultations from within our party, and our consultation amongst ourselves. And if there is an agenda behind it, it is an agenda to find a balance that we knew

not only our own party, but also our community, is wrestling with.

This debate is not going to settle this issue, Mr. Speaker. So, let us not act like this is the final stroke on this matter. If there is any parliamentarian who is talking like that or acting like that, they do their role in here a disservice, to themselves, to the country, and to those whom we desire to do our work for. This is an issue in progress. It is going to be shaped and moulded by us. And it will be shaped and moulded by the generations to come. Let us be honest about that. If honesty is something that we cherish, if honour we cherish, that is what we should see as the real deal here when it comes to this issue. It will be shaped by those who will come after us. It will be shaped by my daughter. It will be shaped by many of our children and grandchildren. So, do not believe that what we decide here is final.

But, it is a desire to bring some sort of stability on how the country will manage itself around this issue. As my colleagues have said, there has been an effort to find some balance around here. And issues of morality are difficult to balance, because there is no . . . even in morality and issues like this there is no evenness. Because people's feelings . . . you are dealing with feelings. And feelings are not as precise and exact like mathematics. You cannot calculate somebody's feelings around some issue. You cannot. Once you do your calculation the variables change within a second because you are dealing with emotions. You are dealing with people's beliefs, things that are not precise. But they do evolve over time. They may come from a very basic principle, but they change.

So let us deal with this issue as it should be dealt with. It is an issue that is evolving for Bermuda. We throw out numbers about how many countries have accepted the principle of SSM, same-sex marriage, and have put it into law. Well, the world is filled with 200-odd jurisdictions. That is a very small number of countries. And I do not say that to belittle or demean the effort because in each one of those countries the contexts upon which they have come to their own decision on this is unique to their own experience. It is not a universal journey. Some leaders, you know, have evolved within a short period of time with their belief around this issue. And like I said, this is an evolving issue for many. And leaders are going to continue to be tested by this issue and issues like it in the future.

We in this Parliament and this country will continue to be tested by this issue. But this Bill is an effort to find a level of balance upon which we can move forward.

And, yes, I suspect that those who sit on one side of it will continue to champion their side of the issue, as will the other side. And I expect that. I would expect no less. And they should not be ridiculed for that effort, on either side. But here we are today in this

House, in this Legislature, passing a Bill which adheres to a commitment that this party made to the country—not just to PLP voters, not just to support our party caucus, not just to our central committee, but to the country. They endorsed this line of execution for us to take by the election. And we have come to this House to fulfil it, not in a way that demeans or takes away in any way what we feel, perhaps, over time may evolve in a different way. But we put this to the people. They said, Yes, *PLP*. And we are delivering on the direction that we formulated on behalf of the people of Bermuda.

And I, myself, support this. I feel I have a duty to represent those who have put me here in this House around this issue. And if my own personal conscience is wrestling, well, I will deal with that. That is my own personal battle. And I am not suggesting that I do not agree with what the Bill is putting, personally; I am not saying that. I am just saying that this is, I am sure, something that many of us are dealing with. The Minister who introduced this Bill, we all know his public view on these matters. So, I commend him for how he has brought this forth, and also how he conducted himself in the public domain around this. He was carrying a considerably heavy load with this matter. And all commentaries from people who perhaps sit on different sides reveal that the Minister has done it well. And I commend him for that, Mr. Speaker.

But here we are with the Bill that makes certain changes, that tries to bring a certain balance. The fact that both sides are not completely happy with it is a sign that some median has been found. But as I said, that median could shift at some point in time. It will be carried by those who come after us, by our children and grandchildren. They may see this differently. And they will make their evaluations at that time, those Members of the Legislature, whoever they will be, and I am sure that they will make a decision which they feel is in the best interests of our country.

I believe that this Domestic Partnership Act 2017 is the best decision that this PLP Government can make for the country at this time. Who knows? We may come back here to do something again. But, for this moment, this is the way that we are going. It keeps a promise to our country and our people. And I am satisfied with that, that we are going in the right direction. Thank you, Mr. Speaker.

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

I recognise the Honourable Member from constituency 12.

The Honourable Member Cannonier, you have the floor.

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

Here lately, every time I get up, I keep saying that I am holding heart to the Prayer Breakfast and the mandate that was set out for us as parliamentarians.

And I want to first say to the Deputy Premier that I really, really appreciated his speech just now. Out of all of the speeches, it is the first speech that actually, for me personally, made some sense, because I was trying to make some sense out of what we are doing here. His demeanour and the words that he had to say were well spoken. He needs to be commended for it. And so, I commend him for that speech.

I have wrestled with this whole challenge that we have had, and we have heard speakers back and forth speak to the matters of leadership and the like. Quite frankly, those are all just smokescreens. I have seen both the PLP and the OBA wrestle with this, not just within the last couple of years, but going back decades.

And I want to address this matter, quite frankly, from the three stakeholders: number one, the church and the role that it has made to create a cloud of confusion around this matter; and to the LGBTQ. (I am not sure how many more letters we are going to add to it, you know. And I do not say that in jest, but it just keeps coming up and up and up. I do not know how many ways sexuality can be, but I am being educated, actually.) [The church] has made a cloud and a mess of this. And then it comes to the parliamentarians, the third stakeholder in this here. And I would say, yes, as the OBA we made a mess of it. But do not, for any moment of time, believe that you as a Government, PLP, did not make a mess of this, because we are still dealing with it. So we all have a responsibility for some of the challenges that we are having right now with this issue.

And for the first time, as I said, I have heard someone get up and make some sense out of this argument! The Deputy Premier made some sense. This is a moving target and will continue to be. And the basis of where I stood in saying that I did not agree with same-sex marriage for the LGBTQ community was based solely on my upbringing as a Christian. And that came under challenge when I took the time to have a debate with my son over the issue, who, quite frankly, just a couple of years ago, had real issues with it. To see him transform and to change his argument was quite fascinating for me, to watch my son transform through this growing stage.

And I want to put it out there, as well, that amongst us as parliamentarians, quite frankly, there are 36 of us. It would be foolish of me to believe that there was not at least one person of the LGBTQ community who might be offended by the fact that they are getting what might be said, you know, to be a compromise, or might be getting—it is not quite marriage. It is almost there. That is kind of like saying it is a Diet Coke. Basically, that it is Coke. It is not Coke; it is a Diet Coke. And so, we continue to wrestle with this thing. And I am just talking about, Mr. Speaker, my own experience in wrestling through this. So I asked, in the quiet of the moment, in the wee hours of

time, a bit of meditation on, really, what is my decision based on?

Now, we have heard the Bible referenced by many Members in here. Every week we hear the Bible referenced, and text being used and the like. And even last week we heard, you know, of the Bible being used as a reference for some of the decisions that are made. And I am looking at this situation, and I am saying, *Okay. Well, you show me somewhere in the Bible where I should be standing with this issue.* That is my foundation. That is what I grew up with.

And I am reminded of Samuel, 1<sup>st</sup> Samuel. And you all know, most of us came up in the church, Samuel 8, where it talks about that God's children were asking for a king. *We want a king!* The Lord said, *You don't want a king, because with a king comes all kinds of things. You don't want it!* But Samuel's sons were progressing through time, and they wanted different things.

Samuel, the father, was like, *Hey, I didn't sign up for this here! This is not how I came to be in the position that I am in.* But his sons were adamant. They needed a new direction, and they were going faster than he could keep up with.

And the Lord said, *You don't want it! Tell them that they don't want this. Because at the end of the day, you're going to suffer the sins of the forefathers. You don't want this.* But they insisted. And at the end of the chapter, it says, *The Lord says, Well, look. If they really want it, then let them have it.*

What am I getting at? We heard it tonight, someone quoting the Bible. *I would prefer that you were either hot or cold.* Now, if you really think about what is being said there, there is a preference. I prefer that you are hot or cold. I hold them both in esteem—both in esteem! But yet, here we are with an issue. And people are saying, *Well, you're lukewarm over here, and you're lukewarm over there,* going back and forth on both sides here. Well, quite frankly, the Bill is lukewarm. It is a half-and-half type of situation. You get a little bit, and you get a little bit.

Now, I am progressing through this here, and I am trying to use the Bible as a reference for where I should be on this matter. And that is why I go back to the calm demeanour through which the Deputy Speaker spoke, and how he saw this as a progressive thing. We are not quite there, but we are getting there. But I am still holding on to my position that, *Okay, well, Lord, what do you want?*

And for me personally, it dawned on me that marriage as an institution is something of a building block. See, we got it all confused. We have got the LGBTQ community fussing with the church. The church is fussing with the parliamentarians. The parliamentarians are trying to figure out, where do we sit in this matter here? There are votes to be considered throughout this whole matter. What in the world do we do, and how do we get to the point where everybody is happy?

So this cloud is all over! And we are trying to make our way through. And for me personally, I realise, marriage is a building block. It creates a building block for society. People come together in little small groups and synergies. And they work together. They stick together. And other families start sticking together, and communities rise up through small families that are sticking together, based on a common goal.

So, marriage—I prefer that you were hot or cold, for my reference. I am trying to figure out, where do you want me to sit on this thing? And for me, it dawned on me that, you know what? The Lord said, *I would prefer that you were hot or cold*. So if the people speak and say that the LGBTQ community is the majority and they want to get married, who am I to judge anyone? Who am I to judge anyone? I am going to be frank because I am a churchgoing Christian, and I do not see the pastors whom I saw the last time this debate was going on. They are not here. So I do not know if they are upset with us as parliamentarians or they are happy with us. I really do not know.

*[Inaudible interjections]*

**Mr. L. Craig Cannonier:** They are not here.

Well, I have been listening to the pastors. Do not misunderstand what I am saying here; I have been talking to them all for the last couple of weeks, listening attentively—okay?—listening attentively to what some of them are saying. Okay?

Some of them are standing very strong. And one in particular on this matter, that it should not be an equal right. And I get where he stands. But I am going back to what the Bible says—who am I to judge? And if he says I prefer—I prefer that you were hot or cold, then who am I to say, *Okay. You should and can have*, and, *You can't have?* Who I am to say, *Okay. Well, I'm going to give you a Diet Coke as opposed to you want Coke?* Now, I am transforming through this thing here, trying to . . . you know, I am standing strong that I do not believe in this, and still arguing the point. I do not believe in this here. But yet, we are here. And whether we like it or not, it is a compromise Bill. It gives a little to one and a little to the other. And I get that.

And I get that we are going through a progressive state here. And I hear my friend over there, because he knows that I was just as strong on this thing as he was. But the challenge I am having with supporting this Bill, Mr. Speaker, quite frankly, is that every analogy that I went through the Bible with, when you had a woman who took a baby that was not hers and went before the king, the wise king said, *You know what? Chop the baby in half, then, if you both want to argue over it. Chop it in half. You take half, and you take the other half.*

*[Laughter and inaudible interjections]*

**Mr. L. Craig Cannonier:** I know you are asking, where are my two? I am talking about my experience in trying to relate this thing to my Biblical upbringing and what I saw.

So, if you all want to have an issue with it, that is your issue. That is your issue. What I am saying is this here, that if marriage is an institution, it is supposed to foster and garner the strong relationships that build those communities.

We are in a bit of a challenge here, because when you see some of the members of the LGBTQ community and their families, and they are walking strong and standing strong together, it is a building block for a stronger community. And I dare say that we must be careful on how we proceed as parliamentarians with this, because the very thing that we are speaking against, for some of us, might be the very thing that we are going to have a challenge with.

And what do I mean by that? I will take you to some stats. I started looking at some stats here. And I realised, just within our own stats that we just got, this wonderful book here, marriage is on the decline. I mean the numbers are plummeting, literally plummeting. So, I also went to one of my favourites, and I know that it is a favourite of many of the Members of the House of Assembly here.

**Hon. Walton Brown:** Point of clarification.

**Mr. L. Craig Cannonier:** Yes.

**The Speaker:** Member, wait. Yes, take your seat so that the Member can put his point of clarification.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** I hate to interrupt the Honourable Member. But I cannot allow the comment to stand in Hansard when he said the number of marriages has plummeted. He has the report in front of him.

**Mr. L. Craig Cannonier:** Sorry?

**Hon. Walton Brown:** You have the report in front of you. What is it, 2.9 per cent?

**Mr. L. Craig Cannonier:** Two-point-nine per cent what?

**Hon. Walton Brown:** Drop.

**Mr. L. Craig Cannonier:** Okay. Well, maybe we should go right to the numbers, Mr. Speaker. We have got a small community here.

*[Inaudible interjections]*

**Mr. L. Craig Cannonier:** So, let me just go to some stats here. We watch, from 2012 we take a look at the

numbers. In 2012, the total number of marriages was 601, to 2016 now, in a small community like ours, where the numbers are small, to 450. To me, that constitutes a lot of marriages in decline. In 2016 we are down to 450. Okay? So, maybe “plummeting” is a bit exaggerated there. The point is the direction that we are going in. And fewer and fewer people are getting married.

So I looked up some of the stats here in the *Economist*, and it has been looking at . . . and here I am looking at one of the stats here, and it is talking about marriage. And it was quite interesting here. On page 9 of the *Economist* . . . (What month is this here? I am looking for the month here, December—November 25<sup>th</sup> through December 1<sup>st</sup>). It actually mentions, “The members of the LGBT and Q community, after gaining some of the rights of being able to get married . . .” This is an interesting stat that, really and truly, after that, “not one in ten of them as a couple actually did go through with getting married.” So, I found that stat kind of interesting.

But what I am getting to about this whole marriage thing is that, sometimes we need to be very careful about the arguments and the reasons for the arguments. And I say this to the church because I am a churchgoing person, that if you build a wall, remember: You have built a wall. So, we need to be extremely careful that the whole institution of marriage, which is what we are trying to hold onto, our own kids within our church are going to, less and less often, choose the institution of marriage. They will choose the substitute. The numbers are already showing it, here in the *Economist*, around the world and in what is going on with the different communities. Fewer and fewer of our young people are choosing the institution of marriage.

So, my point, at the end of the day, is this: Marriage is under attack. It is.

*[Inaudible interjection]*

**Mr. L. Craig Cannonier:** I was talking about around the world. The population may have dropped, but the numbers still say that marriage is still in decline. Whether the population drops or not, it is declining. It is declining.

And so, we need to be extremely careful about how we address some of these issues. It is an issue of progression, and I know that some are still trying to figure it out, saying, *Exactly where in the world am I with this here?* Marriage is under attack. It is under attack. An institution that we have for centuries seen as a building block to communities, fewer and fewer of our young people are choosing the option. And be careful what you pray for, because you just might get it. We are preserving with this Bill marriage on one hand for one group, but on the other hand saying that the LGBTQ community can choose this domestic partnership.

I guarantee you, Mr. Speaker, that our children within our churches will choose this, because at the end of the day there is no onus, there is no real premise to choose marriage now. They have a substitute. They have a substitute. The numbers are speaking it. The numbers are already beginning to show that since this has been happening around the world, there are what, 195—

**The Speaker:** To remind you, you have got two minutes left on your time.

**Mr. L. Craig Cannonier:** Yes. Thank you very much.

And the whole institution of marriage, quite frankly, is under attack. And again, I say thank you for the debate. I want to thank the Deputy [Premier] once again for bringing some clarity to this matter. But for me, I see now that it is truly under attack. And we as Christians need to decide what is going to happen next with this argument within the church itself. Thank you, Mr. Speaker.

*[Inaudible interjections]*

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

I now recognise the Honourable Member from constituency 36.

But before the Member starts, let me just remind all Members we are going past that magical number of speakers, which means now each speaker has a maximum of 20 minutes.

So, Member?

**Hon. Michael J. Scott:** Grateful for the time guidance, Mr. Speaker.

Mr. Speaker, the Honourable Member, the former Premier Cannonier, has a point. And as I listened to his analysis, he said he was grappling with it, there seemed to be a bit of a struggle going on as he wrestled with the issue. But one thing left out from his analysis with which he was coming to grips with, if marriage is to build and foster stronger and stronger communities, that was his statement. And it does. It is similar to a number of worldly statements about the importance and value of marriage. So if marriage is to build and foster stronger and stronger communities, why do we say that members of the LGBTQ community also not enjoy this power of marriage, including the right to marry? So may I begin there?

My next commendation and recognition in the Chamber is the Registrar General, Mr. Aubrey Pennyman. I want to commend him for making this decision when faced with the application for registry of Mr. Godwin and Mr. DeRoche. He decided that the Chambers and a legal analysis were required. That became a process that led to litigation sponsored by Mr. Pettingill on behalf of that party. Mr. Pennyman himself was made a party. And so, he has become famous in this important court decision. So, I com-

mend him. Because the process then moved to the court decision. And, in many ways, if not entirely, the court decision recognised what the Honourable Member, Mr. Cannonier, has just finished indicating, that the matter was in flux and that this House and this group of Legislators did not show adequate courage to deal with this matter. And so, Madam Justice Charles-Etta Simmons said that, I quote only her, and this is how I am going to proceed. “Did not show courage, left the matter in a mess,” and then this is what she did. I have heard too often now Members in the House say that the court made the law. And it must not be said . . . that is not right. I heard Mrs. Gordon-Pamplin make the right position. I see Mr. Froomkin in the audience. And there are other lawyers probably listening.

All that Madam Justice Charles-Etta Simmons did with the equipment before her—the Marriage Act, the Matrimonial Causes Act, the Human Rights Act—with those legal tools, she did what we expect of our judges in the third branch. She interpreted the law. And she did it correctly, which is the reason why now, tonight, I claim the privileges of the House that assigned conscience to this vote, even though the Bill brought by my friend and my colleague, Minister of Home Affairs Brown, is a Bill that requires the support of the PLP Government. My conscience vote does not allow me to support it, because my legal analysis has not allowed me to see the sense of it.

Earlier today, and I moved a little off of my remarks, during the funeral service of St. Clair Blakeney, and for the second time today, I am going to take the opportunity, Mr. Speaker, to take up the words of Corinthians 13. Not many of us will know, but that particular verse of Scripture is read constantly at weddings, and at times it is read at funerals. “Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonour others. It is not self-seeking. It is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres.”

There is a sermon in any number of those lines, and we have heard some of them tonight. I was grateful, as was the former Premier Cannonier, for the words and analysis of the Minister of the Government. The front bench have taken a position, as they must in this matter, where I was glad to hear both the Deputy Premier say that this matter is evolving. And it is. I heard my friend and colleague, the Minister of Home Affairs, say, *This is a compromise*. And it is. Were that we could accelerate the evolution to just tonight to the point of recognising what the Deputy Premier feels his daughter is going to do, which is to recognise same-sex marriage.

But back to the point—marriage. If it does, and I believe that it does, build and foster stronger and stronger communities, I will not rob same-sex marriage partners of that opportunity. Why? Because I

have watched same-sex marriage partners do just that with great elan, great, great success. And so, they contribute to the rearing of our children, their education, their developing good morals, developing good kindness and courage in the face of adversity. All these things are done by partners in the way that my mom and dad invoked in me and invoked in Triscott, Larry, Randolph (is he here?) and myself. In the same way as they did so, I have seen same-sex couples do so in their lives.

And so, to the Honourable former Opposition Leader, Mrs. Gordon-Pamplin, when she says she is concerned about the impact on children. As long as same-sex couples raise children and inspire courage, kindness, patience, good education, those are the values that will ensure that this child is free from, as Corinthians says, non-protection. They will always be protected. They will always have hope. They will always love. And they will always delight, not delight in evil.

Let us look, then, at this whole question of marriage. Again, with your leave, Mr. Speaker, certainly, therefore, the aim of us as legislators should always be to seek to enure and ascribe to the Corinthian principles and to celebrate them and to ensure that they are celebrated by every citizen in Bermuda. This is really about . . . I think that the matter of Diet Coke and real Coke is not adequate. And I think it does a disservice. Every citizen of this country must be afforded the right and the liberty to choose, to freely choose. That is all it is.

So, what we have come up with and the reason that I must speak in conscience against the Bill is because, really, with magnificent dexterity, Minister of Home Affairs Brown has created a very strong Bill, the body of which, from clause 10 through to clause 20, includes important protections, the same protections referred to in Corinthians. And that is the strength of the Bill. It includes the assigning of all of the rights, as the Bill indicates, as drafted by the Chief Parliamentary Counsel, whom I commend for her good work. It seeks to make provision for the formalisation and registration of a relationship between adult couples, known as a “domestic partnership.”

And it goes on to assign protections so that if the relationship comes afoul and falls afoul of falling out of love and divorce is required we do not say . . . these are the fictions that we now start to engage in. We do not say that these couples must divorce so that we attend to the aspirations and sensibilities of the Junior Minister of Finance. We do not say “divorce.” We choose the word “dissolution.” So we go through the Bill with a manifest level of fictional language, something that lawyers are really apt at engaging in—fictions. “Fictions” means just this: Fictions means you look at the context and say that black is white, Mr. Speaker, and that white is black.

I want to cite the great father of India, Mahatma Gandhi, a lawyer and a member of Gray’s Inn.

And as I have walked up the steps to Gray's . . . I am a member of Middle Temple. But as I walk up the steps, there is a plaque there.

And I see the former Attorney General nodding; he may have entered Gray's and seen it?

Are you a member of Gray's?

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

**Hon. Michael J. Scott:** Then the Minister of Health knows the plaque of which I speak.

And it is a beautiful bronze plate with his [Gandhi's] image on it. And the words inscribed there, if my memory serves me well, are these: *Who are all these men dressed in black, calling black white and white black?* For political correctness, I would say, *Who are all these men and women . . . ?* When Gandhi was there, there were probably fewer members of the female bar there. *Who are all these men and women dressed in black, calling black white and white black?* That is a pretty good definition of how this Bill, with the goodwill of the Minister of Home Affairs to assign, as the Bill intends, provisions for the formalisation and registration of relationships between who are now our LGBTQ community.

And it is not enough. Can I underscore it? I do not support it, because it falls short. It goes a long way, and I want to commend the Minister. And he recognises, and he said it to me in private, he recognises the compromise that he has been caused to go through. And I am glad to hear that this evolving process one day will see us deal with this matter with complete—with complete openness, so that the liberty of choice is then reintroduced into these arrangements for a number of citizens of our country.

Let me deal with the question of marriage. And I can do no better than to refer to the way that it was handled by Madam Justice Charles-Etta Simmons. With your leave, Mr. Speaker, I read from the case of the Matter of Order 53 of the Rules of the Supreme Court, Mr. Godwin and Mr. DeRoche, the Registrar General, the Attorney General, the Minister of Home Affairs, the Human Rights Commission, and Preserve Marriage Bermuda. Page 3 begins this way:

"This case raises a deeply controversial issue of whether same-sex couples are entitled to marry pursuant to law in Bermuda. Arguments for and against have been raised in public (and no doubt in private) that reflect values and beliefs that Bermudians hold which are informed by cultural, moral, and religious norms and which have ascended into the political arena thereby stoking the controversy.

"The institution of marriage has a long heritage which is deep seated in communities throughout Judeo-Christian countries of the world. This has been conveniently"—and these are the words on which I rely and wish to underscore—"adumbrated by Kennedy J for the majority in the United States Supreme

Court decision of *Obergefell Et Al v Hodges* . . . [in] (2015):

"From their beginning," the Judge [Kennedy] said, "to their most recent page, the annals of human history reveal the transcendent importance of marriage."

And so, that is what it is about. It is what we want every citizen to be, capable of embracing the "transcendent importance of marriage." This is just another way of saying what Mr. Cannonier said. It builds in communities stronger communities, because it is the nature of marriage.

"The lifelong union," it continues, Mr. Speaker, "of a man and a woman always has promised nobility and dignity to all persons, without regard to their station in life. Marriage is sacred to those who live by their religions and offers unique fulfilment to those who find meaning in the secular realm. Its dynamic allows two people to find a life that could not be found alone, for a marriage becomes greater than just the two persons. Rising from the most basic human needs, marriage is essential to our most profound hopes and aspirations."

Mr. Justice Kennedy does a fine job, then, at ascribing the importance of marriage. And all that I say in dealing with this Bill today is that this should be the aspiration of every citizen. It should not be confined to a man and a woman wishing to go either before Mr. Pennyman or his staff or before ministers of the church across the land to enter into this state of holy matrimony. It should be the choice, freely given choice, of every citizen.

Really, those are the things that I want to underscore this afternoon, this evening, as I stake my claim and state my position about this Bill. It is noble. I commend the Chief Parliamentary Counsel, Ms. Balfour-Swain. I commend the Minister. I understand they have been engaged in an evolving exercise, legislatively. I understand that it is a compromise. I hope and pray that the evolution process will accelerate with the greatest of dispatch so that we join, the way that we did this morning when it was announced that we, in compliance with our compliance regulations in the EU, joined the esteemed company of Japan and Switzerland. I would like to see us not lose the opportunity, although we do risk this with the support of this Bill, of not being able to join the company of Berlin, Germany, recently, and Australia.

And I am concerned that we reverse judge-made law which assigned rights, human rights, in our country. The courts did so properly. I read the judgment; it is here. It was an example of natural law, interpretation of the playing field of law and legislation in our country. Today, alas, we pass reactive legislation. And that is another reason why I cannot support the Bill.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 9.

The Honourable Member Moniz, you have the floor.

**Hon. Trevor G. Moniz:** Thank you, Mr. Speaker. I hope not to be too long.

**The Speaker:** I hope so.

**Hon. Trevor G. Moniz:** But I guess I rise to my feet merely to set out some sort of background information. This is a rather long and crooked path that we have travelled to get to where we are today. And I am not going to lay out the entire history; some other Members have laid out the history. But, of course, I suppose I stand here, the ultimate author of this Bill that was the Civil Union Bill, and the Government now have changed the title of it, put in some transitional provisions, which are necessary because we now have some same-sex marriages. And so it is a difficult place we find ourselves in after this long and tangled path. And other people have laid out the path from the Amendment to the Human Rights Act that was made back in 2013 for gender orientation, which turned out to be more far-reaching than the then-Attorney General advised the then-Cabinet and the then-Minister.

So, we ended up where I had instructed for this Civil Union Bill to be drafted, which was tabled . . . it was laid for the information of the House by the then-Minister of Home Affairs, Pat Gordon-Pamplin. And that Minister, we together went out and did a number of public forums where we addressed the issues of the community. And I thought we did a pretty darn good job on that. We kept the temperature down and tried to reach a meeting of the minds at that time.

But, unfortunately, the OBA Government at that time did not feel that it was possible to pass the Civil Union Bill. At that time, we could not get any assurances from the PLP that they would support that Bill. And it was not taken to a vote. So, obviously, we can look back now in hindsight and say, *Well, we could have, we should have, we might have.* But we did not.

In any case, since then Members will be aware that there were these numbers of legal cases that started, I guess, with Bermuda Bred. And in that case, the Learned Chief Justice had, you know, pointed out that there were a number of cases, one involving adoption, where it was set out that the government had a responsibility to provide a legal framework for the rights for same-sex partners who were in long-term or permanent relationships. And that we were unable to do. Everyone will be aware that we had the referendum, which went in a very one-sided way. And it is no secret that I was in favour of going to a referendum. I said on the Sherri J show that it was not appropriate to have a referendum on such an issue.

But such was the confusion, I guess, in the community, the antagonism, that we went that way with the result that we had. So, I know the Minister who finds himself with my recycled Bill here today—finds himself in a very invidious position. And it is not an easy position. He is very discomfited, because I know he personally is a great champion of the human rights of people.

On this side of the House, I think I find myself in the position of some—*some*—of the other lawyers in the room. The Honourable and Learned Member who spoke immediately before me, Michael Scott, spoke of Mahatma Gandhi and spoke of Gray's Inn, of which I am also a Member, as is another past Attorney General, Kim Wilson. We find ourselves in a difficult position here because we have gone, in my view, past that point.

And I think the Member, Michael Scott, had said so, the Honourable and Learned Member, and the Honourable and Learned Member, the Deputy Opposition Leader, Leah Scott, who also made the same point. Certainly, for us lawyers, once you have gone to the point where you have gone through all these legal cases and you have had the rights declared, and, you know, Justice Charles-Etta Simmons made her decision, and made it, I might say, very reluctantly. It was not exactly a speedy thing. It took months and months, and there was a lot of encouraging her to finalise and finish that judgment and get it out the door. And it took a bit of prodding there. But it eventually came out, and in my view, was the correct decision.

And people kept saying, *Well, why did you not appeal?* And my response was, well, I view that there is no reasonable chance of a different decision upon appeal. And people kept urging me to appeal, for political reasons. So I said, no, I am not going to play politics with this. That is the right decision that was made with the law that is there. And you are not going to get a different decision if you appeal. There is no point just trying to buy time.

So we find ourselves here today, and I have heard a number of speeches, you know, people giving a variety of reasons for why they can support this or not support this. But I think, in view of some of the legal Members of the House, it is a retrograde action to have a position where people have been granted a right, and then to take that right away from them—I think it is something that is abhorrent to me. I just do not find that that is acceptable. Whatever my position was at the beginning, and you might say I was supportive—as I view myself as a moderate in these things—of the Civil Union Bill, I thought that was a moderate action at that time. But at this point in time, members of the community in same-sex relationships have been granted greater rights. And it is my view that it will be wrong now to take them back.

And I listened carefully to my honourable colleague Jeff Baron and to Leah Scott and to the Hon-

ourable and Learned Michael Scott. I agree with those views. I think it would be wrong to now seek to go backwards. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 26. The Honourable Member Tyrrell, you have the floor.

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

Mr. Speaker, I am 12 days away from being one year in this House. So that means that I have had 353 days of having to wrestle with the subject that we are talking about tonight. And when I say “wrestle” with it, I come from a position of my household, my family, who some have sided with me; some have a different view. So, you would know that I am actually wrestling with it. I have actually talked to some of my constituents, and some support the position I am going to take, and there are obviously some who do not. But it is a conscience position that I am certainly taking tonight.

I am not a lawyer. So I am certainly not capable of giving a legal opinion or view on this. Neither am I a religious leader of a church. So I am not going to come from that side, either. But I will say that I am religious, but not overly religious. I actually do attend church on a regular basis, compared to some others.

*[Inaudible interjections]*

**The Speaker:** Gallery, I must remind you. We are not supposed to hear any noise from you. Thank you.

**Mr. Neville S. Tyrrell:** Present company excluded.

But let me say, I will start from way back. When I was a child I was brought up in the church. In fact, I had to attend church almost three times on a Sunday. So, you know, I do have a religious background; I do. So I understand the feelings of the church. But, you know, when you are young, there are things that you do believe in and you do know you have to follow. But as you become an adult, your positions can certainly change on things. And you no longer hold those positions.

Now, I really am a person who believes that we all have choices to make. You know, something my mother used to tell me a long time ago is, *If you want to follow the crowd, that is entirely up to you. But if you find that you are going to take the wrong road, you are going to suffer the consequences.* So, you have to make the choices. So, I have learned from a very long time that, you know, the choices I make, I am responsible for them. And I just have to accept it. And I am really the sort of person who likes to say *live and let live*. You do what you want to do, I will do what I want to do. Do not expect that I am going to always

like whatever it is that you do. Neither do I expect that you are going to like what I want to do, which definitely does not mean that I have to support any one lifestyle that anyone has. I know what I like, and that is what I do, and I am not expecting people, basically, to follow me like that.

So I would say live and let live. And I know people might think, well, you know, I am going around on this. But I am going to end up somewhere, I can assure you. And I can also assure you, Mr. Speaker, I am not going to be long. So you do not have to worry about that.

In my lifetime I have worked, I have played sport with, I have socialised with a variety of people, which includes the LGBTQ persons, members. And in fact, some of the times I worked, played, socialised with these persons and did not even know it. You know, I did not know it. So it was not like I was being judgmental or anything about their lifestyle. But when I actually found out, I am the sort of person who, if I am your friend, I am your friend. You have got a friend. You do not have to worry about me. You know, just do not murder anybody, of course. But you choose to do what you want to do. I can still be your friend.

But what I think has sort of bothered me, Mr. Speaker, is that we seem to be able to not agree, but to be disagreeable about it as well. As I said, I am very conflicted about some of the things, because I do have this habit of—I am going to use the word “trolling” on Facebook. When I say trolling, I am just actually just trolling, okay? I am not responding to anybody. I am reading what they are saying. I listen to the talk shows, as well.

And there was a period, Mr. Speaker, when I really had to make a conscious decision not to, because there were so many hateful remarks coming across from persons thinking that, if you did not take my side, you are bad, or if you did not take *my* side, you are bad. And the comments were just so hateful that I really had to cut myself off. I stopped trolling for a while. I stopped listening to the talk shows for a while because I just could not understand that these were people who I really could not identify who they were. And I might be walking along the streets with them and not knowing exactly that is how they feel, that is how they feel about me.

I have a position, as I said. I have grown up in a position that makes my decision the way I am actually making my decision. Let me say at this time that I support the Bill. I support the Bill. A lot of people are saying that it is a compromise. Well, let me tell you how I would describe it. I am a former negotiator. I have negotiated against some of the known unions here. I will not call them. And so, when you compromise, you reach a compromise stage, both parties walk away from the table with some expectation that they have gotten something that they want.

This I would not describe as a compromise. I would describe it as a middle ground. Because no one

is really going to win here in this. When I leave here tonight, and I am sure I am going to see the papers tomorrow morning, I see the editor of the *Royal Gazette* in the House. So I can sort of just imagine what the headlines are going to be once we have made the final decision, whether it is for or against. I can imagine what some of the headlines are actually going to be. But as I said, I support it. I know the Minister, himself, is in a position where he probably feels a little uncomfortable.

And let me say that I would like to commend my Leader, the Premier, who, having discussed this matter in caucus, I do not know whether he was given the idea or he woke up one morning and realised that, *I'm going to put the four combatants that I have in my party together in a room*, like he said or what was said earlier, anyway. No, the Premier had not said it yet—and said, *Look. Don't come out of this room until you have come to some position that we, the party, can support.*

And I was very relieved with that position, because when they came back, as I said, it was a position that I certainly could accept. And I am happy to support it. It was said that . . . well, again, let me say it is not ideal. The Bill is not ideal to many people. But, you know, it has been described as making lemonade out of lemons. And I think that is exactly what it is. We are making lemonade out of lemons, and it is something that we are going to have to live with. I do not believe this is the end of it. I really do not. This situation, I think, is going to go on. And I think administrations after us are probably still going to have to deal with this situation way down the line when I have probably left these Chambers.

So, as far as the domestic partnership situation, Mr. Speaker, I am going to support it. So I have no problem with that. Thank you very much, Mr. Speaker.

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

Any other Member?

I now recognise the Honourable Member from constituency 32. The Honourable Member Scott Simmons, you have the floor.

**Mr. Scott Simmons:** Good evening, Mr. Speaker.

First and foremost, Mr. Speaker, I wish to make it clear that I have no reservations whatsoever in standing here today, tonight, and speaking on this particular Bill and these amendments as it relates to where we should be as a country today. I have the benefit, as do many of my colleagues on both sides of this Honourable House, of knocking on doors, talking to our constituents, and talking with those who even were not constituents. And it is very easy to draw the conclusion, once you have gone through that process, that you have a responsibility as a Member of this Honourable House. Although we say that it is a conscience vote, although we say that we are going to

follow how we feel inside, Mr. Speaker, it is the constituents who put us here whom we are responsible for.

Mr. Speaker, the census figures in this country are clear, that the majority of Bermudians are of African descent. And so, if it is proven, and it has been, the majority of them and the majority of the voters in this country feel that the direction that we should go should be the direction that we have outlined quite clearly tonight.

Mr. Speaker, when I decided to take on the responsibility of representing constituency 32, Southampton West, I did not take it on lightly. I recognised that I would have feelings of my own. I recognised that there would be many issues that would make me feel a certain way, but at the end of the day, who I represent are the people of this country and constituency 32. I took the time out during that time during the campaign, and I can say this to you, qualified, Mr. Speaker, that there were those in the constituency who had a variety of views on this. But make no mistake about it: Overwhelmingly, they were absolutely in support. Now, I may say that [constituency] 32 is part of the Bible Belt, but I want to be clear on this. They were clear about the direction that we should go—and I heard it over and over and over again.

Mr. Speaker, we should not have to . . . and I wrestled over this because I wanted to be clear on the way that I presented this, I did not want certain communities to be offended. But we live under democracy. We say that we are a democratic society. The majority says, and the majority rules. It is not, by any stretch of our imagination or by some miraculous thing, that we have arrived at a position in Bermuda in 2017 that the majority of Bermudians are God-fearing people, and if they are not churchgoing, they certainly recognise there is a God. And if they do not recognise that there is a God, they certainly start to talk about him in preparation, just in case there is.

*[Laughter]*

**Mr. Scott Simmons:** We have a responsibility, Mr. Speaker, to recognise that if we are a God-fearing society, if we recognise that the majority are, then what we are bringing here tonight is clear. The communities in this country who find themselves in a position where they are a minority, and I do not say this lightly, you should thank the majority who are God-fearing, God-loving, who have patience, who do care, and who do care about the feelings of others. You are lucky, because I believe that if it was in the reverse, the circumstances might not be so favourable. But there are those in our community, the majority community, who recognise that we must do something to benefit the minority. That is how we got where we are. I believe that is how we, as a black community, in a way, got to where we are.

At that time, a majority felt that the minority should be suppressed, should be pushed down. But what took place, Mr. Speaker, was opportunity. And there were enough in the community who switched, who turned, who felt that that minority had to be recognised. Unfortunately, at this stage, in 2017, just before Christmas, we are not there yet. In living in the now, the now says that, unfortunately, or fortunately, the majority of Christians, of God-fearing people in this country have said, *Not now*.

So what now, Mr. Speaker? What enters into the picture is what we talked about, the three—the political and the churches and the rest. At the end of the day, it falls on us. And the Bermuda Progressive Labour Party, after others ignored the opportunity, spoke a lot about it, did not do anything—this Government has decided to address an issue that none of us wanted to deal with—no one. We all wished that it would go away. But, in looking at it from that point of view, this Government stood up and said in our platform and made it clear that we would do two things, two things, that we would repeal and replace. And that is precisely what we have done.

Now, we cannot satisfy everyone. I thank the Minister for bringing this forward. I thank the staff over at this Ministry for doing it. I thank the Registrar. We have had to literally drag everybody, almost unwillingly, to get this done. But we also can state, and I will state quite clearly, this issue is not going to die tonight. But we must address the now. And the now says that this Bill should be addressed, that this Bill should be where it is, and that we should go ahead with it. It is not perfect. The Minister is not perfect. Your party is not perfect. No one in the community is [perfect]. It is an imperfect Bill.

But in its imperfectness . . .

*[Inaudible interjections and laughter]*

**Mr. Scott Simmons:** If the Premier agrees that the word is all right, it is all right.

*[Laughter]*

**Mr. Scott Simmons:** Being imperfect, we have to go with what we have got. And I want to make this clear, and I heard [some] words before. My daughter is going to be, and her children's children are going to be wrestling with this issue, going forward, as long as there remains in our community a Christian community that believes that we believe. I, as a disclaimer, say that I was brought up in a Christian home. I went to a Christian school. We read the Bible every day, and we studied it. And so, I know it back to front, just like a whole lot [of others] in this country. And so, therefore, it is ingrained in you.

No one in the Christian community should have to apologise for their upbringing. The fact that they feel it, the fact that it is solid to them, they should

not be the ones in the community who feel as if there is something wrong with them. In time, it will move—just not right now. And so we must, as a community, come together on this issue, because the Christian community, or the majority community in this country, does not want to give hardship to other communities. The Bible does not direct that. And so, as a result of this, there should not be consternation in the community that, for some strange reason, there are going to be all of these elements of hardship and you are not going to get the rights and privileges. We have seen to that part.

But to press this in a minority community to the majority runs the risk of a whole lot of other things taking place, which are very dangerous. Because if you believe deep in your heart and in communities that you love God, that you believe in His Son, then you absolutely believe that you must live a good life, a decent life, and part of that understanding is a recognition that marriage is between a man and a woman—if that is what you believe and that is in the majority.

Mr. Speaker, the difficult part about all of this is that we recognise that the world is changing. We recognise that we are moving and that what we see today is not going to be in the very near future. But I do not think anyone in certain communities, in our churchgoing communities is prepared to apologise for that. We can move forward with this. We can pass this. We can make it what it needs to be in our community today. And we can come together as a community to ensure, with this Bill being imperfect, that as we go along together, we can highlight, going forward, the things that are going to be imperfect about it, but work together. If one community feels, *Well, if I don't get what I get, then I'm sick of this and I'm moving on . . . no, no, no!* But recognise that the majority in our community are God-fearing, are God-loving, and should do so without apology.

Mr. Speaker, I believe that we are right. I have heard all of the arguments this evening, and I realise that, for so many, there is a feeling that we are ignoring the significance of certain people. But, Mr. Speaker, I believe that we can get past this that disrupts our society and move on to a better day, and move on to a more productive way of dealing with what we are dealing with if we handle it better than we have done. We need to apologise to a community for not handling it the best way. We also need to apologise to a majority community for not recognising them for who they are, for their beliefs. And in doing so, Mr. Speaker, we can advance together.

I am looking forward to debating this issue in this House in times to come. I am looking forward to addressing the issues as they arise as times change in Bermuda. I am looking forward to assisting in every way the communities that feel as though they are being, how shall we say, discriminated against. But for today, Mr. Speaker, I wish to side on the side of my constituency, constituency 32, the majority of voters in

this country, who happen to be God-fearing and Christian, and those who feel that in their hearts, we must follow a Christ-like example, as articulated in the Bible and that we have a responsibility to move forward together, but realising that there is significance in that union and in that marriage that we are familiar with between a man and a woman.

Thank you, Mr. Speaker.

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

The Honourable Member right here in front of me jumped up pretty quick that time.

Honourable Member Sylvan Richards, you have the floor.

**Mr. Sylvan D. Richards, Jr.:** Thank you, Mr. Speaker.

Mr. Speaker, in my time as a Parliamentarian in this place, I would say that this is probably the topic that has caused me to lose the most sleep. Pit bulls are second. But this topic has caused me to lose the most sleep. And even up until this morning, I was still wrestling with, how am I going to vote? We have heard many eloquent speakers today. I have heard some really good speakers today. I am struggling with this one, because I believe in treating everyone fairly. I hate injustice. I dislike seeing people not treated fairly.

Bermuda is a very conservative society. We move at a slow pace when it comes to a lot of things. And on this particular issue, the world surpassed us and we were caught flat-footed. You know, amongst my colleagues, we discussed this at great length internally. In my view, when we were having the discussion, we needed to gauge the public's sentiment on this issue. And we had a referendum after much arguing and to-ing and fro-ing on it. And the results did not surprise me. Even though it was not a valid referendum, it was nonbinding, but the results clearly showed that the majority of Bermudians were not in favour of same-sex marriage.

And even if everybody who did not vote voted in favour, to reach the 50 per cent or 51 per cent, it still would have been heavily lopsided against same-sex marriage. So, it clearly showed to me where Bermuda stands.

And, you know, Mr. Speaker, when we talk about same-sex marriage or same-sex relationships, homosexuality, which is what this is really about, you know, in being someone who is a few years short of 60, I grew up in a Bermuda that was very intolerant of gays—very intolerant. And I think if we were all honest with ourselves, we would all admit that we all have these biases. Let us just call it for what it is. It is a bias. But as we grow, as we mature, as we get to know people on a human level, I would hope that we would become more tolerant, more accepting. And that has been my journey.

I have gay friends. I have gay relatives. I work with gays. So, it is an evolving theme. And it has been expressed tonight that we are talking about this tonight, but it is going to be an ongoing topic. It is not going to be static, because the world is changing at a very rapid pace.

But as was stated by the last speaker, Bermuda, on December 8, 2017, is not willing to accept same-sex marriage. So, here we are. The Government has a Bill, the Minister of Home Affairs has a Bill that was basically drafted by the OBA. It has been tweaked. Some few changes have been made in there. But this was a Bill that, after the referendum, when it became quite apparent that Bermuda was not ready for same-sex marriage, we said, *Well, let us give them the rights that we want them to have in a Civil Union Bill*, which is now the Domestic Partnership Bill, with some tweaks, of course.

So, my struggle is that if we had been able to take that Bill to a vote in this place, it may have passed. It may have passed. So, we are here tonight with a Bill that is going to pass. And I am struggling with how I am going to vote. Now, the Honourable Member Wayne Furbert and I have had good discussions over the last few months about this topic. But I have made a decision. And my decision is that this Bill is a halfway house, basically. It is going to give individuals the rights that they need. It is going to continue to keep marriage between a man and a woman, which was my goal from the get-go. And then, it is going to be future generations who are going to take it to the next step—my daughter's generation, and she has kids, [their] generation. Because, you know, we are a bit of dinosaurs up in here. Bermuda is going to change, and this Parliament will adapt and change with society.

So, with that being said, I am going to support the Government's Bill.

*[Desk thumping]*

**Mr. Sylvan D. Richards, Jr.:** It is not an easy decision, but where we are, where we stand right now, that is what my heart is telling me to do. It is not perfect. But it achieves what needs to be achieved at this point in time. Thank you, Mr. Speaker.

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

No other Members 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.

**The Speaker:** Yes.

**Mr. N. H. Cole Simons:** Mr. Speaker, as was said by someone earlier, over time, families evolve, cultures

evolve, cultures change. And Bermuda has been caught up in this cultural change. Just think of it, 50 to 60 years ago females did not have a vote. Females stayed at home. Families had four to six children. Today, they have one or no children.

Fifty years ago, very few people married outside of their races. Fifty years ago, few people married outside of their religions. Fifty years ago, people did not marry outside of their social classes. And look where we are today. People are marrying whomever they feel. They have crossed racial boundaries, they have crossed religious boundaries. They have crossed social boundaries. And now, Mr. Speaker, they are crossing sexual boundaries.

Mr. Speaker, I know when this same-sex issue came up in our caucus, it divided our caucus through the middle, basically. But as time evolved, as we looked at what was going on around us in this world, there was the Rainbow Coalition happening in London, in the US, in Canada, and other international jurisdictions.

We had our children going away to school and they were broadminded. They were coming back with this worldly experience and they came back with different thoughts on how their families ought to be, Mr. Speaker. And so as we embrace our families, our young people, the same thing happened in our caucus. This issue came about, same-sex marriages, and there were some Christians who felt that this was not on. Some of the black Members said, *This is not for us.* (I'm just [stating] a fact); *this is not for us.* But I think time has evolved, Mr. Speaker.

Mr. Speaker, we had a number of matrimonial lawyers in our caucus and they always said, *Same-sex marriages can happen today.* This is after 2013 when the Human Rights Act was amended to include sexual orientation. They say, *We can win this case.* And most of the Members in the room said, *No way. No way; you are dreaming. I don't know where you are getting this from.* And so we were never able to get a consensus on how to move forward in this space. So, as our young people got more involved in politics, as the dynamics of the family structure was changing, we had no choice but to come to grips with how we are going manage the same-sex situation in Bermuda.

As a Government we had to take a leadership role, and, as was said earlier, we looked at the referendum and then we looked at, well, there is a section of the community that said they wanted to leave marriage between a man and woman, their religious right. And, you know, the conservative members of our society felt the same way. We had to protect their religious rights as well. But yet, we found that other sectors of the community, the LGBT community, they needed to have their rights protected and they needed to ensure that they could have the families that they would like to have.

So we came up with, as a compromise, the civil union. We tabled . . . not tabled . . . in 2016, we presented the union legislation to the House for discussion. Events superseded us because one of those lawyers in our caucus room decided to do and have a declaratory judgment application filed in the Supreme Court of Bermuda. This was done, and he won! And that case was obviously the case of Godwin and his husband, today. Now, Mr. Speaker, that was a new day for this country. But that also told me, because it was a declaratory judgment, that same-sex marriage could have occurred in 2013.

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** It could have occurred from 2013. It did not start as a result of the May 5<sup>th</sup> judgment. As I said, this was a declaratory judgment and it says we have checked the laws, and the laws as they currently stand allow same-sex marriage, given the Human Rights Convention overlay along with the Marriage Act.

So, what do we have today? Today we have couples that marry, as someone said, Julia Saltus and her spouse, about a month after the judgment was passed in the Supreme Court. And others have married, and the minister has recognised that none of their rights will be compromised if they are married already. But, Mr. Speaker, we cannot take away those rights. We need to evolve with our society. We have young people who are Bermudian, this is their home, and we need to embrace their family, whatever it looks like, whatever they want, as long as whatever they do is within the law. As someone said, everyone has a right to be with the person they love, the person they want to be with.

Now, Mr. Speaker, I am going to go on to a few things that I saw in the newspaper. The right . . . excuse me a second.

*[Crosstalk]*

**Mr. N. H. Cole Simons:** Preserve Marriage has recently come out and said that we should vote against this legislation. And that confused me. It confused me because they were saying that if we voted against this legislation then there will be less opportunity for same-sex marriage. It would be getting rid of a slippery slope because they believe that civil unions automatically lead to same-sex marriage. But I would like to say to them, at the end of the day, the horse has left the stable. They bolted already. We have been able to have same-sex marriage since 2013, and then you have the judgment of May 5<sup>th</sup>, 2017. So I do not quite understand why Preserve Marriage has said at this point in time that they should not support this legislation. Because, at the end of the day, same-sex marriage is already here in Bermuda.

The other issue that I struggle with is the fact . . . and this is a human rights issue in regard to the human rights of the child. The human rights of a child basically say a child has a right of identity. [Article] 8 of the Human Rights Convention says they have a right to the identity of their parents. And if you will allow me, just let me find that, then I can read it, Mr. Speaker. Just bear with me a second. I do not see anyone taking up those rights for our youngsters. And Article 8 reads, "Obligations of States to protect the rights of children."

"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."

A person's mother and father are a part of their identity.

Mr. Speaker, that is the question mark that I have in regard to same-sex families. How are we going to protect the child from not having access to their biological mother or their biological father in a same-sex relationship? Mr. Speaker, all I am suggesting is somehow our legislation . . . if we are going to go forward with same-sex marriages, somehow our Human Rights Convention needs to be adjusted to ensure that these protections are provided to the children in same-sex marriages and that this Article 8 of the UN Convention [on the Rights of the] Child is not compromised.

Mr. Speaker, the Minister indicated that under democracy there is the State, there is the Executive, there is the Judiciary, and there is Parliament. And I think the Minister made a mistake when he indicated that the Judiciary was making the law and they had no right making this law on behalf of the Government and the people of Bermuda.

**Hon. Walton Brown:** Point of clarification.

**The Speaker:** Member, will you yield so that the Minister can make his point?

Minister, make your point.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** At no time did I make the comment that the Honourable Member just said. I simply said that it is our responsibility to pass laws, and the court's responsibility is to interpret the law.

**The Speaker:** Continue on, Member.

**Mr. N. H. Cole Simons:** Okay. So the court's responsibility is to interpret the law. And the court's interpretation was that same-sex marriage is legal in this country. And if that was not an issue before, the courts gave a declaratory judgment stating that same-sex marriage is legal in this country. And, as a consequence, they had interpreted the law, and I just felt

that it was unnecessary for the Minister to make that statement because the Chief Justice . . . sorry, Justice Simmons, was interpreting the law as it currently exists and there was no need for him to go down that route of saying that our job in Parliament was to create the law and that the Judiciary was to interpret only. The Judiciary was doing its job and did a job that was acceptable to the community.

So, Mr. Speaker, those are my few comments. I will not be supporting this legislation because I have evolved as well. I mean, I was part of the conservative right that said, *No, no, no*. But I have spoken to other people, our young people, I have spoken to my daughters, I have spoken to other people in the community, and at the end of the day, this country has to evolve like other countries. Our families have evolved . . . I mean, if you look at in the Middle East, in the Middle East women's right are evolving daily. Their roles, their responsibilities in families are evolving. And likewise, their family structures are evolving.

So when our . . . and even in Bermuda, Mr. Speaker, we have a number of men being supported by their wives. We have a number of men at home taking care of the children while the wives go out to work. This was unheard of 40, 50 years ago. So, again, the roles of husbands and wives have changed. And, as a consequence, our family structure has changed, and we as a country, we as legislators must adopt to this change because the country is evolving. Our culture is evolving. And it will continue to evolve after we are gone, and our responsibility is to make sure that we have a country and a culture that is at peace with itself, and we are supportive of each other, and we can move forward in the strength knowing that we have made principled decisions that are best for our families, for our communities, for our country. Thank you.

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

We now recognise the Deputy Speaker. Deputy Speaker, you have the floor.

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

Mr. Speaker, my comments tonight will not be very long and it will be consistent with what we said when this Bill was debated before.

Mr. Speaker, the country had a referendum and the people spoke. Regardless of the required number to make a referendum legal, as has been said here earlier tonight, if we would have given them, all the other people who had voted yes that would make up the required number, the results would not have changed. I listened to the majority and I believe in my heart I know what is right and what is wrong. We know the majority of Europeans support this type of action. I am not from Europe. I am not European. And this country is predominantly black.

**An Hon. Member:** You are a little light, though.

**Hon. Derrick V. Burgess, Sr.:** Yes, I am a little light.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** Yes, one of my grandmothers was from England and she happened to be white. A wonderful lady.

**An Hon. Member:** Are you related to the Queen?

**Hon. Derrick V. Burgess, Sr.:** Yes, I am related to the Queen. Yes, I am.

But let me say this, Mr. Speaker. I am going to put this right up front. I have a few cousins of mine who are gay, and I love them dearly. One of them may be in the precincts of this House. I have no problem with their lifestyle. So, Mr. Speaker, if I was walking anywhere down the street, and I saw someone abusing one of my cousins or a gay person because they were gay, I would probably be the first person to defend them. And I say that sincerely.

Now, Mr. Speaker, when we sit up here and debate Bills such as this, my first concern is the children because I believe my responsibility, and [the responsibility] of the people in this House and adults in general, is to protect the children. Mr. Speaker, ain't no one going to tell me that if you have a child that is being brought up by a same-sex couple they are not going to be affected in some way. I am not the expert there, but they have got to be . . . you see two fellows in a bed together. That is not right. There is nothing right about that. That is what I am concerned about. What happens when that child goes to school and they are faced with this type of behaviour? Because we have those problems right now, I am told, in some schools because of the practices of adults.

Mr. Speaker, we are here because we were told by the former Attorney General of the former Government, the OBA Government, when they were doing the Sexual Orientation Bill, that the amendment that was made would not give people of the same sex the right to marry in Bermuda. That is what we were told. And that is what we swallowed. Obviously, that was wrong.

Mr. Speaker, I think what amazes me most about this whole debate is that some folks are very passionate about this, but they are not passionate about changing the history of the past, the income disparity between blacks and whites, the covert racist policies that continue to be practiced in this country. Those are some of the things that we should be up here dealing with because that has affected us longer than the situation we have here today. That is what we should be addressing. [Today] you get folks doing the same work but because of their complexion they get different benefits, different pay. That is what we should be up here [debating].

And let me say, Mr. Speaker, this Bill is not retroactive, meaning that the Bills passed tonight, those who are married will remain married. So it is not retroactive. It is in the Bill. Those who have debated and given the opinion that it is not have not read Bill. So it is not there.

We, the PLP, made our pledge to the people of this country in our platform to grant similar privileges to the opposite sex marriages. That is what we are doing tonight, same-sex marriage, that is what we are doing tonight, Mr. Speaker. And, Mr. Speaker, again, we must—*must*—protect our children because we as adults sometime, we make Bills and we do things and do not consider the children. And we wonder why some of these children are messed up. We mess them up. They do not mess themselves up; we mess them up! Children tend to do what they see us doing because they think it is right because it is coming from their elders.

And we owe it to ourselves . . . some have been up here preaching about the Bible. I wonder if they know the Bible. They have got their interpretations of the Bible. But, Mr. Speaker, in the end God will judge, whether you like it or not. And I certainly want to be on the side of right. So . . . I do not think this is right. You know, this Bill is not all what I wanted. It is a catch-22 for me. But this is what we promised. The Premier sent four people in from our party to debate this and get it sorted out, to come up with a solution. Regardless of what one thinks, you will have a solution to a problem. You may not like the solution, but I think this is the best solution that one could come up with because the other party failed to do anything. They were afraid.

**An Hon. Member:** That's right.

**Hon. Derrick V. Burgess, Sr.:** Yes, they were afraid, Mr. Speaker. Even though they had the decision of the majority of the people, they were still afraid. We are not afraid and the decision has been made. I certainly will support the Bill because I believe that marriage should be between men and women. Thank you, Mr. Speaker.

*[Desk thumping]*

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 22, the Honourable Member Gibbons. You have the floor.

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

Mr. Speaker, it has been a long, long evening—

**The Speaker:** It has been.

*[Inaudible interjections]*

**Hon. Dr. E. Grant Gibbons:** — and you will be pleased to know that I am going to—

**The Speaker:** You are going to be short. Right?

**Hon. Dr. E. Grant Gibbons:** —I am going to net this out. Yes.

**The Speaker:** Thank you.

**Hon. Dr. E. Grant Gibbons:** As much as the former speaker was predictable, I am probably going to be predictable as well in this.

I think we have had ample debate. I think a lot of my colleagues and Members on the other side have sort of laid out the various aspects of this. For me it is very simple, Mr. Speaker. This is a human rights issue. I know some people see it as a moral issue, and I think that is their prerogative. But I, as you would guess, do not believe that I can support this legislation. I believe that it is regressive. And I do not believe that in a nasty way. I think it is regressive because when the former OBA Government brought the Civil Union Bill, which as some people have described it, *it is just a few tweaks away from this one*. I think that was, at that point, a step forward, but it was clear that there was not sufficient support to be able to get that through. It was not as though nothing was done. Legislation was drafted, but I think we were realists of the time.

So I think, in essence, from my perspective what this piece of legislation is doing, it is taking away marriage equality rights from this LBGQT *[sic]*. . . whatever, gay community. And I was sure at this hour I would not get that quite right. But, as I said, I think it is a human rights issue, very simply.

It is interesting that a number of Members have brought younger people into this debate. The Honourable Member who just took his seat, I would say in many respects that younger Bermudians are certainly much more accepting in attitude. In many respects they are more progressive than many of us up here, and in a way it is sort of too bad because I know the Government is keen to get younger Bermudians back home. I think certainly we are on this side as well. But I suspect that a lot of them will see in rescinding something—we will be the only country in the world that has actually rescinded marriage equality—they will see a Bermuda which is more oppressive. More oppressive than they feel is right.

I think Honourable Members have talked about that this is an evolving issue. That is certainly true. Some of us were around, and you will remember this, Mr. Speaker, as well, going back to John Stubbs' Bill way back in the 1990s. So I think this is in many respects a moving issue. I think some people—and I certainly am in that category—would hope it would

move faster. But, as I said, I do not believe this legislation is, in moving backwards, the right way to go. So, unfortunately, I am not prepared to support it. Thank you.

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

No other speakers? I do recognise the Honourable Opposition Leader.

*[Inaudible interjections and laughter]*

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

**The Speaker:** Speak to me, Honourable Member. Speak to me.

**Hon. Jeanne J. Atherden:** I am speaking to you. I have—

**The Speaker:** You are going to keep it brief, right?

**Hon. Jeanne J. Atherden:** I have only a few words to say.

**The Speaker:** I will hold you to that.

**Hon. Jeanne J. Atherden:** First of all, I believe that we have reached a point where the courts have made a ruling and now we are turning around by this legislation . . . I believe that we are taking away rights that have been granted to the communities of individuals who want to start families. They want to be able to get together with each other and develop the family relationships and have all the things that go along with it.

The only point I want to make, Mr. Speaker . . . and I have to say this because it concerns me very dearly. When I hear people start to talk about individuals who are of the same sex and have chosen to start families, and then we start attributing to them all sorts of negative type of practices, that is wrong, Mr. Speaker. That is the type of thing that started years ago when people started to say all sorts of things about people. And we have got to the stage right now where people forgot that we are all human beings and we are all put here on this earth to try and do things for each other and to make sure that we respect the families and we respect what we want to do with children and with our families.

So I would like to think that regardless of what happens here tonight that we would start to recognise that everybody that is on this earth makes a decision to try and do something that is the best for themselves and the best for their families, and we should not turn around and say that just because people decide that they want to have families and are of the same sex that somehow this is going to be a bad thing because this happened. We have to remember that bad things are happening in heterosexual families all the time,

and we are not ascribing something bad to them just because they are heterosexual.

So we should remember that good people will do good things for their families and we would like to think that these people in these categories have the opportunity to be able to have a family life and, as I say, because they had a right that had been given to them, it is just unfortunate that this is going to take it away. Thank you, Mr. Speaker.

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

No further speakers, Minister. You want to wrap up for us? Thank you.

**Hon. Walton Brown:** Thank you, Mr. Speaker.

I want to first of all thank Members for participating in what has been a four-and-a-half-hour debate thus far, and we have not gotten into Committee yet.

**The Speaker:** I know that.

**Hon. Walton Brown:** The issues that have been raised obviously have a great deal of merit. It is an issue that has divided this country. As we said at the very beginning, this Government has determined to show leadership on this issue, as contentious as it is.

The rights of the LGBT community are very important. And I hope that while we are not yet in the space today where they can be fully respected and fully embraced, that at some point as we move forward, they will be fully respected and embraced. Those who campaign for LGBT rights have a noble cause and we need to find a way in which Bermuda, as a progressive society, can come to fully embrace the importance of greater rights for all members of our community.

Mr. Speaker, I think it is very important to say a bit more clearly why we are here today. The status quo will not stand. It is as simple as that. There has been talk about the Supreme Court judgment and that we have a decision and, therefore, that is what one should respect. That is an abstract concept, Mr. Speaker, because the on-the-ground political reality is that if this Government does not lead on this issue, you would have a Private Member's Bill tabled in this House to outlaw same-sex marriage. That Bill would pass because more than 18 Members in this House oppose same-sex marriage. That is the political reality. If that Bill passed, same-sex couples would have no rights whatsoever . . . no rights whatsoever because it is a conscience vote.

Secondly, Mr. Speaker, if that Private Member's Bill was tabled and passed and became law, and there was an attempt to propose a separate Bill, akin to the Domestic Partnership Bill, it would likely fail. And so same-sex couples would have no rights in this country and there would be no ability to provide for those rights for at least another year. So those who

wish to argue along the purely ideological line about human rights . . . that is great. I fully embrace the concept. But that is not the reality of what we have to deal with today. Leaders have to make tough decisions. It is tough for me. It was very tough. But I do not shy away from tough decisions, because it is our mandate to lead.

And for those who wish to distort the election campaign promise of this party, let me repeat. We articulated that the issue of same-sex marriage is a conscience vote. And that is why my good friend, whose views I embrace, the Honourable Member Michael Scott, who articulated a very clear position . . . I can respect his position in not supporting this Bill. I can respect that. It is a conscience vote. But we had to lead and we had to do something. This Bill will accomplish what a Private Member's Bill would have accomplished, but at the same time be given a wide range of legal benefits and legal rights to same-sex couples.

It is not where some countries are, but we are far ahead of many other countries in doing this, Mr. Speaker. Democracy is not always easy. The process towards progress is a long and winding road. It has twists and turns. Sometimes you take steps forward and you appear to take steps backwards. But this is part of our election commitment. We believe, given all the circumstances, this is the appropriate step to take.

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

**The Speaker:** Thank you.

Minister, we are now moving to Committee. You move the Bill to Committee.

**Hon. Walton Brown:** I did ask for the Bill to be committed, Mr. Speaker.

**The Speaker:** Yes. I am waiting for the Deputy to come to the Chair.

*[Laughter]*

**The Speaker:** So we heard you. We're following you. We heard you, Minister.

Hear you go, Deputy.

### House in Committee at 9:33 pm

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

## COMMITTEE ON BILL

### DOMESTIC PARTNERSHIP ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Domestic Partnership Act 2017](#).

Minister, you have the floor.

**Hon. Walton Brown:** Thank you, Mr. Chairman.

Mr. Chairman, this Bill seeks to make provision for the formalisation and registration of a relationship between adult couples, to be known as “domestic partnership,” to clarify the law relating to marriage, and to make connected and related provision. Many of the provisions are adapted from the Marriage Act 1944 as well as the Maritime Marriage Act 1999.

Mr. Chairman, given the variety of circumstances that we have to confront at this hour, I would like to move clauses 1 through 20.

**The Chairman:** Any objections to moving clauses 1 through 20?

There appear to be none. Carry on, Minister.

**Hon. Walton Brown:** Thank you, Mr. Chairman.

Clause 1 is self-explanatory.

Clause 2 provides definitions for the purposes of the Bill.

Clause 3 gives an overview of domestic partnerships by summarising, subject to the details in the Bill, the rules of capacity to enter into a domestic partnership and the requirements of formalisation and registration of a domestic partnership, and also by indicating that the dissolution of a domestic partnership is governed by the Matrimonial Causes Act 1974 as applied by clause 41.

Clause 4 prohibits a person under the age of 18 [years] from entering into a domestic partnership.

Clause 5 prohibits a person from entering into a domestic partnership if already married or in a domestic partnership or overseas relationship.

Clause 6 subsection (1) prohibits two people from entering into a domestic partnership if they are within the prohibited degrees of domestic partnership as set out in Schedule 1. Subsection (2) provides that this is subject to paragraph 4 of Schedule 1, which allows for a Supreme Court order in certain circumstances to disapply subsection (1).

Clause 7 requires a party to an intended domestic partnership to give notice to the Registrar and to make a statutory declaration confirming the capacity of both parties to enter into the domestic partnership and that there are no other lawful impediments to the intended domestic partnership.

Clause 8 sets out the process for the Registrar to register the particulars of the intended domestic partnership in the Domestic Partnership Notice Register and to keep the notice in a conspicuous place in his or her office for at least 14 days. The notice must also be published twice in a Bermuda newspaper, Mr. Chairman.

Clause 9 provides for the Registrar to issue a licence to enter into a domestic partnership to the applicant if no lawful impediment to the domestic partnership has been shown to the Registrar’s satisfaction and if no caveat has been entered or any caveat has been removed (see clauses 16 and 17).

Clause 10 provides for the Minister, in special or exceptional circumstances, to dispense with the giving of notice and issue of a licence and instead to grant a special licence to enter into a domestic partnership.

Clause 11 provides that a licence or special licence lapses after three months.

Clause 12 clarifies that a licence authorises, but does not oblige, a domestic partnership officer to formalise the domestic partnership.

Clause 13 sets out the procedure for formalisation of a domestic partnership by the Registrar. Such a formalisation can only take place between the hours specified in subsection (3), and only at the office of the Registrar or an alternative approved location. Subsection (5) provides that, during the formalisation and in the presence of the Registrar and at least two credible witnesses, each party must give a clear statement of the full names of both parties and acknowledge that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership.

Clause 14 sets out the procedure for formalisation of a domestic partnership by a domestic partnership officer on delivery to him of a valid licence or special licence. Subsection (3) provides that a domestic partnership officer may formalise a domestic partnership in any place in Bermuda provided that public access is not barred. Subsection (4) provides that, during the formalisation and in the presence of the domestic partnership officer and at least two credible witnesses, each party must give a clear statement of the full names of both parties and acknowledge that they are freely joining in a domestic partnership with each other and know of no lawful impediment to the domestic partnership. There are no other restrictions as to the procedure for a formalisation.

Clause 15 allows for the formalisation of domestic partnership by a domestic partnership officer without notice or licence in circumstances where one party is dying. The parties must be legally competent to enter into the partnership and one of the witnesses must be a medical practitioner. Such a domestic partnership will not operate as a revocation of a will—this mirrors section 25(3) of the Marriage Act 1944.

Clause 16 provides for the lodging of a caveat with the Registrar by a person who claims to know of any lawful ground why a domestic partnership should not take place. Subsection (4) requires the Registrar to record the caveat in the Domestic Partnership Notice Register and to submit the caveat to a Judge of the Supreme Court.

Clause 17 sets out the powers of the Judge in relation to a caveat. If the Judge is of the opinion that no legal ground has been disclosed preventing the domestic partnership, he may order the caveat to be removed. In other cases he shall cause a summons to be issued to the parties to the intended domestic partnership and to the person who lodged the caveat re-

quiring him or her to show cause. The Judge may determine the matter in a summary way and either confirm the caveat or order it to be removed. If it appears to the Judge that the caveat has been entered on insufficient grounds he may order the person who lodged it to pay compensation to the parties to the intended domestic partnership. Note that clause 42(4) creates a criminal offence if a person attempts to prevent a domestic partnership by pretending that there is any legal impediment to the domestic partnership knowing that the pretence is false, or having no reason to believe that it is true.

Clause 18 provides that a domestic partnership is void in the specified circumstances—the legal effect is as if the formalisation of the domestic partnership had never taken place, i.e., it is void *ab initio*.

I think you will be familiar with that term, Mr. Chairman.

**The Chairman:** Mm-hmm.

**Hon. Walton Brown:** The circumstances are if the domestic partnership is not formalised by the Registrar, a Deputy Registrar, or a domestic partnership officer; lack of capacity of either party (due to age, not being free to enter into the partnership, or being within the prohibited degrees of separation); if both parties knowingly and wilfully acquiesce in the formalisation under a false name or names or without notice or the authority of a licence or special licence; or if it is formalised *in extremis* without satisfying the conditions of clause 15.

Clause 19 provides that a domestic partnership is voidable in the specified circumstances—this means it can be annulled by either party. The circumstances are if either party did not validly consent; if either party was suffering from a mental disorder such as to be unfit for domestic partnership; or if the petitioner was unaware that at the time of the domestic partnership the respondent was suffering from venereal disease in a communicable form, or was pregnant by another person.

Clause 20 clarifies that a defect in compliance with formalities and procedures does not, of itself, render a domestic partnership void.

Those are clauses 1 through 20, Mr. Chairman.

**The Chairman:** Thank you. Are there any further speakers?

The Chair recognises Pat Pamplin-Gordon . . . Gordon-Pamplin. I'll get that—

**Mrs. Patricia J. Gordon-Pamplin:** That's all right, Mr. Chairman, I do not have a problem with that. If it was anybody else, I am offended, but for you, you are all right.

**The Chairman:** You are very kind.

[Laughter]

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Chairman, my question to the Minister, on page 5 of the Bill, under "Capacity." It is clause 4, under "Age of eligibility. A person who has not reached the age of 18 years is prohibited from entering into a domestic partnership."

Now, under the Marriage Act a person under the age of 18 cannot solely enter into a marital relationship, but could do so with the consent of a parent. I am wondering if there is any specific reason why that facility has not been included in this Bill?

Secondly . . . actually, let me just make a comment that clauses 1 through 20 are really nothing more than the process. It does not give anybody any more rights than presently exist. It basically says that this is the way it is. This is what you do in order to go from point A to point B. And if the marriage effect suffers a defeat as a result of a Bill that has been brought, then all of this will go away. But this is nothing more than just the process, as I see it. So, I just wanted to highlight that the formalisation by domestic partnership officer, I think it is important to underscore the . . . this is kind of like equivalent to what might be otherwise—

**The Chairman:** You are going into the—

**Mrs. Patricia J. Gordon-Pamplin:** No, no, I am just asking—

**The Chairman:** You need to talk to the—

**Mrs. Patricia J. Gordon-Pamplin:** I talking about on [clause] 14—

**The Chairman:** Yes, but the debate is through now.

**Mrs. Patricia J. Gordon-Pamplin:** —which talks about the formalisation by domestic partnership officer.

So my question is, this being similar to a celebrant, just to make sure that . . . to confirm that nobody else other than a celebrant can be forced to conduct a ceremony that would regularise such a partnership should it be against their religious beliefs or anything like that. I just wanted to underscore and make sure that this point is brought home.

Those are my two questions, other than to say that there is really nothing in these first 20 clauses other than the process.

**The Chairman:** Minister? Would you like to respond?

**Hon. Walton Brown:** Well, thank you, Mr. Chairman.

To say there is nothing in the 20 clauses, well, that is all a very important part of the Bill. The Bill would have no merit and no standing if these 20 clauses were not included.

Regarding the age of marriage, we did have a discussion about that because other legislation speaks to 16 with parental consent. And we recognise that this would create challenges in other areas of legislation involving sex between a man and a boy, or a young man. And so we opted not to address that piece of related legislation at this time.

With respect to what you termed as “celebrant,” you will now know, Honourable Member, that the term in this legislation is “domestic partnership officer.” No one can perform a formalisation of a domestic partnership if they have not been authorised and [have applied] to become a domestic partnership officer. So anyone who applies for it obviously would be a person willing to perform such ceremonies. So there is no question of anyone being forced to do such formalisations.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member Leah Scott.

**Ms. Leah K. Scott:** Thank you, Mr. Chairman.

Just a question on page [12], [clause] 19(1)(c), where if the respondent is suffering from a venereal disease, and I do not see “venereal” defined as . . . I know venereal disease to either be gonorrhoea or syphilis. Is this also including herpes, AIDS, or any other sexually transmitted disease?

**Hon. Walton Brown:** Well, I cannot speak with any kind of medical precision about the wide range of venereal diseases, but I am sure it does include AIDS.

*[Inaudible interjections]*

**Hon. Walton Brown:** I just do not know. But venereal disease is a pretty clear concept. It is recognised in the Marriage Act, so it was taken from that.

**The Chairman:** Any further speakers?

The Chair recognises Cole Hedley Simons.

**Mr. N. H. Cole Simons:** Just a question, Mr. Chairman. [Clause 10](4)(b), on page 7. It says, “The Minister shall not grant a special licence under this section unless—

“(b) there are special or exceptional circumstances justifying the grant of a special licence;”

Can you give us one or two examples of what—

**The Chairman:** What clause are you talking to?

**Mr. N. H. Cole Simons:** [Clause 10](4)(b), on page 7.

**The Chairman:** Yes.

**Hon. Walton Brown:** Sure. The one obvious example is someone who is about to die, seeking to formalise a relationship with his or her partner. It is something that happens every so often with marriages, and it will also be in place for domestic partnerships.

**The Chairman:** Any further speakers?

There appear to be none.

Any objections to approving clauses 1 through 20?

There appear to be none. Minister, continue.

*[Motion carried: Clauses 1 through 20 passed.]*

**Hon. Walton Brown:** Mr. Chairman, I will now move clauses 21 through 40.

Clause 21 sets out the procedure for the registration of domestic partnerships in the General Register of Domestic Partnerships by the Registrar, and it also requires a domestic partnership officer to transmit to the Registrar a copy of the statement of domestic partnership as soon as practicable after the formalisation.

Clause 22 allows a person to search the register on payment of the prescribed fee.

Clause 23 empowers the Registrar to require a declaration or information from a person, including on oath, for the purpose of completing or rectifying the register.

Clause 24 sets out the circumstances in which the register can be amended and the process for making corrections.

Clause 25 allows a person to apply to the Minister for appointment as a domestic partnership officer.

Mr. Chairman, I am having trouble reading my own Statement.

**The Chairman:** Thank you.

**Hon. Walton Brown:** Thank you, Mr. Chairman.

Subsection (2) provides that the Minister may appoint a person if satisfied that the person is of good character, will conscientiously perform the duties of a domestic partnership officer, and that the appointment is in the public interest. Subsection (3) requires the Registrar to gazette a notice of all such appointments, and subsection (4) provides that the appointment is valid from the date specified in the notice until the appointment ceases under clause 26.

Clause 26 sets out the circumstances in which a person ceases to be a domestic partnership officer, whether by resignation or if the Minister is no longer satisfied as to any of the matters in clause 25(2).

Clause 27 requires the Registrar to post a list of domestic partnership officers in his office, and to publish a list in the *Gazette* of domestic partnership officers at least once a year.

Clause 28 provides that the Minister may appoint a public officer or a domestic partnership officer as a Deputy Registrar for the purpose of formalising a domestic partnership under clause 13 in place of the Registrar.

Clause 29 gives statutory protection to a marriage officer by clarifying that he or she is not authorised to formalise a domestic partnership unless also appointed as a domestic partnership officer, and providing that he or she is not compellable to permit the use of a place of worship under his control for the formalisation of a domestic partnership.

Clauses 30 to 35 make special additional provision in relation to maritime domestic partnerships formalised on the high seas on Bermuda registered ships

Clause 30 sets out some definitions.

Clause 31 allows the master of a ship to apply to the Minister to be licensed as a domestic partnership officer.

Clause 32 allows the second-in-command to the master of a ship to apply to the Minister to be licensed as a provisional domestic partnership officer, but he or she is only able to formalise a domestic partnership when acting as the master of the ship.

Clause 33 requires the Registrar to post a notice in his office of all maritime domestic partnership officers.

Clause 34 sets out some general provisions in relation to maritime domestic partnerships. The procedure and requirements for formalisation are the same as provided by clause 14 or, *in extremis*, clause 15.

Clause 35 requires the Registrar to indicate on a notice if it relates to a maritime domestic partnership, and provides for the register to contain a separate part for maritime domestic partnerships.

Clause 36 subsection (1) defines “overseas relationship” as a relationship which is either a specified relationship (see the list in Schedule 2) or which satisfies the general conditions in clause 37(4), and which is registered (whether before or after the commencement date) with a responsible authority in a country or territory outside Bermuda in accordance with the relevant law, by two people neither of whom is already in a domestic partnership or lawfully married. But an overseas marriage contracted between two parties who are respectively male and female is not an overseas relationship for these purposes, since such a marriage will be recognised in Bermuda and not treated as a domestic partnership. Subsection (2) defines “relevant law” as the law of the country or territory where the overseas relationship is registered, including its rules of private international law.

Clause 37 provides for specified overseas relationships to be listed in Schedule 2 and empowers the Minister to amend the Schedule by order. Additional overseas relationships can only be added to the

Schedule if they satisfy the general conditions which are set out in subsection (4).

Clause 38 subsections (1) and (2) provide for an overseas relationship to be treated as a domestic partnership from the date of registration under the relevant (i.e., overseas) law, or from the date on which both parties attain 18 years of age (if later). Subsection (3) provides that, in the case of an overseas relationship registered under the relevant law before the commencement date, the parties will—on or after the commencement date—be treated as having entered into a domestic partnership on the date of registration under the relevant (i.e., overseas) law, or on the date on which both parties attain 18 years of age (if later). This means that—from the commencement date onwards—and in particular for the purposes of establishing the length of such a relationship, the time between its registration (or the parties attaining 18 years of age, if later) and before commencement can be counted. (This is what these relationships . . . how they will be recognised.) Subsection (4) contains an exception if an overseas relationship has been terminated before commencement. Subsection (5) provides a regulation making power.

Clause 39 sets out the public policy exception. This codifies the rule of private international law which applies in relation to the recognition of overseas marriages in Bermuda.

Clause 40 applies the Matrimonial Proceedings (Magistrates’ Courts) Act 1974 and the Magistrates’ Courts (Matrimonial Proceedings) Rules 1974 to proceedings brought in respect of a domestic partnership with the necessary modifications, and with certain specified amendments by reference.

[These are] clauses 21 through 40, Mr. Chairman.

**The Chairman:** Any further speakers on clauses 21 through 40?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.

Mr. Chairman, page 14 under clause 25, “Appointment of domestic partnership officers.” It is not specified here. I am wondering whether the Registrar is required to be a DP officer, or whether he would designate someone else to do that job? Is that a part of the responsibility, or how would that be . . . you know, would he designated or would he have other people . . . is that just voluntary or what? It is not clear as to what the intent is there.

And the other question that I have is, the challenge that exists, on page 19, clause 38, in terms of overseas relationships being treated as domestic partnerships. Now, we do know that in other jurisdictions overseas, their marriage, same-sex marriage in particular, is permitted in other jurisdictions. So we

have a situation in which somebody can be married there and come home and they are deemed to be, effectively, second-class citizens and you are no longer married, you are a domestic partner. And I am just wondering how we balance that, [the] loss of a right of somebody who has that designation where they were married and they come home to their own country and no longer are considered to be married. They come back and they change from, *This was my spouse*. To now, *This is my domestic partner*. And I am wondering how do we justify that balance?

**The Chairman:** Minister?

**Hon. Walton Brown:** Thank you, Mr. Chairman.

With regard to the Registrar General, no one is going to be compelled to formalise any domestic partnership relationship. So that is why you have the Registrar General, you have the Deputy Registrar General, and then you have others who can act in his or her place to formalise such domestic partnerships.

With regard to the recognition of overseas marriages, there is an amendment that will come forward in [clause] 54, which I believe will address the issue that you have raised regarding how overseas marriages are recognised.

**The Chairman:** The Chair recognises the Honourable Cole Hedley Simons.

**Mr. N. H. Cole Simons:** I would like to revisit [clause] 25, the "Appointment of domestic partnership officers."

**The Chairman:** What clause?

**Mr. N. H. Cole Simons:** Clause 25, page 14.

**The Chairman:** Okay.

**Mr. N. H. Cole Simons:** Minister, would you be receptive to allowing a Justice of the Peace to be considered as a domestic partnership officer if they applied?

**Hon. Walton Brown:** Mr. Chairman, I have been advised by many lawyers that it is never a good thing to [answer] abstract questions in any detail. But what I will say is that this Act gives the Minister the ability to have a wide range of people who are deemed to be of suitable character to be registered as a domestic partnership officer. So if the Minister at the time believes that someone who happens to be a Justice of the Peace meets those qualifications, there should be no impediment.

**The Chairman:** Go right ahead, Member.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.

In furtherance of the Minister's response, I just wondered, when it comes to the Registrar . . . the Registrar as we speak is effectively the effective marriage officer for the department, supported by an additional deputy, you know, assistant registrar, and other people. And you said that nobody would be compelled. So the question is, under the legislation, could you clarify whether this is an opt-out for the Registrar from a legalistic perspective or is it just if the circumstance arises and the Registrar chooses not to, then this is no longer a part of his job but rather can be deferred to somebody else?

**Hon. Walton Brown:** Mr. Chairman, I cannot give a clear and a definitive answer on that point, but what I will do is get input from my technical officers and get back to you.

**The Chairman:** Any further speakers?

There appear to be none.

We can ask that clauses 21 through 40 be approved.

Any objections to that?

**Mrs. Patricia J. Gordon-Pamplin:** Only just to clarify when the Minister—

**The Chairman:** After the clarification.

**Mrs. Patricia J. Gordon-Pamplin:** Yes. And I am quite happy to wait. Or, we can move on, and then we can get the response later, unless he is going to move those clauses.

**The Chairman:** We will do that.

[Pause]

**The Chairman:** Minister.

**Hon. Walton Brown:** Mr. Chairman, yes, so the Registrar General has the authority to formalise relationships in the Registrar General's office. He is not being compelled to do so. That is the simple answer.

**The Chairman:** Okay. Can we approve . . . are there any objections to approving clauses 21 through 40?

There appear to be none.

[Motion carried: Clauses 21 through 40 passed.]

**The Chairman:** Minister, approve . . .

**Hon. Walton Brown:** Thank you, Mr. Chairman.

I am going to move clauses 40 [sic] through 53, and then make the amendment to [clause] 54.

**The Chairman:** I thought it was [clause] 41?

**Hon. Walton Brown:** I said [clause] 41, didn't I?

**The Chairman:** You said [clause] 40.

**Hon. Walton Brown:** [Clauses] 41 through 53.

**The Chairman:** Okay.

**Hon. Walton Brown:** And then I will propose the amendment to [clause] 54.

Clause 41 applies the Matrimonial Causes Act 1974, the Matrimonial Causes Rules 1974, and the Matrimonial Causes (Decree Absolute) General Order 1974 to proceedings brought in respect of a domestic partnership with the necessary modifications, and with certain specified amendments by reference. Adultery, or its equivalent,—

*[Inaudible interjection]*

**Hon. Walton Brown:** I am just reading my brief. I am not sure I understand what that means, though, actually.

Adultery, or its equivalent, will not be a ground for dissolution of a domestic partnership.

Clause 42 creates a number of offences in relation to domestic partnerships.

Clause 43 repeals and replaces section 201 of the Criminal Code Act 1907 to extend the offence of bigamy to a person who purports to marry or enter into a domestic partnership when already married or in a domestic partnership or overseas relationship.

Clause 44 provides that a certified copy of an entry in the register is to be received in all courts as *prima facie* evidence of the domestic partnership.

Clause 45 allows information in the register, et cetera, to be recorded in electronic form.

Clause 46 provides for the use of a foreign language for statements and declarations if a person is not familiar with English.

Clause 47 requires the Registrar to issue an annual report containing a summary of domestic partnerships registered during the year.

Clause 48 provides that clauses 4, 29(2), 36 to 39, 53, 54, and Schedules 3 and 4 have effect notwithstanding the Human Rights Act 1981. It also provides that section 15(c) of the Matrimonial Causes Act 1974 (marriage void unless parties are male and female) that this Matrimonial Causes Act [1974] has effect notwithstanding the Human Rights Act 1981. Section 2(2)(a)(iii) of the Human Rights Act 1981 is amended to add a reference to domestic partnership status as a protected ground, and references are added in each other place in the Act where there is a reference to marital status.

Clause 49 has effect with respect to references to domestic partnerships in other legislation.

Clause 50 subsection (1) provides that specified words or phrases relating to marriage in other

legislation shall, in the case of a person in a domestic partnership, be read as a reference to the corresponding word or phrase relating to domestic partnership as set out in the table, unless the context otherwise requires, the enactment is specifically amended by this Bill or contains an express provision to the contrary, or it is listed in Schedule 3. The effect of this provision is that, subject to those exceptions, the law applying to marriage, spouses, and widows and widowers will apply to domestic partnership, domestic partners, and surviving domestic partners. Notably the expressions "next of kin" and "relative" will include a domestic partner. Subsection (2) empowers the Minister to amend the table and the list in Schedule 3. A reference to this clause is inserted into the Interpretation Act 1951 by Schedule 4.

Clause 51 inserts new Head 22A into the Government Fees Regulations 1976 specifying fees for the purposes of this Bill, which mirror those relating to marriage.

Clause 52 introduces Schedule 4 which makes consequential and related amendments, and empowers the Minister to make further amendments to other legislation by regulation to give effect to this Bill.

Clause 53 provides that, notwithstanding anything in the Human Rights Act 1981, any other provision of law or the judgment of the Supreme Court in *Godwin and DeRoche v. The Registrar General* and others, a marriage is void unless the parties are respectively male and female. In addition, and for further clarification, amendments in Schedule 4 to section 9 of the Marriage Act 1944 and section 5 of the Maritime Marriage Act 1999 expressly provide that a marriage may only be entered into under those Acts by two parties who are respectively male and female. This clause must be read with clause 54 which provides savings for certain same-sex marriages entered into during the transitional period.

At this juncture, I would like to move the following motion: The Domestic Partnership Bill—

**The Chairman:** Okay, well—

**Hon. Walton Brown:** I'm sorry. Clauses up to 53.

**The Chairman:** Yes. Any speakers to the clauses 41 through 53?

The Chair recognises Pat Gordon-Pamplin.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.

Mr. Chairman, page 22 of the Bill, under clause 41, has really, really piqued my concern. And that is the clause relating to adultery not being a ground for dissolution. Now, what happens in . . . the idea in (quote/unquote) "traditional" marriage is that the marriage vows and the like are meant to be sacrosanct.

**The Chairman:** Mm-hmm.

**Mrs. Patricia J. Gordon-Pamplin:** So, what this now says as a result of a domestic partnership you can be as . . . as unfaithful (I had to find the right word) . . . you can be unfaithful within the context of that relationship, and it is okay. So how does one have protection other than, maybe, the extreme physical measures, to protect against that level of disrespect that one partner may mete [out] upon the other because adultery is not grounds for dissolution. I just need to wrap my head around that because that is kind of almost the crux of why people would come together. I would just like to have some clarity around that. And then I may have another question.

**The Chairman:** Minister?

**Hon. Walton Brown:** Thank you, Mr. Chairman.

Mr. Chairman, it is not for me to give any marital advice.

*[Laughter]*

**Hon. Walton Brown:** But what I will say is that while this language does exist in the Marriage Act, it is considered antiquated language. It is not considered part of a modern framework for the consideration of the structure of marriage, and so we decided, expressly, not to include in this legislation something that has become, really, out of date. And because it already exists in the Marriage Act, there was no compelling reason to include it in this piece of legislation. But there is provision in this Act for domestic partnerships to be dissolved if there are . . . I cannot remember the exact term—

**An Hon. Member:** Unreasonable behaviour.

**Hon. Walton Brown:** “Unreasonable behaviour.” And so that includes a much broader set of conditions than simply adultery.

**The Chairman:** Any further speakers?

No further speakers.

Any objections to moving clauses 41 through 53?

No objections. Approved.

*[Motion carried: Clauses 41 through 53 passed.]*

**The Chairman:** Minister, do you want to move the amendment?

**Hon. Walton Brown:** Yes. I believe all Members have a copy of the amendment.

*[Crosstalk]*

**Hon. Walton Brown:** You do not? Yes? Okay.

So, Mr. Chairman, I move the following motion.

#### AMENDMENT TO CLAUSE 54

**Hon. Walton Brown:** That the Domestic Partnership Act 2017 be amended as follows, in clause 54, subsection (3), delete the following: “during the transitional period” and substitute “before or during the transitional period.”

Further, second point. At the end of clause 54, insert the following new subsection.

“(5) No action shall lie against any person for any act or omission before the commencement date related to any failure to recognise a marriage falling within subsection (3).”

Clause 54 (this amendment) provides that nothing in the Bill shall invalidate any marriages which took place under the Marriage Act 1944 or the Maritime Marriage Act 1999 between two people of the same sex after 5 May 2017 (the date of the Supreme Court judgment in *Godwin and DeRoche v. The Registrar General* and others) and before the commencement date (the “transitional period”) of this piece of legislation.

Subsection (3) displaces the effect of clause 38 to provide that nothing in the Bill prevents the recognition in Bermuda of a marriage lawfully entered into and registered in an overseas jurisdiction under the relevant law before and during the transitional period by two persons of the same sex if they were both domiciled in Bermuda or had capacity under the law of their domicile, provided that they were both over 18 years of age at the time of the marriage.

Subsection (4) provides for any reference in any enactment to marriage, the parties to marriage, or the dissolution of marriage to be read with the necessary modifications in the case of such marriages entered into during the transitional period.

Subsection (5) ensures that no liability attaches to the Government or anybody else for any pre-commencement failure to recognise such a marriage.

That is the amendment.

**The Chairman:** Yes, carry on.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.

Mr. Chairman, I have a bit of unreadiness with respect to even the amendments to which the Minister has just spoken based on the question I had earlier. He said he thought that this amendment might be able to clarify; but it does not.

What this is effectively saying is that people, Bermudians, who may have been married in an external jurisdiction would now be recognised if that marriage occurred during the currency of the time frame, the transitional period, before and during. That is what

I think this is saying. I am just looking at the technical officer who is kind of shaking her head. So I want to make sure that I have got this right, because what happens with a local couple, or, you know, who would have been married under the jurisdiction of which they live, and they come home after the transitional period, will their marriage in a foreign jurisdiction not be recognised, or will they have to come and be recognised and registered as a domestic partnership, as opposed to a marriage?

They were married abroad, and now they are only domestic partners here? I am just trying to figure out how we balance that necessity for recognition?

**The Chairman:** Minister? You . . .

**Hon. Walton Brown:** Yes, Mr. Chairman.

This amendment will allow for the recognition of marriages overseas of same-sex couples that took place between the May 5<sup>th</sup>, 2017, date and immediately before the commencement date of this piece of legislation. The Shadow Minister is correct that on approval of this legislation, same-sex couples who are married overseas will be registered in Bermuda as domestic partnership relations. It does not recognise the marriages of same-sex couples—overseas couples—prior to the commencement date, prior to the Supreme Court ruling on May 5<sup>th</sup>.

**Mrs. Patricia J. Gordon-Pamplin:** That, Mr. Chairman . . . I'm sorry. I have to be recognised.

**The Chairman:** Go ahead.

**Mrs. Patricia J. Gordon-Pamplin:** That is a distinct challenge for people if the idea is equity, equality, and embracing. That is a direct affront to their circumstance. So you cannot say to me, that I have a husband or a wife elsewhere, and we have been married for 10 years, and I have now decided to come back home to Bermuda and now you are telling me that my 10-year marriage, or whatever length of time same-sex marriages have come into being, that my long-term marriage is no longer valid. You will not recognise me. So I then come back home to become a nobody in my country. And I do not think that this has been taken into account in terms of the practical acceptance of a statistical fact, of a factual matter.

**Hon. Walton Brown:** Point of clarification.

**The Chairman:** Continue.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** So let me retract my comment and apologise to the Honourable Member.

**Mrs. Patricia J. Gordon-Pamplin:** Okay.

**Hon. Walton Brown:** As my technical people have just advised me, I had it completely wrong.

**Mrs. Patricia J. Gordon-Pamplin:** Okay.

**Hon. Walton Brown:** So anyone who is married in another jurisdiction prior to the commencement date will be recognised in Bermuda as being married. Going forward, any such couples will be recognised as a domestic partnership. That is the clarity.

**The Chairman:** Any further speakers?

The Chair recognises Pat Gordon-Pamplin.

**Mrs. Patricia J. Gordon-Pamplin:** Yes. I am looking at clause 54, subsection (3), which was not subject to an amendment, which effectively says that nothing prevents the recognition for a marriage entered into and registered in an overseas jurisdiction during the transitional period, but I am not sure where it actually says in the legislation that any marriage that occurred outside of that transitional period will be recognised as a domestic partnership. I am just not seeing it. It might be there, but it is not obvious to me.

**Hon. Walton Brown:** Right. So let me make it obvious then, Mr. Chairman.

So the clause 54, subsection (3), the amendment deletes the term “during the transitional period” and it is replaced with “before or during the transitional period.”

**Mrs. Patricia J. Gordon-Pamplin:** Oh, okay.

**Hon. Walton Brown:** Okay? All right.

**Mrs. Patricia J. Gordon-Pamplin:** Okay. Fine.

**The Chairman:** Any further speakers to the amendment?

**Mrs. Patricia J. Gordon-Pamplin:** Yes. I'm sorry.

**The Chairman:** Go ahead.

**Mrs. Patricia J. Gordon-Pamplin:** I need to be pedantic on this because this is a question of making sure that people who will now be subjected to different rules are . . . believe that they are protected as best as they could be given that they are second-class citizens.

But what I am asking is, this is in effect during the transitional period, or before or during the transitional period, so if I want to marry my same-sex spouse after this, and we live abroad, and because I can marry that person living abroad, subsequent to these dates certain, what will allow me to come home after whatever period of time, let's say I am schooled abroad or I am working abroad and I chose to marry

my same-sex significant other in a jurisdiction where I can be married, I would be recognised if I did that prior to the transitional period or during the transitional period, but not subsequent to the transitional period. So if we have a Bermudian couple abroad, who get married [at] Christmas, then basically they are not being recognised and there is no ability to be recognised by this legislation. And I am just wondering.

**The Chairman:** That's correct.

*[Crosstalk]*

**Hon. Walton Brown:** So, Mr. Chairman, this gets at the very essence of the Bill.

**The Chairman:** Yes.

**Hon. Walton Brown:** Prior to the Supreme Court judgment, any same-sex couple married overseas coming to Bermuda would not be recognised as a married couple because there was no legal framework recognising such. This piece of legislation will, as we know, outlaw same-sex marriage.

So once the Bill is assented to, we would revert back in some respects to the status quo, whereby same-sex marriages are not recognised, but with a new framework of a wide range of legal benefits because these couples will be recognised as domestic partnerships. So any marriage that took place before and during the transitional period will be recognised as marriage, and anything after that will be recognised as domestic partnerships. So there will be a full range of legal benefits.

**The Chairman:** Any further speakers?  
Madam Gordon-Pamplin.

**Mrs. Patricia J. Gordon-Pamplin:** The Honourable Minister just said that anybody married after the transitional period, that we will no longer recognise their foreign marriage. They come home and they could enter a domestic partnership afresh.

#### CLARIFICATION

**Hon. Walton Brown:** No, no, sorry. Just a clarification. They would not be entering into a domestic partnership afresh. They will be recognised in law as a domestic partnership.

**Mrs. Patricia J. Gordon-Pamplin:** Right. Okay. Okay.

So they are recognised as a domestic partnership afresh provided that, according to this, this happened prior to or during the transitional period. Going forward they can still get married in New York, Boston, or wherever, and then they can come home—

they are married in Boston—they come home and they are simply a domestic partner.

**An Hon. Member:** That's correct.

**Mrs. Patricia J. Gordon-Pamplin:** We are diluting—

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** No, I have it. I have it. 'Is it fair?' is the question. I am perfectly capable of understanding.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** But is it fair—

*[Gavel]*

**Mrs. Patricia J. Gordon-Pamplin:** —that somebody can be *married* in one jurisdiction and then they come home and they are treated less than. That is question number one.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** That is exactly why the Bill is regressive.

The other question that I have before we end, is that the . . . there is no reference, and I am not sure exactly, I was not quite sure whether the Minister was going to give rise to this, but during the general debate, if I may, Mr. Chairman, we referred to the provisions under section 19A of the Immigration [and Protection] Act [1956] in terms of the 10-year recognition and whether a domestic partner will be able to be recognised under the Immigration and Protection Act as being eligible for Bermudian status after a 10-year commitment in a domestic partnership and how is that . . . or will it be recognised and enshrined here.

**The Chairman:** Well, I think you are going outside of the specifics of the—

**Mrs. Patricia J. Gordon-Pamplin:** Well, it is missing. It is missing. Because it is—

**The Chairman:** Yes, but it not—

**Mrs. Patricia J. Gordon-Pamplin:** —it is a critical—

**The Chairman:** —in this—

**Mrs. Patricia J. Gordon-Pamplin:** Well, that is the question.

**The Chairman:** I understand that. But that is something that should have come up in the general debate.

**Mrs. Patricia J. Gordon-Pamplin:** It did. It did.

**The Chairman:** Okay.

**Mrs. Patricia J. Gordon-Pamplin:** And so now I am looking to see how it is likely to be enshrined in this legislation and whether in fact we require an amendment. That is the question that I am asking.

**The Chairman:** Minister?

**Hon. Walton Brown:** Thank you, Mr. Chairman.

There is no need for amendment. This Bill will provide for a very broad range of legal benefits for domestic partnerships.

**The Chairman:** Any further speakers to the amendment in clause 54?

There appear to be no further speakers.

**Hon. Walton Brown:** Mr. Chairman, I would like to move clauses 55, 57—

**The Chairman:** Why don't you move the amendment first?

**Hon. Walton Brown:** I thought you already did, Mr. Chairman? No?

I move that the amendment be approved.

**The Chairman:** Any objections to the amendment being approved?

There appear to be none. The amendment is approved.

*[Motion carried: Amendment to clause 54 passed. Clause 54 passed as amended.]*

**Hon. Walton Brown:** Mr. Chairman, I would like to move clauses 55 through 57. And then Schedule 1.

**The Chairman:** Any objections?

**Hon. Walton Brown:** And [Schedule] 2.

**The Chairman:** Continue.

**Hon. Walton Brown:** Sorry. Schedules 1 through 4. Sorry.

**The Chairman:** Mm-hmm.

**Hon. Walton Brown:** Clause 55 empowers the Minister to make regulations, subject to the negative resolution procedure, to prescribe forms, and generally for the purpose of giving effect to the Bill.

Clause 56 provides that the Bill binds the Crown.

Clause 57 provides for commencement by notice.

Schedule 1 sets out the prohibited degrees of domestic partnership. Paragraph 4 allows for an application to be made to the Supreme Court by two persons who fall within the prohibited degrees but are not blood relatives to obtain an order allowing them to enter into a domestic partnership. Schedule 2 lists the specified relationships by reference to the overseas jurisdictions listed, for the purposes of clause 37. Schedule [3] lists the enactments to which clause 50 does not apply. Schedule 4 makes consequential and related amendments.

**The Chairman:** Any speakers to [clauses] 55 through 57, and the Schedules 1, 2, and 3?

There appear to be none.

Minister, continue.

**Hon. Walton Brown:** Mr. Chairman, I move that the clauses and the Schedules be approved.

**The Chairman:** It has been moved that the clauses and the Schedules be approved.

Are there any objections to that?

There are no objections. Approved.

*[Motion carried: Clauses 55 through 57, and Schedules 1 through 3, passed.]*

**Hon. Walton Brown:** Mr. Chairman, I move that the Preamble be approved.

**The Chairman:** Any objections to the Preamble being approved?

No objections. Approved.

**Hon. Walton Brown:** Mr. Chairman, I move that the Bill be reported to the House as amended.

**The Chairman:** Any objections to that?

No objections.

*[Motion carried: The Domestic Partnership Act 2017 was considered by a Committee of the whole House and passed as amended.]*

**House resumed at 10:28 pm**

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

## REPORT OF COMMITTEE

### DOMESTIC PARTNERSHIP ACT 2017

**The Speaker:** Members, are there any objections to the [Domestic Partnership] Act [2017] with the amendments being reported to the House?

**Some Hon. Members:** Yes.

**An Hon. Member:** It's too late now.

*[Crosstalk]*

**The Speaker:** Are you calling for names?

**Mrs. Patricia J. Gordon-Pamplin:** Yes, sir.

**The Speaker:** I only see two—

**Mrs. Patricia J. Gordon-Pamplin:** No, there are three.

**The Speaker:** Stay on your feet.

**Mrs. Patricia J. Gordon-Pamplin:** Let's stand up.

**The Speaker:** You have your three?

**Mrs. Patricia J. Gordon-Pamplin:** We have three.

*[Crosstalk]*

**Some Hon. Members:** It's already been voted on.

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

**The Speaker:** Yes, go ahead.

**Hon. Kim N. Wilson:** Yes. I believe that the calling of names as according to May's has to take place whilst we are in Committee. And the Chairman was in the seat and indicated—

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** Mr. Speaker, the Chairman was in the seat and he asked [if there] were any objections. The—

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** Okay.

**The Speaker:** If I am following your line, then I would not have to ask whether it has to be approved when I come back in the Chair. Because when I come back in the Chair, part of my role before we move forward is to ask whether the House is approving it to come back to the House. So there is a second opportunity for that objection to take place. If they did not do it in Committee, they *can* do it here.

So we did have an objection raised. We had three Members stand up and they called for names. So now we have got to take a vote.

*[Inaudible interjections]*

**Hon. E. David Burt:** Point of order, please, if I could, Mr. Speaker.

**The Speaker:** Yes, Mr. Premier.

### POINT OF ORDER

**Hon. E. David Burt:** Could you just clarify, as this is the first time that we have had objections on the report of Committee in my time being here, so I just want to make sure that we all know what it is particularly that we are voting for.

*[Inaudible interjections]*

**Hon. E. David Burt:** Because the motion from yourself was, *Is there any objections to the report of the Committee?*

**The Speaker:** Is there any objection to the Bill being reported back to the House.

**Hon. E. David Burt:** Okay.

**The Speaker:** And there was an objection.

**Hon. E. David Burt:** Okay. So all I am asking—

**The Speaker:** So now we have to vote whether or not it should be reported back to the House.

**Hon. E. David Burt:** Thank you. Just want to be clear.

*[Inaudible interjection]*

**The Speaker:** With the approved amendments. Yes. So that is what the vote is. It is whether it gets reported back to the House.

**The Deputy Clerk:** You want me to ring the bell?

**The Speaker:** Yes, you ring the bell.

*[Pause for the ringing of the bell]*

**The Speaker:** When you are ready.

**The Deputy Clerk:** You are ready, Mr. Speaker?

**The Speaker:** Yes.

**The Deputy Clerk:** We will call the names.

### DIVISION

*[The Domestic Partnership Act 2017  
Report of Committee]*

**Ayes: 24**

Hon. W. Brown

**Nays: 10**

Hon. J. Atherden

Lt. Col. Hon. D. Burch  
 Hon. D. Burgess, Sr.  
 Hon. E. D. Burt  
 Hon. W. Caines  
 Mr. L. C. Cannonier  
 Mr. R. Commissiong  
 Hon. Z. J. S. De Silva  
 Mr. C. Famous  
 Hon. L. Foggo  
 Mrs. T. Furbert  
 Hon. W. L. Furbert  
 Mr. D. P. Lister III  
 Mrs. R. Ming  
 Hon. D. V. S. Rabain  
 Mr. S. D. Richards, Jr.  
 Hon. W. H. Roban  
 Hon. M. J. Scott  
 Mr. W. L. Scott  
 Hon. J. S. Simmons  
 Mr. S. Simmons  
 Mr. H. K. E. Swan  
 Mr. N. S. Tyrrell  
 Hon. K. N. Wilson

Mr. J. Baron  
 Hon. M. H. Dunkley  
 Hon. Dr. E. G. Gibbons  
 Mrs. P. J. Gordon-Pamplin  
 Ms. S. E. Jackson  
 Hon. T. G. Moniz  
 Ms. L. K. Scott  
 Mr. N. H. C. Simons  
 Mr. B. Smith

**Absent: 1**

Mr. M. A. Weeks

**The Deputy Clerk:** Okay. Mr. Speaker, I make it 24/10.

**The Speaker:** Yes.

**The Deputy Clerk:** The vote is 24 to 10. The motion is affirmed.

*[Desk thumping]*

**The Speaker:** With that, the matter has been reported to the House. It brings that matter to a conclusion.

*[Carried by majority on division: The Committee's Report on The Domestic Partnership Act 2017 was accepted.]*

**The Speaker:** We now move on to the next Order on the Order Paper which is [Order] No. 6, which is the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 in the name of Minister De Silva.

Minister De Silva, would you like to start your matter.

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

**The Speaker:** Thank you.

**BILL**

**SECOND READING**

**MISUSE OF DRUGS (DECriminalISATION OF CANNABIS) AMENDMENT ACT 2017**

**Hon. Zane J. S. De Silva:** I move that the Bill entitled Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 be now read for the second time.

**The Speaker:** Go ahead, Minister.

**Hon. Zane J. S. De Silva:** Mr. Speaker, I rise today to lead debate on a Bill entitled Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017—

**Hon. Trevor G. Moniz:** Mr. Speaker, point of order.

**The Speaker:** What is your point of order?

**POINT OF ORDER**

**Hon. Trevor G. Moniz:** I just wanted to ask if the Minister is going to share his brief with me?

**Hon. Zane J. S. De Silva:** No.

*[Laughter]*

**Hon. Trevor G. Moniz:** Mr. Speaker, it is really poor custom and practice. I mean, most Ministers have agreed. We always did; I do not see what the objection would be.

**Some Hon. Members:** Ooh!

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** I always did.

**The Speaker:** Well, I . . . you, I took your point of order [that] you raised. You asked your question; the Minister responded and we are going to move forward.

**Hon. Trevor G. Moniz:** I leave it to the Chair.

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

**The Speaker:** There is no way for the Chair to force the Minister because, as you know, the Standing Order does not have a requirement for the Minister to share his brief.

**Hon. Trevor G. Moniz:** No, no.

**The Speaker:** It is a courtesy. It would have been a courtesy if the Minister did it, but it is not required by the Standing Orders, so I cannot rule.

**Hon. Trevor G. Moniz:** Correct. I have seen the custom and practice had developed, Mr. Speaker.

**The Speaker:** Continue, Minister.

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

Mr. Speaker, it is amazing. I remember when I was sitting on that side, I remember many times we asked for briefs and we were told no. But, you know, the Honourable Member that just took his seat, I am sure, with his experience can make notes very quickly.

Now, Mr. Speaker, if I may continue. And I will start again.

I rise today to lead the debate on a Bill entitled the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017.

Mr. Speaker, the September 2017 Speech from the Throne states, and I quote: "The criminalisation of our citizens for minor, non-violent possession of cannabis is an open sore on our society, damaging the lives of hundreds of Bermudians, young and old. This is also an issue of fairness, as black people in our society are far more likely to be arrested, charged, and convicted for cannabis possession than white people. Given the dire consequences of a conviction for simple non-violent drug possession, the Government will decriminalise cannabis possession for amounts under seven (7) grams." (Unquote.)

Mr. Speaker, the Throne Speech further states, and I quote: "Despite the severity of Bermuda's penalties for illicit drug use, they apparently fail to deter criminal behaviour. Given that the behaviour is driven by addiction, punishments tend to be ineffective. Consequently, the Government has a duty to seek ways to reduce drug abuse and increase rehabilitation. The Government will publish a Green Paper for consultation to review Bermuda's drug policies to discuss options to reduce drug abuse." (Unquote.)

Mr. Speaker, as with our modern jurisdictions that have had to address the issue of cannabis, this is a stepping-stones process. We may not go as far as some places have, but there can be no question, we have to make some changes.

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

**Hon. Zane J. S. De Silva:** Mr. Deputy Speaker, as noted, the purpose of this Bill before us today is to amend the Misuse of Drugs Act 1972 to remove criminal sanctions for the possession of less than or equal to seven grams of the controlled drug cannabis; and to provide for drug education and treatment for minors found to possess any amounts of cannabis. This legislative amendment is being progressed in the interim while a full and complete review is being undertaken with the intent to publish a Green Paper for consulta-

tion to review Bermuda's policies and potential legislation by July 2018.

Mr. Deputy Speaker, Honourable Members will be aware that in February 2017 the Director of Public Prosecutions introduced a Cannabis Caution Policy, which applies in respect of seized cannabis that has a weight of less than three grams. Under the policy, a caution can only be given when an offender admits possession of seized cannabis. And only when no other controlled drug is seized from the offender in connection with the arrest of seized cannabis. What we are considering here today, Mr. Deputy Speaker, is a more certain pathway to avoidance of criminal sanctions; that is, by way of legislative amendment. If this Bill is passed by the Honourable House today, and ultimately by the Legislature as a whole, it is my view that the Cannabis Caution Policy will no longer be necessary.

Mr. Deputy Speaker, it is important to underscore that this Bill does not sanction cannabis use. And it is certainly not intended to encourage young persons under the age of 18 to use cannabis. This is an important point as I am aware of the view that some may have; namely, that allowing a person to possess small amounts of cannabis without criminal sanctions means that consumption of cannabis will increase. This is conjecture and is not supported in fact. Parental responsibility must remain in the hands of parents, using their best judgment and the best information that is available to them. Furthermore, the Bill does not change the power of the police to seize cannabis from any person, including young persons as currently provided for under the Misuse of Drugs Act 1972. Rather, in relation to minors, the Bill provides for drug education and treatment for minors if they are found to possess any amount of cannabis.

The benefit of the decriminalisation approach outlined in this Bill is that a minor cannot be arrested, hauled before the courts, and subjected to criminal prosecution for simple possession of seven grams or less of cannabis. Consequently, Mr. Deputy Speaker, it is our belief that in the interim whilst a Green Paper on policies to reduce drug abuse is being developed, the passage of this Bill will help to prevent more young black men from being placed on the stop list and have their lives completely altered by virtue of not being able to travel to the United States to pursue further education.

Mr. Deputy Speaker, let us dwell on the issue of education for just a few moments. Our purposeful, targeted, and aggressive education campaign is going to be essential as we move forward, especially in relation to young people and drug use and abuse. For example, education around health risks associated with the substance abuse in adolescents. This Bill provides for the Minister to make regulations regarding substance abuse education for any person, generally, and specifically in relation to minors who are found in possession of any amounts of cannabis.

Mr. Deputy Speaker, regulations will be laid in the House at the next sitting that will include for a greater education among the general public about drug use and abuse and educating minors about the dangers to them of cannabis abuse. We know that part of the mandate of the Department for National Drug Control is to reduce drug abuse through education. But the development of a Green Paper on policy options to reduce drug use must examine alternative ways to implement more effective drug education.

Mr. Deputy Speaker, during the process of educating minors about drug use and abuse, I believe we must give young people the complete story. On the one hand, we must share with them scientifically proven health and social effects that many Honourable Members have spoken about before in this House. Namely, that adolescents that consume cannabis early, or on a prolonged basis, have more social problems; for example, difficulty in interacting with family and friends, and have a higher risk of mental illness. For example, mental health issues such as psychosis, depression, anxiety, schizophrenia, and suicide.

On the other hand, we must also educate our people, especially minors, so that they understand how easy it is for them to be arrested. And in the case of many of our young black men, disproportionately arrested, brought before the courts and put on stop lists, resulting in travel restrictions being placed on them and ultimately restricting their educational or employment opportunities. Our remit, as delicate as it may be, will be to save our young people from more immediate social and health impacts and dysfunctions, while at the same time, saving them from a lifetime of shattered dreams and missed opportunities.

Mr. Deputy Speaker, it is important to note that the discretion of the DPP [Department of Public Prosecutions] to prosecute people in an increased penalty zone remains the same. Mr. Deputy Speaker, with regard to this Bill and international treaties, the Government takes a view that this Bill will in no way offend our position on any requirement or agreement in relation to any international obligations Bermuda may have. Indeed, the US, the UK, and Canada, particularly, have all modified or even fully legalised their legal position on the criminality of cannabis possession, supply, and use.

Mr. Deputy Speaker, in our assessment, this Bill will not impact at all on all of the unlawful supply or consumption of cannabis as it does not legalise either of these elements. What it does do is face the stark reality that a large percentage of our population are regular users of cannabis and that for far too long people have suffered the draconian penalty of travel restriction for minor amounts of possession.

Mr. [Deputy] Speaker, the intent of the proposed amendment to the Misuse of Drugs Act 1972, is to show people of this country that the Progressive Labour Party will lead, the Progressive Labour Party will take action, the Progressive Labour Party will do

what is necessary to bring fairness to the black men in this country.

Mr. [Deputy] Speaker, we are tired of hearing the most upsetting stories [of] how some of young fathers who cannot go away to see his child play in a sporting tournament, or his child's graduation, due to a conviction for simple possession many years ago. Mr. [Deputy] Speaker, many have been obstructed for years of real opportunities to improve their lives. Mr. Deputy Speaker, this Bill is about fairness and righting a wrong that has long plagued our black men in particular. And it is my hope that this Bill will be supported by the entire House, and therefore provide opportunities for many future generations to come.

Mr. Deputy Speaker, when the PLP lay out initiatives in our Throne Speeches, let the public be aware that they will be executed, and they will be completed. In other words, Mr. Deputy Speaker, a promise made and another promise kept. Thank you.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

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

Before we recognise the next speaker, I would just like to acknowledge the Senator Anthony Richardson in the Gallery.

*[Desk thumping]*

*[Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017, second reading debate continued]*

**The Deputy Speaker:** The Chair recognises the Honourable Trevor Moniz. You have the floor, Mr. Moniz.

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

Mr. Deputy Speaker, just to bring us down to earth a little bit, I believe this is the same Bill that the House passed before the general election, so it is not some fantastic new promise or bells and whistles. This is the same Bill. I think we are generally agreed, you know, it was fully supported in the House when we voted before the general election, but it did not get to go to the Senate. We had the election, so we had to start over again.

There are some issues, just to bring a little bit of reality to it. There are still outstanding issues, particularly in respect of . . . at that time the Progressive Labour Party was saying that they thought that issues to do with drugs and drug control belong with the Health Ministry. So we were somewhat surprised when they were shifted to Social Development and Sport. It did not follow what the previous thinking was, so clearly something has changed. But let me just say that when I was the Attorney General, when we were

struggling with this Bill earlier, you remember there was a Government Bill, there was a Private Member's Bill that I think the Honourable and Learned Member Michael Scott put forward in the House. And there were some substantial changes to it. I think that was the eventual—

**Hon. E. David Burt:** Point of order, Mr. [Deputy] Speaker,

**The Deputy Speaker:** Point of order.

#### POINT OF ORDER

**Hon. E. David Burt:** Just for the sake of clarification for the Honourable Member, there was not a Private Member's Bill. There was an Opposition Bill.

**The Deputy Speaker:** Thank you.

**Hon. Trevor G. Moniz:** That is fine. That is fine; I accept that answer, Private Member's Bill, from that Honourable and Learned Member.

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** It was an Opposition Bill that was tabled by that Honourable and Learned Member.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Yes. Sorry, sorry, sorry. I misspoke there. It is getting late and, you know, we are all a bit tired.

But there are a number of issues. You know, when I was faced with this, as the Attorney General, there was a lot of resistance within ministries within Government. There was tremendous resistance within the Health Ministry. There was resistance within the DPP's Chambers. There was resistance within the National Security. There were people who saw the risks that were attached to the idea that we were approving cannabis. So a lot of people in the black community saw the risk that drugs had for black males.

So on the one side, while you say, *Oh well, there is a risk of being caught and being convicted*. On the other hand, there is the risk of dependency and addiction. And we found a lot of people who dealt with that area of health were concerned about the dependency and addiction that these sorts of illegal drugs produced in people, particularly young people. And we discovered that there was a severe gap in the diagnosis, in particular of young people who have drug dependency issues. I am talking young—between the ages of 10 and 14, or up to 16—that there was a real issue with respect to the diagnosis and treatment of young people.

When I talk about it, I am not just talking about illegal drugs, of course. I am talking about alcohol, as well. And that there was a big gap in the system that needed to be plugged with respect to those adolescents who are most at risk because it looks like such an attractive lifestyle which can lead them into a very dark place.

The Minister spoke of draconian penalties, but there are really no draconian penalties anymore. The draconian penalties are long passed. I was telling a colleague today, I remember being on the radio and talking on the issue of drugs while we were Government and someone called in and said, *You know, it is terrible. I am on the stop list. I had a conviction a long time ago for possession of a very small amount of cannabis. And it was just for personal use. I was convicted and now I cannot go to the United States*. So I said, *Well, okay, how much cannabis was it?* He said, *It was two pounds*.

*[Laughter]*

**Hon. Trevor G. Moniz:** So, I said, *Well, you know, that was probably deemed to be for supply*. So that is the difficulty there.

And so what has happened here is when I spoke to the Director of Public Prosecutions and his officers, I was assured . . . and by the police as well, we met with the police, that you will not find many recent convictions for small amounts of cannabis, that they have been giving these cautions for quite some time, either on a formal basis or on an informal basis. So I kept my eye out for them, and over the last couple of years I really could not find any for small amounts. But every now and then you would find one. It was usually tagged to another offence. And one of them I saw was an interesting one because this guy was stopped, and of course what was he doing? Well, he was smoking a spliff as he was driving along in broad daylight and he was driving behind a police car.

*[Laughter]*

**Hon. Trevor G. Moniz:** Or they were behind him, so they could smell him smoking the spliff. And at the same time, he was speeding or driving erratically, so he was really stopped for his driving and then he was committing this other offence. So he went to court for the offence of the possession of cannabis, rather than the specific offence of smoking cannabis while you are driving a motor vehicle.

I think if you look, at all these myths about recent convictions with draconian penalties, it is simply not true. Now, it is true that some people are haunted by *old* convictions and some of the old convictions are for more serious offences. But I perfectly agree that there should be a point in time when you can put those behind you, and there has been some difficulty in discussions with the US Consul with respect to

people being able to put those offences behind them and being able to travel freely to the United States.

Now, the way the US Consul has addressed that is [that] they had an officer appointed who . . . it became more his responsibility to deal with waivers, so the people who were on the stop list could travel. So you had to apply for a waiver, and then a waiver would be good for a certain period of time. And waivers have been much easier to get with those people, generally speaking, who had *old* convictions, not *new* convictions. So those are some of the things we had to deal with.

In terms of the . . . I think the Minister said that he intended to have a review of the drug criminal legislation to be produced to the House, so by July of 2018? Am I correct in saying that, Minister?

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Yes. Thank you.

There are other areas where there were problems and one of the areas is the area of increased penalty zones. You will recall that we established increased penalty zones, I do not know, maybe 20 years ago, around schools because we found people were selling cannabis to school children and it is one of the issues.

The difficulty is that the way we establish them is we said that the increased penalty zone is within a, I think it is a half-mile radius of a school. But the police have said to me, *Well, if you do a half-mile radius around every nursery school and every primary school and every middle school and every senior school in Bermuda, it covers the whole of Bermuda. There are only very small gaps between all of those circles.* And generally speaking, what happens then is that the increased penalty zones are not really implemented. They are not applied unless it is a really obvious case. But what happens is that [there] is then disrespect for the law. The law should be accurate and it should be enforced and it should be enforced consistently.

I would ask the Minister to take under advisement having a look at more realistic increased penalty zones if we are going to have increased penalty zones. I do not know how often people actually receive an increased penalty because of the increased penalty zones.

*[Pause]*

**Hon. Trevor G. Moniz:** [I am] just having a quick look at my notes.

**An Hon. Member:** Want a magnifying glass?

**Hon. Trevor G. Moniz:** No, not really.

Now, he talked about the other areas, you know, the Act provides for regulations. That provision

was put in there about regulations for education, but there is nothing in there grounding any form of framework. So normally if you are going to have regulations, they are only going to . . . again, you are going to need a penalty attached. And normally if you have a penalty attached to something, it is going to be in the primary legislation, not in the regulations.

So, in other words, if you say to a young person, *All right, you have to undergo some education*, there needs to be something to force them to do that. Unless you are simply going to say, *You are going to come back and face the criminal penalty for the original action.* Because, you know in a lot of cases, if you require young people to do things they like to not do them. So there may be some . . . you may have to come back to the House, I would suspect, to have further amendments to the Bill itself in due course when you want to table those regulations that provide for substance abuse education for any person and, in particular, any minor found in possession of any amount of cannabis.

Those are the comments I have, Mr. Deputy Speaker, and I thank you.

**The Deputy Speaker:** Thank you, the Honourable Member, Trevor Moniz.

The Chair recognises the Minister of Education, Diallo Rabain. Mr. Rabain, you have the floor.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Deputy Speaker. The Member that just sat down—I thank you, Mr. Moniz *[sic]* for bringing this Bill.

Mr. [Deputy] Speaker—

*[Inaudible interjection]*

**Hon. Diallo V. S. Rabain:** Minister De Silva.

*[Laughter]*

**Hon. Diallo V. S. Rabain:** Mr. Deputy Speaker, you know, in November 2013, the One Bermuda Alliance . . . I believe it was November or October 2013 the One Bermuda Alliance launched the Cannabis Collaborative Reform Committee. And it was done to examine exactly what we are talking about today in 2017.

That report was—that much vaulted report—was finally brought forth in May 2014, debated in this House. And then, as we have become quite used to with the One Bermuda Alliance, nothing was done. Nothing was done. Very minimal. And do you know what? I will take that back, Mr. [Deputy] Speaker, because a few things were done, but they were very minimal. Minimal things were done. And very little progress was made on that topic of cannabis reform.

If we go back to that report, Mr. Deputy Speaker, much of the conclusion talked about the impact cannabis had on specifically young black males in Bermuda. And the recommendation from everyone

who was on that [committee]—and they were all appointed by the former Premier to sit on that [committee]—the recommendation was that we need to hastily move towards decriminalisation and, in some cases, legalisation.

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

**The Deputy Speaker:** Member, Honourable Dunkley—

#### POINT OF ORDER

**Hon. Michael H. Dunkley:** They were not appointed by me. They were selected by the members of the group.

**The Deputy Speaker:** Carry on, Member.

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

But speaking of that report . . . and we all read the report. And the report spoke to how small amounts of cannabis had been used to convict young men, and young men were paying the price for many of those convictions years and years later. It also spoke to how convictions for small amounts of marijuana were disproportionately weighted against young black males versus young white males, and people were paying prices for something that was deemed that we should very quickly move towards decriminalising. But, as I said, Mr. [Deputy] Speaker, once again, nothing was done towards that.

Now, the MP that spoke before me spoke about convictions these days not being that big of a deal. And he spoke about reviewing convictions because of the [Cannabis] Caution Policy. And he noted that, you know, it was very seldom that you would find people convicted for small amounts of marijuana, Mr. Deputy Speaker. But, Mr. Deputy Speaker, I put this forward: that statements like that represent the disconnect between Members of that side and the average Mr. and Mrs. Bermuda.

Mr. [Deputy] Speaker, just today I was speaking to a fellow MP who was talking about a man who had been convicted in the 1970s, and we are now in 2017 and that conviction for a spliff still follows him today.

Mr. [Deputy] Speaker, just two weeks ago I wrote a recommendation letter for a young man from Devil's Hill so he can get a waiver for being caught with a small amount of marijuana. So, you have to feel this to know what it is like, Mr. [Deputy] Speaker, to our people. So, for anyone to stand up and have those types of statements, Mr. [Deputy] Speaker, just shows the disconnect that is there—the disconnect between what is going on in this world and what goes

on in the world where people like me are known as “boys.”

*[Inaudible interjections]*

**Hon. Diallo V. S. Rabain:** Now, Mr. Deputy Speaker, as the previous speaker said, when this was discussed, when the Collaboration Bill . . . when the Cannabis Collaboration Bill *[sic]* was discussed, everybody was saying what a great . . . not Bill, but report, everyone was saying what a great report this is. Yes, I understand it. Everybody got up, talked about how I smoked weed when I was younger and, yes, we need to move towards decriminalisation. Some even talked about legalisation. But again, nothing was done. Again, it was brought by the PLP as an Opposition Bill. And what happened? The Government submitted a Bill—tried to submit a Bill—just ahead of that.

So, Mr. [Deputy] Speaker, you know, we have got to move away from this. This, you know . . . I only support something if I am doing it. I thought we were here to do things, what is best for Bermuda as a whole. I think that is what we are supposed to be here doing, Mr. [Deputy] Speaker. So even when we spoke about the Decriminalisation Bill, we had the same thing. Everybody said, *great Bill, great Bill, great Bill*. But, Mr. [Deputy] Speaker, let us speak to the crux of the Bill, and that is to prevent the [excessive] prosecution of people for small amounts of marijuana and make it legal.

Right now, it is a Caution Policy, which is up to the policemen to make that determination. What we want to do is put something enshrined in law to make sure that small amounts of marijuana cannot result in convictions that can inherently hurt someone's future in this country, because, Mr. [Deputy] Speaker, these penalties have always been more punitive to blacks than whites. And that is something that we can all agree. We could all agree to that.

You know, we have lots of bright young people out there who make indiscretions and, you know, I find it very difficult to swallow that you can be caught with a spliff and potentially be banned from travelling from this Island, and also be caught doing a more serious crime and not receive that type of penalty. It just does not seem fair. And it seems like something that we need to address. And we should address it right away.

I mean, we all know that these types of laws have been draconian and need to be modified. And I know this Bill is not a perfect Bill, as the Minister stated. But it is a step in the right direction, and I look forward to this Green Paper that will come later on in 2018. And I can guarantee the listening public and the Members of this House it will not be over four years gone by before we address this issue once that Green Paper is submitted.

It has been over four years since the Cannabis Collaboration Reform Report was submitted and

very, very little has been done. This Government will not sit by and allow these types of things—especially when it will do so much to enhance the lives of our people—to sit on the shelf and do nothing, Mr. [Deputy] Speaker. This is the type of thing that this Government is committed to do to benefit all of Bermuda and not just a segment of Bermuda as we heard last week.

So, Minister De Silva, I thank you for bringing this Bill forward. I appreciate you for bringing this Bill forward and I know that we will make this happen, Mr. [Deputy] Speaker. This will be something that will become reality and the people of Bermuda can take that to the bank.

Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you, the Honourable Minister of Education, Diallo Rabain.

The Chair recognises the Honourable Member Baron from constituency 25.

**Mr. Jeff Baron:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, let me make my position very clear. I support this Bill. I would like to thank the Minister for bringing this forward, and I would like to touch on a few of the themes that were present throughout his briefing and ask a simple, but, I think, poignant question for the Minister to answer during his wrap up.

The theme that is very clear is race. This is an issue that is soaked in race. There is absolutely no one who can stand here and use statistics or any stories, or discussions with constituents, that know that there is not a disproportionate number of young black males in Bermuda who are going through the criminal justice system at a much higher rate.

A month ago I mentioned the statistics from our corrections facility. When you have 192 people, Mr. Deputy Speaker, who are incarcerated today . . . this has nothing to do with drugs alone, but when you have 192 people who are arrested or incarcerated today and only five of them, six of them, are Caucasian, three of them are ex-pat Caucasian, which means three are white Bermudians, we have a problem systemically. So, yes, that theme is absolutely correct. And, will this matter? Will this Bill make a difference? It will.

It will, but we have to make sure that we temper our expectations. And, also, when we are discussing expectations, we have to be very clear-eyed about some of the nuances with this piece of legislation, and the practicalities of policing in Bermuda will impact this. For instance, and I am not trying to be the dark cloud, negative person here, but this would be a reality and a conversation through the DPP. Because, of course decriminalisation of certain amounts, et cetera, has been a conversation for some years. In my conversations with members of the prosecution, with other members of the public safety sector, there is a certain nuance regardless of the amounts that you have

in your possession. If you have, let us say 5 grams, if you have 4 grams of cannabis, or plant-like material that they will be seizing, they will be testing and weighing to ensure that it comes under this law. That is not just a black and white piece of law that says you are fine because it may depend, Mr. Deputy Speaker, on how you are carrying it—how you have bagged it up. How you have, potentially, mixed it with other drugs. If that is deemed by the prosecution to be intent to supply, it need not be over a certain weight.

So, while I support this Bill 100 per cent because of the spirit, and it marches us forward towards legalisation—which is probably a bridge too far for people here—we need to have that conversation someday. While I support this, Mr. Deputy Speaker, what we have to do is be realistic with the general public who are now saying, *I am a recreational user or I know it is not legal*—because it is not. It is still an illegal substance. It is still a controlled substance. But we are decriminalising to avoid this, or impact in a positive way the disproportionate number of people who are caught and ensnared with our public safety sectors, in our laws.

So I offer that as a practical reality in that it is all depending on some of the nuances—how and where the drugs may be. Again, it may be under the 7 grams, but if it is bagged in a certain way it may be deemed by the prosecution to be intended for supply. So, there are certain nuances we must be aware of.

We talked about disproportionate arrests—stop lists. Stop lists are a major issue. It is something that I also take very personally as well. I have members of my family who are on the stop list and have been on for decades for something as simple as a spliff. However, what we have to appreciate is that the issue of stop lists has always been extremely opaque.

When trying to peg down the US Consulate for a specific answer, it is often very difficult. It is very, very difficult. And, so if you are caught or you are arrested or on suspicion of your plant-like material being maybe, 6, 7, 8 grams, not sure, or if it is bagged a certain way and you are charged or you are put in court, depending on what it is, or you are not, it is still a police event. The police will still take your name. They will still seize it, and it will still be tested and it will still be analysed by government analysts. It will still happen. That will still be a massive event which could potentially be given or brought to the attention of the Department of Port Security for the US Consulate.

It may still happen. It is that opaque . . . and I am looking for answers, too, because I want to know. This is a foreign policy issue, yes. We do not want to trample on any agreements we have with pre-clearance with the US, with the UK. But you know what? The trade-offs are pretty tough because when we are telling Bermudians that, *Look we have got this pre-clearance thing, it is great, but you are going to have to go on the stop list because you smoke a joint every*

*once in a while and you got caught.* That is a tremendous trade-off which, frankly, I am tired of watching.

So, while there will be a positive net impact because of this legislation, I also offer a caution . . . and a specific question to the Minister is, Can he inform this Honourable House of any confirmation that you have sought or received from the US that this will prevent denial of entry . . . if there is any conversation?

I have attempted to have those conversations. Again, the answers are rather opaque. And, I think purposely so because the US Consulate is not in charge of border security, Mr. Deputy Speaker. But it is an issue of nuance. And what I am only offering to us tonight are two specific things: my support for this Bill, the support for the spirit of the Bill, but also a little bit of reality because sometimes in some certain situations the 7 gram weight is not going to matter depending on the nuance of the case. And I offer that to the listening public because that is important.

What I do not want to hear in three months is, *My parliamentarians failed me. I got caught with 4 grams and now I am going to court. I feel like this was a fraud. Why am I going to court now?* There are very specific things that may or may not occur.

Now, on a whole I support it because I do believe that the net effect will be positive. It will absolutely be positive and we will start to see some minor tweaks in some of those conviction rates. Although there has been a Caution Policy, it is somewhat a bit informal. But also, you know, looking forward as well these are types of policy decisions and legal decisions that force our public safety sectors to really look inwards because of an implicit bias that officers have had for years and years and years.

And I do not mean that in any personal way, Mr. Deputy Speaker, but it is shown statistically throughout global police services that the way in which they do policing, particularly from the 1960, 1970 models, there is an implicit bias. And that is not ending in favour of persons of colour. So, clearly, we have these statistics here today. Clearly, they are reality, and I only offer this feedback and those two cautionary tales regarding the weight and how it may be bagged and the personal usage versus potential sale in the eyes of the prosecution and the stop list question.

I just want to know if the Minister has had any conversation, and hopefully confirmation, from the US how this might impact or how this would prevent denial of entry. Because the denial of entry is the large issue for Bermudians, and we hear that all the time. And sometimes the US will deny that there is even a stop list. You ask them. You will call, and they will say, *We do not know what you are talking about. We have a Homeland Security—we do not, of course, release that information because you are not privy to our Homeland Security information that is intelligence driven.*

So, I offer these comments, Mr. [Deputy] Speaker, for the Minister in attempts to assist and advance this conversation because I support this Bill.

Thank you very much.

**The Deputy Speaker:** Thank you, Honourable Member, Mr. Baron, from constituency 25.

The Chair recognises the Honourable Minister Wayne Caines from constituency 14.

**Hon. Wayne Caines:** Thank you, Mr. Deputy Speaker. I am a former prosecutor.

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

**Hon. Wayne Caines:** I spent over seven years in Bermuda's Department of Public Prosecution. As you know, Mr. Deputy Speaker, for a very long time in my professional career, I had charge over offences that dealt with sections contrary to the Misuse of Drugs Act 1972.

I have three quick stories that I want to share with you, Mr. Deputy Speaker. I had a lot of conversations with Minister De Silva around this Bill. I was not a Member of Parliament when it was discussed on the last occasion. I have come into this with my personal views based on my personal circumstances, based on the people in my neighbourhood, based on the people that are in my life. And so I see this thing from a lens—not only from what we are doing today but from a community of which I am a member.

The first story: My daughter is graduating (or hopefully will be graduating) from university in May. There are two other Bermudians at her school that will be graduating. And so as you do as parents, we are preparing for this graduation and we are getting ready for the trip and we are starting to book tickets. And their dad says, *I do not know if I would be able to go.*

I said, *What happened?*

[He said,] *Well, I am going to have to go through England.*

I said, *Stop. What is the challenge?* Number one, he was embarrassed. He was humiliated. He shared with me that he had not been to America since 1977. So, I thought, maybe he was a murderer! I thought maybe it was some form of rape. I was concerned, because he had been kept from travelling to America since 1977!

So, I have this conversation with him and he tells me that he committed an offence. Now, he is embarrassed. He has turned his life around. He has a child. He is now a Christian man. So, I asked him what was his offence and he tells me that he got caught with one spliff when he was 21 years old. This man now umpteen years later cannot travel. Every time he seeks employment he has to fill out the section on the employment document, *Have you had a criminal conviction?* He has to say yes. *Have you*

*been arrested?* He has to say yes. Immediately as a black man in this country, his prospects are limited.

I started to think about my circumstances. And, Mr. [Deputy] Speaker, I have never smoked marijuana. It was not something that was in my sphere. But this Bill is not about me.

My second story: I am just finishing Cup Match and it is about nine o'clock on a Friday night and we are just getting in our bed, and I get a call. *Wayne, I need your help. My 17-year-old son has been arrested. I can't talk about it over the phone. Can you help?*

Now, you know those conversations where they cannot talk about it over the phone. I said, *Where do you want me to meet you?*

She says, *At the Hamilton police station.*

I put on my clothes, I drive feverishly, and I get to the Hamilton police station. This young man is 17 years old. I see the charge sheet. He is charged with possession of a controlled substance contrary to section 6(3) of the Misuse of Drugs Act. I look at it. They do not have an amount. They tell me that they are going to "caution" it. They take this 17-year-old man with an erstwhile clean record, private school, both parents employed in IB. They take a young man who has obviously made the dumbest mistake of his life. They take him; they are holding him in Hamilton police station with the hardest of hard criminals. He is fingerprinted. They take his DNA for analysis—

**An Hon. Member:** Yes.

**Hon. Wayne Caines:** They hold him there for hours. His whole life is changed.

Now, at the end of it, it was less than 2 grams. But guess what, Mr. Deputy Speaker? He was released on police bail because the drugs had to go abroad for analysis . . . excuse me, it had to go to the government analyst for analysis.

So they could not just look at it and say it is within the certain framework, they had to release him on bail. They released him on bail. He is due to go back to private school. Yes, he is in a boarding school abroad. Guess what? He cannot return to school.

This whole thing, when it comes back, they take him and give him the caution and he now has what we believe is an erstwhile clean record. His name is in the global database. His fingerprints are on file. He has been kept in the police holdings overnight—not overnight, for a long duration of time. Now, I get it. He has made a difficult mistake. But which one of us in this room has not?

My third thing is, as you know, Mr. Deputy Speaker, I was recently diagnosed with prostate cancer. As I am going through this process, they say to me there is something I can use to help you me through this process. Now remember, I come from a frame of mind—we do not touch marijuana. I am now forced not only to look at this from a different perspec-

tive, I am forced to look at this from a social perspective, from a scientific perspective and how this is affecting my family and my friends.

So last week when I talked to Zane and we went through this and we discussed it, and he shared his thoughts and his belief in it, I shared with him my concerns. *Zane, 7 grams is a lot.* He shared with me what we will be doing and what we would be putting in place and he talked to me about the Green Paper—the opportunities for education and young people in our community—all the safeguards that we put in place. I get it. I know it is not perfect, but I can see the thought process.

So what I am now forced to do . . . I am forced to balance my puritanical view with what is happening socially in our country.

Now, you look at this from two sides of the spectrum. A black young man smoking . . . his mom is going to say to him, *Get that stuff out of my house and don't you smoke anywhere in this house.*

A white Bermudian family is going to say, *Don't you smoke that on that street—you go out in the pool house and you and your friends smoke here so I know where you are, so I know that you are safe.*

The nuances in our community are so stark in contrast when you look at them. So, when we are talking about a utopia . . . when we are talking about just looking at this purely from a black man perspective, we expect everybody to do that which is right. The thing that is not on our side is history. The majority of the men that had the first interaction with the members of the Bermuda Police Service are either from riding or from getting stopped with drugs. This is a cyclical process where our young men find themselves with an arrest record, not able to travel, not able to get prime employment. So, what happens? The slippery slope to antisocial behaviour is given a pathway; it is given a plan. This is not something that we all have [only] heard. This is what we see in our community.

I am now looking at this legislation. In the back of my mind to my party I have to consider the social implications. There are a lot of young men just getting high. We have to understand that. In the back of our mind when we had this discussion we talked about young men who are spending their rent on marijuana, and we understand that, as a country, we have to deal with those social elements. I believe, after talking to Brother Commissioning, I do not think that people oftentimes just smoke it because they want to get high. There are certain pressures in this country that people are trying to escape from. And whilst we make no excuses for them we have to look at things like making opportunities fairer, giving people responsibility.

If young people are on the road to drug addiction in any of its forms—which includes alcohol—we have to make an opportunity in this country for people to get healed. We have to hold up our young men and

hold them accountable. I do not expect for anybody to leave this room and believe that it was agreed that it is open season to smoke marijuana in this country. Let us understand that this will have a negative effect if we do not do the proper education campaign. If we do not have the proper discussions . . . we can want to save the black men all we want, but if we do not do what we said we were going to do with the education campaign, making sure that our children understand it, going into the schools, making sure the police have the correct policy, it is all for naught.

So, I believe that this Bill is a step in the right direction. I do not believe it is a panacea. I do not believe it is a catch-all. But I believe that we are on the right road. I commend our Minister De Silva for being brave for dealing with me all this week—my emails, my hard conversation. But I believe in the end, as brothers and as men, I can stand up and say to you, Mr. Deputy Speaker, I believe Bermuda has a past. I believe that we can work through it. I believe that if we understand the nuances of this Bill with what it looks like, as Mr. Baron said, I think we have the opportunity to balance our society—not just with this.

See, Mr. [Deputy] Speaker, when people look at what the Progressive Labour Party is doing, you cannot look at this legislation in a vacuum. You have to see what we are doing with gangs. You have to see what we are doing with the living wage. When there is an amalgamation of all of these actions, of all these movements, you can see where we are trying to make this community hope. And that is the objective. Not to have free marijuana on the street. We understand the social implications, the social history, the tapestry, and all of the things that we promised the people of Bermuda.

We are simply trying to make this a better country; a better place to live in. More opportunities—opportunities for our young men to thrive, and to strive, and we have to do that. Mr. Deputy Speaker, I believe this is a step in the right direction.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, the Honourable Member Mr. Caines from constituency 14.

The Chair recognises the Leader of the Opposition, Ms. Atherden.

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

I want to say that we on this side obviously support this Bill. And I remember when MP Moniz got up and talked about word had progressed that at the time it was discussed, the last time, the question that arose was where should it be positioned because there was a real concern with respect to young people and at the time we were actually trying to make some amendments on the floor to talk about education and what would happen with young persons.

So, when the Minister came to talking about what we need to do with young persons in terms of educating them, and the very fact that I know back then I had a lot of discussions with the CMO about what was the right amount that we should say that if you had it, it would be okay with respect to not having any sort of criminal conviction or being able to have a cautionary policy, because at one stage you had the police saying 3 grams and the belief that it should go up to 7 and the concern that in between . . . 7 was sort of the amount that would be deemed almost for supply, and were you, by moving it up to the higher level, almost make persons who were supplying it just figure out a way to come under that level and therefore avoid it. So, I am really pleased to see that it is making it absolutely clear that regardless of the amount that if the police believe it is for intent to supply, then they have the ability to go ahead and not have any waiver in terms of not having, you know, not having a conviction.

But I do think that what Minister Caines had said . . . it is absolutely essential for us to recognise that doing this we cannot be sending a message to anyone to say that you are getting a pass, because we have known all along that, especially with the young people, the use of drugs has a really significant impact on them in terms of their development and, later on, their ability to be able to develop all that they can because we want all of our young persons whether they be male or female to be able to achieve their highest possibilities.

And so I just want to say that we support this and as we go forward we will be looking forward to the Green Paper which I understand the Minister said will be out in July. So we will be looking forward to that because, as I said, we will be looking forward to seeing all the information with respect to the education and what we will be doing to try and turn around and achieve all the goals that have been listed here.

Thank you, Mr. Speaker.

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

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

Does any other Member wish to speak?

I recognise the Honourable Member Commissioning. Honourable Member Commissioning, you have the floor.

**Mr. Rolfe Commissioning:** Mr. Speaker, during this short debate thus far, it has been very gratifying. I am in full accord with the Minister here, but I was really pleased by the comments of the Minister of National Security—

**An Hon. Member:** Former Minister.

*[Inaudible interjections]*

**Mr. Rolfe Commissiong:** Our Minister of National Security.

**An Hon. Member:** Sorry about that.

**Mr. Rolfe Commissiong:** It's all right.

*[Inaudible interjections]*

**Mr. Rolfe Commissiong:** So, Mr. Speaker, the last time there was consideration of this matter, that being the decriminalisation of 7 grams or less of cannabis, I, along with many others here, had some reservations in supporting the Bill then, in the last Parliament.

For me, it further confirmed that at least on this side of the aisle we remain committed to treating this issue as a public health issue rather than one that is a criminal justice issue. We think that is important. But there is a legacy that has been established in our own party (and now Government) that actually goes back some time—at least a decade and a half.

If you remember, we had the late Nelson Bascome, who was Minister of Health. And Mr. Bascome and I used to talk quite frequently about issues such as this. And it was the late Nelson Bascome that first articulated this change, this shift in priority, again from treating the consumption of illicit substances as a criminal justice issue to transition it where we as a society and, more specifically as our Government, addressed this as a public health issue. I believe this Government, in line with that philosophical shift that occurred a decade and a half ago and which has re-emerged now, is committed to that approach and I am very happy about that.

Mr. Speaker, I would just like to share the following quote from a <sup>12</sup>CNN article on the war on drugs, and this is by a writer, a columnist for CNN. He started out by quoting something from the great American writer, H. L. Mencken. "In 1925, H. L. Mencken wrote an impassioned plea: 'Prohibition has not only failed in its promises but actually created additional serious and disturbing social problems throughout society. There is not less drunkenness in the Republic, but more. There is not less crime, but more. . . . The cost of government is not smaller, but vastly greater. Respect for law has not increased, but diminished.'"

He was referring to the Prohibition against alcohol that had a brief run, I think, for about a decade or more in the US. Certainly, we can transpose those comments to today on what I would call the failed war on drugs.

Now, if we do believe that the war on drugs has failed, after trillions of dollars in multiple countries including Bermuda over the last half-century, then I think coming back to my original proposition. We can only encourage this Government to continue to move

in the direction of treating this as a public health issue. Certainly, those—and I respect the views of others—who would be opposed to this measure (and we indeed know they are there) need to understand what is the alternative. What they are really saying, with all due respect, is they want to maintain the criminal justice approach to dealing with this issue. They want to maintain our commitment to the current status quo—which is not working.

And I know it is an often-used stereotype of late, especially since the ascendancy to the Presidency of Mr. Barack Obama, who has now passed through to private life, but if you can remember what he said the definition of insanity is, he said it is to keep doing the same thing over and over again and expect different results. And so, if you want to continue a failed war on drugs, maintain the status quo. If we want to move to a more healthy orientation, then join us in doing so. And I say "join us"—I am talking about a community effort—the Opposition, even members of my own party, in backing this approach.

Mr. Speaker, there are, of course, understandable fears concerning this move. Some will view it as the opening of the Pandora's Box. I just had access to an article on what is called [NORML](#)—it is a pro-cannabis website, but somewhat fairly respected in the US. The issue was "[Marijuana Decriminalisation and Its Impact on Use](#)." Let me, if I may, Mr. Speaker, just share a few—

**The Speaker:** Go ahead.

**Mr. Rolfe Commissiong:** —quotations here from this magazine article.

"The available evidence suggests that removal of the prohibition against possession itself (decriminalization) does not increase cannabis use. . . . This prohibition inflicts harms directly and is costly. Unless it can be shown that the removal of criminal penalties will increase use of other harmful drugs, . . . it is difficult to see what society gains." That is from the *British Journal of Psychiatry*, February 2001.

Moving on, US studies. "In sum," (I quote again, Mr. Speaker, with your indulgence) "there is little evidence that decriminalization of marijuana use necessarily leads to a substantial increase in marijuana use." That is from the National Academy of Sciences, Institute of Medicine, 1999.

Moving on, another quote. "There is no strong evidence that decriminalization affects either the choice or frequency of use of drugs . . .". That is from C. Thies and C. Register, 1993.

Finally, "in contrast with marijuana use, rates of other illicit drug use among ER [emergency room] patients were substantially higher in states that did not decriminalize marijuana use. The lack of decriminalization might have encouraged greater use of drugs that are even more dangerous than marijuana." That

<sup>12</sup> [CNN](#), 7 December 2012

is K. Model, 1993, *The Effect of Marijuana Decriminalization on Hospital Emergency Room Episodes*.

And, so, Mr. Speaker, that has been one of the bugbears of this debate that we, by “sanctioning” this approach (decriminalisation), would inadvertently perhaps cause a situation that would lead to greater drug use, marijuana consumption, amongst our people—particularly our young people. The evidence globally does not support that. In some cases, you may find after decriminalisation, a marginally higher use, but it seems like it always reverts back to historic norms.

**An Hon. Member:** Or less.

**Mr. Rolfe Commissiong:** Or less.

Mr. Speaker, I do not think I am going to belabour the point here. I think the Minister is on the right track here. And again, what Minister Caines said is so key here, and I am really loving the way that we are starting to define an ideological direction forward which takes a more holistic approach.

I said here on the floor of the House a few weeks ago that not only must we tackle the issues from the back end in terms of trying to remediate the damage that was done, we better be inciteful and begin using our critical and analytical skills to fashion policy responses on the front end so we can have a holistic approach to the issues that are just destroying our communities. Not by promoting or continuing to endorse a punitive response to these issues, but by bringing the sort of policy and legislative prescriptions that are enlightened and progressive and are committed to restoring people and these communities.

Now, the Minister has determined to, and is committed to, bringing a Green Paper which will outline, as I said, this more progressive approach to this issue—shifting it away from a focus on criminal justice and a punitive approach. I would like to note that, as we saw last year, the estimate for this year in terms of expenditures at the National Drug Control is at \$4.179 million. I would like to see more investment on that end.

I have some concerns, particularly the impact of marijuana on our young kids—those with developing brains. There are studies that indicate that it can impact cognitive development—no doubt about that—on our young people. Let us look at this clear-eyed. But the approach, again, is not to slip the cuffs on them. The approach is to invest at the end in terms of National Drug Control, making greater investments in education and prevention. Okay? So, I would like to see more commitment to a greater investment in the National Drug Control in that end.

If I may, Mr. Speaker—as respects the stop lists, I said over here about a couple of months ago as well, going back to 2008 or 2009, I was charged by the then Premier Dr. Ewart Brown (who was with us earlier) to start to add to my duties at the Cabinet of-

vice a programme that would allow individuals throughout the community free of charge, who were impacted by being on this so-called stop list. Although the Americans will furiously remonstrate and say that there is no stop list. But, you know, that is the term we use. And during that time I must have processed at least about 200 waivers for various Bermudians—most of whom were black Bermudians as I said here on the floor of the House.

There is nothing . . . I mean, I am just reiterating that again. The reality is that . . . and to my experience and the discussions I had with the American Consulate General at the time, who was very, very helpful in what we were trying to do at the governmental level, and I still do it in my private capacity in terms of the waiver issue. It was clear that there was nothing that one could really do to compel the Americans to get our people off this stop list. They would argue it is a global list. It is not just a record toward Bermuda. Although she did tell me (the previous Consulate General) that Bermuda, comparatively speaking, proportionately speaking, probably has one of the highest levels of persons on its stop list—on their list—than any other country in the world.

We are on in the top three, four or five in terms of global impact. There is no doubt about that. And she did say that to me—probably because we are a small Island, they have preclearance here. They are able . . . they have a close relationship with (probably goes back decades) Government House and our security apparatus here.

And, you know, I am always convinced myself that this is how they obtain the data on the individuals that they target. I have had occasions where you have had people, again, for small amounts of marijuana, Minister, who had travelled for 13, 15 years and then suddenly they went down to the airport with their significant other or their wives and they saw a police officer quietly go over to the US Customs and next thing you know they are pulled aside. So, they cannot travel. They have been travelling for 15 years since the incident took place.

The other thing that people may not be aware of is that the US can place somebody on that list solely for suspicion. This is even worse than the one seed scenario. Solely for suspicion.

So, Mr. Caines, or the National Security Minister Caines, is right. We are not going to be able . . . or at least I am saying this: We are not going to be able to have any impact on those who have already unfortunately found themselves prohibited from travelling to the US. But what we can ensure is that future generations are not going to be as impacted by that. I think this helps. It is not going to be fool proof, but I think it will make a contribution.

Just as importantly—and he was very keen in pointing this out—the local impact. If the impact on jobs, the declaration one has to make about a criminal background including the one seed of marijuana, can

hinder one's life's prospects and opportunities in Bermuda, we need to do something about that as well. It is causing a lot of problems and has done it on a multigenerational basis.

So, Minister, I do not think we need to belabour this. I applaud you for bringing this Bill, and I am glad that we are seeing a bipartisan approach to this. We know that the Opposition . . . they favour it in principle, moving in the same direction. They were looking to have a smaller amount as being the threshold. But I am glad that we are not seeing vigorous opposition. I think we have all reached a point now where we know we have to be pragmatic to tackle this issue because it has left too much human wreckage in our midst. That is what the war on drugs has produced. Thank you.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 28, Honourable Member D. J. Lister.

**Mr. Dennis Lister III:** Good evening, Mr. Speaker.

**The Speaker:** Good evening.

**Mr. Dennis Lister III:** Or good night, I should say.

I just want to follow along with the previous speaker, Mr. Speaker, in [recognising] the progression that we have seen towards the attitudes with marijuana.

Fifty years ago, when this war on drugs started, marijuana was the most hated, most evil thing that you could have out there, Mr. Speaker. Fifty years later we have seen . . . as hard as the war on drugs has fought against it, we have seen an increase in marijuana use, just the open prevalence of it, Mr. Speaker. You would think with a war on drugs you would see less of it. But it is more. Finally, they should start a war on poverty, Mr. Speaker, that way we could see more money growing around, maybe.

I next want to state, Mr. Speaker, the heart of this issue is for the levelling of the playing field in Bermuda, Mr. Speaker. I say the levelling of the playing field because well known in Bermuda is that the majority of those that get arrested for possession of marijuana are young black men.

And, Mr. Speaker, can I refer to the report I have in front me—the [Annual Report of the Bermuda Drug Information Network 2017](#)?

**The Speaker:** Go ahead.

**Mr. Dennis Lister III:** Under . . . let me find the page again . . . under (on page 18) “Criminal Trials for Drug-Related Offences by Sex.” In 2016, there was (under possession of cannabis) those that were arrested, 55 males, 4 females. Funnily enough, they have under “not stated,” 7. So, it is either male or fe-

male. I do not know what the other seven were, but . . . so, Mr. Speaker, we see that there is a large discrepancy between males and females getting arrested for possession of marijuana, Mr. Speaker.

Also, I just want to skip over to page 21, “Convictions for Possession of Marijuana,” Mr. Speaker. Convictions, again, males 39, females 1. And, funnily enough, again, “not stated” 6. So, Mr. Speaker, there is definitely a huge discrepancy between males and females and we know that a majority of the males are young black males. So, the levelling of the playing field, Mr. Speaker, in this case, it is mainly for the possession of marijuana.

A lot of people think that by increasing the possession of marijuana you will be increasing people's usage of it. A mind-set of, *Okay, I can carry seven grams, I can smoke seven grams, now.* Mr. Speaker, that is not what we are trying to do here. All we are trying to do is, Mr. Speaker . . . and I would just like to draw and paint the picture here for you.

A lot of young black and white men in Bermuda like to hang out and socialise with each other. So, for instance, Mr. Speaker, we play FIFA. So if I want to go to my friend's house, it is well known and common that the majority of young people in Bermuda smoke marijuana. We are not going to hide that fact. So when they do get together, Mr. Speaker, they do smoke socially.

So, again, just to give . . . I am a young man and I want to go hang with my friends and we go to our friend's house and I have 6 grams of marijuana on me. Mr. Speaker, let us say I have to travel from Southampton to Somerset and there is a slight chance I have to go across the police. We know that, yes, there is a bias and there is a prejudice that the police have towards young black males which makes them way more times likely to get pulled over than other demographics, Mr. Speaker. So, if I am a young black man and let us say I am travelling to my friend's house, I have a small amount of marijuana on me and for money—in value of money, Mr. Speaker, I want to drive home, too.

Three grams of marijuana is equivalent to maybe \$80, Mr. Speaker. So, if a police officer pulls me over and I have \$80 worth of marijuana on me and presently, right now, that [police officer] also has at his discretion to write me a caution, or he can take me, arrest me and charge me now, Mr. Speaker. And as has been stated before by the previous speakers, if you get taken and get charged this is on your record for life, Mr. Speaker. So, for \$80 your life has been thrown away. You are put on a stop list.

If you are young man, and let us say you are home for summer and you get caught, you cannot go back away to school, Mr. Speaker, if you are in the US or Canada or somewhere. Your life is then put on hold and thrown away.

So, Mr. Speaker, by us increasing the amount to 7 grams it levels the playing field. Most people do

not travel around with 7 grams worth of marijuana on them, Mr. Speaker. The average person might have maybe 3 to 5 grams. So, if you are a person and you get caught with that amount on you, under this Act that we are now trying to pass you will not have that put against you now. You will not be on the stop list now, Mr. Speaker.

So, we are not trying to increase the usage of the marijuana, Mr. Speaker, we are just levelling the playing field so that possession-wise you can carry more if you are travelling somewhere. So, I just wanted to clear up that confusion that a lot of people may have that this is going to encourage people to smoke more. I do not believe that it will cause them to smoke more because they already smoke. People that do smoke already smoke. I do not want to say a set quota—but they smoke an amount now. So, Mr. Speaker, we are not encouraging them to smoke, we are just levelling the playing field possession-wise, Mr. Speaker.

Also, again, with Bermuda and our mind-set becoming more progressive, Mr. Speaker, I also want to refer, if I may, Mr. Speaker, to some stats I have of other countries around the world, Mr. Speaker.

**The Speaker:** Go ahead.

**Mr. Dennis Lister III:** I heard a previous speaker before me speak about an acceptable amount. How when they were bargaining some said 3 grams, some said 5, some said 7—whatever the different amounts were, Mr. Speaker.

I have here a chart of some countries around the world that have legalised or decriminalised marijuana, Mr. Speaker. And I first want to start here . . . if I can find it . . . with the country of Canada.

In Canada . . . here we go—nope, wrong country. Sorry, Mr. Speaker. It is the country of Columbia, Mr. Speaker. In Columbia since 1994 cannabis—even though this is legalised—but they have legalised up to 22 grams for personal consumption, Mr. Speaker. So, what we have seen with 7 grams pales in comparison to other jurisdictions around the world.

Twenty-two, so far is the largest I have come across. Some have 15; some might have 7, like ourselves. So, Mr. Speaker, the acceptable amount is relative to the country you are in.

And, Mr. Speaker, as this is a late hour of the night and I do not also want to drag this on because I believe that we all agree on this issue, but lastly what I want to do is also reiterate what a few speakers have also spoken to before. We have to transition treating this from a criminal aspect to a health aspect because as we have seen with other drugs, people can get addicted to them. People can get . . . it messes up people's lives, Mr. Speaker. And if a person is addicted to it, as with other drugs, they make choices that they would not normally make with a clear mind.

So, just as a person who is sick, you have to treat them as a sick person, Mr. Speaker. With marijuana we must treat this as a health issue. So instead of a person going to court and they get incarcerated, a person should go to court and they should look to be rehabilitated and being worked with, Mr. Speaker, so they can see what is right and what is wrong. The uses of this is wrong and they can steer their life back onto something right, Mr. Speaker.

I suggest a health court, Mr. Speaker, that if a person comes before the court, they have been arrested for a small amount of marijuana, again, up to 7 grams, instead of them going to jail and their life is thrown away as we have heard with our earlier speaker. The story of a young man at 16, 17, he was locked up for a small amount, and it affects you mentally because if you are put in a situation where you are treated like a criminal, Mr. Speaker. It has an effect on you. If you are treated as a criminal, put in a cell, it is not as bad in Westgate as it may be in other prisons, Mr. Speaker, but you get treated like a caged animal.

So when you do come out your mind-set is changed and it is treated as to what you had just come out of. So instead of incarceration I believe we should rehabilitate people so that they can be given a chance to come out and learn from their wrong ways and correct themselves. And also, Mr. Speaker, be given a chance for better opportunities because it has been stated numerous times tonight, if you had this on your record your job opportunities are limited. Your opportunity to better yourself.

Mr. Speaker, as recently as earlier this week, I had a young friend come to tell me that he had in the past been mixed up, caught up with different things. He has been locked up before. He wants to better himself now, Mr. Speaker, but he cannot because he has that record. He pleaded to me and asked me what can I do. Can I get him a job somewhere? Right now his options are limited to where he has to hustle and do illegal activities, Mr. Speaker.

He does not want to do that. He wants a legit job where he can be proud of going to work, making an income, and paying bills and expenses. But because of his past experiences he is limited, Mr. Speaker. So these are the reasons why we, the Government, are making these amendments to help young men that have been affected negatively having a record because of small amounts of marijuana, Mr. Speaker, so that they can have a chance to further their education or, for young men, to get a training opportunity to get a better job opportunity, whatever it is. We need to change from re-incarceration to rehabilitation, Mr. Speaker.

In closing, Mr. Speaker, I wanted to say that I strongly support and wholeheartedly support the Minister proposing to put this Bill forward, and I hope that it does pass, that young men who are caught up in using marijuana, if they do get caught, can have a

chance to turn their lives around and use that as a turning point, *Hey, I got caught, and instead of me getting a record by going to jail, I can use this now to say 'Hey, let me sort my life out; let me straighten my life out.'*

Again, I support this and I give the Minister full credits, full marks, as my honourable colleague said, and thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 2. Honourable Member Swan has the floor.

**Mr. Hubert (Kim) E. Swan:** Good evening, Mr. Speaker.

Mr. Speaker, allow me to thank Minister De Silva for bringing this Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 to this Honourable House. I was not here when this matter was discussed previously, but I will take the opportunity to make a contribution this evening.

Allow me to say this, Mr. Speaker, in the context of my life experience. I was raised by a career police officer. I make reference to this on many occasions, to those who made a contribution to my life. My father, in addition to serving at Government House, was also very well-known, as told to me by his peers, as a very good interrogator who spent time in Narco. So growing up in White Hill in the 1960s and 1970s I was not necessarily the most popular person when I had a father who was a very strict disciplinarian when it came to narcotics.

I am not here to say that I participate in the use of marijuana, but I will say that I certainly have been around and, in my younger years, had some experience, as I am sure many young people of my peers did and still do.

[Laughter]

**Mr. Hubert (Kim) E. Swan:** I know this, Mr. Speaker. I am grateful, since I have been in the legislature for many years, for persons coming to me and sharing with me their concerns about the laws which govern our land.

Mr. Speaker, when you hear about the War on Drugs, and I would like to encourage us to look back at it, you only need to recall the influence of Richard Nixon back in the early 1970s, as President of the United States, to see how much a part of his policy the War on Drugs was. And you often heard the statement in Bermuda that when the United States sneezes Bermuda catches a cold. I certainly believe that as it came to this policy, which was challenged even among his own jurisdiction, immediately thereafter it did not deter that mind-set from taking shape, Mr.

Speaker. So as a consequence, I believe Bermuda followed suit in many ways.

What we have seen in modern years, as has been pointed out by many speakers on both sides of the aisle, is that the black community . . . we have been adversely impacted by these laws. So, as a result, the culture that has developed in our country has been one of more a law enforcement angle, not public health directives, and as a consequence many young people who do try things, some innocently, some not so innocently, have fallen afoul of the law and their whole life is adversely impacted.

Let us do a comparative analysis, Mr. Speaker, with alcohol, which is legal in Bermuda, of which is very much associated with, unfortunately, tragic road accidents and the like that take place in Bermuda. When I was a marketing manager for major brands, I know that there were certainly beverages which were referred to as the "wife beater." So we certainly need to look at the differences that occur as to how we accept certain things versus other.

So, Mr. Speaker, when you can look at Bermuda being influenced by what takes place in America with regard to America's policy on drugs, and even America's policy as it relates to how Bermudians travel into the country, you must look at what their country is also doing today. Twenty-nine of the states are now decriminalising; 29 states allow recreational use of marijuana. Now, that might be totally different from the personal position that I, or someone else, might take, but that is a fact. But yet, the overall arching policy as it relates to the relationship of this country is one that prevents persons who might have been carrying just one spliff and were caught while they were riding their Mobyette down through the valley from travelling [overseas] to see their grandchild today. So, as California and states around the United States look at this, taking consideration of Congressional hearings and the like, taking consideration of reports done internationally, nationally and locally, we in Bermuda must do likewise, Mr. Speaker. We are duty-bound.

Whilst we are here today looking at that, we must look at what is taking place in the country that influenced our policies in the first place. So I just want to say as I wrap up, Mr. Speaker, that I want to thank those members of the community (they know who they are as they are listening, and someone might tell them that I was speaking) . . . I want to thank you for causing me to look at this subject with a different set of lenses and taking a different approach than what I might have taken some years ago.

And I certainly have great respect for the job that my father carried out. But I certainly have to appreciate what reality is in our country today, Mr. Speaker. And we owe it as our neighbours both . . . and as many of our young people go to school in the United States and the UK, and in Canada, just this week I believe in Nova Scotia 19 year olds will be able to use recreational marijuana. Nova Scotia (as I was

just searching). So there are changes taking place in communities that we are connected with and I just want to take the opportunity to say and thank the Minister for bringing this forward. I think we owe it to those Bermudians who have paid a price based on policy, based on policies of President Nixon, based on policies that targeted, as the interview with Mr. John Ehrlichman contends, was targeted towards hippies and blacks. And some might dispute that. CNN thought enough to cover it, and other media. That is the influence that has the knock-on effects in Bermuda, because we are so quick to say that when the United States sneezes we catch a cold. But I think in this regard we caught the flu for many, many, many decades.

And I will close with this: We know that whilst our prison and our criminal justice system disproportionately impacts the black community, our white cousins, brothers and sisters like weed too. You only need to be at Cup Match. Yes?

*[Inaudible interjection]*

**Mr. Hubert (Kim) E. Swan:** But the thing is that the Two Bermudas is evident, and we have a responsibility to address and redress policies that perpetuate the Two Bermudas. And I believe we need to look at the historical context of this as we look to make the proper laws that fit a modern society. Thank you, Mr. Speaker.

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

I recognise the Honourable Member from constituency 1. Honourable Member, Ming, you have the floor.

**Mrs. Renee Ming:** Good morning, Mr. Speaker.

**The Speaker:** It is morning.

**Mrs. Renee Ming:** Yes, it is.

I just wanted to make a small contribution to this debate this evening. First of all, I want to say that I do support this Bill in its present form. But I do feel like I need to say that I am not a proponent of the use of cannabis in its smoked form. So I am going to put that out there first and foremost. I myself, Mr. Speaker, have never smoked it.

**The Speaker:** Good. Good for you!

**Mrs. Renee Ming:** I just want to say that.

But, I do believe that the plant in its derivatives when extracted properly . . . those have medical benefits. Okay? So, for me, Mr. Speaker, this Bill seeks to bring about a level of fairness. And it has been talked about many times around here so I am not going to prolong it. But I think that each and every one of us knows someone who has been impacted in

some way, shape or form, with regard to the possession of cannabis.

I rose to my feet to speak to this because during my time this past summer canvassing I happened to come along an interesting group of young men one afternoon. This discussion came up. And they were like, *Well, Ming, what do you know about all that?* Truth be told, and I was honest with them, not much.

But to hear their stories, because it was me who was being educated on that day, Mr. Speaker. It was their stories that . . . well, their stories are the reason why I can stand here today and say that I support this Bill. There were . . . out of the five young men who were there, two [of them] were on the stop list. And they were looking for ways to get off of it.

At the age of 17 and 18 we are all invincible. We just do not realise sometimes what it is that we do that will impact us later on in life. So, Mr. Speaker, when I think about those conversations that I had with those young men, maybe they may not be able to be saved at this time, but maybe others that are coming can. And maybe this offers some level of assistance. It is a known fact, and even in the conversation with them, that the disparity in terms of race and drug arrest is there. I do not have any figures in front of me right now; I believe my colleagues read them already. But when we think about this system . . . and it's funny, my father-in-law uses this word all the time, is adjust "our" system as opposed to adjust "this" system.

**The Speaker:** Hmm.

**Mrs. Renee Ming:** So, this Bill, again, I believe will seek to provide some level of assistance. I do not believe this Bill is perfect; I do not believe that we have the answers to every single issue, but I do believe that you have to start somewhere. We have to take some baby steps. So what I do see here is some young men who can be assisted. As a mother, what I do see . . . because I had a conversation two days ago with two moms, actually. One of them was explaining how her son has fallen into being on the stop list, but what it did was inhibit his educational opportunities. So he now wants to go away to school and what he wants to do he cannot even do in Bermuda. But because of something that happened six years ago that opportunity is not there for him anymore.

So, as a mom, I could relate to her, because she hurts. You want your children to do so much better than you. You want them to do better and you want them to be better. And as parents we work really hard to make sure that this happens. I am a mother of three kids. And I tell them all the time, *Do and be better*. So in talking to that young mom the other day it sort of gripped my heart because, you know, I am a mom. And your kids make decisions sometimes that obviously would be very different to what it is that we want for them, in any case that is a decision that was made as a choice. But they will now pay for it for the rest of

their lives. And that is the part that I think we struggle with here which is why we are seeing overwhelming support for this Bill here this evening.

So, Mr. Speaker, [keeping my] comments short, I support the Bill. I see the benefits. I am really hoping that we look forward to an educational component of the Bill because I think people need to understand that you cannot now go out and just have seven grams on you, because you will still be arrested. There has to be an educational component because I think our people need to understand exactly what this Bill means for them. And I know, for example, a young guy said, *Oh, we'll be blazing tonight, Ming, in'it.*

No! Hell no!

But I just think that the understanding of exactly what it is, like there has to be a very strong educational component to this. So with those brief comments, Mr. Speaker, I once again throw my support behind it and I thank you.

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

Does any other Member wish to speak?

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

**Mrs. Tinee Furbert:** Thank you, Mr. Speaker.

I just wanted to reiterate this evening . . . it has been a long evening, Mr. Speaker. I am not going to take up too much time, because I can make my point in a little bit of time.

But, Mr. Speaker, I want to reiterate that people who use drugs are not all bad people—

**The Speaker:** Yes.

**Mrs. Tinee Furbert:** —for us to wash our hands of them and dispose of them or throw them away. And so people who use or misuse or abuse drugs deserve second chances. And this is what we are hoping this Bill will do, Mr. Speaker. It will provide support so that they do not have misdemeanours attached to their names.

And then often in life, we go along life's journey thinking that or we are taught that drugs are bad. And, for the most part, misuse or abuse of anything does become pretty bad for us. But what we have to realise is that people do not use substances, or misuse them or abuse them for no reason at all. I was talking to a gentleman the other day, and I asked him (we were talking about his use of cigarettes) how many cigarettes he smokes in a day. And he said that it depends on how he's feeling that day. So we have to look at the underlying causes of why people are choosing to use substances.

So I am very glad that this Bill will have an educational component, because I have to say that I have a minimum tolerance for misuse of drugs, or abuse of drugs. Being in the health care field I see

how an acute use of something can lead to a chronic problem in our health later in life. And that is just the ageing process of our bodies and what it is that we put into our bodies and how it presents as an output, and how that can affect our cognition, how it can affect our respiratory system, our circulation system, digestive system, all the bodily systems we have. I have seen how it affects our musculoskeletal system just as we age. So that education component is very, very key.

I speak to that also as a mother. Listening to, overhearing some children the other day, and interestingly enough, I know this debate is about marijuana, but they were speaking to cocaine. And they were singing a song about cocaine and how it is the white milk. And I went, *Wow! We're taking language that they understand "milk," and we are relating it to cocaine.* And it sounds all cool and fancy. And I said to them, *Where did you hear this?* And they said, *It's a song that we heard by . . . the song was called Gucci Gang, and it's by an artist called Lil Pump.*

I said, *You even know what you're singing?*

And they said, *No. We're singing about white milk.*

And I said, *Oh my God.* I dropped to my knees and I wanted to just pray, because, again, we are taking language that children think they understand and were relating it to something like cocaine. And it just goes to show how we have to change the conversations or be bold and bright about the conversations that we are having with our children so that they are not misinformed.

I went even further and looked up this artist, Lil Pump, and looked at this song. In the music video they were showing this lavish lifestyle, the big cars, and they were throwing around big bags of marijuana. And I thought, my, the way children are exposed or have access to media these days we have to be very, very, very careful. So that education component is very, very important to me. What we have learned from previous reports, particularly with the National Drug Control, is that in those reports they have stated that there is a lack of resources for our young people in the area of drug rehabilitation, and also, those preventative services have not been fully supported or funded. So my hope is, Mr. Speaker, that we as a Government will stand to our word with supporting such programmes so that we are dealing with the underlying issues as they relate to misuse of drugs and substances.

Thank you, Mr. Speaker.

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

Are there any other Honourable Members who wish to speak? I do not see any, Minister, you can wrap this up.

**Hon. Zane J. S. De Silva:** Well, thank you, Mr. Speaker.

Since we have no Opposition Members in the House, I might as well . . . any questions that were asked, I guess they are not interested in hearing the answers or any comments, so I will move on, Mr. Speaker. It goes like this: I move that the Bill be committed.

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

### House in Committee at 12:24 am

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

## COMMITTEE ON BILL

### MISUSE OF DRUGS (DECRIMINALISATION OF CANNABIS) AMENDMENT ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Misuse of Drugs \(Decriminalisation of Cannabis\) Amendment Act 2017](#).

Minister, you have the floor.

**Hon. Zane J. S. De Silva:** Thank you, Mr. Chairman.  
I would like to request to move all four clauses.

**The Chairman:** Any objections to that?

**Some Hon. Members:** No.

**The Chairman:** Continue, Minister.

**Hon. Zane J. S. De Silva:** Thank you, Mr. Chairman.  
Clause 1 is the standard citation and confers title on this Bill as the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017.

Clause 2 amends section 6 of the principal Act to decriminalise the possession of cannabis lower than the statutory amount where criminal sanctions will not apply. This amendment repeals section 6(1) and replaces it with the following: "Subject to any regulations under section 12 for the time being in force, no person shall have a controlled drug in his possession, save for cannabis that is less than or equal to the statutory threshold in Schedule 8, subject to the discretion of the Director of Public Prosecutions to prosecute if the evidence indicates an intention to supply contrary to subsection (3)."

Clause 3 inserts a new section 25A (after section 25 of the principal Act) that empowers the police to seize cannabis in the possession of any person and also provides for drug education or drug treatment. Section 25A is entitled "Police powers to seize cannabis." The insertion under section 25A(1) [reads] "A police officer of any rank shall have lawful authority to seize any amount of cannabis in the possession of

any person." Subsection (2) provides the Minister with the power to make regulations as follows: "The Minister shall make regulations that provide for substance abuse education or treatment for any person and in particular any minor found to be in possession of any amount of cannabis."

Clause 4 inserts a new Schedule 8 (after Schedule 7 of the principal Act) that specifies the statutory amount of cannabis where criminal sanctions do not apply, namely, for the controlled drug "(a) Cannabis" and the weight "7 grams."

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

Any Members wish to speak?

The Chair recognises the Honourable Grant Gibbons. You have the floor, Dr. Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman. We have no further comment on this side. We have already gone through this Bill a few months ago. So we are fine with it.

**The Chairman:** Minister, do you want to move the—

**Hon. Zane J. S. De Silva:** Yes, I will. Thank you, Mr. Chairman.

*[Motion carried: Clauses 1 through 4 passed.]*

**Hon. Zane J. S. De Silva:** I move that the Preamble be approved.

**The Chairman:** Any objections?

No objections.

**Hon. Zane J. S. De Silva:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** Well, you need to move the Schedule. Schedule 8.

**Hon. Zane J. S. De Silva:** Okay. I move Schedule 8.

**The Chairman:** Any objections to that?

There appear to be none.

Approved.

**Hon. Zane J. S. De Silva:** I move that the Bill be reported to the House as printed.

**The Chairman:** The Bill will be reported to the House.

*[Motion carried: The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017, was considered by a Committee of the whole House and passed without amendment.]*

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

House resumed at 12:28 am

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

## REPORT OF COMMITTEE

### MISUSE OF DRUGS (DECRIMINALISATION OF CANNABIS) AMENDMENT ACT 2017

**The Speaker:** Members, are there any objections to the reporting to the House of the Misuse of Drugs [(Decriminalisation of Cannabis)] Amendment Act 2017?

No objections?

It has been reported.

Now, the next order is that we are going back to the schedule and pick up the items that were in the name of the Premier. And the first item is [Order] No. 3. Are you going to do Order No. 3 first?

[Inaudible interjection]

**The Speaker:** That's the boundaries. So you are going to do that first? Or are you going to do price control . . . price commission?

**Hon. E. David Burt:** I can do the Boundaries Act, Mr. Speaker.

**The Speaker:** You will do boundaries first.

**Hon. E. David Burt:** That will be perfectly fine.

**The Speaker:** Okay, well, Mr. Premier, you have the floor.

## ORDER

### THE CONSTITUTION OF BERMUDA (CONSTITUENCY BOUNDARIES) ORDER 2017

**Hon. E. David Burt:** Mr. Speaker, the Constituency Boundaries Commission was appointed on October 21, 2015, by the then . . . oh, sorry. My apologies.

**The Speaker:** Yes, it would be nice if you—

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

**The Speaker:** All right.

**Hon. E. David Burt:** I move that consideration be given to the draft order entitled "The Constitution of Bermuda (Constituency Boundaries) Order 2017, proposed to be made under section 54(1) of the Bermuda Constitution Order 1968.

**The Speaker:** Continue.

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

Mr. Speaker, the Constituency Boundaries Commission was appointed on October 21, 2015, by the then Governor, Mr. George Fergusson, to review the boundaries of 36 constituencies into which Bermuda is divided. In accordance with section 53(2) of the Constitution of Bermuda, the persons appointed to the Commission were: Chairman, Dr. Francis Alexis, QC of Grenada; Judicial Member, the Hon. David H. Jenkins, Chief Justice of Prince Edward Island, Canada. Members appointed on the advice of the Premier, Mr. Sylvan Richards, JP, MP, and Mr. Mark Pettingill, JP, MP. And members appointed on the advice of the Leader of the Opposition, Mr. Wayne Furbert, JP, MP and Mr. Walton Brown, JP, MP, who were replaced on the 2<sup>nd</sup> of February 2016 by Mr. Michael Scott, JP, MP, and Mr. Jamahl Simmons, JP, MP.

Mr. Speaker, in the early stage of the Commissions' deliberations consideration was given to waiting on the most current census data after concerns were raised by members of the public during town hall meetings. This will be the second time the Commission had to deliberate with the benefit of having census data. Mr. Speaker, after consultation with the relevant parties, the Commissioners agreed to move forward without the benefit of the census data because the timing would not allow them to finish the report before the next election was due to take place.

Mr. Speaker, during the deliberations, the Commission agreed to use a maximum tolerance of 7 per cent deviation from the mean number of voters per constituency in order to ensure that the numbers were kept as equal as practically possible. The Commission recommended changes to several constituencies throughout the Island. The Commission completed its work on the 4<sup>th</sup> of February 2017; however, I am advised that due to several delays they were unable to submit a report to the House of Assembly until the 22<sup>nd</sup> of September 2017.

I wish to take this opportunity to thank the staff of the Parliamentary Registry, led by Ms. Tenia Woolridge, for their active participation in supporting the Commission in the execution of this duty in accordance with the Constitution.

Mr. Speaker, in closing, I invite honourable colleagues to take note of the modifications to the constituency boundaries of Bermuda that may take effect when this House is next dissolved and a general election is called. Notably, Mr. Speaker, by that time another Constituency Boundaries Commission may have been appointed and a subsequent report and Order made. The report and the associated boundary descriptions are before this Honourable House and I now invite Honourable Members to participate.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

No other . . . I recognise the Honourable Opposition Leader. You have the floor, Honourable Member.

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

The Boundaries Commission has always been something that has been very important to everybody in Bermuda. I remember serving on the Boundaries [Commission] the last time it was commissioned in . . . I guess the election was in 2010. And it is a very important exercise because as we all know, where the boundaries are set, or whether they are changed, has a significant impact on the one-[person] one-vote of equal value. And that is why I am really concerned that we have not been able to turn around and make the type of changes that one would like to see because you have some constituencies that have as many as 1,453 voters, and then you have some others that have 1,045. So that is not the one-[person] one vote.

Now, I do not know as it relates to the changes that one might make going forward, but I just want to make two observations: One is the fact that the Boundaries Commission tries to look at their best estimation of where the voters are, and tries to make an indication of where the boundary changes should be made. I know that in the absence of a census they have to try and determine where the persons are actually situated. So it is very important, I believe, that the registrar who forms part of the persons that they interview, that the registrar be able to give them some sort of indication as to how accurate they believe the information is which is available to them. Obviously a census would be what I call perfection. But, in the absence of a census one has to turn around and try and use other information.

I know in the past when I sat on it, we looked at TCD [Transport Control Department] and we would look at any changes in terms of any construction or housing changes that had happened. So I just want to make three observations. One, that I do believe that it is important for us to ensure that the registrar has the ability to be able to carry out the registration on a significant basis because going forward we actually have . . . because we are using the information, it is important that she can find out when people have moved and also be able to turn around and recognise that if there are some changes that need to be taking place that there would be the opportunity.

And I guess the only other thing that intrigued me, Mr. Speaker, is the fact that this year I was really amazed that we actually have 46,000 voters. And it had been said, and I notice that the Government in one of its . . . when it put out its Throne Speech, actually made mention of the fact that this was the largest number of voters in Bermuda's history, 46,000 voters. And that really caused me to go back and look and sort of try and focus on . . . 46,000 is a large number,

especially bearing in mind that you have had all the persons that we talk about leaving the Island, the minimum growth in Bermuda citizenship. It was just pretty amazing.

That is why I believe that it is important as we go forward to make sure that we are able to establish where the voters are, because the Boundaries Commissioner tried to make sure that we have one-[person] one-vote of equal value and it is also important for us to turn around and make sure that when people do move that they are actually accounted for and where they need to be because we all know those things where people have their car registered in one place for TCD and they live somewhere else, because that is where they live. But if they are going to try to have this one-[person] one-vote it is very important that the registrar is able to be very robust in establishing when people have moved so that they can change their constituency so that not only do they live where they are, but when the MPs come out and canvass them they are actually canvassing the people who actually live in those constituencies.

So, Mr. Speaker, I just wanted to ask just one other question, because—

**The Speaker:** Go ahead, put your question.

**Hon. Jeanne J. Atherden:** —I did not hear . . . I heard what the Premier said, and I know what is normal, but I just wanted to check. It says "Commencement. This Order comes into operation upon the next dissolution of the Legislature." So if I hear that correctly, then what that means is that because we did not have . . . even though, Mr. Speaker, I think the Premier indicated it was finished on February the 4<sup>th</sup>, 2017, but it actually was not effectively sort of tabled until September the 22<sup>nd</sup>, so that we missed the opportunity to have these boundary changes utilised for this last election that we just had. And also, then, if I am reading this correctly, then it means that we do not get to utilise it until the next election that might be called. And I guess it just begs one question: Why is it that once these changes have actually been put into effect, why is it that they do not come into effect once they are tabled?

And the reason I ask that question is because if you stop and think about it there are by-elections that actually occur. And if it came into effect once it was tabled, then a by-election could then be used based on the latest boundaries. That is why I wanted to ask that. And sometimes these things are historical, but sometimes, if you do not ask the question, you do not know whether people did not consider some changes that might be appropriate. Thank you, Mr. Speaker.

**The Speaker:** I believe that one is by law, though. Just to assist you.

**Hon. Jeanne J. Atherden:** But—

**The Speaker:** But thank you for your contribution.

And I recognise the Minister of Tourism. Honourable Minister Simmons, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker, and good morning.

Mr. Speaker, I have the privilege of serving with my parliamentary party colleague, the Honourable Member Michael Scott, as well as the Honourable Member, Sylvan Richards, and a former Member of this House, the Honourable Mark Pettingill. And I think that the Boundaries Commission exercise, for the edification of the public, is an example of the bipartisan approach to getting this right. I think for people who have not participated in the process there is an illusion that perhaps we are in there trying to figure out how to gerrymander this side, and there is horse trading and things of that nature. But it is a very controlled, very structured process, to minimise the ability of any party to play games with the numbers, as much as possible.

And I think that we had the good fortune of working together in a very positive atmosphere approaching this very collaboratively. When challenges arose the chairman, Dr. Francis Alexis, was a very good stabilising force and was able to sort of keep us focused to get the job done.

Mr. Speaker, there were several challenges that we faced during this Boundaries Commission. One was, of course, the absence of the accurate census data. This made it very difficult to measure the total number of eligible voters. And that is a very important point to note. It is not registered voters that we count; it is eligible voters as of the time for the next general election. So, what was done . . . and the other issue that created challenges as well was the influx of the people receiving status under the previous Government.

This influx of individuals receiving status was of such a great magnitude in certain constituencies in a period of one . . . we met, I believe initially, in January 2015, 2016 (I cannot remember exactly), but from the time we first met as a reconstituted Boundaries Commission, and several months later, the average number . . . the total number of eligible voters had risen so dramatically in several constituencies, that it actually changed the mean that we had to average, to have assessed. So what does that mean?

Mr. Speaker, my constituency (Sandys South) under the original numbers, before the arrival of the status Bermudians, I would have been required to give up about 200 to 300 eligible voters. The influx of the status Bermudians rose the average up so high I only had to give up 50 eligible voters. So these were some things that really changed the dynamics.

Now, one of the things people may ask is why pick a number, a mean percentage of 7 per cent. The

range which is available for a boundaries commission is between 5 per cent and 10 per cent. Part of our mandate is first, to ensure that there are not radical and dramatic changes that can have an impact on voters' ability to . . . you know, dramatic changes in terms of the conditions for voters. At 5 per cent the number of seats that would have been altered was dramatic. It was a dramatic change and radical alterations to the map. In a collaborative discussion we found that the number of 7 per cent minimised radical changes that would have great impact on the voters' familiarity with the area, familiarity with the polling stations and whatnot.

The reason why the question . . . I know the Premier will be able to answer, but as I recently served—

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** I will leave it to the Premier then.

But I would like to take this opportunity to thank the Parliamentary Registrar and her team for the hard work they performed. And one duty that they performed that I think is important to note, part of remediating the challenges of not having accurate census data, she and her team when throughout the Island and did essentially a re-registration in many of the constituencies. They went door-to-door and they re-registered people, they registered people, they changed registrations, and they did a phenomenal job. Of the 36 constituencies, I think they got as far as 18 of them where there with this massive approach.

What they found interesting (and this will be my final point) . . . there was a sheer number of seniors who had never voted. And part of the challenge, for some, not all, was literacy. And she and her team were able to console and comfort those who were intimidated to know that there are now pictures of the candidates on the ballot, so they can identify the person if they are not able to read the name or the party ID. And we saw a significant number of seniors who voted for the first time in their life in this election. And I think that the work of the Parliamentary Registrar and the work of the MPs and candidates who went out and made sure that people were properly registered and had the opportunity to vote cannot be praised enough, Mr. Speaker. Thank you.

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

Does any other Member wish to speak?

I recognise the Honourable from constituency 23.

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, very much, Mr. Speaker.

Mr. Speaker, my contribution will be very brief. I just wanted to speak to the comment that was made by the Honourable Member who just took his seat in

terms of major changes in status Bermudians to create a challenge for the Boundaries Commission. Let me just say that the Honourable Member's comments about the Boundaries Commission operating under a very amiable bipartisan basis is actually the information that came back to us. So we accept that that happened. And the only way, and I think that there have been prior Boundaries Commissions, although I have never actually sat on one, the general consensus is that that is the way it operates usually, and it is well put together in terms of the cooperation that exists between both sides of the aisle provided you have got your independent chairman and whomever else in order to be able to make sure that it works well.

Once the determinations are made and the variances agreed . . . the Honourable Member indicated in instances there was a 7 per cent margin of error (I guess I can put it that way), which made the determination as to where the boundaries actually ended up on the day, in terms of what the variances ought to be, and given that that was perhaps the least intrusive, or least radical way to be able to attain a reasonable balance notwithstanding that in the ultimate analysis, the final analysis, the balance was not as good as it could have been, or as it ought to have been, and we will have to see how that actually plays out the next time. We recognise that having the new boundaries being drawn as a result of the Boundaries Commission there were issues. And I think it is one thing to say that we work together and everything is all wonderful, but the reality is that there was an agreement, in my understanding, and then once the agreement had been signed off that there were further representations made because individual people from certain constituencies believed that the new boundaries as they were drawn would basically negatively impact their own constituencies. Hence, there was representation made to reconsider the boundary lines after the agreement had been signed off.

So, while there was general agreement on a bipartisan basis, I think it would be remiss to not indicate that in the final analysis everybody was not happy. And once the report was signed off by everybody on the Commission, then we had two Members, both representing the now Government, their two Members actually made approach to try and have a reconsideration of certain boundaries because it was likely to impact two particular constituencies. I think that is important to point out because the Honourable Member from [constituency] 33 just indicated that we tried to make sure that there is a reasonable balance so that there is no gerrymandering. And that is obviously the ultimate aim of the Boundaries Commission, to work on a bipartisan basis in collaboration, and to come up with an agreement that is appropriate under the circumstances.

But once the agreement has been made, it is almost foul to go back to the Commissioners and try to say *We need to redraw this, because somebody is*

*aggrieved*. So, with that said, I think that we can learn a lesson from what came out of this last Boundaries Commission so that we trust the work, provided that we are able to get the census data in, that we trust the work of the Commissioners, trust the work of the Parliamentary Registrar, trust the work of the Commission, the results, the statisticians and the like, to ensure that once the boundaries are recommended, let's accept the fact that we are dealing with professionals who ultimately know their job when dealing with statistical input so that we do not have that unfortunate situation of somebody feeling aggrieved after the report has been signed off.

I think it is important to understand that while agreement is being reached it may be . . . that is fair game. It is fair game to determine whether your constituency boundaries should be considered from east to west, or west to east; whether there is a north and a south, and what creates the variance that is acceptable by the Parliamentary Registrar in terms of redrawing of boundaries that might be fairly representative of a reasonably even number of constituents within a particular constituency. But I think that to ignore the fact that subsequent dissent after the report was signed off on, was nothing short of attempting to gerrymander. That was unfortunate, and I hope that the lesson was learned that we do not have that anymore. Thank you, Mr. Speaker.

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

We recognise the Honourable Member from constituency 36.

**Hon. Michael J. Scott:** Mr. Speaker, thank you.

Mr. Speaker, I rise really in no uncertain terms to just give thanks, as my colleague and fellow Commissioner, Opposition Commissioner, being the Minister of Tourism, the Honourable Jamahl Simmons did, to thank Ms. Woolridge and her team, and, in particular, for the sterling steady professional leadership by the chairman, Dr. Alexis, QC, of Granada.

He recounts the history of his nation that they do not even venture into. He was impressed so much that we had continuous Boundaries Commissions. Because of the levels of contention that would be experienced in his country he was so impressed that we were able to proceed in a fully bipartisan manner and resolve, often sensitive, issues that affect people's and representatives', politicians', lives in terms of the outcome. He found the experience rewarding. I certainly found it like my colleague and fellow Commissioner, the Honourable Jamahl Simmons, thoroughly educational and informative.

So, under the Constitution, of course, we are driven by a number of criteria for making an alteration which ensure that as far as practicable that each constituency is a contiguous unit, may ignore boundary parishes, shall take account of geographical features and natural boundaries within Bermuda and take no

account of racial distribution of electors within Bermuda. And there was a point when the discussion turned in our deliberations as to whether the last criterion read was relevant or satisfactory in the context of Bermuda. But it was one of the features and factors that made this experience and this Boundaries Commission both informative and a teaching experience.

No one sought to gerrymander the exercise. So can I just put that on the record? I want to be on record as finding the entire experience as one that was bipartisan, as recognised by the young chairman. And we did our very best today. On the Table of the House there are now the final results in the way of maps, signed off by Commissioners, for all Members to have their attention and give their attention to.

So I will take my seat with my thanks to the Parliamentary Registrar and to the Commission's Chairman, Dr. Alexis. Thank you.

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

Premier, would you like to do your conclusion?

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

Mr. Speaker, I do believe there is only one real question that I want to of course close by thanking the persons who serve on the Commission. I want to echo the remarks of the Learned Member who just took his seat who made it clear that the last speaker from the Opposition side was, I guess, trying to cast aspersions on what took place. The fact is that at the end of the day the Commission arrived at its report and it was—

**Mrs. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Please state your point of order. What is your point of order, Madam?

#### POINT OF ORDER

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Speaker.

I had no intention, and neither did I cast aspersion on the process of the Committee.

**Some Hon. Members:** Ooh!

**Mrs. Patricia J. Gordon-Pamplin:** Really, I did not cast aspersion; I spoke to the reality of the report that came back to our caucus.

**The Speaker:** Continue on, Mr. Premier.

**Hon. E. David Burt:** Again, Mr. Speaker, sometimes the Honourable Member cannot help herself. So what I will say is that in response to the [former] Honourable Opposition Leader, just to read section 54(6) of

the Bermuda Constitution Order. It says that “[If] any draft order laid under this section is approved by resolution of the House of Assembly, the Premier shall submit it to the Governor who shall make an order (which shall be published in the Gazette) in terms of the draft; . . .” And the Constitution goes on to further say, “and that order shall come into force upon the next dissolution of the Legislature after it is made.”

So the Constitution is what governs the timing of the boundaries coming into place.

With that much said, Mr. Speaker, I now move:

THAT this Honourable House, in accordance with section 54 of the Constitution of Bermuda, approve the Constitution of Bermuda (Constituency Boundaries) Order 2017, as set out in the attached draft Order laid before this Honourable House on the 24<sup>th</sup> of November 2017; and I move

THAT the said draft Order be approved and that a suitable message be sent to His Excellency the Governor.

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

That brings us to a conclusion of that matter.

*[The House approved the Constitution of Bermuda (Constituency Boundaries) Order 2017, as set out in the Draft Order tabled in the House on 24 November 2017.]*

**The Speaker:** We now move on to the next item in your name, Premier. And that is the item of the Price Commission Amendment Act 2017.

Premier, you have the floor.

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

I move the Bill entitled the Price Commission Amendment Act 2017 be now read a second time.

**The Speaker:** Continue on, Mr. Premier.

## BILL

### SECOND READING

#### PRICE COMMISSION AMENDMENT ACT 2017

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

Mr. Speaker, I am pleased to present the Price Commission Amendment Act 2017 for consideration of Honourable Members of this House of Assembly.

Honourable Members will recall that in the Progressive Labour Party's 2007 *[sic]* general election campaign platform we pledged to review the powers of the existing Price Control Commission relating to ways to reduce the cost of living in Bermuda. Mr. Speaker, it is my honour to conduct the second read-

ing of this Bill which is the fulfilment of the promise that this Government made.

Mr. Speaker, this Bill is the first step in tackling the cost of living in order to improve the quality of life that this Government promised voters at the last general election. Bringing down the cost of food and other goods will require a collective effort and original thinking to be successful and sustainable, and the Government is committed to working with all relevant parties to find means and ways to reduce the expense of Bermudians' grocery baskets and other goods.

Mr. Speaker, I wish to advise this Honourable House that currently the Price Commission Act establishes the Price Control Commission (the Commission), and it provides the two functions of the Commission, which are as follows: to control the price of specified commodities listed in the second Schedule; and to conduct inquiries into the price and supply of any commodity and to report on the findings to the Minister.

Mr. Speaker, there are currently no commodities listed in the second Schedule. Electricity, which was previously in the second Schedule, but moved in 2009, and placed in the Department of Energy, and now sits with the Regulatory Authority which is now responsible for regulating the cost and supply of electricity.

Mr. Speaker, let me make it perfectly clear. It is not this Government's intention to control prices. This would be contrary to Bermuda's free market economy. Mr. Speaker, if prices were fixed and suppliers were unable to make a reasonable profit, they would simply stop stocking the item, which would have a negative impact on consumers. Accordingly, the current focus of the Commission is to be able to use the powers of inquiry available under the Act to obtain information from food and other importers of goods about, amongst other things, their import costs and margin.

The Commission intends to then process this information and submit various reports containing its recommendations to the Minister on approaches to contain the cost of certain goods. Therefore, to enable the Commission to effectively conduct its functions in this regard, the Government proposes to strengthen provisions under the Act relating to the collecting of information by updating the penalties applicable to a failure to comply with the requirement for information under the Act.

To reflect the change in emphasis the role that the Commission is to play, it is proposed to change the title of the Act to "The Cost of Living Commission Act" and retitle the Commission to "The Cost of Living Commission."

Mr. Speaker, the proposed legislation has as its core the following elements: of course, as I have just mentioned, the change of the title of the Act to The Cost of Living Commission Act; to change the title of the Commission to The Cost of Living Commission;

and to ensure that companies comply with the inquiries from the Minister and the Cost of Living Commission by increasing the fines under sections 6 and 10 of the Act from \$500 to \$5,000 and to also provide, in the case of non-compliance, an additional daily fine of \$500.

As soon as these amendments have been passed in the Legislature, a new Commission will be appointed and its work will commence in earnest.

Mr. Speaker, I would like to advise Honourable Members that we have identified a person who will serve as chairman of the new Cost of Living Commission. And the person who will serve as chairman is Senator Anthony Richardson, who previously served on the last Price Control Commission.

*[Desk thumping]*

**Hon. E. David Burt:** It would be interesting to note, Mr. Speaker, that during the entire time of the One Bermuda Alliance term in office the Price Control Commission did not meet.

Mr. Speaker, in closing, as this Government begins its first term in office, the proposed appointment of a new Cost of Living Commission to consider and recommend to Government innovative ways in which the cost of living in Bermuda can be reduced represents another step in our efforts to establish a better and fairer Bermuda which was promised in our election platform.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled, The Price Commission Amendment Act 2017. Thank you, Mr. Speaker.

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

Does any other Member wish to speak to this?

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

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

Mr. Speaker, when we looked at this, we looked at the change to go from "The Price Commission" to "The Cost of Living Commission." I think it is actually a very good idea, because there are things out there that people need to be aware of. And the idea that the Cost of Living Commission will start to look at . . . I think the Premier indicated *obtain information from food and other importers of goods, amongst other things and their import cost and margins*.

To me, as soon as I heard this, I thought, *Okay; great*. It means that the Cost of Living Commission will be able to look at the cost of pharmaceutical drugs, because pharmaceutical drugs are one of those things which play a very significant part of the expenditure of the Bermuda residents. And, if we stop and think about it, food has . . . the one thing it has is

lots of suppliers and vendors that come into the Island. But pharmaceutical drugs, unfortunately, have a restricted number of persons that supply. Therefore, sometimes it creates issues with respect to the cost and whether you only have one supplier. And when you have fewer suppliers, sometimes that results in what I call a monopoly, or duopoly.

So, for me, Mr. Speaker, the idea that we are going to reduce the expense of Bermudians' grocery baskets and other goods is absolutely fantastic. The idea that we are going to have [Senator] Anthony Richardson there . . . Anthony is obviously a professional. And we will be able to look at that going forward.

Now, the only question that I have is relating to the fact that the Schedule now has nothing in it. So then, I just wanted to ascertain whether the Premier is indicating that going forward specific items will be added to the Schedule so that the people of Bermuda will know which things are being looked at. And the reason I am interested in doing that is because I know that I have had occasion to sit with the government statistician and have discussions about the Consumer Price Index. And in looking at the Consumer Price Index, it caused me to ask questions about the basket of goods that the statistical department looked at with respect to worrying about the price as it goes up and down. And it will be very good to relate the Cost of Living Commission working closely with the statistical department so that when you are looking at the basket of goods and looking at how they are changing, you can also look at the Cost of Living Commission looking at also how they are changing because not only does it affect the cost of living when they are turning around and talking about inflation, the two are actually closely tied together.

So, Mr. Speaker, I look forward to seeing what is going to be added to the list, and I look forward to the Premier telling us a little bit more about how it is going to work. With respect to what was there before, I am certain that my colleague will perhaps talk a little bit about the fact that the other items that were on there relating to electricity . . . I am sure he will mention how that was actually regulated and what type of review they were doing. But, with respect to going forward, it is going to be something good that the people of Bermuda will look forward to.

And the fact that in order to ensure that companies comply with these inquiries that the fines will be increased, I am certain . . . I am hopeful that they will not have to levy these fines and that the companies will actually want to do the right thing and let Bermuda know about what they are doing to try to keep the cost of living down and explain in greater detail how they sometimes look at their margins.

I know, from having conversations with the retailers when we were trying to deal with the basket of goods and trying to relate how people could go into the stores and shop, the part we were talking about

was price saver, \$avour the Flavour, that I had conversations with the retailers with respect to how they use . . . actually working with the wholesalers, how they can have specials on food and how they can turn around and reduce the cost of goods. So we know that they want to try and do this. And if this new Commission is going to be looking at that, then it means working together with the vendors. Bermuda should be able to see the cost of living go down, and that will help us with that new committee which is supposed to be looking at a liveable wage.

So, all these things are going to be good and anything that can be done is something that we would support and we will just then have to look at how well it is executed, because the devil is always in the details. Thank you, Mr. Speaker.

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

Does any other Member . . . I recognise the Honourable Member from constituency 21. Honourable Member, Commissioning, you have the floor.

**Mr. Rolfe Commissioning:** Thank you, Mr. Speaker.

I just love the way that the bipartisanship is flowering in this Chamber.

*[Inaudible interjection]*

**Mr. Rolfe Commissioning:** Yes. You know, it's refreshing.

And she is right; in some ways this is a continuation of the same discussion, conversation we had on the Decriminalisation Bill, the National Security Minister who spoke before me on that particular Bill.

A quick anecdote . . . well, not an anecdote, it was based on fact. It is evidence based. You had the recent award, I spoke in the House a couple of weeks ago, the recent awards for the Union, 2.5 per cent. And Craig Simmons, a lecturer at Bermuda College indicated that during that five- or six-year period since the last increase, the cost of living had gone up like 12 per cent.

I had the privilege of attending an event, a panel discussion on income inequality. We had both the Opposition Leader and the Deputy Opposition Leader there. Clearly, some of these processes are driving income inequality to very high levels in Bermuda, leading to the erosion of the middle class, and Bermuda's standing as a middle income style society as we have enjoyed to some degree over the last few decades. And it is eroding our social cohesion.

So, I am very happy that the Premier and the Progressive Labour Party Government have moved in this direction. But, of course, this but one piece, as correctly alluded by the Opposition Leader, Mrs. Atherden, of the work that we are doing on a living wage, again, another bipartisan effort. The Price Commission now amended to the Cost of Living Commission, the Tax Commission . . . to looking at

comprehensive tax reform, hopefully in a more progressive way, because if you remember, a couple of weeks ago, again, where I shared with the Members the chart on the tax incident data, which shows such a disproportionate burden of Bermuda's taxation on those who could least afford it; those who are earning probably under \$40,000, \$50,000 per annum, for example. How their tax burden was twice the level of those earning in the top quintile of that chart. And that was in 1998. I would think with the levels of inflation we have seen, the stagnation in wages, particularly in certain occupational categories, I suspect that that gap in reflection of the growing income inequality in Bermuda has grown tremendously.

So, again, I am happy to see that we can meet on the same ground here. I hope it can continue as certain interests, economic and other interests in the country begin . . . to of course they are going to probably feel threatened and there will be friction throughout this process. But I think we all want to see a move away from a status quo which is no longer serving Bermudians, at least not enough Bermudians, to an era where we can have a greater degree of social equilibrium, and bring those persons who need the most help in this society to a point where we can, again, foster a greater degree of social cohesion, and social harmony. Thank you.

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

We recognise the Honourable Member from constituency 22. The Honourable Dr. Gibbons, you have the floor.

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

Mr. Speaker, I would just like to make a couple of comments on this. As Honourable Members will know, if they have looked at the original legislation, the Price Commission Act is more than 40 years old.

And I was curious. I was in the Ministry of Finance in the mid-1990s. I was curious as to some of the reasons and the uses of the Price Commission Act when it was originally brought in, back in 1974. So I went and had a chat with a couple of former financial secretaries to try and get a better understanding of why and how it was used. And it is funny; apparently there is nothing new under the sun. The original use was, in fact, to address some of the issues revolving around the cost of living.

As one former financial secretaries said to me it was essentially a stick to get the attention of certain industry sectors who felt they had the market power to set prices that perhaps were a little higher than most people thought was fair or reasonable. I have a couple of examples. The sort of interesting one was going back quite a few years, apparently with cement. There was an occasion where, I will just say way back in the day, when cement was being brought in from Mexico (which I think it was up until about 10 years or so; I think it probably is still with CEMEX). But apparently

there was a strike in Mexico and the supplier at the time basically lined up a source in Cuba. The Governor's Office at the time said they were not going to permit any cement coming in from Cuba. The supplier said, *Well, I'm just going to shut down all of the construction.* At which point the Price Commission Act was rolled into place. And within, I think a couple of weeks, apparently another source of cement was found pretty quickly.

The docks were another area where you had sort of a monopoly provider. Oil companies was another example. For quite some time the Ministry of Finance operated in a sort of quasi price commission way to address the requests for increases in the cost of gas and kerosene and things of that sort. But cooking gas was another area, apparently, where prices started to go up and the Price Commission was sort of wheeled out and used to get that under control.

BTC was another example. And it was not so much the cost of the fixed line, but apparently there was a point at which the accessories, some of the add-ons, like the cost of a handset and things of that sort, the price started to go up a little bit higher than people thought was reasonable. And then there was the issue of excess calls.

So there were a number of things like this, credit card cost was also mentioned. And, of course, as people have indicated, electricity was brought under the Price Commission as a way to regulate rate increases there.

I was also told that back in the day that the Price Commission was used, as the Premier has suggested, the Honourable Member, to do price surveys for various grocery items. And then trying to get that information out there so that customers could be a little more selective in terms of where they shop and how they shop. So, as I said, apparently there is really not much new under the sun, and that the use that is being suggested today, in fact, goes back to former United Bermuda Party days when the Price Commission was brought in to do something that is, in some respects, parallel to what is intended here. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

Mr. Premier? You can wrap up.

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

Mr. Speaker, I would just say that in echoing the comments of the Honourable Member on this side, MP Rolfe Commissioning, from constituency 21, I appreciate the flowering bipartisanship that is taking place inside the House of Assembly and which has clearly been set by the cooperative tone that has been set by the Leader of the Opposition. So I thank her for her support on this particular issue and I think that she, as she indicated that she agrees.

But the number one concern that we have on the doorstep, clearly, that we should all . . . that I know we all hear, is the cost of living in Bermuda and how expensive it is to live in Bermuda. We do know that this is the most expensive country in the world to live in, as is given by international surveys. And any Government has a responsibility to tackle this issue. But of course we are looking at it from both sides. We are looking at it from this side, and we are also looking at it from the living wage side.

A particular point that the Honourable Opposition Leader mentioned was when we spoke about the cost, not only of food, but also of pharmaceutical drugs. That is something that is certainly that will be looked at by this Government. Whether or not that is going to be done via this or the Ministry of Health, it will certainly be something that is a focus. I just remember last week when I hosted a student reception in London, one of the question that came up to me was, why, when we are talking about the cost of living (and I was speaking about the cost of food and giving a story about something that I heard during the election campaign how there were people who thought that prices could be reduced here if we did things more efficiently) she mentioned that we talk about food, but what about talking about the cost of prescription drugs. And this individual had mentioned that a medicine that cost about \$1 in the United Kingdom was costing \$50-something here in Bermuda. I think that shows the disparity that we have. And these are certainly things that we need to look at.

So, I look forward to the work which we are going to—

**Hon. Dr. E. Grant Gibbons:** Mr. Speaker, a point of clarification, if I may.

**The Speaker:** Premier, will you yield?

**Hon. E. David Burt:** I will yield.

#### POINT OF CLARIFICATION

**Hon. Dr. E. Grant Gibbons:** Yes. Just a point.

I forgot to mention it, but actually the Health Council Act sets out very clearly under their functions that they are able to regulate the price at which drugs are sold to the public. So that may be another avenue to deal with that particular issue.

**Hon. E. David Burt:** I thank the Honourable Member for his intervention. I did not need that clarification because I said whether it be done here or at the Ministry of Health, nonetheless, the regulation of something is one point, so they have the power to do so; but the power of investigation is something that could be under the broader umbrella of the Price Control Commission, whether it be for food, or whether it be for other issues.

So, I think from that perspective we have to understand that this is the function of this particular Commission. And I think that it should be looked at when we are talking about the Cost of Living Commission is that people have concerns, and this Commission will have open meetings, and it is the expectation that people will come to the Commission with their particular concerns and the Commission will be empowered to go ahead and look into those particular matters.

But I would say, to close, I know the Honourable Opposition Leader said she hoped that companies would be cooperative. And I hope they will be cooperative too. But if they are not cooperative, I am certain that we will find ourselves back in this place to find methods to ensure that they are cooperative in that particular regard.

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

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

**House in Committee at 1:19 am**

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

### COMMITTEE ON BILL

#### PRICE COMMISSION AMENDMENT ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Price Commission Amendment Act 2017](#).

Minister, you have the floor.

**Hon. E. David Burt:** Thank you, very much, Mr. Chairman. I ask that we move all of the clauses.

**The Chairman:** Any objection?  
There appears to be none. Continue.

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

Clause 1 provides a citation for the Bill.

Clause 2 amends the principal Act to change the title of the Act from “Price Commission Act 1974” to “Cost of Living Commission Act 1974.”

Clause 3 amends the principal Act to change the title of the Commission from “Price Control Commission” to “Cost of Living Commission.”

Clause 4 amends section 6 of the principal Act to increase the penalty under that section from a fine of \$500 to a fine of \$5,000 and to also provide, in the case of noncompliance, for an additional daily fine of \$500.

Clause 5 amends section 10 of the principal Act to increase the penalty under that section from a

fine of \$500 to a fine of \$5,000 and to also provide, in the case of noncompliance, for an additional daily fine of \$500.

Clause 6 amends the Government Authorities (Fees) Act 1971 in Part B of the First Schedule to delete the entry referencing the Price Control Commission and the Price Commission Act 1974 and to insert an entry referencing the Cost of Living Commission and the Cost of Living Commission Act 1974.

Mr. Chairman, if you would just give me a little bit of leeway, for one particular point. I did note there was a question which had come from the Honourable Opposition Leader during the main section of the debate, which I did not answer, and I just want to answer just very quickly.

**The Chairman:** Okay.

**Hon. E. David Burt:** The Honourable Opposition Leader asked why the Schedule was empty, and if there was any thought of adding measures to the Schedule. It is not the intention of the Government at this time, or any time in the future, to necessarily add things to the Schedule. I should also make it very clear that we do not believe that price controls are effective. And price controls in the general market would be something that we would need to do in order for our Cost of Living Commission to actually control prices in the market we would have to add things to the that particular Schedule, which means they could then set the prices. We believe that the market can function very well and we can use additional levers insofar as our moral suasion information and also promoting and enhancing competition inside the market. Thank you, Mr. Chairman.

**The Chairman:** Thank you, Mr. Premier.  
Any further speakers?  
There appear to be none.  
Mr. Premier, do you want to move all clauses.

**Hon. E. David Burt:** Thank you, Mr. Chairman.  
I move that clauses 1 through 6 be approved.

**The Chairman:** Any objection to that?  
There appear to be none.  
Approved.

*[Motion carried: Clauses 1 through 6 passed.]*

**Hon. E. David Burt:** Thank you, very much.  
Mr. Chairman, I move that the Preamble be approved.

**The Chairman:** Any objection to the Preamble being approved?  
There appear to be none.  
Approved.

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

Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** Yes. It will be reported to the House.

*[Motion carried: The Price Commission Amendment Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 1:22 am**

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

## REPORT OF COMMITTEE

### PRICE COMMISSION AMENDMENT ACT 2017

**The Speaker:** Members, any objections to the reporting of the Price Commission Amendment Act 2017?

No objections. It has been reported to the House.

The next item on the Order Paper is [Order No.] 7, and that is a motion in the name of the Honourable Member from constituency 1. Honourable Member, Ming, would you like to speak to your motion?

## MOTION

### JOINT SELECT COMMITTEE TO EXAMINE, REVIEW AND MAKE RECOMMENDATIONS ON EXISTING LEGISLATION WHICH ADDRESSES THE NECESSITY FOR A PUBLIC SEX OFFENDERS' REGISTER

**Mrs. Renee Ming:** Good morning, Mr. Speaker, yes, I would like to.

Mr. Speaker, I move the following motion, notice of which was given on December 1, 2017:

"WHEREAS it is acknowledged that the public are becoming increasingly aware of incidents relating to sexual offenders, and these incidents are alarming and create widespread concern as to how we manage the information relating to sexual offenders and how we protect our communities simultaneously;

"BE IT RESOLVED that this Honourable House establish a Joint Select Committee to examine, review and make recommendations, and report to this House its findings on existing legislation which addresses the necessity for a public sex offenders' register along with other pertinent matters relating to convicted sex offenders."

Mr. Speaker, today I am on my feet to discuss something that is somewhat of a difficult and, at times, emotional topic, a topic that the public at times tends to shy away from. And that would be that of child sex abuse. Even if I was looking at the vibe of you guys in the room right now really getting quiet, you know that

you said that. Because we do not like to talk about it. We do not even like to think that it happens. But the reality is that it exists in our communities, in our families, in our constituencies. And so we cannot run from it, we cannot bury our heads in the sand; we have to deal with it.

Mr. Speaker, the establishment of the Joint Select Committee will help us to talk about it, to have discussions and to be able to deal with that uncomfortable topic. And despite our feelings, we must forge ahead and we must lead. And technically we just must do our job.

Mr. Speaker, while I anticipate that there should be debate on this Joint Select Committee and if we should have it or not, I am hopeful, I am very hopeful that there will be a unified approach as we move forward and we talk about this. What we need right now is for us to buckle down and do the work associated with this Committee. Our job is not going to be easy, but it is going to be worth it.

What I anticipate is that we will work collaboratively, honestly, and forge ahead. At times I have been at a loss for words when I have had to read and research material that relates to child sex abuse. Conversations with people in my community have clearly helped me to understand and also champion this cause for the improvements, enhancements, and recommendations that are needed.

Many persons have and continue to suffer in silence. One particular person shared their personal story of several years of abuse by a close family member and the depression that they suffered later as a result. The silent suffering is truly a killer. Ironically, those persons who have now matured reminded me that you just did not speak about these incidents years ago. You never talked about it. It happened, but we would not speak about it. I have also been made to understand that in some cases the aggressor were once victims themselves. And so what we have is a vicious cycle that is repeating itself.

Mr. Speaker, today we are here to agree to work together for the better good of our community. As parliamentarians, we have a role to play in our communities and for our people. And this particular topic is a very serious one. It is a role of protector, protection for all of our citizens, and especially those that are most vulnerable—our children. Our children expect that adults will protect them. When they look at us, they look at us as *This person is going to protect me*. And what we are finding is that that is not always the case.

Our children expect that we will teach them and let them lead the way. A bit of an old song that . . . it's funny, because when you are coming up that was, like, a really nice song to me in my younger days. It was just a pretty song with mere words. But what I have grown to understand is that those words are truthful and very deep. And as a parent now, they probably have a lot more meaning behind them. I am

sure you will be here tonight singing that song and thinking about those words, these words that I have given you tonight.

But, Mr. Speaker, let me not digress. The main issue that I am here today and standing on my feet tonight to talk to you at approximately 1:29 in the morning, is to agree that our children need us. And there are adults in our community who need us as well. And the recommendation that will be put forth by this [Committee] will be put forth and they will be used in terms of legislation and to have improvement as we put things at the forefront.

Mr. Speaker, this Committee needs to get it right, and we need to get it started. The recommendations, again, will come forth to this House. There are so many things that we could talk about in terms of sexual abuse, but one of the things I wanted to do is to just give you a little bit of some statistics on child sex abuse. And this is [data](#) according to the Bermuda Department of Child and family Services. And it says, "the following sexual abuse cases were reported and the majority of which involved children between the ages of 9 and 14.

- 2011 there were 136 cases
- 2012 there were 106 cases
- 2013 there were 126 cases
- 2014 there were 173 cases"

When you hear those numbers, you have to be concerned. We have to know that in our role we have to do all that we can. And in some of the research as well, for example, it is United States data, but don't think that is Bermuda is too far off:

- in 4 girls and 1 in 6 boys will be sexually abused before their 18th birthday
- 20% of child sexual abuse victims are under the age of 8
- 30% of children who are sexually abused are abused by family members or relatives
- 50-60% are abused by people the family trusts
- 10% of children are abused by strangers
- 90% of children who are victims of sexual abuse know their abuser
- 25% of child molesters are women
- 40% of child abusers are older children
- 88% of child sexual abuse is never reported"

When you read those things, Mr. Speaker, you are listening to their statistics. I think it is incumbent on us who sit in this House to do something. And we have a mechanism, and we have an opportunity to do something.

Mr. Speaker, most victims know their abuser. That is scary. Most victims know their abuser. And that would be a family member or someone in a position of trust. They are known to them. And that child is a victim. Just imagine, you have some trust in someone and you learn that it is completely different. And we all sit around here and read our own newspaper,

and we can think of some incidents or that just passed for us with where that has happened. I can even think of an incident in one of our schools where we had a parent who was having a relationship with a child. So, Mr. Speaker, when I say to you that these persons are known to us and they are known to their victims, it is serious.

So, like I said, I am hopeful that we do what is right, because this is happening in our communities right here. Another statistic that I choose said that 73 per cent of these things are not even reported. And that was a Bermuda number. So can you imagine the cases that I said to you? I said we just had 173 cases in 2012. But that is just what is reported. So what is not reported? And how can we get to the bottom of it?

Mr. Speaker, I am not going to be long because I do not think it is one of those discussions that needs to be long. I think each and every one of us here know what needs to be done and that we are going to do what is right with regard to this. So I thank everyone. I also thank my colleague, Minister De Silva, who assisted me with some research. And I just need to say this here that this committee existed under the One Bermuda Alliance. It did not get a chance to finish its work. And I just hope that you see the validity and will allow us to continue the work no matter who the Government is, because the statistics that I gave today have to be alarming. They have to have you even wanting to have some recommendation, some answers and some way to move forward.

Thank you, very much, Mr. Speaker . . . sorry, last item. If I refer to the Progressive Labour Party's Throne Speech from September 8, 2017, we did say (it says here), "When sex offenders have been tried and convicted, to help prevent the tragedy of sex crimes being repeated, the Government will selectively release information pertaining to sex offenders to members of the public. Offenders and the disclosure of their information will be managed according to the risk they pose to the public. Since the election, the new Government has created a 'Protocol on Disclosure of Information Identifying Sex Offenders' and this will be distributed amongst stakeholders . . ."

What this is saying, Mr. Speaker, is that we were already committed to this, as, I am sure, my other colleagues are. So this was a promise made and a promise we would like to keep. But I do not think it is just a promise, Mr. Speaker. I think it is something that we owe to our community. On that, Mr. Speaker, I will close my comments right now.

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

Does any other Member wish to speak to this?

I recognise the Honourable Member from constituency 9. The Honourable Member, Moniz, you have the floor.

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

I would like to thank the Honourable Member, Renee Ming, who is proposing this motion. We on this side of the House are in full support. We have always recognised that there is a very serious problem in Bermuda with child sex abuse, and it is well recognised that the offenders are usually well-known to their victims, which is why it is such a subversive crime. It is somebody who is taking advantage of an innocent person. So often, because of the closeness of the relationship, because of embarrassment it is not reported. So the reported cases, as the Member said, are really the tip of the iceberg.

I have seen estimates that as little as 10 per cent of the cases are reported. So whatever you see, there is much more out there. And there are problems all through the system. Certainly when I came in, you know there were some difficulties when I was serving as Attorney General. And the Attorney General before me was under the Progressive Labour Party when the Honourable Member, Kim Wilson, was Attorney General. She had to address these challenges. They were very difficult challenges.

Essentially, when I was there I did not take any different approach than that Honourable and Learned Member took when she was in that position and she had issued a protocol under the Act. With respect to that protocol, unfortunately, within the civil service, it was not operating and it was kind of a bizarre situation where we found the protocol on the Internet, where it had been released. But the people within the actual office could not find it, until we said, *We know it exists, because we found it on the Internet. So it must exist.* So then, eventually, it was turned up. Somebody had it, maybe in the DPP's office.

And we had a great deal of difficulty with the prison. Under the protocol the Minister of Justice, as it were, the Minister of Legal Affairs, had to know in advance when someone was going to be released. Of course, the prisons never told anybody when they were going to release somebody. The best you would know is . . . you might get 24-hour's notice if you were lucky. Otherwise you did not get any notice. Usually the only notice you saw was if there was a story in the paper that a certain person was being released. And all of a sudden you would know.

So, the dots aren't being joined up within the public service. So what I did in the last year or so was to set up a Child Abuse Committee with people within the civil service, within the Ministry of Social Development, within the various ministries, within the prosecution, within the prisons, the police, to pull them all together to say, *Well, let's improve this system.* And they went away and they were holding regular meetings to do that. Then the election took place, so I did not get any definitive report. But that was a committee of people working in the field.

So the disadvantage of people in this House having a select committee is you come on to the committee and you know very little. You know that

people are aggrieved. You know there is a problem. But you are not a professional, so you have to go to the professionals to find out what is the framework, what is working with the framework, what is not working with the framework, and how can it be improved.

And the problem I faced back in 2014 is that certain Members of the House became fixated on the idea of a public register of sex offenders, which is generally not supported. What happened was there was generally a register of sex offenders, which is available to people who need to see it, the agencies, et cetera. And it is used in a very selective fashion. But this constant . . . and it is based on the UK model. Of course, what happens here is that people constantly want to fly off to the American model and they look at some Wild West model in the US. I think some of the people were quite keen on the Florida model which, in my view, and I think in the opinion of the Honourable and Learned Member, Kim Wilson, would have been inappropriate, because that was not the model that was adopted either under the PLP or under the OBA. But there was constant pressure.

So, back on the 27<sup>th</sup> of June 2014 in this House, when I was challenged by some Members who were in the Opposition, but also by some of my own Members, I said, *Well, you know, if you feel that strongly about it, form a parliamentary committee and come to me with recommendations. Or come back to the House with recommendations with respect to sex offenders, generally.* And it was later that year, on the 21<sup>st</sup> of November 2014, that there was an Opposition motion, a committee was formed, and the chairmanship of that committee went to Mr. Mark Pettingill, the Honourable and Learned Member at that time, and the deputy chairmanship of Zane De Silva, now the Minister of Social Development and Sport. And they were supposed to investigate how Bermuda would deal with sex offenders.

I said, *Fine. You go ahead. And you report back to the House, and then I will proceed.* So I put it on the back burner, thinking, *Well, there is a committee of the House that is going to report.* That was in November of 2014. Perhaps that group was a little bit ambitious. The then chairman, Mr. Pettingill, promised to have a full report within six months. He said they would report within six months to the House with definitive suggestions. So everyone was very enthusiastic.

We had SCARS [Saving Children and Revealing Secrets], Debi Ray-Rivers and Jon Brunson, people with whom I met. So everyone was very enthusiastic. But what came of it?

Well, the answer was, nothing came of it, insofar as the House, because there never was a report back to the House. We are now in November 2017—three years passed. It was on the 9<sup>th</sup> of November 2016 chairman Pettingill told the *Royal Gazette* a draft report was anticipated by Christmas of 2016. And then in December of 2016 he told the *Royal Gazette* that a

final report was expected by the end of January 2017. And, you know, here we are in December and we still do not have the report.

Now, I am not suggesting that these committees are easy, or that these reports are easy. This is a very difficult and complex subject. And when you get people approaching you on a committee who have great enthusiasm and they have great sympathy and they mean to do good things. But you have really got to get down in the weeds. You have got to have some real expertise behind the committee. And I think you have the ability to do that, because the committee out there has been working together and presumably they have some ideas where we can move forward in an appropriate fashion.

So, on this side, we have had difficulty. I mean, just saying . . . the last case I was aware of that went to the Supreme Court, I do not know if anyone else remembers it, we had a case of three young ladies who made a complaint of sexual abuse by a teacher in the education system. And what happened in that case . . . the judge threw the case out before it went to the jury for some unknown reason.

**The Speaker:** Hmm.

**Hon. Trevor G. Moniz:** And I thought that was very sad because not only did that finish that case, but what were the other complainants going to do? They were going to say, *Well, what's the point of making a complaint?* It was not just one; it was not just two; there were three complainants. Now, the complaint had challenges. It was an old complaint. But there were three complainants.

So, it shows that you need education in the system. My view on that is the judges need education because the courage that it takes for a young woman to come forward and make a complaint like that and face being a witness in a trial in court is a huge challenge. And when that case was thrown out I thought that had set us back 10 or 20 years, having that case thrown out before it even went to the jury. I thought that was just a disaster for us doing something about the subject of child sex abuse in our system.

So, I am fully behind this. I will do anything I can to help. I certainly have a lot of papers, et cetera, on it. And we on this side are in full support of the new committee's work and will certainly do everything we can. Thank you. Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Minister De Silva. You have the floor.

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

Mr. Speaker, I have to make a few comments as I was the person who first brought this motion to

the House some four years ago. I would just like to clarify a few things, though, Mr. Speaker.

The Honourable Member who just took his seat, the former Attorney General, said that Mr. Pettingill, when he was chairman, said that he would have a report in six months. He never said that at all.

**An Hon. Member:** He did.

**Hon. Zane J. S. De Silva:** No, he didn't. I have the Hansard right here, and I can tell you he did not say it there.

**An Hon. Member:** In the *Royal Gazette*.

**Hon. Zane J. S. De Silva:** He did not say it there.

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Well, let's table it.

**The Speaker:** Let's keep the conversation coming this way.

**Hon. Zane J. S. De Silva:** The fact of the matter is if the Honourable Member would just keep quiet and listen for a moment, Mr. Speaker—

**The Speaker:** All right, all right, all right.

**Hon. Zane J. S. De Silva:** —he might find that I agree, Mr. Speaker.

**The Speaker:** Let's not get too riled up at this hour. Keep the conversation coming this way.

**Hon. Trevor G. Moniz:** I do have . . . that chairman did say as I said he said. He may not have said it in the Hansard; but he did say it.

**The Speaker:** Okay. Just flow the conversation this way.

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

And, Mr. Speaker, let me state yet again, Mr. Pettingill did not make that statement in this House. And I will tell you what. You know, the Honourable Member—

**The Speaker:** Ah, ah, ah, ah . . . oops! Not that way; not that way.

**Hon. Zane J. S. De Silva:** I thought you had something in your hand that time!

*[Laughter]*

**The Speaker:** Continue. Continue, Minister. Continue.

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

But let me say this: The Honourable former Attorney General talked out of both sides of his mouth so quickly that it was—

**The Speaker:** Let's not, let's not, let's not . . . wait, wait, wait, wait . . . Mr. AG, former AG.

**Hon. Trevor G. Moniz:** Objection, Mr. Speaker . . . objection, Mr. Speaker.

**The Speaker:** Former AG, rather. Take your seat.

Minister, it is early in the morning. Let's keep the tone . . . we have been decent all night. So we do not have to go down these roads back and forth.

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

You know the Honourable Member thinks he can just jump up whenever he wants without even saying "point of order." But the fact of the matter is, Mr. Speaker, and it is very important, right? It is very important, because in this House you would be surprised who is listening at this time of the morning. And when certain Members say certain things, you have to make sure that you get the record straight.

So, Mr. Speaker, the Honourable Member in one breath says, *Oh, you know, it went on for a year, for another year, it went on, the Honourable Member Pettingill got in the paper said it would be six months and then it would be next year, it would be next January . . .* and then he goes on to say how these matters are very . . . you have to dig deep. And I think he used the words "you have to get down in the weeds."

Well, that is exactly what we did. As we dug into it, we found more and more information was needed, more and more information required, more and more data was coming forth, and so then as you got into these things, you had to deal with it. It even included . . . look parrot, keep quiet for a moment, please.

**The Speaker:** Speak this way; speak this way.

**Hon. Zane J. S. De Silva:** Mr. Speaker, what I am saying is that eventually we even took a flight to the UK. We had to talk to the police overseas. We talked to different organisations over there and the information has been given to my colleague to help her as she will get there. And I suspect that they will be able to move fairly quickly because a lot of the work was done.

So, Mr. Speaker, let me say this: I was one of those that believed in a sex registry. And there is a reason for that. One important reason is that we had, whilst the Honourable Member, Trevor Moniz, was the Attorney General, we had one of the most horrendous abusers in our history set free.

**An Hon. Member:** Huh?

**Hon. Zane J. S. De Silva:** In our history, was set free.

And the Honourable Attorney General did not inform the people of Bermuda that he was released.

See? It is things like that that we need to fix. When he was talking about we need to fix certain things, now, that is one for our current Attorney General who I am sure will know what we have been discussing tonight. One thing I would like to see her do is make sure that we fix that, because that is important.

I think I would be remiss, and I know that everyone wants to go home. And I am one of them too; I am one of them too. But I think it is important that we again thank former Minister Michael Weeks for giving SCARS their charity status, because they fought. In the beginning they could not get it. I remember talking to Debi and Jon and going up to see Minister Weeks. And he said, *Listen, let me see what I can do.* And since that time, they have certified over 10 per cent of Bermuda's population.

*[Desk thumping]*

**Hon. Zane J. S. De Silva:** Yes, it is. That is a great . . . everybody should be stomping their feet! Because as you heard the statistics, there are many of our children that are getting abused every day in this country, and it is a very serious issue. And SCARS needs to be commended over and over and over. And so I think that they have done a fantastic job, and I look forward to assisting MP Renee Ming, and her committee further, if they should need me.

Now, let me just put one other document out there, and then I am done. These are my closing remarks. This is an OBA document, "Child Protection Recommendations," one of their former platforms. And I think it is important, because the Honourable Member, the former Attorney General, who just took his seat, talked about how we did not get things done in a four-year period. "We will revise the legislation to" (This is an OBA document.) "reflect that all individuals whom the courts have found a child has suffered significant harm at the hand of the offender in respect of a sexual offence regardless of your offence, regardless if he has been released on licence after serving the whole or part of a sentence of imprisonment and regardless of physical health of the offender" . . . okay?

They will revise legislation. Never did it.

And the important one, and I will finish on this, Mr. Speaker, and listen carefully, "We will establish a task force to implement a new survey immediately and make the results public and will continue periodic reviews." That is an OBA document prior to an election. And I will give that to you for your records, MP Ming. Thank you very much.

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

Does any other Member wish to speak?

Oh, I recognise the Honourable Member Sylvan Richards. You have the floor, Honourable Member.

**Mr. Sylvan D. Richards, Jr.:** Thank you, Mr. Speaker, I am going to be brief.

**The Speaker:** Yes.

**Mr. Sylvan D. Richards, Jr.:** I was one of the members of the last joint select committee. And, you know, it is an issue that is troubling. It is a distasteful topic, but it is important. I think we all know individuals in our personal lives, and friends and family members who have been the victims of child sex abuse. I know that I do. And I have seen the damage up close and what it does to individuals when they are abused when they are youngsters.

I believe that in Bermuda we have a high incident of child sex abuse and that is manifested in a lot of the social problems that we see with our young people, and even with our adults—mental illness, drug abuse, alcohol abuse. These are all basically outcomes of people who have been molested and abused as children.

So, on this side we fully support this joint select committee. And as was mentioned previously, we did a lot of heavy lifting on the previous joint select committee. You know MP De Silva, and Mark Pettin-gill, they flew to the UK and spoke to the UK authorities on their protocols and programmes that they have in place to deal with this issue. So, I would fully expect that this reconstituted Joint Select Committee on Child Sex Abuse should be able to come forward with a document for this House in a timely fashion, because a lot of work has been done, Mr. Speaker.

That is going to be my contribution. So thank you very much.

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

I recognise the Honourable Member from constituency 30. Honourable Deputy Opposition Leader, you have the floor.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to commend MP Ming for carrying the torch on this. As we said on this side, we fully support her.

I am actually SCARS trained. And I think as a parent, and anybody else in this House that is a parent knows that for me the one thing that I will go sit in jail for is somebody interfering with my child. So I am fully behind MP Ming, and I will do whatever I can to assist her in her efforts to get this committee going. Thank you, Mr. Speaker.

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

Any further speakers?

No further speakers.

It is not a “take note” motion, so you do have to wrap up on this. I’m sorry. You just call for it to be voted on at this point.

**Mrs. Renee Ming:** I just want to thank Members for their contributions and I appreciate the bipartisan support that came from both sides. Thank you, Mr. Speaker.

**The Speaker:** And call for the—

**Mrs. Renee Ming:** And I can call for the vote on it.

**The Speaker:** Sorry, I almost tipped over the chair.

*[Laughter]*

**The Speaker:** Members in favour of the motion as has been put?

**AYES.**

**The Speaker:** Any opposed?

*[No audible reply]*

**The Speaker:** I think the motion has carried.

*[Motion carried: The motion to appoint a Joint Select Committee to examine, review and make recommendations on existing legislation which addresses the necessity for a public sex offenders’ register was approved.]*

**The Speaker:** Thank you.

**Mrs. Renee Ming:** Thank you, very much.

**The Speaker:** That now brings us to the end of the orders. So now we have to do our third readings on all of the business items that were done today. And, Ministers, are you ready for your third readings? We will start in the order that they were done.

The Minister for the Casino Gaming Amendment. The Honourable Minister for Economic Development, would you like to do your third reading at this moment?

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

**The Speaker:** Thank you.

#### **SUSPENSION OF STANDING ORDER 21**

**Hon. Jamahl S. Simmons:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Casino Gaming Amendment Act 2017 now be read the third time by its title only.

**The Speaker:** Continue.

*[Motion carried: Standing Order 21 suspended.]*

### **BILL**

#### **THIRD READING**

##### **CASINO GAMING AMENDMENT ACT 2017**

**Hon. Jamahl S. Simmons:** I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** Done.

*[Motion carried: The Casino Gaming Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** The second order to be done is that in the name of the Minister of Health, the Health Insurance Amendment Act 2017. Minister?

#### **SUSPENSION OF STANDING ORDER 21**

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker.

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Health Insurance Amendment Act 2017 now be read the third time by its title only.

**The Speaker:** Continue Minister.

*[Motion carried: Standing Order 21 suspended.]*

### **BILL**

#### **THIRD READING**

##### **HEALTH INSURANCE AMENDMENT ACT 2017**

**Hon. Kim N. Wilson:** I move that the Bill do now pass.

**The Speaker:** Done.  
Thank you.

*[Motion carried: The Health Insurance Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** Premier, do you want to do your third item? We are going by the order on the Paper now.

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

#### **SUSPENSION OF STANDING ORDER 21**

**Hon. E. David Burt:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Price Commission [Amendment] Act 2017 now be read the third time by its title only.

**The Speaker:** Continue.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### PRICE COMMISSION AMENDMENT ACT 2017

**Hon. E. David Burt:** Thank you, Mr. Speaker. I move that the Bill do now pass.

**The Speaker:** It is now passed.

*[Motion carried: The Price Commission Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** The next item would be the item in the name of the Honourable Minister of Home Affairs, the Domestic Partnership Act 2017.  
Minister?

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walton Brown:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Domestic Partnership Act 2017 now be read the third time by its title only.

**The Speaker:** Read on.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### DOMESTIC PARTNERSHIP ACT 2017

**Hon. Walton Brown:** Mr. Speaker, I move that the Bill do now pass.

**The Speaker:** So do.

*[Motion carried: The Domestic Partnership Act 2017 was read a third time and passed.]*

**The Speaker:** We now go to the last item, [Order No.] 6 in the name of the Minister for Social Development and Sport. Minister, would you like to do your third reading?

**Hon. Zane J. S. De Silva:** Yes, sir. Thank you.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Zane J. S. De Silva:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 now be read the third time by its title only.

**The Speaker:** Continue Minister.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### MISUSE OF DRUGS (DECRIMINALISATION OF CANNABIS) AMENDMENT ACT 2017

**Hon. Zane J. S. De Silva:** I move that the Bill now be passed.

**The Speaker:** Go ahead. Thank you.

*[Motion carried: The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 was read a third time and passed.]*

#### MEMBERS APPOINTED TO JOINT SELECT COMMITTEE TO EXAMINE, REVIEW AND MAKE RECOMMENDATIONS ON EXISTING LEGISLATION WHICH ADDRESSES THE NECESSITY FOR A PUBLIC SEX OFFENDERS' REGISTER

**The Speaker:** That brings us to the conclusion of the business, but I am going to ask the House to indulge me to allow me to suspend the [Standing Order] 14 so that I can name the members of the Committee that was just passed by MP Ming's motion so that that Committee can be formed in the period that the House is absent from the Chambers until we return.

The members for that committee are: MP Ming; MP Weeks; MP Famous; MP Cannonier; MP Baron; and from the Senate there are two members who will be confirmed in the Senate, but they are, Senator Caesar and Senator Simmons.

Thank you, Members, for allowing me to do that. That now brings us to Mr. Premier.

## ADJOURNMENT

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

Mr. Speaker, I move that this Honourable House do now adjourn until Friday, February 9, 2018.

**The Speaker:** Does anyone wish to speak to that?

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

**The Speaker:** Ah, we have the Minister of Works rising to speak on the motion to adjourn. I believe this is your maiden speech, Minister.

**Lt. Col. Hon. David A. Burch:** Well, sort of, Mr. Speaker.

**The Speaker:** Well, we will have to make sure that you have a free, un-hassled opportunity to speak for the next 20 minutes.

**Lt. Col. Hon. David A. Burch:** I won't be that long, Mr. Speaker.

**The Speaker:** Well, you have 20 minutes, Minister. You can use it all.

**Lt. Col. Hon. David A. Burch:** Thank you.

### MAIDEN SPEECH

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

**The Speaker:** Yes.

**Lt. Col. Hon. David A. Burch:** It is my great pleasure to make my maiden speech today in this House. Some would say that there is a misnomer since I doubt that there has ever been a maiden speech from someone with as much parliamentary experience, albeit in another place.

You will recall that my presence here today is a culmination of a journey begun almost 20 years ago when I first fought as a candidate for the Progressive Labour Party in 1998. Mr. Speaker, not all Members will know the sweetness of a victory that follows four unsuccessful election attempts; but I do. And I can tell you today that I am both humbled and honoured to represent constituency 27, Warwick North Central.

The significance of garnering 66 per cent of the vote is sobering. And I regularly pause to think of the trust that has been placed in me to deliver on our promises. I will not betray that trust. Rather, I am prepared to work even harder on behalf of those who sent me here.

Actually, Mr. Speaker, this journey began more than 100 years ago with the birth of pioneering community leader Nurse Alice Scott. She left an indelible mark on Sandys Parish, and a significant influence on my life. Alice Scott was my great aunt. She is also a relative of at least two Scott persons in this House. She was literally there when I was born. As a midwife she delivered me and my twin sister, Diane at her nursing home.

For those of you who do not know, nurse Alice Scott was a legend in the West End, having delivered hundreds of babies over the years, including four of

my siblings, except for my youngest one who is the only child in our family born at King Edward VII Memorial Hospital. A registered nurse who founded a nursing home, a tennis club, and co-founder of Sandys Secondary School, a suffragette, and one of the first women to run for a seat in Parliament.

Mr. Speaker, Alice Scott was the second Bermudian to train as a nurse at Lincoln Hospital in New York, the first being Ms. Mabel Crawford, who graduated as a registered nurse in 1911 and she in 1912.

When the school needed funding in the early years, she mortgaged her house. She was a can-do woman, born one of ten children to Mary and John Scott. Her father was a Dockyard worker who raised his family in Shady Rest on West Side Road in Somerset.

Mr. Speaker, her dad was the son of former slaves and an active member of the United Order of Odd Fellows, a self-help organisation that gave both economic and social support to black Bermudians during the 19<sup>th</sup> and 20<sup>th</sup> centuries. We all know that racial barriers restricted employment opportunities for black nurses, so Alice Scott worked as a private duty nurse and later established her own nursing home which she operated for 40 years, until her retirement in 1966.

Similar racial barriers in tennis caused the sport and fitness enthusiast to build her own tennis courts on her own property. And there she founded the Shady Rest Tennis Club. She was also a founding member of Somers Isle Lawn Tennis Club.

Mr. Speaker, earlier I alluded to the role she played in the establishment of a high school in the West End. In 1927 the dreams of co-founders Elizabeth Swan, Annie Simmons, Frances Simmons, William Robinson, Tommy Durrant and Alice Scott, were realised when the school opened with six students in a building in Portland Square, Somerset. The school was troubled for years and changed location many times. Through it all she remained one of its most committed supporters.

Nurse Alice Scott was one of the few black members of the Bermuda Women's Suffrage Society, BWSS, where she served on the executive committee. After women won the right to vote in 1944, the BWSS evolved into the Bermuda Women's Civic and Political Association with the goal of getting more women elected to Parliament.

She was one of four women who ran for Parliament in the 1948 general election. She was a small woman in stature, whose size belied her limitless energy and, like her father, she was a dedicated lodge member. In 1954 she received the British Empire medal for her service to this community.

Mr. Speaker, this is a woman who raised my mother, who birthed me and my twin. It is her values of community service, commitment and dedication which engaged my family. So much so, that my moth-

er, years later, re-opened the Shady Rest facility and ran it as a seniors' residence.

Mr. Speaker, thank you for listening thus far. You see, this history lesson tells you who I am. It is vital to understanding my motivation and desire to serve my country. It should, therefore, come as no surprise to anyone anymore why I am the way I am. With that sort of background, I had little choice but to acquire a social conscience and to be involved in this process. I come by it naturally. I would not be here, Mr. Speaker, without the nurturing, training, encouragement, love, support and, might I say, a regular dose of the rod of correction by my parents, George and Alice Burch. They encouraged me and my siblings to be our best at everything we put our minds to.

Mr. Speaker, likewise, I would not be here without the encouragement and support of political mentors. The late, L. Frederick Wade, who first taught me at Sands Secondary School; the late Dame Lois Browne-Evans, who influenced my political thinking as a young Youth Parliamentarian in this very House; and Dame Jennifer Smith, who has spent her entire life mentoring and encouraging young people. In addition, Mr. Speaker, I have had encouragement and support within constituency 27 from the branch members, from voters, and even more so from two women, both deceased, Mrs. Dorothea Simons, a long-time receptionist in the Attorney General's Chambers, Mrs. Barbara Johnston, a teller at the Bank of Bermuda—two dynamic Bermudian women who provided unwavering support to my campaign to become a Member of this House. It is my goal to always make them proud of the trust they have placed in me.

So, Mr. Speaker, as a great, great, great grandson of slaves in this country, I am fully aware of my purpose and my reason for being on this earth and, as such, I am incredibly aware of my role here in this place to effect positive change for the people of this country.

I am a simple country villager from Somerset who accepts that I must do all I can to uplift other villagers, especially the least of us.

Mr. Speaker, being a parliamentary representative is serious business, a responsibility which I take seriously to change the culture of entitlement, to level the playing field, to encourage all of our people to reach their full potential, to simply tell our people the truth, to have the courage to speak truth to power and not what folks may want to hear.

Our Throne Speech, the Progressive Labour Party's Throne Speech, was squarely focused on those issues deemed most important by our people, a focus on social inequality, jobs for Bermudians, a pledge for transparency and a promise to repair the relationship between Government and the people. Mr. Speaker, it prioritises the issues that will grow international business, inspire our children, protect and respect our seniors, restore confidence in public educa-

tion, and ensure Bermuda is best placed to meet the challenges of the information age.

As Ministers, our Premier has called on each of us to draw on the intellectual capital of our stakeholders. And I intend to do just that, as well as calling on the skill and expertise of every member of staff of the Ministry of Public Works. Mr. Speaker, our platform for a Better and Fairer Bermuda stated quite correctly that unemployed Bermudians must be given the opportunity to qualify themselves for jobs that are available. My Ministry has some experience in this area. We find and train Bermudians for as many jobs as we possibly can.

In this Ministry we are used to young people coming on board for summer jobs. Often they find that they are doing something that they like. And when there is space they remain with us as trainees and move up the chain. But I am certain that by challenging my staff we can do even more with opportunities for young Bermudians. One of the great personal joys of returning to this Ministry I served in a decade ago is to encounter young Bermudians who were then trainees, and are now part of management.

Mr. Speaker, we must also change the culture of our approach to a 21<sup>st</sup> century Bermuda where the response to new ideas raised over the years, the answer is "no." Now what is the question? We have got to stop being the country of "no," where the loudest voices of self-proclaimed experts rule the day. To be clear, writing anonymous letters to the editor or on the blogs is not a contribution to this society. And if you are trying to communicate with me, you are wasting your time as I do not read, listen to, or engage cowards who are not prepared to sign their names.

And then, there are the talking heads that turn up on the only local television station as self-proclaimed experts on all things political and their only claim to fame is an unblemished record of failure at every political attempt.

[Laughter]

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, of course, there is never a shortage of folks who are experts at this job, and are not reluctant to tell me how to do it. To be clear, I take advice from a number of sources, mostly those on the frontline of work in this Ministry who, in my opinion, are the real experts who can share details of challenges and success that oftentimes middle and senior management are unaware of. Every member of this team is a valued member, from the newest employee to the permanent secretary. And they all know what is required during my tour in this post—*Do your job to the best of your ability, and I will be at the front of the line with commendation and praise.*

Equally though, they know that I don't stand for any foolishness, either by them, or directed to them. And I will be just as quick to correct them. The

one thing that my detractors and supporters know without question is that they will get unvarnished honesty. They will also get a representative who works hard and carries out those responsibilities decisively, but with compassion.

We are a team and I am greatly encouraged that each and every day more and more team members are buying into our new motto—*Business as usual just won't do*.

Mr. Speaker, those who think I am arrogant or rude can be forgiven for confusing my self-confidence, as such. I have spent my entire life certain in the knowledge of whom and whose I am.

Let me end where I began, Mr. Speaker. I thank all of those people who contributed in any way to my presence in this House, but particularly, the people of constituency 27, Warwick North Central. I represent them, all 1,004 of them who voted on July 18<sup>th</sup>. I am honoured to be their representative. I will not betray the trust they have placed in me. Thank you, Mr. Speaker.

*[Desk thumping]*

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

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

### LOYAL AND AGGRESSIVE OPPOSITION

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

Mr. Speaker, as we close to have our Christmas break, I just want to say, on behalf of our Team, the One Bermuda Alliance, that we look forward to being the watchdog for the community. We look forward to raising the awareness and consciousness of Bermuda with respect to issues, and we look forward to the team holding the Government to account as we make sure that the things that are done for Bermuda benefit them all.

And I would like to say that we will take the opportunity between now and when we come back in the New Year to get out and talk to our constituents about things that are important to them as we firm up our resolve to be the voice that Bermuda needs and to be the Opposition that is going to be the very loyal, but aggressive Opposition, because an Opposition that keeps the Government on its task means that Bermuda gets the better results.

So, Mr. Speaker, on that note, I would like to say to everyone in the House and to Bermuda, Merry Christmas, and please make sure that we have a safe New Year. Thank you.

**The Speaker:** Thank you, Member. Merry Christmas to you and yours as well.

Mr. Premier.

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

Mr. Speaker, I will not take long as the hour is certainly late.

**The Speaker:** Yes, we recognise that.

### PROGRESS OF PLP

**Hon. E. David Burt:** But, without question, this has been a longer opening session than usual. We started in September, with an early Throne Speech and a lot of warmth. And we have seen a lot of progress which has taken place in this House. This session has certainly seen progress with a number of Bills that are important that we have passed which have fulfilled the Government's promises that were made in, not only its Throne Speech, but also in its election platform.

We have also seen in recent times a more bipartisan atmosphere in this House on matters of importance to the people of which we serve, and it is my hope that we will continue to work together to ensure that the people of whom we serve are able to be served better.

It is imperative, Mr. Speaker, that we do a better job in educating our children, in reducing the cost of living, and in growing and diversifying our economy to create jobs in Bermuda for Bermudians. It is my view that we are well on that path. And it is my hope that we will continue to work toward that path.

The one thing that I will say, Mr. Speaker, is that this team is committed. It is gratifying to lead such a committed team of Members, both Ministers and Backbenchers who come here week in and week out, who come to caucus, who work inside their constituencies, who do various things up and down this country to make sure that this party continues to represent the people of which they serve. It is without question an honour to serve in this place, and it is an honour to serve with everyone on both sides of this House.

With that, Mr. Speaker, I wish everyone in this country, especially you and the people here, a very Merry Christmas, the best in complements of the season, and I hope that we have some time to reflect on the meaning of the season—to spend time with family, to spend time with friends, to take care of the less fortunate, and, most of all, to make sure that we are not only safe ourselves, but encourage others to be safe.

Mr. Speaker, thank you very much. I wish you and yours a very Merry Christmas.

*[Desk thumping]*

**The Speaker:** Premier, Merry Christmas to you and yours as well.

Members, we stand adjourned until 10:00 am on the 9<sup>th</sup> of February 2018. I trust you will all have a very Merry Christmas and a very safe and prosperous one at the same time.

*[Gavel]*

*[At 2:19 am (10 December 2017) the House stood adjourned until 10:00 am, Friday, 9 February 2018]*

*[This page intentionally left blank]*