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BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT

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

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****19 JULY 2019****10:06 AM***Sitting Number 26 of the 2018/19 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mrs. Shernette Wolffe, Clerk]***The Speaker:** Good morning, Members.*[Gavel]***CONFIRMATION OF MINUTES***[Minutes of 12 July 2019]***The Speaker:** Members, the Minutes of the 12th of July have been circulated.

Are there any omissions or corrections that are required?

There are none. The Minutes are confirmed as printed.

*[Minutes of 12 July 2019 confirmed]***MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****APOLOGIES****The Speaker:** We have this morning first to announce Members who are absent. We received communications from Minister Caines, from Member Weeks, Member Moniz and Member Ben Smith that they will be absent today.And as a reminder, the MP Scott Simmons is still at the 44th Commonwealth Parliamentary Association Regional Conference on behalf of Parliament, so he will be absent as well.**FUTURE LEADERS INDUCTION
AND CLOSING CEREMONY****The Speaker:** Also, I would like to note that on your desk you should have an invitation from the Future Leaders. The Future Leaders Induction and Closing Ceremony is actually this afternoon at 5:15, and they

have extended an invitation to Members of Parliament to be present.

This is the conclusion of their three-week academic component of the programme. Students will share their experiences and showcase their accomplishments, and be inducted as Future Leaders. And you are invited to be present, if possible—if possible. That is it. Yes.

*[Pause]***15TH REGIONAL YOUTH PARLIAMENT DEBATE****The Speaker:** Oh, sorry. And also, let me also acknowledge our Youth Parliament in that the Youth Parliamentarians were also attending the conference in Trinidad. It is the 15th Regional Youth Parliament Debate. And Ms. Chrysa Smith and Ms. Haille Teart . . . And Ms. Teart was awarded the Best Debater of the competition. And we would just like to officially recognise that and congratulate her and the entire Youth Parliament Team who were present, both her and Ms. Smith, who are representing Bermuda at the 15th Regional Youth Parliament Debate that took place in Trinidad and Tobago.

And on that note, we would like to welcome the Deputy back. The Deputy, as you know, had been there. And he came back late last night to be present today. But he has just informed me that this is our former Speaker Lois [Dame Lois Browne-Evans'] granddaughter. Ah, so it must run in the family then.

An Hon. Member: Yes, sir.**The Speaker:** Okay. Yes.**MESSAGES FROM THE SENATE****The Speaker:** There are none.**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE****The Speaker:** There are none.**PETITIONS****The Speaker:** There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: There are actually four Statements this morning. And the first is in the name of Minister Foggo.

Minister Foggo.

2019 EMANCIPATION COMMEMORATION

Hon. Lovitta F. Foggo: Good morning to the House. Good morning to our listeners. And especially, good morning to all of those who support the East. Yes.

Mr. Speaker, I rise today to advise my colleagues in this Honourable House of events taking place this month to recognise the [185th anniversary of the abolition of slavery in Bermuda](#).

Mr. Speaker, the history of Bermudians of African descent did not begin with slavery and did not end with slavery. Thus, the Community and Cultural Affairs Department's Emancipation Committee has over the years centred its programme offerings on educating our people not only about the important history of resistance to slavery, such as the conspiracy of 1761, the trial of Sally Bassett and the poisoning conspiracies of the late 1720s, but also on our history before slavery.

This includes research by Boston University professors Dr. Thornton and Dr. Heywood, indicating the Angolan roots of the original African-Bermudian population, as well as the post-emancipation contributions of black Bermudians, including the role of our friendly societies, the significance of black entrepreneurship, and the five-year "Trail of our People" programme that charted the contributions of unsung champions who supported the black community through the post-abolition and segregation eras. There is a long and rich history that we pull from, and these are the stories that Bermudians need to know and claim as a way of bolstering a sense of national pride, identity and purpose.

Mr. Speaker, this year's commemorations focus on the legacy of Mary Prince, who is not only a Bermuda National Hero, but who was also an internationally recognised abolitionist whose narrative provided a clarion call for the emancipation of all those held captive under the inhumane practises of chattel slavery throughout the British Empire. Her slave narrative, *The History of Mary Prince*, does not document a benign life as a slave in Bermuda. And I am providing today all Members of this Honourable House with a copy of her book as essential reading. Mr. Speaker, I would like to take this opportunity to read a few paragraphs of her experiences, to highlight that there was *nothing* benign about slavery in Bermuda.

With your permission, Mr. Speaker?

The Speaker: Yes.

Hon. Lovitta F. Foggo: Thank you.

"I got a sad fright in my mistress's room; and she presently called out to enquire if some work was finished that she had ordered Hetty to do. 'No, Ma'am, not yet,' was Hetty's answer from below. On hearing this, my master started up from his bed, and just as he was, in his shirt, ran down stairs with a long cow-skin in his hand. I heard immediately after, the cracking of the thong, and the house rang to the shrieks of poor Hetty, who kept crying out, 'Oh, Massa! Massa! [Me] dead. Massa! Have mercy upon me—don't kill me outright.' This was a sad beginning for me. I sat up upon my blanket, trembling with terror, like a frightened hound, and thinking that my turn would come next. At length the house became still, and I forgot for a little while all my sorrows by falling fast asleep.

"The next morning my mistress set about instructing me in my tasks. She taught me to do all sorts of household work; to wash and bake, pick cotton and wool, and wash floors, and cook. And she taught me (how can I ever forget it!) more things than these; she caused me to know the exact difference between the smart of the rope, the cart-whip, and the cow-skin, when applied to my naked body by her own cruel hand. And there was scarcely any punishment more dreadful than the blows received on my face and head from her hard heavy fist. She was a fearful woman, and a savage mistress to her slaves."

The Speaker: Thank you.

Hon. Lovitta F. Foggo: Not quite finished.

"Poor Hetty, my fellow slave, was very kind to me, and I used to call her my Aunt; but she led a most miserable life, and her death was hastened (at least the slaves all believed and said so,) by the dreadful chastisement she received from my master during her pregnancy. It happened as follows. One of the cows had dragged the rope away from the stake to which Hetty had fastened it, and got loose. My master flew into a terrible passion, and ordered the poor creature to be stripped quite naked, notwithstanding her pregnancy, and to be tied up to a tree in the yard. He then flogged her as hard as he could lick, both with the whip and cow-skin, till she was all over streaming with blood. He rested, and then beat her again and again. Her shrieks were terrible. The consequence was that poor Hetty was brought to bed before her time, and was delivered after severe labour of a dead child. She appeared to recover after her confinement, so far that she was repeatedly flogged by both master and mistress afterwards; but her former strength never returned to her. Ere long her body and limbs swelled to a great size; and she lay on a mat in the kitchen, till the water burst out of her body and she died. All the slaves said that death was a good thing for poor Hetty; but I cried very much for her death. The manner of it filled me with horror. I could not bear to think about

it; yet it was always present to my mind for many a day.”

Mr. Speaker, that was just read to let people know the atrocities of slavery.

Mr. Speaker, the Department of Community and Cultural Affairs has partnered with Titan Express to offer a historical bus tour providing highlights of Mary Prince's autobiography, visiting three of the sites that she mentions in her book. This tour is running throughout the month of July, and as it stands, those tours are already sold out. So, we have put on four more tours for the month of August. We congratulate Rashida Godwin and her team at Titan Express for developing this kind of offering. Given the level of public interest and value to cultural tourism, we thank Titan for considering the extension of the tours into August and, hopefully, throughout the year.

Mr. Speaker, part of the history of black Bermudians has been about recognising our connection to those throughout the African Diaspora; this connection has perhaps been most clear to our historians and artists. The Dr. Kenneth E. Robinson/Cyril Outerbridge Packwood Memorial Lecture, honouring two of our most insightful historians, has now entered its 14th year, and Tuesday night featured a talk on the African-American poet Langston Hughes. The talk, offered by Stanford University Professor Emeritus, Dr. Arnold Rampersad, will be followed by a second lecture by Dr. Rampersad, entitled “Writing Our Lives: The Importance of Autobiography and Biography Today,” focusing on the importance of autobiography, memoir and biography—Mary Prince's narrative being a key example.

Mr. Speaker, the events relating to the Emancipation Committee are important, but what might sometimes be overlooked is the vital research that the Department of Community and Cultural Affairs funds so that we might know more about the depth and breadth of our history. In 2017/18, the department funded a research project by Dr. Margot Maddison-Macfadyen on the latter days of Mary Prince because, as vital as Prince's story is to our national narrative, we had little information about what happened to our hero following the publication of her book.

Mr. Speaker, these findings, which have already been shared with a number of schools during Education Month in February, will now be made known to the public in a lecture by Dr. Maddison-Macfadyen on July 25th at the Earl Cameron Theatre. Let me just mention that this is a free lecture, Mr. Speaker. This talk will conclude with a dance performance entitled “A Woman Named Prince,” choreographed by Conchita Ming, and performed by Arielle Lee Ming and the Anointed Wings of Fire.

Mr. Speaker, the Department of Community and Cultural Affairs, as well as the individuals who comprise the Emancipation Advisory Committee, are to be commended for these excellent offerings. It is my hope that these events will strengthen our under-

standing of who we are, where we come from, and the strength of the shoulders that we all stand upon.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement is in the name of the Minister of Education.

Minister.

Hon. Diallo V. S. Rabain: Good morning, Mr. Speaker.

The Speaker: The copies are being distributed now.

Hon. Diallo V. S. Rabain: Good morning, Mr. Speaker, and good morning to the general public. And good morning, colleagues.

The Speaker: Good morning.

2019 SCHOLARSHIPS AND AWARDS

Hon. Diallo V. S. Rabain: Mr Speaker, this morning I rise to share with this Honourable House the recipients of the Education Ministry's 2019 [scholarships and awards](#). On Wednesday this week, July 17th, the Ministry of Education held its annual Scholarships and Awards Reception, which was a gratifying evening of recognition and celebration of an outstanding group of young Bermudians. The reception brought together over 100 family members and friends, who demonstrated a high degree of pride in their clapping, whistling and shout-outs as each student was called to receive their scholarship and award.

Although this year's scholarships and awards recipients reflected different ages, backgrounds, and areas of studies, a common thread revealed their expression of deep commitment to achieve, be successful and contribute towards a better Bermuda. Mr. Speaker, this Government shares that same commitment. We not only value education, but are investing in education. We are delivering on our pledge to provide greater opportunities for Bermudians to help meet their individual education and training needs, but also for those of our community and economy.

We believe that funds for post-secondary education and training [should] be used strategically and in line with our values. Therefore, in putting our children and their futures first, we continue to provide long-standing scholarships and awards, such as the Bermuda Government Scholarships for Outstanding Scholars; the Further Education Awards for students who need financial support in completing college or university; and, more recently, the Technical and Vocational Awards, Applied Tech Scholarships and Awards for Exceptional Students.

Mr. Speaker, let me share first the names of the recipients of the prestigious Bermuda Government Scholarship Award. The Scholarships and Awards

Committee of the Board of Education identified the most qualified students who were well-rounded by way of demonstrating outstanding academic achievement, leadership, community service and a commitment to contribute to Bermuda upon the completion of their studies. Each Bermuda Government Scholarship recipient receives funding towards the cost of tuition and accommodation, up to \$35,000 per annum for a period of up to four years.

Mr. Speaker, these high-achieving students emanate from Bermuda's public and private educational institutions. The students are pursuing the fields of medicine, law and psychology. Mr. Speaker, the 2019 Bermuda Government Scholarship awardees are as follows:

- Taj Donville-Outerbridge, a graduate of the Berkeley Institute and the Bermuda College dual-enrolment programme. He is pursuing a degree in medicine at St. George University in Grenada;
- Ryan Robinson-Perinchief, a graduate of the Berkeley Institute, and an LLB graduate of Durham University. He will be completing his Legal Practice Course at BPP University in the UK; and the third awardee is
- Harlee Purvey, a graduate of Bermuda High School for Girls. She will be pursuing a degree in Psychology at McMaster University in Ontario, Canada, with a focus in Speech-Language Pathology.

Mr. Speaker, we are pleased that our top scholarship recipients are pursuing areas of study that are relevant for Bermuda and in industries that require Bermudian professionals.

Mr. Speaker, as a reminder for my honourable colleagues, the next set of scholarships and awards were introduced to ensure more diversity in our awards funding. There is a total of five different categories, which include:

- a. the Minister's Achievement Scholarship for a graduating student from CedarBridge Academy and a graduating student from the Berkeley Institute to pursue overseas post-secondary study;
- b. the Minister's Technical and Vocational Award for graduating public school students, or recent public school alumni, attending Bermuda College who are pursuing local or overseas post-secondary study;
- c. the Minister's Exceptional Student Award for graduating students or school-leavers with disabilities pursuing local or overseas post-secondary study;
- d. the Minister's Applied Technology Scholarship for senior public school dual-enrolment students in Bermuda College's Applied Technology Programme to allow recipients to complete their associate degree once they have graduated from senior school; and

- e. the Minister's Bermuda College Book Award for the purchase of books by Bermuda College students in financial need.

These scholarships and awards are tenable for the duration of the student's fulltime post-secondary programme of study for a period from one to four years, except the Minister's Bermuda College Book Award, which is a one-time award valued at \$500 for the purchase of books. All other Minister's Scholarships and Awards are valued at \$5,000 for local studies and \$25,000 for overseas studies.

Mr. Speaker, the recipients of the Minister's Applied Tech Scholarship are Malachi Butterfield [and Kiundae Tuzo]. Malachi is a graduate of CedarBridge Academy. In September 2019 he will pursue an associate's degree at Bermuda College on his path towards becoming a Robotics Engineer. Kiundae Tuzo, another graduate of CedarBridge Academy, will pursue an associate degree at Bermuda College. His goal is to become a Veterinary Technician. I am most pleased to add that both students are recent graduates of the Applied Technology Certificate Programme offered at the Bermuda College.

Mr. Speaker, recipients of the Minister's Achievement Scholarship are Jordyn Richardson [and Marley Hines]. Jordyn is a 2019 graduate of the Berkeley Institute. She plans to study Psychology and Neuroscience at Ohio State University in Columbus, Ohio. Marley Hines, a 2019 graduate of CedarBridge Academy, plans to study Economics at Bryant University in Smithfield, Rhode Island. Also, let me state that both students are recent graduates of the Bermuda College dual enrolment programme, as well.

Mr. Speaker, recipients of the Minister's Technical and Vocational Award are Dimitrius Richardson [and Jahmori Richardson]. Dimitrius is a graduate of the Berkeley Institute. He has been accepted to the International Liverpool College to pursue the Foundation Certificate for Business, Law and Social Sciences. Upon completion, he will enter the BA (Honours) in Architecture [programme] at the University of Liverpool. Jahmori Richardson, a graduate of CedarBridge Academy, has been accepted into Bermuda College and will pursue an Associate's of Science Degree in Computer Information Systems.

Mr. Speaker, the recipients of the Minister's Exceptional Student Award are as follows:

- CaVon Raynor attended Bermuda College and has been accepted to Nova Southeastern University where he will pursue a degree in Marine Science;
- Sacred Basden is a 2019 graduate of the Bermuda High School for Girls. She plans to pursue a degree in Women's Studies at Mount Saint Vincent University in Halifax, Nova Scotia, as a precursor to a career in law and politics; and
- Keziah Bean-Fostin, a 2019 graduate of the Berkeley Institute is of the first cohort of grad-

uates to receive the Bermuda Alternative School Diploma. She plans to pursue a degree in Early Childhood Education at Coventry College in Coventry, England.

Mr. Speaker, the recipients of the Minister's Bermuda College Book Award are determined by Bermuda College, and these decisions are still pending.

Mr. Speaker, I will now share the recipients of the remaining scholarships and awards determined by the Board of Education. The recipients of the 2019 Non-Traditional Student Awards are:

- Noelene Fleming. She will pursue a Degree in Business Administration at the Mount Saint Vincent University through the Bermuda College partnership affiliation;
- Shari Young. She plans to study Business Administration with a major in Accounting at Mount Saint Vincent University, also through the Bermuda College partnership affiliation; and
- Scott Burrows, currently a sophomore student at Warwick University in the UK, studying Marketing and Communications.

The recipients of the 2019 Teacher Education Scholarships are Gere Scraders, a junior student at Temple University, in Philadelphia, studying science and mathematics; and Kennisha DeShields, a junior student at Georgia Gwinnett College in Lawrenceville, Georgia, specialising in special education. Mr. Speaker, these Teacher Education Scholarships are given to candidates to pursue initial teacher training and, as a condition of their scholarship, [the recipients] will work as teachers in the public school system.

Lastly, Mr. Speaker, the Ministry awarded a total of 30 Further Education Awards, which are too numerous to name this morning. However, the full list of all scholarship and award recipients will be available later today on the Ministry's website at www.moed.bm.

Mr. Speaker, let me tell you that it is refreshing, it is encouraging and it is most gratifying to know that our young Bermudians are bold in their aspirations and pursuit of postsecondary studies that will lead to a mix of professional careers. We are extremely proud of all 49 scholarship and award recipients. I ask my honourable colleagues to join me in congratulating our students and wishing them success as they further their studies.

Mr. Speaker, in closing, I thank the chairpersons and members of the Minister's Scholarships and Awards Committee, the Board of Education's Scholarship Committee, as well as the scholarship and awards team of the Ministry of Education Headquarters. It is with passion and dedication that they serve to help ensure that our students are positioned for ultimate success. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Statement is in the name of the Minister of Tourism and Transport.
Minister De Silva.

BERMUDIAN PROFESSIONAL DEVELOPMENT: MICHELE BEAN P3 CERTIFICATION

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

Mr. Speaker, the House is aware of this Government's unwavering commitment to creating and supporting [professional training and development](#) opportunities for Bermudians. The House is also aware of this Government's continued efforts to optimise and improve the airport deal to maximise benefits for Bermuda.

Mr. Speaker, I am pleased to update Members on the recent achievements of Michele Bean, a Bermudian who unifies and represents both Government commitments. Michele is the Director of Public Private Partnerships (or P3) Contract Management at the Bermuda Airport Authority. She is responsible for contract oversight of the airport redevelopment P3 project and the 30-year concession agreement. In her role, she ensures that the airport developer's and operator's obligations are fulfilled in accordance with the various contracts and regulations. Over a 13-month period, Michele recently completed the APMG P3 Certification Programme and is now a Certified Public Private Partnership Professional (or what is known as CP³P). This programme is an internationally supported innovation of the Asian Development Bank, American Development Bank, Islamic Development Bank and the World Bank Group. In Michele, Bermuda has a qualified, certified professional capable of managing complex infrastructure challenges like those experienced at our airport redevelopment project.

Mr. Speaker, recognising the potential for future P3 agreements on the Island and this Government's goal of ensuring that Bermudians are effectively prepared to lead these future projects, we are excited to celebrate Michele's recent accomplishment and look forward to more Bermudians receiving this and similar high-value professional certifications.

I ask the Honourable Members of this House to join me in congratulating Michele for her achievement and hard work, and in wishing her future success in her role representing and fighting for Bermuda's interests as a member of the Airport Authority team.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

Hon. Zane J. S. De Silva: Yes, Mr. Speaker.

And, Mr. Speaker, I was hoping to have Michele Bean here today. But, of course, she is quite busy tied up with some engineering work at the airport

and could not be with us here today. But I am sure she feels our excitement in spirit, Mr. Speaker.

BERMUDIANA BEACH RESORT LAUNCH

Hon. Zane J. S. De Silva: My second Statement, Mr. Speaker. I rise this morning to report on the launch of Bermuda's newest hotel development. You may recall that my colleague, the Minister of Public Works, announced in March 2018 the conversion of the Grand Atlantic site into a new mid-market boutique hotel to be renamed the [Bermudiana Beach Resort](#)—Tapestry Collection by Hilton.

Mr. Speaker, the condominium hotel development will provide the best value for money and is most closely aligned with this Government's goals of increasing tourist accommodations. The partnership between the Bermuda Housing Corporation, resort specialist Robert MacLellan of MacLellan & Associates, architectural and interior design firm OBMI Bermuda and Bermuda Realty Company Limited involves the conversion of the existing 78 two- and three-bedroom condominiums into a full-service condo hotel with resort leisure amenities. The property is being redeveloped by a wholly owned subsidiary of the Bermuda Housing Corporation with expert input from the specialist resort codeveloper team, who are providing the design, project management, operations, marketing experience and resources.

Mr. Speaker, 71 of the condominiums are being refurbished with new kitchens and bathrooms, additional windows and new floor coverings. The remaining seven condominiums are being converted into a reception area, bar and restaurant, meeting room, commercial kitchen, spa and operations support areas. Elevators are to be installed in eight of the nine condominium blocks, with the construction of two swimming pools and the installation of two trams to provide access to the beach below and add stability to the cliff face.

The condominiums, available to both local and international purchasers, Mr. Speaker, will be marketed as deeded vacation homes on an outright sale basis. They will, however, be restricted to a maximum 90 nights per year occupancy, with the balance of nights available for use as hotel inventory under a mandatory rental programme contract, which shares income between individual owners and the resort operating company. Almost 50 per cent of the condominiums will be modified to include "lock-off" en suite bedrooms and thus increase the number of suites and rooms available for the hotel accommodations to 111.

Mr. Speaker, Phase 1, comprising 70 of the 111 keys, will come online in July next year, with the remaining 41 units in 2021. The agreement with the Hilton franchise will provide access to their worldwide marketing and reservations systems.

Mr. Speaker, we are confident that the development of this exciting new tourism property in part-

nership with Hilton Hotels International will greatly enhance our tourism offerings.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

REPORTS OF COMMITTEES

The Speaker: There are no reports of committees.

QUESTION PERIOD

The Speaker: First this morning, we do have written questions. And the first two questions have been deferred because the Minister is off the Island on Government matters.

QUESTIONS: LAHEY CLINIC LAWSUIT—COSTS

[Deferred]

Hon. Derrick V. Burgess, Sr.: *Would the Honourable Minister please inform this Honourable House what is the total cost of legal fees in Bermuda and overseas and the names of the local and overseas law firms involved in this ongoing investigation.*

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

QUESTIONS: REDEMPTION FARM PROGRAMME

[Deferred]

Hon. Michael H. Dunkley: *Will the Honourable Minister please advise this Honourable House if he can provide an update on the agreed budget for the Redemption Farm as highlighted in your Ministerial Statement to the House on November 23rd, 2018?*

Hon. Michael H. Dunkley: *Will the Honourable Minister please provide to this Honourable House the details on the number of candidates who have been accepted into the Redemption Farm programme?*

Hon. Michael H. Dunkley: *Will the Honourable Minister please provide to this Honourable House an update on the state of the Redemption Farm*

and whether it is fit for purpose; that is if the field has been cleared and seedlings planted?

The Speaker: And so, we will go to the third written question this morning. And that question is in the name of the Member from constituency 10.

Member Dunkley, would you like to put your questions? And they are for oral response for the Minister of Tourism. You can put your question.

QUESTION 1: BERMUDA CHAMPIONSHIP AT THE PORT ROYAL GOLF COURSE

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

To the Honourable Minister: Will the Honourable Minister please provide this Honourable House with a total budget, including all Government and Bermuda Tourism Authority expenses, allocated to hosting the Bermuda Championship at the Port Royal Golf Course from 2019 to 2023?

Hon. Zane J. S. De Silva: The Bermuda Tourism Authority's title's sponsorship is \$3.2 million annually, as shared by me previously. Sponsorship agreements and their terms between the PGA Tour and the sponsors are deemed confidential by the tour, for commercial competitive reasons. This is standard across all sports properties.

The Speaker: Thank you, Minister.

Would you supplement? Supplementary or new question? I am sorry. It is a written question. Supplementary to your written question, or are you moving on to your second question?

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

The Speaker: Okay. Do your supplementary to it. Yes.

SUPPLEMENTARY

Hon. Michael H. Dunkley: Mr. Speaker, I thank the Honourable Minister for that answer. In regard to that \$3.2 million per year over every year, what additional expenses does the Minister believe will have to be added to that on a year-by-year basis to make the tournament successful?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker. The number we added to that, the Tourism Authority's commitment is \$3.2 annually, as I stated. And that is where we will stand.

The Speaker: Thank you, Minister.

Okay. Next question? Yes. Put your next question.

Hon. Michael H. Dunkley: Question number two, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: BERMUDA CHAMPIONSHIP AT THE PORT ROYAL GOLF COURSE

Hon. Michael H. Dunkley: Would the Honourable Minister please provide this Honourable House the details of the total approved budget for preparing the Port Royal Golf Course and Clubhouse for the Bermuda Championship in 2019, detailing the total budget cost with an itemised list of main expenses?

The Speaker: Minister.

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

Mr. Speaker, the itemised list is being finalised now as we speak. I am sure the Honourable Member, with his past experience, knows that these things take a little time. As soon as we have those completed, I will gladly bring all the details to this House via a Ministerial Statement.

The Speaker: Supplementary?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. I appreciate the Honourable Minister's commitment to getting back to me. But time is running on. And I would have thought this would have been taken care of before the contract was actually signed.

Supplementary question, Mr. Speaker.

The Speaker: Yes. Put your question.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: In regard to preparing the golf course for the championship at the end of October, currently, what equipment is required? And what functions within agronomy are not working at this point in time?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, as I said, what I will do is I will give that in a full detailed summary in due course.

The Speaker: Okay.
Third question?

Hon. Michael H. Dunkley: Supplementary.

The Speaker: Supplementary, yes.

Hon. Michael H. Dunkley: Mr. Speaker, staying on the theme of preparing the golf course, how much time does the Minister think is required to have the Port Royal Golf Course in the championship condition that it will be expected to be in?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Again, Mr. Speaker, as a former President of Mid Ocean Club, I am sure the Honourable Member knows that there is no deadline for this. It is going to be ongoing, and it will be ongoing for five years, to be frank.

The Speaker: Supplementary.

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

The Speaker: Yes.

Hon. Michael H. Dunkley: Mr. Speaker, the Minister must be aware of the current condition of the golf course. And there is no sand in the traps. Can the Honourable Minister please inform this Honourable House when sand will be put in the traps?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, that comes under the remit of the Minister of Public Works. And I am sure that in due course he will find that out, too.

[Crosstalk]

The Speaker: Yes, yes. Third question.
Yes. Move on to your third question.

QUESTION 3: BERMUDA CHAMPIONSHIP AT THE PORT ROYAL GOLF COURSE

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
Can the Honourable Minister, in question number three, please provide this Honourable House the name, beneficial owners and details of the company that will manage the Bermuda Championship in 2019, including how much they will be paid?

Hon. Zane J. S. De Silva: Mr. Speaker, the name of the company is the Bruno Event Team. And you can find them on www.brunoeventteam.com. They are the operator of the event, and they will be responsible for operations and fundraising. They are assuming full financial risk for the delivery of the event, under a contract with the PGA Tour, not BTA or the Government of Bermuda.

The Speaker: Supplementary?

SUPPLEMENTARIES

Hon. Michael H. Dunkley: Mr. Speaker, are there any concessions that the Government of Bermuda has given in hosting this tournament?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Not at this time. But I am sure there may be in the future.

The Speaker: Could be. Okay.

Hon. Michael H. Dunkley: Supplementary?

The Speaker: Yes.

Hon. Michael H. Dunkley: Mr. Speaker, is it anticipated that there will be required work permits for this tournament, and if so, how many?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, you know, the Honourable Member again, certainly, as former President of Mid Ocean Club and the former . . . certainly being heavily involved with the tournaments similar to this being held at Mid Ocean, will know that answer, probably better than me, Mr. Speaker.

[Crosstalk]

The Speaker: Supplementary?

Ms. Susan E. Jackson: Yes.

The Speaker: Oh, okay. We will take your supplementary.

SUPPLEMENTARY

Ms. Susan E. Jackson: Yes. I would just like to ask, who will be managing this project locally?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Well, what the Bruno Event Team will do is work with the management of Port Royal in organising the event.

The Speaker: Supplementary? Everyone is good? We are good? Okay.

Well, that brings us to a close of the written questions. We will now move on to the questions from this morning's Statements. And the first is for the Minister of Education, from the Member from constituency 19. Member Atherden, would you like to put your question?

Hon. Jeanne J. Atherden: Mr. Speaker my question for the resort.

The Speaker: I am sorry. I am looking . . . The Opposition Whip, I am sorry. You had a question for the Minister of Education. (I am sorry.) Yes.

QUESTION 1: 2019 SCHOLARSHIPS AND AWARDS

Ms. Susan E. Jackson: Good morning.

Minister, I would just like to know whether we are tracking the young students who are traveling overseas for study. Are we tracking them? So, are we keeping count of who is going and where they are going? And if we are, then how long have we been doing that? How long have we been tracking?

Hon. Diallo V. S. Rabain: Mr. Speaker, I will answer that question in relation to what I actually spoke about, which is scholarships.

And yes, we do track the students who we do give financial assistance to to see how they are doing. And part of the tracking is because sometimes, the funding that they have been allocated is more than what they need. And if it is so, the balance of those funds is retained and we use that to give to other students who were not successful. So, we do track them, and we track them through graduation.

In fact, we had one of our former BGS scholarship recipients speak at the event on Wednesday, where we issued the scholarships.

The Speaker: Thank you, Minister.
Supplementary?

SUPPLEMENTARY

Ms. Susan E. Jackson: In that tracking, so do we know how many of the scholarship-holders, upon graduation, are returning to Bermuda? And then, what are we doing to assist them in their professional journey once they come back, and if they come back?

If they do not come back, do we track where they go?

The Speaker: Minister.

Hon. Diallo V. S. Rabain: Mr. Speaker, that information I will have to commit to getting back to that Member, as it is not something that was contained in the Statement. So, I cannot speak to it with any authority at this moment. But we do track our scholarship recipients.

The Speaker: Thank you.

No further questions? No supplementary?

We will move on to the next Statement. And for the next Statement, the questions are for Minister

De Silva in reference to your second Statement regarding the hotel development at Bermudiana Beach. And the first question is from the Deputy Opposition Leader.

Honourable Member, would you like to put your question?

QUESTION 1: BERMUDIANA BEACH RESORT LAUNCH

Ms. Leah K. Scott: Thank you, Mr. Speaker. Yes. I just have a couple of questions.

First, I remember that we did meet in the House some time ago, BHC [Bermuda Housing Corporation] . . . Minister Burch [stated] about setting up the wholly owned subsidiaries.

So, for this development, has a company been set up? And if so, what is the name of the company?

The Speaker: Minister.

Hon. Zane J. S. De Silva: I am not 100 per cent sure, but I will get that for you. In fact, I will get it for you before the morning is out.

SUPPLEMENTARY

Ms. Leah K. Scott: Okay. And supplementary to that question is if I could also have the names of the directors and officers of the company?

Hon. Zane J. S. De Silva: Sure. I will undertake to get that.

The Speaker: Thank you.

Ms. Leah K. Scott: Thank you. And then—

The Speaker: Supplementary or new question?

Ms. Leah K. Scott: New question.

The Speaker: Go ahead.

QUESTION 2: BERMUDIANA BEACH RESORT LAUNCH

Ms. Leah K. Scott: So, will these condos be under the Government's Condominium Act? Because I know that in some instances a developer will set up a development company, and then once it is developed then the shares are transferred to the owners, under the Government's Condominium Act, I do not think that that happens. So, how is it going to work?

The Speaker: Thank you.

Hon. Zane J. S. De Silva: I will include that in the information that I give the Honourable Member later.

Thank you, Mr. Speaker.

Ms. Leah K. Scott: Okay.

The Speaker: Thank you.

Supplementary? No further questions?

Ms. Leah K. Scott: No. Thank you.

The Speaker: Minister, you have a second Member who would like to ask questions. That is the Member from constituency 10. Honourable Member Dunkley, would you like to put your question?

QUESTION 1: BERMUDIANA BEACH RESORT LAUNCH

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

To the Honourable Minister: The bottom of page 2, in the last paragraph, the Honourable Minister stated, "The property is being redeveloped by a wholly owned subsidiary of the Bermuda Housing Corporation with expert input from the specialist resort codeveloper . . ."

To the Honourable Minister: What will be the investment by Government and the Bermuda Housing Corporation in this planned venture, going forward? And what is the investment by MacLellan & Associates, going forward?

The Speaker: Minister.

Hon. Zane J. S. De Silva: As it goes forward, I will give you that information, as well.

The Speaker: Supplementary or new question?

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

The Speaker: Yes.

SUPPLEMENTARY

Hon. Michael H. Dunkley: I would assume, Mr. Speaker, that there is a budget, the amount that is available to be invested by the Bermuda Housing Corporation. So, I would like to know that figure. And what . . . let me rephrase this question another way.

What commitment in dollars has MacLellan & Associates given to this programme?

Hon. Zane J. S. De Silva: I will give that information along with the first lot of information, as well.

The Speaker: Thank you.

Next question?

QUESTION 2: BERMUDIANA BEACH RESORT LAUNCH

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

On the top of page 3, the Honourable Minister said, "The remaining seven condominiums are being converted into a reception area, bar and restaurant, meeting room, commercial kitchen, spa and operations support . . ." Question to the Honourable Minister: Who is responsible for that development? And what is the budget for it?

Hon. Zane J. S. De Silva: Again, specifically, I will get those to you with the other two questions, as well.

The Speaker: Thank you.

New question?

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

The Speaker: Yes.

QUESTION 3: BERMUDIANA BEACH RESORT LAUNCH

Hon. Michael H. Dunkley: The condominiums, the Minister says, will be available to both local and international personages. What is the estimated price of the sale of the condominiums?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Mr. Speaker, I will get those because that is going to be a little bit of a moving target. But I believe they are starting in the lower 400s and up. But again, I will get that to the Honourable Member. As he knows, we are working with a local real estate firm to do that for us.

The Speaker: Thank you. That concludes your questions.

Minister, you also have a question from another Member, the Member from constituency 19.

Member Atherden, now you can put your question.

QUESTION 1: BERMUDIANA BEACH RESORT LAUNCH

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

Mr. Speaker, through you to the Minister: The last sentence in the first paragraph on page 3 says, "Elevators are to be installed in eight of the nine condominium blocks, with the construction of two swimming pools and the installation of two trams to provide access to the beach below and add stability to the cliff face." Could you clarify what is being done to add stability to the cliff face?

The Speaker: Minister.

Hon. Zane J. S. De Silva: Well, Mr. Speaker, I will be happy to table a little brochure, a booklet, for the Honourable Members of the House to view. And in that, it very clearly shows what will be done to install these what they call sliding stairs. So, the Honourable Member can have a good look and see exactly what we are going to do with that cliff face.

The good thing, Mr. Speaker, is that, unlike some reports that were floating around in the past, if you go up onsite—and I invite all Members to do just that, to look at our newest tourism product—you will see that the cliff is not falling in. And in fact, I would like to take this opportunity to thank Hilton Hotels for the confidence they have in Bermuda to invest in a tourism product. Thank you.

The Speaker: Okay. Thank you, Minister.
Any further questions?

Hon. Jeanne J. Atherden: Just for clarification, because I am sure I heard it correctly. But for those listeners out there, you are saying that, by putting in these elevators, that this effectively adds the stability to the cliff? And you are going to table some sort of brochure, et cetera, so that I and other people can see it?

Hon. Zane J. S. De Silva: No. The elevators are in the building, condos, themselves.

[Laughter]

Hon. Zane J. S. De Silva: So, the Honourable Member got a little confused. What I did table—what I did table was the mechanical stairs that they can use to get down to the beach. And I have tabled it. It is sitting on the table, Mr. Speaker.

The Speaker: Thank you.
No more questions?

That brings us to a close of the Question Period this morning.

Hon. Michael H. Dunkley: Mr. Speaker, just one question. As I mentioned to you earlier in relation to last week's questions and Rule 17(9)(vii), I just would like to request for the Honourable Minister of Finance to give a reply to the deferred questions for last week.

The Clerk: I have the responses.

The Speaker: Yes.

The Clerk: I just received them. They are sent to your parliament.bm—

[Crosstalk]

Hon. Michael H. Dunkley: Okay. Thank you. I will take a look at them and let you know.

The Speaker: Yes. They have been forwarded to you. Yes.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Would any Member wish to speak?
We recognise the Deputy Premier.
Deputy Premier, you have the floor.

Hon. Walter H. Roban: Yes. Mr. Speaker, I do not know if this was already done in a previous sitting, but I would like to offer a condolence message to the family of Ms. Aina Wilkinson, who passed away some weeks ago. But her family, this month, last week, had her interred, I believe, at Trinity Church in Hamilton Parish. And her family had a going-away ceremony in her honour, bringing together family and friends of her and her family. She was the wife of the former Speaker, Mr. David Wilkinson, and also a long-standing Member of this House.

Ms. Wilkinson was a wonderful, beautiful person. She originated in Norway, came to Bermuda in the 1950s and met her husband and had a daughter, Linda, and a number of grandchildren. But Bermuda was her home all that time. And my meeting with her, my occasion to meet with her and become a friend of hers was not by chance, but she was someone who certainly understood the responsibilities of public service and was always very encouraging to me whenever we had the chance to meet. Clearly, being associated with a family that had a long history of public service, she understood what that meant irrespective of what side of the House you sat. And so, I wish to ensure that there is a condolence message in the record to her [family], Linda, her daughter, Linda's children and grandchildren, all of whom I know miss her dearly. Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.
Does any other Member wish to speak?
I recognise the Premier. Honourable Premier, you have the floor.

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

Mr. Speaker, I would like to, at this point in time, ask this Honourable House to please send a letter of condolences to the family of the late V. Jeanette Cannonier, OBE. And of course, Mr. Speaker, I would like to associate all Members of this Honourable House.

The Speaker: Yes, yes.

Hon. E. David Burt: Ms. Cannonier served as chairman of the Public Service Committee for 14 years and retired in 1997 after a total of 20 years of service. She answered the call to public service as an Independent Senator in the other place and was instrumental in the call for mandatory seatbelts in Bermuda. Ms. Cannonier understood the importance of caring for our seniors and fought for better care for them. We send our thoughts and prayers for her family and friends during their time of mourning. And as you would note, Mr. Speaker, the Government did release an official statement on her passing.

Mr. Speaker, moving to congratulations, and of course, associating all Members of this Honourable House, rather presumptuously, I would like to ask that congratulations be sent to Bermuda's Women's National Football Team, the Under-20 National Football Team, for their performance in the CONCACAF Women's Championship. They did manage a win against Suriname, and they have certainly—sorry?

[Inaudible interjections]

Hon. E. David Burt: And they are certainly making sure that they are continuing the legacy which has been set by those ones who were in the Under-15s and Under-16s last year in their performance.

Also, I would like to send a big congratulations to Bermuda's representatives of the NatWest Island Games that competed in athletics—swimming, bowling, squash, volleyball, badminton—in Gibraltar. They brought home a number of medals. The Minister for Labour, Community Affairs and Sports did receive them when they came back. And I just wanted to make sure that their achievements were recognised.

Mr. Speaker, I would also like to associate myself with the congratulations, and certainly [include] the Government and all Members of the House, with the congratulations which you gave at the beginning of this morning's session for Haille Teart and Chryesda Smith for their outstanding performance at the debating—the Youth Parliament Debate in Trinidad and Tobago.

However, Mr. Speaker, we have another group of debaters who may be visiting the House of Assembly this morning, and I want to express congratulations to the two debate teams that competed in the Heart of Europe [Debating] Tournament in the Czech Republic, the Independent Bermuda Team and the Dynamic Debaters. Team Independent shone brightly as they took second place to South Korea, with Hailley O'Donnell winning award for Best Overall Speaker of the tournament. This, Mr. Speaker, certainly was a job well done. And I look forward to, hopefully, hearing them take their place in this House of Assembly at some point in time in the future to add to our debates.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

Anyone else wish to—

We recognise the Honourable Member from constituency 2.

Honourable Member Swan, you have the floor.

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

Mr. Speaker, I wish to be associated with the condolences being offered to the late Jeannette Cannonier. I did not know my cousin had passed away. We come from that long line of Andersons that came out of Salt Kettle, and her through the Ushers. And I served with her in the other place for many, many, many years, Mr. Speaker.

And I will remember that one time when, in the early days, a vote came down on the Motor Car Amendment Act. And sometimes, the language gets a little confused. And someone was intending to go left and ended up going right. But that notwithstanding, Ms. Cannonier could be counted on to speak her mind. And she gave great service in the banking industry, as well as being a member of the Public Service Commission for many, many years. And so, Mr. Speaker, I just wanted to be associated, as one who knew her and her family on a little bit more personal level, and extend my condolences, as well.

The Speaker: Any other Member wish to speak?

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

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

Mr. Speaker, I would like to associate myself with the comments made in regard to Senator Jeannette Cannonier. We crossed paths in the banking community, as well as in the Legislature. She was committed to public service, and she was passionate. She was a clear speaker and a concise speaker. And she did not mince her words. I remember quite clearly, she and the late Nelson Bascome and myself were at a CPA Conference in Namibia years ago. And we went to this game reserve and had an exotic meal. There were crocodiles and snakes on the menu.

The Speaker: Did you partake of it?

Mr. N. H. Cole Simons: And we were sitting around deciding who was going to eat what. And everyone had to choose one of them. Well, it was the funniest thing you can imagine.

Mr. Speaker, I would like to also associate myself with the comments made in regard to Aina Wilkinson. I knew her well. Her daughter and I share the Arts Foundation together. So, I was at her house many times, and she always had something to say. And she was also interested in what was going on in Bermuda. And she was quite liberal in her thoughts.

So, I commend her, and you know, I convey my condolences to her family.

Mr. Speaker, I would like to also send congratulatory remarks to Ms. Myrtle Edness. She went 105 on the 17th of July. This lady is like—

[Inaudible interjections]

Mr. N. H. Cole Simons: Yes. I would like to associate the Honourable Member Scott and Ms. Jeanne Atherden. Ms. Edness was my neighbour. She knew me before I knew myself. She used to take me to church, Christ Church in Warwick, when I was a youngster. And she took me swimming. So, I called her up on her birthday, and I said, *Ms. Edness, it's Cole.*

She said, *I know. I know.*

I said, *You are having a good day?*

She said, *I am trying. I am trying.*

I said, *You been swimming yet?*

She said, *No.*

I said, *Well, come down my house. Tell Marie to bring [you] to my house. Come for a swim.*

So, I saw Marie in town yesterday. She says, *Cole, Myrtle has been asking me every day, 'When am I going swimming? When am I going swimming?'*

This woman is so agile. She is as agile as a 60-year-old. And she gets up every Sunday and goes to church, and walks up. And she can hold her own.

An Hon. Member: It is that South Shore air!

Mr. N. H. Cole Simons: It is the South Shore air.

I took my grandson up to see her one day. And I was reluctant to give him to this 104-year-old lady. And she took him—and he is not a small child—and held him, and walked up and down.

I said, *Ms. Edness, sit down.*

She said, *What for? What for?* And this is the energy that we are talking about. I mean, she has memory lapses at times. And I said to her once, I said, *You know who you are talking to?*

She said, *Yes. You.*

[Laughter]

Mr. N. H. Cole Simons: I said, *Who's you?* [She said,] *Simons. Simons.*

[Timer beeps]

Mr. N. H. Cole Simons: Anyway, I—

The Speaker: Thank you, Member.

Mr. N. H. Cole Simons: —congratulate her and wish her many more years, Mr. Speaker.

The Speaker: Thank you. Thank you.

We now recognise the Honourable Member, the Government Whip, the other Member from Warwick.

Mr. W. Lawrence Scott: Thank you, Mr. Speaker. I would just like to pick up where that Honourable Member left off and be associated with his congratulations to Ms. Flora *[sic]* Edness.

An Hon. Member: Myrtle!

Mr. W. Lawrence Scott: Yes. He is more familiar with her than I am.

[Inaudible interjections]

Mr. W. Lawrence Scott: Sorry. Sorry. Myrtle Edness. For me, when I was growing up, I knew her to be the head of the candy shop down at South Shore. And so, she was a super-hero to me.

The Speaker: You got all your sweets.

Mr. W. Lawrence Scott: But, Mr. Speaker, you will be glad to know that she does originally hail from Somerset. And then, she then moved to reside on Billy Goat Hill. And the one thing that we do have in common is that her granddaughter and I were in the same class, Melanie. Her granddaughter, Melanie, and I were in the same class at Gilbert.

And even up to her 90s, she was walking up and down the 101 steps back there to go for a swim. And as the Member said, I cannot even make it up the 101 steps now. But I just want to, once again, wish her a happy 105th birthday.

Now, I would just like to also have a letter of congratulations sent to Team Involved for the Bermuda Futsal Association. They actually took the Bermuda Futsal Association title. And they narrowly beat out Athletico CP. I have to declare my interest; I was a goalkeeper for Athletico CP. And—

[Inaudible interjections]

Mr. W. Lawrence Scott: No. We drew. They had not—

[Inaudible interjection]

Mr. W. Lawrence Scott: No. One-all. And with Team Involved, they ended up with 24 points. Athletico CP had 22. If we had won that game, we would have taken the title, but we drew with them. And that was the only draw for the season. They had eight wins, no draws until they played us, and one loss. Athletico CP had seven wins, one draw and one loss. So, you know, I feel as though . . . but one thing is that I would like to just recognise the Bermuda Futsal Association. This is their fourth—this is their fifth year in existence.

And it is a very good programme. I encourage Members to go out and look at it and join if they can. But once again, congratulations to Team Involved for taking the championship title for the Bermuda Futsal Association.

The Speaker: Thank you, Member.

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

Hon. Jeanne J. Atherden: Mr. Speaker, I would like to have condolences sent to the family of the late Norma Christensen. I remember Norma as someone whom I met many, many years ago when I was Treasurer of the Arts Society. As I said to someone, I cannot draw a lick. But I was embraced by the members of the society because I decided that I would become their treasurer to help them get organised. And Norma was always there as someone who did lots of things and was very encouraging. She was a member of Mid Ocean, as well. And she will be missed by all of those who came in contact with her. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 11, Honourable Member Famous.

Mr. Christopher Famous: Good morning, Mr. Speaker and colleagues. And good morning, Bermuda.

Mr. Speaker, I would like to give condolences to the family of Ms. Mary DeFontes of Devonshire. She was born and raised on a farm on Roberts Avenue. And then, she moved to Middle Road in Devonshire. So, for her 101 years of her life, she has been a strong Devonshire woman. So, I would like to give condolences to her family.

I would like to also congratulate Deputy Speaker Burgess, MP Leah Scott and MP Scott Simmons for representing Bermuda at the CPA Conference in Trinidad. I have got constant WhatsApps from other colleagues down there, saying how well they represented our Island and this Honourable House.

And I would like to give congratulations to my aunt, Ms. Helen Mateen—some may know her as Helene Bartley—and Ms. Valerie Dill, for the second annual Seniors Cup Match Event held at Dr. Cann's residence for seniors in not Somerset, but somewhere up through there—Southampton; that is right.

[Inaudible interjection]

Mr. Christopher Famous: Rockaway, that is it. So, Mr. Speaker, over 60 seniors came out, dressed in their colours, blue and blue or the other colour. And they had fun, they had food, they had dessert. They

had a lot of rivalry. And they just wanted to express to all Members of the House that they tune in every Friday, faithfully. So, they will be listening today.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

No other Honourable Member?

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITORS

The Speaker: Before we move on, though, I believe the young persons who are being escorted into the Gallery right now with Mr. Millett are the debate team that we acknowledged a few moments ago for their accomplishments.

Am I correct, Mr. Millett?

[Crosstalk]

The Speaker: So, we would just like to take this . . . And, Mr. Thompson, I did not notice you until you came in at the back—Mr. Thompson.

But I would like, this moment, to acknowledge your accomplishments and say, *Welcome to the Gallery this morning*. And the House gave congratulations to you just a few moments ago, with Members recognising your accomplishments.

Again, congratulations! And I see a big piece of silverware.

[Desk thumping]

The Speaker: I see a big piece, I said silverware, but it actually looks like a very large gold cup. So, you can stand there so we can see the gold cup, if you do not mind. Members, hold it up.

There you go. Yes, okay! Thank you.

[Desk thumping]

The Speaker: Good. Congratulations.

We will now move on to the next item.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE

ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: There is a Bill to go down this morning in the name of the Minister of Health.

Minister of Finance, will you assist?

FIRST READING

CHILD SAFEGUARDING (MISCELLANEOUS AMENDMENTS) ACT 2019

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

I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: the Child Safeguarding (Miscellaneous Amendments) Act 2019.

The Speaker: Thank you.

ORDERS OF THE DAY

The Speaker: We now move on to the Orders of the Day.

And I believe the first item to be addressed this morning is actually in your name, Minister of Finance. It is Order No. 2, the Public Service Superannuation Amendment Act 2019.

Are you ready to proceed with that?

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

Good morning.

The Speaker: Good morning.

Hon. Curtis L. Dickinson: Mr. Speaker, I move that the Bill entitled the Public Service Superannuation Amendment Act 2019 be now read the second time.

The Speaker: Are there any objections?

No objections.

Continue on.

BILL

SECOND READING

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, Government wishes this Honourable House now to give consideration to the Bill entitled the Public Service Superannuation Amendment Act 2019. The Bill seeks to increase the age of compulsory retirement on a voluntary basis from 65 to 68 years for certain public officers, not including police officers, fire officers, prison officers, members of the Royal Bermuda Regiment and teachers, and to make related amendments.

Mr. Speaker, Honourable Members are aware that Bermuda, like most of the developed world, is faced with the challenges associated with the growth of an ageing population. The result of the projected population for the period 2017 to 2067 illustrates that the number of working-age persons, persons between the ages of 20 and 64, are expected to decline from 40,099 to 25,296, a decrease of 14,800, or 37 per cent. This fall in the number of working age is due to the lower birth rate experienced in recent years and the projected continuation of the low birth rate.

The number of persons over the current pension age, 65, is expected to increase from 11,080 to 16,168, an increase of 5,106, or 46 per cent. The projected ratio of the number of working age to the number of over-pension age, the pensioner support ratio, is projected to fall from 3:6 to 1:6. This phenomenon is not too dissimilar with what is being experienced in other parts of the developed world. To address what is clearly one of the most important demographic issues of the 21st century, it is important that governments prepare early.

To this end, Honourable Members will recall that in the 2018 Speech from the Throne, the Government undertook that (and I quote), "the Legislature will be invited to discuss options for such revisions to the age of mandatory retirement from the Public Service, which will preserve the right to retire at sixty-five but permit a post holder to work beyond that age without the requirement for permission to do so." Mr. Speaker, this was a promise made in the Speech from the Throne, and it is a promise that has been kept.

Honourable Members will recall that in the lead-up to tabling this legislation, the Premier, the Honourable David E. Burt, JP, MP, in keeping with the promise to invite the Legislature to discuss options for such revisions to the age of mandatory retirement in the public service, tabled a Motion on the 10th of May, inviting this Honourable House to agree the recommendations of the report of the Labour Advisory Subcommittee entitled Reviewing the Retirement Age, which was also tabled on the 10th of May.

Mr. Speaker, as was observed in the November Speech from the Throne, in many cases, the designation "senior citizen" does not describe our energetic men and women aged 65 and older. In most countries, retirement is coming to be viewed as a time of personal reinvention and new opportunities, rather than withdrawal and winding down. In addition, there is also a global consensus that old age is no longer

determined by traditional markers imposed by society, such as how many birthdays a person has had or whether a person has retired or has received a pension cheque. Instead, personal ability is considered to be the key determinant of age.

The above-mentioned report that was tabled for the consideration of Honourable Members provided useful facts, and the recommendations from this report were as follows:

1. Create a single piece of legislation that sets a retirement age and a pensionable age, and allows for reemployment provisions. The aims of the legislation will gradually increase the retirement and pensionable age simultaneously from 65 to 70 years over a 10-year period, with the retirement age moving to 68 within a five-year period; allow for annual reemployment contracts to be utilised for five years after the prescribed retirement age; ensure that early retirement provisions are in place for workplace pensions and CPF payments; and ensure employers are not prevented from retaining older employees for as long as it is desired by the employer after the retirement and reemployment periods.
2. Create new legislation or utilises existing legislation to prohibit age discrimination in the world of work pertaining to older workers, ensuring quality in recruitment, hiring, compensation, benefits, training, working conditions and career development.
3. Create a financial and retirement planning toolkit which can be utilised by employers, workers and community stakeholders to increase financial levels of the workforce.

Mr. Speaker, as previously advised, in the first instance, the Policy and Strategy Section within the Cabinet Office will work with the committee, unions, churches, sports clubs and other key constituencies to implement the financial and retirement planning toolkit recommended by the report. The report provided useful facts and figures, and the key policy objectives of the recommendations were as follows: to stabilise pension funds; to allow working men and women the benefit of greater capacity to earn and therefore better prepare for their eventual retirement; and to use the longer lifespan in the modern era to the benefit of society and the people of Bermuda.

Mr. Speaker, Honourable Members will recall the comprehensive and thoughtful debate in this Honourable House on the 31st of May in relation to this matter. And it is not only [*sic*] my intention to reiterate—

[*Inaudible interjections*]

Hon. Curtis L. Dickinson: And it is *not* my intention to reiterate what was expressed during that debate. However, at this time, I am pleased to bring forward

this legislation to acknowledge the generous support of this Honourable House on this matter portrayed during the 31st of May debate.

The purpose of this Amendment is to provide for the following:

1. It requires contributors, as defined under the Act, save for police officers, fire officers, prison officers and teachers, to compulsorily retire at 68 years of age.
2. It permits contributors as set out in [point] 1 above to voluntarily retire at 65 years of age, retaining also the ability of contributors as set out in [point] 1 above to retire at 60 years of age.
3. It removes the discretion of the Head of the Public Service in permitting a contributor who has reached the age of compulsory retirement to continue in the public service until the latter age, not exceeding the age of 70 years.
4. It permits contributors, as set out in [point] 1 above, to continue in the public service until a later age, not exceeding the age of 70 years, subject to an annual certification of medical fitness and the confirmation of their head of department to the Permanent Secretary of the relevant Ministry that the contributor is competent to fully discharge the duties of the post.
5. It confirms that a contributor has reached the age of compulsory retirement and continues in the public service, having not retired, he or she shall (a) continue to contribute to the fund; (b) not receive their pension until such time as they have retired from the public service; and (c) continue to accrue any benefit to which they are entitled on continuing to contribute to the fund after reaching the age of compulsory retirement.

Honourable Members should note that the proposed amendments meet the policy objectives contained the 2018 Speech from the Throne, which were (and I quote) “to revise the mandatory retirement age to take account of our longer lifespan, the necessity to add additional stability to pension funds and to promote greater choice among the working population about when one retires from full-time employment.”

Also, it is important to note that, consistent with section 91 of the Bermuda Constitution Order of 1968, these amendments do not create any pension terms less favourable to officers in the public service than the laws enforced at the time when they were engaged as public officers.

Mr. Speaker, I can also advise Honourable Members that an actuarial review of the Public Service Superannuation Fund determined, and I quote, “As instructed, we also consider the impact of allowing members to retire on a voluntary basis up to age 67. We found that such a change would not have a material impact on long-term sustainability. What could generate a material change, however, would be a

change to the normal retirement age from 65 to 67 with actuarial reductions or early retirement prior to age 67.”

Further support for these proposals is provided in the 2018 report of the Fiscal Responsibility Panel, which noted under the section entitled, Tackling unfunded pension liabilities, and I quote, “Currently the territory’s public sector pension schemes for its employees have an unfunded liability of around \$1 billion. Unless tackled, this will be a burden on future budgets. In addition, the Contributory Pension Fund also has very large unfunded liabilities, and it is inconceivable the government would allow it to fail. So *debt reduction needs to be [complemented] by actions to address these deficits*. Actions that could reduce the need for sharply increased contribution rates include raising the retirement age (which would also mitigate the expected decline in the workforce); and, for public sector employees, basing pensions on the average of salaries over a 5-year period and actuarial pension reductions for early retirees.”

Mr. Speaker, the proposals contained in this legislation are reflective of the changing demographics of Bermuda’s population, which must be mitigated by the ability of people to work for longer and contribute to a fund that supports public officers in retirement. Honourable Members are advised that an increase in the age of retirement for uniformed service personnel and teachers will be the subject of the fulsome consultative effort with the service chiefs and their representative unions.

In closing, it is important to note that, in order to solve the ageing population dilemma in a holistic manner, we must first and foremost recognise that this is more than an issue of social security and pension plan benefits, and taxes. Fundamentally, it is a question of finding ways to improve economic growth and integration.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Public Service Superannuation Amendment Act 2019 and welcome other Members’ contributions to this debate.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak to this?

We recognise the Honourable Member from constituency 22. Honourable Member Pearman, you have the floor.

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

As the Honourable Minister notes, this piece of legislation flows from the report of the Labour Advisory Subcommittee, and we had an extensive debate in this House, I believe it was on the 31st of May (I may have my date wrong, but I believe it was on the 31st of May) to discuss this proposal. And it was quite

a long debate, but it was also, refreshingly, Mr. Speaker, quite a bipartisan one.

And what this is doing, and just for the benefit of those listening from the public, because sometimes we can get caught up in the words of legislation and it gets complex and confusing. But the retirement age is remaining where it is, at 65, with permission to stay until 68. And there was a discussion during the previous debate as to whether or not it should be 67. And indeed, the Honourable Member Derrick Burgess, during the debate, suggested, and I agreed with him, that maybe we should even consider going to 70.

Nonetheless, this is where the Government has decided to go, the age of 68. And we have heard explanations from the Honourable Minister as to why 68 was chosen instead of 67, which was the provisional date.

Turning to the points made by the Honourable Minister, Mr. Speaker, it is right that society, or our expectations and understandings of what people can do, based upon their age, has fundamentally changed. And not only has it fundamentally changed at the high end, but it also has an impact at the low end of the age scale. We said previously, or I said previously, in the last debate that 60 is the new 40, and indeed 70 is the new 50. And I see some Honourable Members across the aisle nodding their heads. And it is true.

[Inaudible interjections]

Mr. Scott Pearman: And the idea that certain people in the workforce must have a forcible departure because of the year in which they were born is simply nonsensical. It was probably nonsensical back then, but it is certainly nonsensical in this day and age. And I will not repeat what I said in the previous debate, but just touch quickly on it, Mr. Speaker. You know, we do see companies that recognise that, actually, people around 70 may well be far better at being employees and dealing with the public and the customers, given the wisdom of life experience that they carry with them. And that is correct.

We also touched in the debate—and I do not wish to repeat too much, because we covered it. But we also touched on the concept of age discrimination and the public call by Ms. Claudette Fleming on behalf of her charity, or the charity which she represents, Age Concern. And we touched on the fact that age discrimination takes many shapes and forms. And we reminded ourselves that you can actually have age discrimination against the young, as well.

And it is notable that one of the consequences of this move, intended or otherwise, is that those who are more youthful and coming into the public sector at the younger end of the age scale may feel that this will prevent their acceleration through the public sector by reason of people at the higher end of the age scale remaining. And I think that is a legitimate criticism.

And it is a criticism that we have seen. But I do not think it is a criticism that outweighs the importance of recognising the contributions that those at the older end of the age scale give to our community. As I say, 60 is the new 40 and 70 is the new 50.

With that, Mr. Speaker, I shall take my seat. I do not know if others on this side wish to comment, but we are supportive of this Bill. It is refreshing to see a bipartisan effort in this House. It is always nice when we can do that. I know that we do not agree about everything, but it is nice to see something when we do.

I know that there are some out in the public who have expressed concern and feel that this means they will be working forever. But let us just emphasise that what this legislation does is impose a voluntary position. It allows people in the public sector to remain to 68 should they choose to do so. And I think that those who have criticised this piece of legislation as making people work until the day they die, respectfully, have not understood the nuance. The nuance is that you may work to 65. And then if you wish, you may stay on to 68. And that is a very important point, I think, for the public to grab.

Mr. Speaker, that is all I have to say. There may be others on this side who wish to speak to this legislation. But we, the Opposition, will support it in a bipartisan way.

The Speaker: Thank you, Honourable Member.

I recognise the Deputy Speaker. Deputy Speaker, would you like to add a contribution?

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

The Speaker: Continue on.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I am so happy that this Bill has finally come to Parliament, because I think that we have been treating our folks, particularly those who have gone 65, unfairly, operating under age discrimination in Bermuda. That needs to be addressed, hopefully, by the Human Rights—they will have a Bill here—because there is nowhere in this world we should have age discrimination. They do not have it in the UK. They do not have it in America and most parts of Europe. They do not have that, Mr. Speaker.

Mr. Speaker, let me say that, before people get it confused, this Bill will take the retirement age to 65. And as the Honourable Member Pearman says, you do not . . . if you want to retire at 65, you can. But you can go to 68. Let me say that this does not affect the social insurance cheque. Even though you decide to go to 68, that social insurance cheque that you get at 65 will continue. So, the only cheque you will not get is your superannuation cheque. You will only get that when you retire. So, let me . . . I think it is worth

repeating. If you retire at 65, you will still be eligible and get your social insurance cheque at 65, provided that you put the necessary forms in, Mr. Speaker.

Now, Mr. Speaker, sending people home at . . . I want to repeat some things that I said before. I think we need to do that. Sending people home at 65 has caused great hardship to our folks, Mr. Speaker. And under the present system, it is unfair, in my opinion, because there is only one person who makes that decision. And that, to me, is not democratic. And so, with this here, that would eradicate that there, Mr. Speaker. Because, as we all know, when you send these folks home at 65, they are faced with health insurance adjustments as far as costs and medicine, Mr. Speaker. Health insurance and medicine are costing most people more than groceries. That should never be, Mr. Speaker.

So, in fact, I was speaking to a friend yesterday, last night. And because this fellow has gone 55, that is one of the criteria the insurance company used as a reason to increase their insurance premiums. The premiums went from about \$820 a month up to \$1,200-and-something, an increase of over \$300. And using the age of 55-plus as one of the reasons, to me, that is wrong and it needs to be corrected. And I tell you, I will not name the insurance company, because I think they are all doing it, Mr. Speaker.

So, Mr. Speaker, this will certainly help all the workers, and particularly black workers, because, as we know, pensions came late for the majority of the workers in Bermuda. It started very late. So, they are not worth that much, particularly when you take, for example, I think I mentioned the other day, Mr. Speaker, food, the increase in food. I know I was getting . . . I get oats. And they were costing just under \$9. They have gone to over \$11 for a bag, Mr. Speaker. That is almost, what, a 24 per cent increase. And other things go up like that, Mr. Speaker. So, our seniors, those who are 65 or approaching 65, I know they can breathe a sense of relief that they can go to 68. And to me, it should go right to 70. But anyhow, 68 is better than 65, Mr. Speaker.

So, Mr. Speaker, because when we look at . . . I never forget, Mr. Speaker, when I went to the Privy Council in the early 2000s. I think it was 2002. We had about five lower judges there in the Privy Council. And they were sharp. I mean, they were brilliant! And every last one of them, I am sure, was going 75. But they knew their stuff. They were brilliant, and obviously, they made the right decision in their judgment, Mr. Speaker.

And we have in Bermuda our appeals judges have gone 70-plus. And this is where the discrimination comes in, because we are telling people, *Because you are 65, you have got to go home*. But others can stay until forever, Mr. Speaker. You know, in the United States, when they appoint the judges to the Supreme Court, the highest court in America, they are

there for life, 80–90 years old. They go to life. So, Mr. Speaker, we are down here doing something different.

So, this Bill is certainly a win for those folks, particularly those who have it difficult, that they are still paying rent or still paying a mortgage and the other expenses they deal with on a day-to-day basis, Mr. Speaker. And then, the availability of workers, Mr. Speaker, it has been pointed out already—

The Speaker: Shortage.

Hon. Derrick V. Burgess, Sr.: By the year 2030, people gone 65 will be a very large proportion of the population of Bermuda. I think over 30 per cent. And, you know, one day they will come together at 30 per cent and say, *Okay. You think you are going to treat us like this? We have got all this power and a vote, and you think you are going to go in Parliament and make laws?* They are going to come together and let you know, *You are not going to treat us like that*, Mr. Speaker. So, Mr. Speaker, with that, I want to thank the . . . One other thing, Mr. Speaker.

The Speaker: Go ahead.

Hon. Derrick V. Burgess, Sr.: As the Minister has alluded to and stated, certain positions we know will retire earlier because of the physical requirements of the job. You do not expect a fireman to be climbing a ladder at 68 or 65. And that is why, under the legislation, they retire earlier. But it is brought up in proportion to this 68, Mr. Speaker. Because as the Honourable Member Pearman says, yes, 40 is the new 70, you know?

[Inaudible interjection]

Hon. Derrick V. Burgess, Sr.: Sixty, I should say. No, no, no. Forty is the new sixty, yes.

[Laughter]

The Speaker: Sixty is the new forty. Sixty is the new forty. Seventy is the new fifty.

Hon. Derrick V. Burgess, Sr.: Oh, vice-versa, whatever. I think you know what I am talking about. All those listening will know that 60 is the new—

An Hon. Member: I think you need to retire.

[Inaudible interjections and laughter]

Hon. Derrick V. Burgess, Sr.: Sixty is the new forty.

And, Mr. Speaker, we hear people in this House, particularly from the other side, saying that they think *you* should retire, Mr. Speaker.

The Speaker: Whoa! No, no! They were not talking to the Speaker! I am sure of that.

Hon. Derrick V. Burgess, Sr.: So, they were not talking to the Speaker?

The Speaker: I am sure they were not talking to the Speaker now.

[Inaudible interjections and laughter]

Hon. Derrick V. Burgess, Sr.: Well, I thought they were talking to you, Mr. Speaker.

The Speaker: No, no.

Hon. Derrick V. Burgess, Sr.: I knew they were not referring to me, were they?

The Speaker: I am sure they like their seat. They do not want to lose their seat today. No one has to be put out.

Hon. Derrick V. Burgess, Sr.: But, Mr. Speaker, timely, a bit late, but it is here. And we are thankful for this here. And on behalf of all of those workers out there who are 64–65, I want to say, *Thank you to this Government and thank you for this House, because there seems to be support from both sides*. So, again, thank you, thank you, thank you.

The Speaker: Thank you, Mr. Deputy.

I now recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

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

I am not going to be long. I would like to just echo the sentiments of my colleagues on both sides of the House. And I actually have taken my mother's position, as I do not know how old I am and I do not see what difference it makes. So, I probably will not be able to retire because nobody will be able to figure out what my retirement age is.

I support this legislation for multiple reasons. It will allow people to continue to contribute into their pension funds. And it allows seniors and, you know, they automatically assume that at the age of 55 you are a senior, because I do have an Age Concern card. I declare my interest at 55.

[Inaudible interjection]

Ms. Leah K. Scott: Be quiet.

Being a senior does not necessarily mean that you are then incapable or unable of making decisions, of being able to work, of being able to function. And in fact, people who are allowed to continue working keep their brains going. It extends their life. It does all kinds

of things to contribute to their life production and also society.

And I think, too, my cousin's point, across the aisle, where we have lawyers and doctors and judges, the older you get, the more knowledge you seem to have amassed. Well, why does not that same principle apply to people who are not in those sorts of "professional" (and I say that in quotes) fields? You know, the knowledge that you gain, no matter what area you are in, is valuable. And I think that allowing people to stay on beyond the time when they are required to retire is allowing for transition. So, you have got people who can come in; you can start training. You do not have a brain-drain [like we see] when people are leaving the environment.

So, I certainly do support it. And I look forward . . . oh, I just have one question, and maybe it will probably be better suited in Committee. But just, from 65 to 68, but then there is a proviso that says that they can go up to 70, but you have got to meet certain conditions. So, it is not a hard and fast stop at 68. And as I said, that may be better after the Committee, but that was the only other question that I had to raise.

So, thank you to the Government for bringing this legislation, as it is timely. And I think that a lot of people, once they understand what the legislation will do, will be satisfied with it. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

Mrs. Tinee Furbert: Thank you, Mr. Speaker. And good morning to everyone in the listening audience.

I particularly want to speak to this Bill. I am definitely in support of it. I am working with a senior population. A lot of times, I have even noticed younger people refusing to believe that they are going to get older one day.

[Inaudible interjections and laughter]

Mrs. Tinee Furbert: And this will affect . . . This legislation, Mr. Speaker, will affect every single one of us in this room. It will affect every single one of us.

And what I particularly appreciate about Government Bills is that when the public service, or Government makes a decision or takes a lead on something, then usually you have more acceptance in the private domain. And we get more [people] following when Government takes the lead in making a decision such as one like this.

This has been a concern to many of my constituents, Mr. Speaker, in regard to, you know, they worry about having to retire at the age of 65, when they still have bills. Someone mentioned me they still have mortgages; they still have things to pay. And even we talk about grandchildren or grandparents still

having to raise their grandchildren. And so, this will all still factor in. You know, our children are having to go overseas to complete studies, [with] grandparents filling in the gaps that way. They still need access to funds and to money.

I was in church the other day, and a gentleman was giving a testimony because he was about to retire. His job had recently told him that he had to finish up very soon. And he was, you know, giving a testimony, and he was praying about this because he did not want to have to retire. Because he just was not finished with work or wanting to work. And so, luckily, they kept him on. And so, I am very thankful and hopeful for this legislation, that it will change the minds of people and how they actually think of people at the age of 65. Because the idea of people retiring at 65, there was a thought out there that people—

An Hon. Member: *You are old!*

Mrs. Tinee Furbert: Yes, you are old! And people waste away. And that is not, *not* the truth. I know personally what happens to the body biologically. As we age, there are some things that do happen to the body. However, if you keep the body active both mentally and physically, then you reap the benefits. You know, we get up every day. There is purpose. There is motivation. There is movement. And what happens to your body when there is movement, it is just an overall benefit, overall benefit. And so, we do not want our seniors to be inactive. We want people to be—we want them to be ageing healthily. And having purpose to go to an occupation every day will help to maintain that.

I just also wanted to share that there are also benefits, I think fellow colleague Pearman mentioned, in regard to the concern of younger persons not having access to the workplace. But there are actually benefits to having a multi-generational workforce. And, you know, the key thing is that they have to be willing to work together. Sometimes, when you go into the workplace, the mature employee is not sharing with the younger employee. There is not that mentorship sort of relationship, because they feel as though the younger person is going to come and take their job. But we want people in our workplace to be the very best that they can be. And so, we should be learning from the more mature, senior employee, as well as the more mature, senior employee learning from the younger employee. And so, that is definitely a benefit that we can look forward to.

Also, there are also benefits to hiring a more mature employee. And those include, usually, mature employees are less stressed-out because they know—you know, they know the job pretty well. They are passionate employees. And passionate employees do not have an expiration date. They set good examples. They tend to be more punctual and have very strong work ethics. And who does not want that

in their place of employment? There is better work-for-knowledge transfer. It also promotes staff retention, and it creates a workplace of diversity and inclusion.

So, with all of that said, Mr. Speaker, I definitely support this Bill. I am looking forward to it myself as I age. And I am very thankful that we made a very strong commitment to our ageing population.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

Mr. N. H. Cole Simons: Mr. Speaker, I will be very, very brief. A number of things have been said that I am sure these Parliamentarians were looking over my shoulder at my notes. So, they have cut me short, Mr. Speaker.

[Laughter]

The Speaker: They want to let you know, even though they are getting old, they have still got good eyesight. They could see your notes, eh?

Mr. N. H. Cole Simons: Believe me, Mr. Speaker.

The Speaker: That is right.

Mr. N. H. Cole Simons: Mr. Speaker, I, like a number of my colleagues, fall into this category. We are seniors, proud to be seniors.

[Laughter]

Mr. N. H. Cole Simons: We can give you all a run for your money, Mr. Speaker.

Mr. Speaker, I am an example of a senior who is working in the private sector. And, Mr. Speaker, it does wonders for the organisation that I work for, and it does wonders for me.

[Desk thumping]

[Inaudible interjections and laughter]

Mr. N. H. Cole Simons: Mr. Speaker, it is not the time; it is the quality.

[Inaudible interjections and laughter]

Mr. N. H. Cole Simons: It is the quality, Mr. Speaker.

An Hon. Member: He takes a long lunch.

Mr. N. H. Cole Simons: Mr. Speaker, as was said earlier, encouraging our seniors to stay on beyond 65 years old is good for them, from a health perspective,

as was said by my previous speaker. Mr. Speaker, a number of doctors I have spoken with have indicated to me, it is important for seniors to keep their brains active and stimulated and motivated. It is important for them to get physical exercise. And, Mr. Speaker, by their working, they have to get up, leave their home, go to Hamilton, go to St. George's, walk around and deal with their business. And by their being working and active, it helps them physically. And it is just healthier for them, Mr. Speaker.

Mr. Speaker, my cousin, the Honourable Derrick Burgess, raised the issue of insurance. Mr. Speaker, you will find that many seniors have consultancy jobs with a number of local businesses, international businesses and even some of our local businesses. But the challenges that they have are that their insurance, health insurance, is not being covered, Mr. Speaker. So, the question becomes, What will be the next step to provide health insurance to these people beyond the age of 65? Mr. Speaker, the knock-on effect, if we are saying that people may work until they are 68, if I leave and find a new opportunity at 67 years old and go to one of our ideal jobs, and I change companies, will I be able to join that company at 67 and have insurance? And I probably would not have that benefit. So, I am suggesting that we look at our health insurance in these companies and have them do a review of their employee benefits plans.

Another issue, Mr. Speaker, again that was issued—as long as you are working, you will not enjoy the benefits, the retirement benefits of your superannuation. Mr. Speaker, a constituent came to me and said, *Mr. Simons, I have been working all my life. I went 65 years old, and I have this very large pension, nest egg, at one of our local insurance companies. I called them up, and I asked them, Can I have a draw-down of my (I will just call a number) \$500,000 so that I could pay off my house and buy a boat? Because I am going to enjoy myself. I am still working, but I am over 65.*

And the insurance company, as the Honourable Member said, *Sir, you cannot draw down on your pension as long as you are working.*

And so, the employee said, *Well, listen. I am 65 years old. I am past the retirement age.*

They said, *It does not matter. You cannot have access to that money unless it is hardship or education.*

The gentleman said to me, *Mr. Simons, it was my money! It is my money!*

I said, *Well, I hear you.* I have heard this before. And the test is by what we are putting through today, the superannuation fund. If you are still working beyond 65, you cannot draw that until you stop working.

I think that needs to be revisited, because at the end of the day, some of these people—

[Inaudible interjection]

Mr. N. H. Cole Simons: Exactly. At the end of the day, if you are working to 67, 68 years old, and you say, *I want to enjoy some of the money that I have placed and saved . . .* because how many years do you have left? You know, these people are dropping like flies. And so, are we working to leave this pension money to the next generation? Mr. Speaker, so again, I think we need to look at that as far as when the pension benefits will be paid.

The other issue that I would like to speak to, Mr. Speaker, is, you know, as the pension funds are concerned, the Minister indicated that, yes, we are underfunded. And things need to be done. And this extension of the work age is a recommendation that was basically touted in a number of reports. One was the SAGE Commission. They recommended it. And then, in a recent report the Parliamentary Committee also recommended it. So, it has been around for a while. And I applaud the Government for bringing it forward, Mr. Speaker.

But the underfunded part, I think the other challenge that we have to address is to make sure that most of these pension plans move towards a defined contribution structure versus a defined benefits structure, because at the end of the day, those defined benefit structures are far more expensive and far more costly from a government perspective. And so, we need to somehow look at those programmes and see what transition can be made to ensure that there is less of a strain on the public purse, Mr. Speaker. I mean, people do not mind making a contribution to their own pension as long as it is being matched by their employer.

Mr. Speaker, the other issue that I would like to speak to . . .

[Inaudible interjection]

Mr. N. H. Cole Simons: I am not going to be long, Honourable Member Derrick Burgess.

[Inaudible interjection and laughter]

An Hon. Member: I cannot remember when you started.

Mr. N. H. Cole Simons: Let me see if I have any other issues that I wanted to raise.

I think, Mr. Speaker, those are my main issues. And as I said, I support this legislation, Mr. Speaker. But we need to also address the insurance with seniors. And—oh, I know what was said, the issue of work ethic.

The Speaker: Aha!

Mr. N. H. Cole Simons: And commitment to their employers.

The Speaker: Yes.

Mr. N. H. Cole Simons: Mr. Speaker, I will give you [an example] from personal experience. My assistant is over 60, and I am over 65.

An Hon. Member: That is a combined age of 100-plus.

[Laughter]

Mr. N. H. Cole Simons: I know it is a combined age, Mr. Speaker.

And we work with a mixed-bag of people from varying ages, Mr. Speaker. And, Mr. Speaker, we look at each other and say, *These young people today . . .* These young people, they do not have the same attitude that we have. In addition, if you look at the attendance record, they are out sick when they have a sneeze. We seniors walk in and come in when we are hardly breathing, saying, *We have to get our work done!*

[Laughter]

Mr. N. H. Cole Simons: And, Mr. Speaker, that is the difference of our culture. That is the culture of our young people versus seniors. When we place our hearts to it, as the Honourable Member Furbert said, it is our passion. It is our commitment. It is who we are. And we always want to put our best foot forward. And we are committed to our organisation, Mr. Speaker. But some of our young people, they love what they are doing. But I am not certain that they will provide the same commitment to an organisation that we have done in the past. And I am not saying that in a derogatory sense. It is just a different culture, a different mind-set.

So, Mr. Speaker, there are benefits to seniors remaining in the workplace. And we still have a contribution to make. And we have demonstrated that we have made Bermuda better, and we continue to do so.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member . . .

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

Mr. Hubert (Kim) E. Swan: Yes, Mr. Speaker. I declare my interest, as have other Members in the Chamber before.

The Speaker: An ageing interest?

Mr. Hubert (Kim) E. Swan: With a little bit of chuckle, yes. In the US, I would qualify to be a member of the

AARP and in Bermuda, qualify with all the benefits of Age Concern.

I just want to thank the advocacy of those who advocate for seniors in our community. The Honourable Member Burgess, from constituency 5, is one such advocate. There is my colleague, MP Tinee Furbert, is an advocate for those social issues, as well, in particular. I am very grateful to have seen the benefits of persons who are much older than I, having been one trained by persons who would be about 109 today. And I remember the good work that was done by a former Member of the Legislature in another place for some 10 years, the late Sir John Plowman, who in his advanced 80 years, convinced my dear wife that rather than buy a bus to service just to St. George's Parish rest home, it would be far better to buy one to service the entire Island. And as such, Project Action was born 20 years ago this year, Mr. Speaker, providing free transportation.

With that advocacy and being around seniors and being an employer in the workplace at the same time, you cannot help but notice, Mr. Speaker, the land-rich/cash-poor scenario that runs rampant in Bermuda, and with the growing cost of living, which we will speak to later. MP Commissiong speaks to it very well as he speaks about, you know, the need for living wages and the like, income inequality. Many of our seniors have found themselves caught in this particular whirlwind, whirlpool, economic whirlpool, where they invested in the Bermuda dream and have their assets in bricks and mortar and then found, when retirement age came, they had assets [but] lacked the cash to sustain those assets and the much-needed cash to live day-to-day.

And as an employer somewhat around the turn of the century, 1999, 2000, you start seeing persons who were nearing retirement age. You know, you see them working securities, and you see seniors who would make a smart decision and buy a taxi so that they did not have to put up with someone saying, *I'm sorry. I can't employ you.* They were in control of their own destiny. And kudos to them.

But it speaks to a wider problem. And as was mentioned, as the Government makes a move to provide the option for someone who wants to work longer, I am in favour of its not being mandatory because I was certainly approached by both sides of that coin. Having seen the side of the coin that I explained first, I did receive a call from constituents who had planned their retirement for 65. And, you know, as I am tiptoeing ever so quickly, I was not in the Regiment, but they refer to it as the quick step, they are doing the quick march towards retirement and looking forward to it. And hopefully, they can enjoy it together.

Honourable Member made mention of persons dropping like flies. Tomorrow is not promised, but you do all you can to be ready for today and tomorrow, in hopes and sure that when it comes, you can face it head-on. So, the opportunity for our sen-

iors not to be shoved out the door is being put in place by this Government. And we hope the private sector will follow suit.

One of the things, as we look at the advocacy for those seniors who find themselves celebrating 65, is that they are no less capable if they are in management positions at 65 than they were at 64. They are no less knowledgeable, probably more so at 67 than they were at 64. So, those whose job does not depend on the agility of their limbs, like my profession, you know . . . you let those ankles start hurting, and it makes it harder for you to pivot. You make the elbows start hurting, and it makes it harder for you to get the club back. And if you [do not have] the hip working, it makes it harder for the pivot. And if you have the daily trifecta, you know, you know, you limp around, quite immobile. And so, you cannot practice.

But there are other things that you are able to do because you have those experiences. And that, Mr. Speaker, is something that is of great abundance in our country! And as we discussed, you know, in another debate, income inequality, we cannot negate how it impacts here. Because in Bermuda, we do have a wealth of knowledge, a great abundance of intellectual capital unused, I believe, as it comes to some of our seniors, in the very field or fields that we require expertise and may even import it, hospitality being one. I see many persons who are doing some of those jobs beyond 65 and beyond 70, who have a tremendous amount of intellectual capital that we would farm outside to get some direction in it. And I dare say that when the day comes that we show greater respect and appreciation for the knowledge pool that exists within our country, we would, as a people, move along even better together in that regard.

So, I am very supportive, Mr. Speaker. And I only hope that the private sector will see the wisdom of moving in this direction with the Government, notwithstanding the challenges that persons face in running businesses. Businesses often look at the bottom line and the bottom line first, and sometimes foremost, but not all. There are many with a social conscience as to how they can best serve their employees and how their employees can best serve you. There are many companies around Bermuda that have employees who have been there a long, long, long, long time. And that bodes well.

But, as we look at the changing dynamics that have taken place in our country, those changing dynamics have had a great effect on persons who bought into that Bermuda dream and some of the folks who also find, who might not have been able to buy into that Bermuda dream, but also find themselves impacted by current financial circumstances, economic circumstances with the high cost of living that we have to contend with. Let us look to see how this legislation can blossom and be of greater effect than what it is intended in this particular instance.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

No other Member?

Honourable Member from constituency 10, you have the floor.

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

I appreciate the opportunity to speak today. I guess I would say I am a fledgling senior. So, I have some conflict to declare. But this is an important piece of legislation, and it is clear that it is unanimous on both sides of the House on the agreement to it.

And, you know, in thinking about the debate today, it is clear that there are arguments on both sides. But this is the most appropriate way to go. And I reflected back, Mr. Speaker, on, you know, just how times have changed through, I guess, the last 40 years that I have been involved in the workforce. You have seen how times have changed. You see how people now cannot afford to retire early, certainly cannot afford to even retire when they want to retire. And I have always gone by a philosophy in life, Mr. Speaker, that certainly as you get older, if you do not use it, you lose it. And so, it is very important as you start to age that you keep yourself active and healthy. And I think you will live a healthier life.

But when you look at what we are doing here today, and it is supported by both sides, I think we also have to recognise that there are many job functions which it will be very difficult for somebody to stay in that job past the age of 65, just because of the stress, maybe the physical stress, of what that job might do. So, we are creating a bit of an unlevel playing field here, because people who have a more sedentary job, do not move as much, can probably, as long as their health is good, can probably stay in that job for many years past the retirement age of 65. But those who might work in construction or might have very strenuous jobs, such as heavy truck drivers, and the list goes on, they will find it very difficult to continue to do those jobs, because the more physical you get, the older you get, your bones creak, as the Honourable Member who just finished speaking before me was referring to his profession as a golfer.

I have always taken the approach in my business, through the time that I have been involved, in that if somebody is capable of continuing the work and they want to work, then they can work. And I think it has been a great arrangement because you have seen experienced people who, in their time working, as they get older, they look forward to coming to work more. They have a lot to offer. They have that experience. They have built up relationships not only with people in the workplace directly, but with [those] outside the workplace. And many of those older people start to devote more attention to trying to nurture the younger people who are in the workforce, as well,

within the company. And so, I think it is a real win-win situation.

Now, when to retire, Mr. Speaker, is a very tough decision. So, even though we are changing legislation here today and sometime down the road it will become law, that tough decision of when to retire is certainly much more difficult than I think it has been in my lifetime, Mr. Speaker. Because you cannot predict what is going to happen with the cost of living. We know that the cost of living is perhaps the biggest challenge faced by everyone in Bermuda at this point in time. As my honourable colleague from constituency 8 referred to earlier, it is access to your pensions. As the Honourable Member from constituency 5 referred to earlier, pensions in the scheme of things are a relatively new thing that has taken place in Bermuda. We have had the government pension for some time. But the private pension only came into law in the late 1990s. And so, it is the ability for your pension to carry you through your life.

And then there are the challenges as we referred to during this debate, Mr. Speaker, the really high cost of health care in Bermuda and the inability, to this point, for us to curb that large, rising health care. And we see what happens when you become a senior, how your health care costs are going to rise because you are more apt to have health care challenges, but also your insurance costs will rise at the same time. So, when you decide to retire, there are a lot of things you have to factor in.

And who would have thought, Mr. Speaker, that we would be congratulating somebody in the House who lived to 105 today, and is still vibrant? You know, that is becoming more and more of the life that we lead nowadays. My mother is 84. And she still lives her life like she is my age. And she is up and at it. She will travel when she can. She still wants to stay involved in the lives of her family. She still wants to be involved in the business. She still wants to have deep conversations about what is going on. And if I am not sharing what is going on with her, she is questioning me on it. And she is coming up with some good advice.

So, I started to think back in time. My father died at 40. He never thought about a pension, because probably in those days, at that age you are just thinking about your next steps in life. My grandfather died at 62. But now we are seeing that people are living longer and longer and longer because you pay attention to your health. We have better health care, even though it is expensive. You can diagnose everything nowadays, where, you know, 40, 50, 60 years ago, a lot of the diagnosis was not there.

And so, as we look at this debate today, we have to realise we are making a good move—but it is complicated. These decisions that you make as older people are complicated by the fact that you do not know what is going to happen down the road. So, you could decide, *Okay. You know what? I'm going to*

work till 70, get a little bit extra money there. But you could live a vibrant life to 100. Now, for the vast majority of people, the savings that you have put aside, your pensions that you have worked hard for, in those 30 years of retirement are going to be stressed to the max in Bermuda

And so, while we have done a good thing here today, we really need to focus in on, How do we enable people to live more productive, healthier and prosperous lives even in their [sunset] years? Because if we reflect briefly on some of the challenges we have in Bermuda, one of them is emigration. A lot of seniors are finding it very difficult to make ends meet in Bermuda. And their pensions, their savings will go a lot further in other jurisdictions. So, while today we talk about, okay, we are going to extend the retirement age. You are allowed to work longer. We like you in the workforce. One of the reasons why people do not want to retire is because [if] they do not have the money, they probably will have to leave the country.

And that is something that we do not want, because that is a drain. That is a significant drain on people who have developed experience in Bermuda. And let us face it. The mistakes we make we have learned from. We can help the next generations to not make those same mistakes.

And so, today we talk about the retirement age. And we need to have a bigger faith and never forget that there are many more challenges we have to deal with this year, not only in allowing our people to work longer . . . and this is a good example today, because I think within Government, the private industry will follow along if they can follow along, if their business is healthy enough to allow people to continue to work here. But we have bigger challenges because eventually people are going to retire. And we have to look at the fact, which is, can they afford to remain in Bermuda and live their lives and contribute to our society?

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

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

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

And I certainly marvel in the spirit of colleagues who wish to continue to work beyond the age of 65. And I certainly have to declare my interest that I am now eligible for Age Concern. But I appreciate the 60 being the new 40.

But I need to spend some time, though, to speak on behalf of those who are working after the age of 65 out of necessity. Because there is not anything more challenging than looking forward to those years when you do have an opportunity to relax and find yourself in a financial crisis because the cost of

living has become so high that it is necessary to continue working. And because of that, I believe that the Government has a greater responsibility beyond just raising the age of retirement. And you need to take a look at how we can support the community so that there is a cultural change that allows for a level of dignity and respect during those retirement ages so that people are able to get up in the morning to go to work because that is what they want to do after the age of 65, rather than doing it because they have to out of necessity.

There are, in my opinion . . . and I would like to know a little bit more from Government. There may be some confusion, too, around changing the age, that it is not just the, *Okay, now I can work until I am 68.* But does that mean, do I still qualify for FutureCare? Can I ride the bus for free? Is my land tax now exempt? If we as a government are going to continue to provide those benefits, then I can see the real opportunities and the real win-win for people who have chosen to work beyond 65. But if those benefits are going to be taken from them, then they are still earning the salaries that they are earning, but are going to be faced with the possibility that there will not be exemptions or beneficial programmes for which they can enrol, because they are still working. So, there is a little more work here besides just having the increase in the retirement age.

I am also curious, too, whether the idea of second careers is out there. If a person does wish to maybe leave what is their long-time position and wants to start a second job on their own, what support is Government really going to give to that individual who may want to get involved in something that is a little more autonomous, something that provides a little more entrepreneurship . . . And I am thinking about things in particular around the whole concept of seniors being able to stay in their homes and retire and such, and need that extra support. So, is there the possibility—and I am using this as an example—of situations in which, in the first instance, because these will be members of the public service who will be able to stay at work until they are 68, but would they be able to have opportunities where they might be able to work in other areas of government which allow for some more entrepreneurial opportunities such as supporting those who have retired and are ageing at home and need that required support?

And just other kinds of entrepreneurial opportunities that may be available through government, or if some form of accommodation could be provided to those who may not want to stay in exactly the position that they are in at 65, but transfer to some other government position that will allow a little more flexibility. Because one of the challenges that I do see coming down the road is technology. So, yes, absolutely you want to stay in your job. You are 65. I would imagine that there are a number of us out there in the community who are looking over our shoulders and realising

that technology is moving ahead very quickly. And what opportunities, or really what commitments, have the sort of older working or the more mature working population, what commitments have they really [made] to become more digitally savvy? And as this new technology comes into play, then are we just becoming redundant anyway as we get older?

So, that to me is a risk that we face. It could be a blind side. And I believe that the Government needs to take these kinds of situations into consideration as we move forward with this cultural change.

Now, the private sector will face some pressure. If the public service, the Government is allowing public service [employees] to remain on the job until 68, then the private sector will then have to make that consideration as well. And I would like the Government to be the thought leaders, to be those who are committed to providing more information to having public consultation around what the private sector raising of the requirement age is going to look like. There are a number of complexities involved in the private sector in particular that I am aware of that need to be addressed. And I am hoping that the Government will not just tick the box at the age increase, but will also take on the responsibility to consult with stakeholders to see how this may work in the broader community.

And with that, I will take my seat. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

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

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker. Mr. Speaker, I do not intend to say many things.

I think I am reminded of the fact that because we are talking about the superannuation fund, which is really about the government, we have to sometimes remind ourselves that the whole concept of retiring is something that we have to make sure that people focus on. Because for too long, people do not start early enough to start to talk about the fact that at some point in time you will no longer be working, and therefore you are going to rely on your pension to take care of your needs.

And so, I think that we have to make sure that within government, the same is being told in the private sector. We have to remind people to start thinking about retirement almost from age 50. Because if you do not start to plan and understand what type of—how you live your life now, what type of debt you are accumulating, what type of commitments that you are making, if you do not start understanding all of those things and recognise that when you stop working, you are expecting that you will be able to have that same

standard of living that you had before, or you will be able to pay off those loans or mortgages, et cetera. So, I think that I would hope that, within government and in the private sector, we have to remind everybody that starting to plan for retirement really starts at about age 50.

And I think that when Age Concern allows people to become members of Age Concern at 55, it is because they are trying to remind everybody about that. Most people tend to get their Age Concern card and think, *Great. When I go to a supplier, I get my 10 per cent or whatever.* They do not stop and think that this is a time you have to start saying, *Maybe that 10 per cent that you are getting should be starting to be put aside and start to help accumulating some of the funds that you are going to need later on when you are no longer working.*

So, I think with respect to the Bill that is here, I just want to remind everybody, because I think there is a tendency to forget. Some of you might have been around long enough to remember that there used to be such a thing as early retirement. Actually, people would be living—people would have worked sufficiently, worked sufficient hours in a job or at certain levels that their benefits would contemplate early retirement. And therefore, that also took care of the issue as to people coming behind them and whether they were feeling that their progress was being stymied because somebody was there working forever and ever.

But I think now—I do not think that I can count any organisations that I can think of right now that really go and talk about early retirement. And I am talking about early retirement sort of like at 55 years of age, because I think that, you know, that was something. So, it is all about this issue of when you are working, what are you going to do with respect to contemplating that when you stop working, will there be things that you have to have taken care of? There will be responsibilities. And too many people do not start to scale back on the way they live, do not scale back on their lifestyles so that, by the time they have the reduced income, they are not able to turn around and adjust.

So, Mr. Speaker, we obviously support this. And we would like to think that, as we go forward, people are reminded of what it is here for. And we will exercise it from the point of view of the benefits. And the second part about it is making sure that the funds, because all the funds—and I am talking about—I am not talking about money. I am talking about funds as a sufficient money that is there for everybody. I think it is important for us to recognise that this whole issue of defined benefit and defined contribution is a thorny issue out there, because over time, we make decisions based on defined benefits, which require some assumptions. And sometimes, those assumptions do not actually result in terms of whether the numbers of people who are going to be in the plan, how long they are going to live, the investment returns—all of those

things tend to create some difficulties later on when we have defined benefits rather than defined contribution.

So, Mr. Speaker, with that, I think that anybody who is over 65 and wants to work longer, I declare my interest. I am happy. When I go into some places, the ladies look at me sometimes. And one lady said recently, *I don't know whether I can ask you this question. I said, I don't mind you asking me whether I am eligible. I am eligible. I do not care that you know it.* And I would like to think that most people out there who, when you get to that level, you are happy that you are alive and you are speaking to people around you.

And therefore, we have to make sure that we continue to value our seniors and allow them to work as long as they want. And the superannuation fund is setting a good example. But more importantly, it was said earlier, we have to do something about the health insurance. Because the health insurance is the thing that is biting everybody. And I say that, and I have to preface it by saying it is not just the health insurance. Because the health insurance is driven by the premiums, which are driven by the experience. And therefore, if people are not out there and able to get to their doctors and put money aside to make sure that their care . . . and they take responsibility for their care, then it does not make sense that you can live longer if you do not live well.

So, thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

Minister, it looks like you have an opportunity to wrap up now.

Hon. Curtis L. Dickinson: Mr. Speaker, I would like to thank Members for their overwhelming support for this amendment. I would say that this is perhaps the first step in a process where we have to do some work around how we calibrate or change our thinking around how we treat folks who are going to be working beyond the normal retirement age of 65 years old. And the concerns around health insurance and accessing your pensions are obviously noted, although I will say, with respect to public officers, the plans are defined benefit. So, the pension that they have grown to have in their account is something that is a liability of the Government, which I am having difficulty at the moment contemplating how we would allow folks to have early access to that. But it is something, certainly, that we would look at. With that, Mr. Speaker, I move that the Bill be committed.

The Speaker: Deputy, you can step up. Thank you.

House in Committee at 12:24 pm

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

COMMITTEE ON BILL

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT 2019

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

Minister, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, this Bill seeks to amend the Public Service Superannuation Act 1981 (the principal Act) to increase the age of compulsory retirement from 65 to 68 years for certain public officers (not including police officers, fire officers, prison officers, members of the Royal Bermuda Regiment and teachers), and to make related amendments.

Mr. Chairman, I would like to move clauses 1 through 7.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 is self-explanatory.

Clause 2 amends section 12 of the principal Act. Currently, section 12(3) provides that a person whose first employment with the Government commences after he has attained the age of 57 years shall not contribute to the fund (or be entitled to any benefit under the principal Act) unless he elects to contribute to the fund. This will continue to apply to teachers. New section 12(3A) increases the relevant age from 57 to 60 years for contributors, other than teachers, in consequence of the increased age of compulsory retirement for such persons affected by clause 3. Section 12(4) is substituted to include an election under section 12(3A) and simplified as former paragraph (a) is spent.

Clause 3 amends section 22(2) of the principal Act to increase from 65 to 68 years the age of compulsory retirement for public officers to whom that section 22(2) applies (which does not include police officers, fire officers, prison officers, members of the Royal Bermuda Regiment and teachers). The proviso to section 22(2) is substituted to permit such officers to continue in the public service until a later age, not exceeding the age of 70 years, subject to annual certification by a registered medical practitioner of the contributor's fitness to continue, and annual confirmation by the contributor's head of department to the relevant Permanent Secretary that the contributor is competent to discharge the duties of the post. (Note that section 19(1)(d) of the principal Act is not being amended so that persons falling within section 22(2) are still able to

retire and receive their pension at any time after age 60.)

Clause 4 amends section 24 of the principal Act by inserting new subsection (3A), which provides for automatic deferral of a contributor's pension until he ceases to be employed in the public service, for contributors falling within section 22(2) (i.e., not uniformed officers and teachers). This replaces the right to elect deferral for such persons who continue in employment after the age of compulsory retirement, which was introduced by the [Public Service Superannuation Amendment Act 2007](#).

Clause 5 amends section 32(2) of the principal Act (pension to begin to accrue day after attaining age of compulsory retirement if person does not elect to defer pension until retirement under section 24(3)) so that it no longer applies to contributors falling within section 22(2), in consequence of the amendments made to section 24 of the principal Act by clause 4.

Clause 6(1) makes transitional provision in relation to the amendments to section 12 of the principal Act by clause 2. Clause 6(2) specifies the persons to whom the amendments to sections 24 and 32 of the principal Act (made by clauses 4 and 5) apply to ensure the amendments comply with section 91 of the Constitution (applicability of pensions law). The date in clause 6(2)(a) references the coming into operation of the Public Service Superannuation Amendment Act 2007. Clause 6(3) defines "commencement date."

Clause 7 provides for commencement.

The Chairman: Minister, it is at that time. Do you want to move for adjournment to lunch?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that we adjourn for lunch until two o'clock.

The Chairman: The House will adjourn until two o'clock, for lunch.

Thank you.

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:00 pm

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

COMMITTEE ON BILL

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT 2019

The Chairman: Good afternoon. We are resuming after lunch and we will continue with the Bill [entitled] Public Service Superannuation Amendment Act 2019.
Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, before lunch had I moved the seven clauses, and I had just

completed providing Members with the content of those clauses.

The Chairman: Mm-hmm.

Any further speakers?

The Chair recognises the Honourable Member Mr. Pearman. You have floor, sir.

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

Mr. Chairman, I only had one question and I know that my colleague, the Honourable Member Leah Scott, had a question which, if she gets back in time, she will put. And if not, she won't.

[Laughter]

Mr. Scott Pearman: Mr. Chairman, my question . . . it is more of a pragmatic point. It is clause 3(b), and it is just talking about the nuts and bolts of what is going to happen where an employee who has turned 65 seeks permission to . . . or seeks to put into effect to remain until 68.

And we see at [clause] 3(b) [new proviso to section 22(2)] (a) that there will be an annual certification by a medical practitioner. So that is a sort of fit-to-work certificate. That makes perfect sense. And in [clause 3(b) new proviso to section 22(2)] (b) we see there will be an annual confirmation by the contributor's head of department to the relevant permanent secretary if the contributor is competent to discharge the duties of the post.

And so the question I had for the Minister, and as I say, it is a practical question, but what happens in a circumstance where we have a fit-to-work certificate from the medical provider, and we have an employee who wants to remain, but we have a head of department who is unwilling to sign off on the confirmation? Is there a procedure for that?

In the private sector, one might raise a grievance to the employer, and I was just wondering what will happen in those circumstances. Because you can see a situation, can't you, where an employee feels, *Fine, I am able to work. I am able to remain.* The doctor says that medically they are fine. But nonetheless, the department may take a different view. I just wondered how the nuts and bolts of that are going to work. And that is my only question in Committee.

The Chairman: Minister.

Hon. Curtis L. Dickinson: I beg your indulgence while I confer with the technical officers.

The Chairman: Certainly.

[Pause]

Hon. Curtis L. Dickinson: Mr. Chairman.

The Chairman: Go ahead.

Hon. Curtis L. Dickinson: The requirements are that you would require both a certification from the doctor as well as confirmation from your department head or the permanent secretary that they would want you to stick around.

I think the Member raises a very important question, but at the end of the day, the management of the public service should have the right to determine who should be on the team. I think we are providing the opportunities for people to extend their employment beyond the age of 65, but I think it is a bridge too far to require that an employer has to hire someone subject to assessing their own needs.

The Chairman: Let's be clear on this one because the question that I got from the Honourable Member is that this is after the age of 68. After 68, as this Act reads, then they would need that special permission providing you get the medical certificate and whatever. That condition does not come into effect until . . . until—

Hon. Curtis L. Dickinson: You are correct, Mr. Chairman.

The Chairman: Any further?
Member.

Mr. Scott Pearman: Mr. Chairman, I am racking my brain to remember what the question was that Ms. Scott wanted to put, and I am afraid that it has slipped my mind, so those are all the questions we have in Committee.

The Chairman: Yes. I am sure she can ask the Minister and he will be willing to give any information required.

Minister, you would like to move this?
Any further . . . no further speakers?
Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, just in the spirit of answering questions that may have been offered during the course of the conversation and discussion on this matter, I would just like to add for the record that no benefits will be taken from persons when they turn 65. I believe there was a question about whether someone's land tax benefit would go away as a result of them remaining in the workforce and the answer to that is that we do not contemplate any change to the existing provisions in the law.

There was also a question around whether public officers can work in any department within government once they pass the age of 65 and the answer to that is yes. They can work anywhere in government.

With that said, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved. Any objections to that?

The Clerk: The clauses, he needs to move the clauses first.

Hon. Curtis L. Dickinson: I'm sorry. I move that clauses 1 through 7 be approved.

The Clerk: All right.

The Chairman: It has been moved that clauses 1 through 7 be approved. Any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 1 through 7 passed.]

Hon. Curtis L. Dickinson: I move that the preamble be approved.

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

Hon. Curtis L. Dickinson: I move that the Bill be reported to the House as printed.

The Chairman: The Bill will be reported to the House as printed.
Mr. Commissioning.

[Crosstalk]

The Chairman: Oh, sorry. You stay.

[Laughter]

[Motion carried: The Public Service Superannuation Amendment Act 2019 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 2:08 pm

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

REPORT OF COMMITTEE

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT 2019

The Speaker: Good afternoon, Members.

Are there any objections to the Public Service Superannuation Amendment Act 2019 being reported to the House as printed?

No objections. So moved.

We now move on to the next Order for the day which is [Order] No. 3, the second reading of the Employment (Wage Commission) Act 2019 in the name of the Minister of Labour, Community Affairs and Sports.

Minister.

BILL

SECOND READING

EMPLOYMENT (WAGE COMMISSION) ACT 2019

Hon. Lovitta F. Foggo: Thank you, Mr. Speaker, and good afternoon to the House, and to the people of Bermuda.

The Speaker: Good afternoon.

Hon. Lovitta F. Foggo: Mr. Speaker, I move that the Bill entitled Employment (Wage Commission) Act 2019 be now read the second time.

The Speaker: Any objections?

No.

Continue to proceed, Minister.

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

Mr. Speaker, I am pleased to introduce the Bill entitled the Employment (Wage Commission) Act 2019, which seeks to set up a Wage Commission in order to report on and recommend a minimum and living wage regime for Bermuda.

Mr. Speaker, as Honourable Members will be aware, on August 10, 2018 a motion was brought before the House of Assembly for the consideration and approval of the Parliamentary Joint Select Committee's report on the establishment of a minimum/living wage regime. Amongst other recommendations in the report is the establishment of a Wage Commission, Mr. Speaker.

Mr. Speaker, the report was approved and the November 2018 Throne Speech confirmed Government's commitment to implementing a minimum/living wage regime. Mr. Speaker, the International Labour Organization, or ILO, as it is commonly referred to, defines minimum wage as (and I quote) "the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract."

The purpose of a minimum wage is to protect workers against unduly low pay. Mr. Speaker, the days of Bermudians being able to pick and choose jobs are gone. The current economic climate puts the

demand and supply equation for labour in the employer's favour. Unskilled workers now have to compete for jobs, and exploitation of workers is occurring. We have all heard of people who are making \$5.00, \$6.00, \$7.00 an hour, and this is occurring in Bermuda which has one of the highest costs of living.

To illustrate, Mr. Speaker, Honourable Members may be aware of a job advert earlier this year in which persons were looking to hire a live-in caregiver. The job responsibilities were listed to take care of an elderly person suffering from dementia, clean, cook, provide companionship, run errands, work five days a week from 9:00 am to 9:00 pm, and be on call seven nights a week. The successful candidate would have two days off, but would have to prep meals before leaving, and make \$10.00 an hour, less room and board. Mr. Speaker, I have a copy of that advert in my hands.

Mr. Speaker, I think we can all agree that this embodies the term "exploitation."

Mr. Speaker, this Bill seeks to provide for the establishment of a Wage Commission which will be mandated to enquire into the provision of a statutory wage scheme with the objective of making recommendations on a minimum hourly wage and a living wage rate which would be prescribed by the Minister responsible for Labour. Mr. Speaker, the composition of the Wage Commission will be a total of eight persons; a chairman, five Members and two ex officio members representing the Ministry of Finance and the Ministry of Labour. Members will be appointed by the Minister responsible for Labour for a period of three years and who have broad experience and expertise in economics, law, statistics, and other suitable qualifications.

Provisions will be made to pay the Members of the Commission in accordance with the [Government Authorities \(Fees\) Act 1971](#). The fee is set at \$100 per meeting for the chairman and \$50 per meeting for Members. A consequential amendment to the Government Authorities (Fees) Act 1971 will be made.

Mr. Speaker, to facilitate the proceedings of the Commission, the Bill authorises the Minister to designate a public officer to be the secretary to the Commission, thereby reducing the need for additional administrative costs.

Mr. Speaker, the Bill stipulates that the functions of the Commission are to make recommendations on the minimum hourly wage and the living wage rate. To fulfil this mandate, the Commission is required to conduct research, enquiries, analysis and consult extensively to ensure that all stakeholders—including employers and employees, and organisations representing employers and employees—have the opportunity to make contribution. Should the Commission require information from an employer or employee or some other person, they will be able to compel persons in writing to supply that information and to appear before the Commission. The Commis-

sion will also have the power to take copies of the documentation provided.

Mr. Speaker, every three years the Commission will be required to make a report to the Minister responsible for Labour with regard to the proposed minimum hourly wage. It may be necessary for a review within the three-year cycle in the event of a significant economic change in Bermuda or unforeseen consequences of the minimum or living wage that need to be researched and rectified. And Mr. Speaker, let me just say here that the initial report will come way before any three years. Once that report has been done, it will come to the Ministry and will be laid before the House.

Mr. Speaker, the Bill sets out the requirements for the content of the report that the Commission is to submit to the Minister, which includes the determinations of the Commission on the findings and conclusions of the research, enquiries, consultations and recommendations; and, secondly, the subsequent recommendations and the reasons for the recommendations. Mr. Speaker, the Bill requires that the recommendations must include an analysis of the impact on the economy of Bermuda, the competitiveness of the economy of Bermuda, and any other issue that may have been raised by the Minister responsible for Labour.

Mr. Speaker, once the Minister has received the report, he will be obliged to table it for both the House of Assembly and the Senate and may by order prescribe the minimum hourly wage.

Mr. Speaker, a living wage is different from a minimum hourly wage in that it purports to provide a decent standard of living for the worker and his or her family. Mr. Speaker, as with the minimum hourly wage, the Commission is also mandated to make a report to the Minister responsible for Labour every three years with a proposed living wage rate. The requirements for the production of the report are the same for the determination of the living wage rate as they are for the minimum hourly wage. Once the Minister has received the report, he must table it in both Houses of the Legislature, and may by order prescribe the living wage rate.

Mr. Speaker, the Commission's powers are accompanied by enforcement measures. Persons who fail to produce any record, document or information, intentionally delay the work of the Commission or refuse to answer any questions are subject to a fine not exceeding \$2,000 and \$100 for every day that the offence continues. In the case of a corporate entity, the fine will be \$7,000 and \$500 for every day the offence continues. Mr. Speaker, the Bill provides a regulation, an order-making power, for the Minister which will enable him to prescribe the minimum hourly wage, the living wage rate, and any matters that are necessary for the carrying out of the provisions of the Bill. The regulations will be made in due course follow-

ing the Wage Commission's report and recommendations.

Mr. Speaker, we are clearly well behind the times internationally in the establishment of a minimum wage. The ILO asserts that more than 90 per cent of their 186 member states have one or more minimum wages set through legislation or binding collective agreements. Today we are on the road to making a living wage a reality for Bermuda. Our people deserve to live with dignity. They deserve to enjoy decent work. And a part of that is to provide for a living wage, and this legislation, Mr. Speaker, will make it happen.

In conclusion, I would like to thank that the Parliamentary Joint Select Committee for their work in the production of the report and on the establishment of a minimum living wage regime. With those brief comments, Mr. Speaker, I will take my seat and invite others to comment.

The Chairman: Thank you, Honourable Minister.

I now recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

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

Mr. Speaker, I actually sat on the Joint Select Committee for a living wage with MP Commissioning as the chair. This was one of the recommendations and I do support it.

I agree with my colleague's comments across the aisle that people here should be able to live with dignity and they should be paid for the jobs that they do. So, we want to establish a wage that is acceptable for people to be able to live in Bermuda. But in conjunction with that living wage, we also have to look at the cost of living and what can be done to reduce the cost of living. You cannot have wages go up and other things are going up at the same time.

For example, the sugar tax, Mr. Speaker. The sugar tax was "intended," (and I say intended in quotes) to address obesity in Bermuda. Unless I am analysing it wrong, most grocers have hiked up the cost of other food items to net off the purported losses that they thought that they would get because of the sugar tax.

The Speaker: Mm-hmm.

Ms. Leah K. Scott: So we have a Price Control Commission that . . . the name of that was changed by legislation a while back. Why aren't they addressing these issues? I do not know what it costs to bring in goods, but I am sure that some grocers do get some discounts or customs relief on some items. Why isn't that passed on to the consumers?

So, while we are going to have a living wage imposed, we also need to have a simultaneous reduction in the cost of living in Bermuda.

I also think Mr. Speaker, that when we have a living wage, we also have to teach people life skills. They need to know money management. And I think that people need to understand that every dollar that they get can't be spent on . . . disposable income cannot be spent frivolously. We need to look at where our money is going. So I think that we also have to have people trained in life skills. I think it is very important.

The challenge I think for the business community is that when wages go up then decisions have to be made as to whether employees are going to be retained or even whether positions are going to be retained. I don't know if you have travelled recently but when you go to places like . . . I am ashamed to admit this, but McDonalds, and you want something to eat—

[Inaudible interjections]

Ms. Leah K. Scott: I know. It's my granddaughter. I take my granddaughter.

[Inaudible interjections and laughter]

Ms. Leah K. Scott: I will! I will!

So when you go into some places, you go to a machine, you type in what you want, you put your credit card in, and you pay for it and the only person you see is the person who hands you the bag with your food. And I am not saying that this is something which will happen in Bermuda right now, but it is an option.

You know, we had the Business Confidence Survey come out a couple of weeks ago, and it demonstrated that business confidence levels are low. And business confidence levels are what determine whether employers are going to continue their businesses, whether they are going to retain their staff, whether they are going to take on new staff, whether they are going to reduce hours, so there are a number of variables that we need to consider.

I absolutely agree that . . . I heard my honourable colleague read a job description that I think is horrific. I think that to exploit people like that for the sake of your convenience is just wrong. I think that people should be paid for the jobs that they do. I mean, I certainly would not want to be a caregiver with all of those roles. I mean, that person is like doing like 10 jobs for \$10.00 . . . she is getting a dollar an hour for 10 jobs! And it is just wrong! And it is wrong that it is occurring in our country and I am sure that it does go on in other countries, but it is an issue that we need to address. People should be paid fairly for a day's work.

So, we are not like the rest of the world, Mr. Speaker, in that we are reliant upon immigration. We are reliant upon foreign direct investment. We do not have an economy that can sustain itself. Our money is

only circulated in Bermuda so it is kind of like Disneyland money. Mickey Mouse money is only good in Disneyland; Bermuda dollars are only good in Bermuda. We have had a slow-down in capital projects. We have had a slow-down in foreign direct investment. I am hoping that things will occur so that people will be confident in Bermuda and will want to put their money here. But how do we address imposing a living wage and we do not have the level of investment or the level of job creators here that we need to sustain and balance that?

So, I completely and wholeheartedly support a living wage, and I think that a parent should not have to decide whether she is going to feed her child breakfast, lunch or dinner because she cannot afford to have all three. Again, this reverts back to my comment about creating a cost of living where people can actually survive in Bermuda.

So, I think that it is a step in the right direction. I think that we have to tread carefully. I think that we have to take into consideration all of the variables, and the most important consideration is the input from the business [owners] to determine how we can sustain a living wage so that people who are living and working in Bermuda can enjoy living and working in Bermuda. 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 21. Honourable Member Commissiong, you have the floor.

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

Mr. Speaker, there has been a mantra that we have consistently used when discussing this topic on our side of the aisle, and that is: To let Bermuda know that help is on the way. And it is. This is not going to solve all of our problems. But, certainly, this is going to offer some relief and benefit to those who have been struggling with low level, even poverty level wages, in our country. Yes, it will benefit non-Bermudian workers. There is no sin in that. But it will also benefit thousands of Bermudian workers who have been struggling with low wages and deteriorating conditions in terms of their quality of life. Help is on the way.

Mr. Speaker, this is so appropriate now at a time when only this week, the US Congress adopted a \$15.00 per hour rate as an increase to the federal minimum wage. Dare I say that if \$15.00 per hour is becoming the norm in the US, and it still has to go through the Senate and to the President, so it will likely not meet those final hurdles, but we do know that throughout the US this movement, which began in the labour sector in the US over 15 years ago, has had growing adoption both at the state levels and the municipality level throughout the US. But if it is \$15.00 in

the US as a benchmark, what should it be in Bermuda?

Mr. Speaker, our people have struggled with an inordinate rise in income inequality to extraordinary levels over the last 15 to 20 years, or more. The economist, Robert Stubbs, for example, asserted that out of 35 countries comprising the OECD, Bermuda's income inequality is surpassed only by Mexico. Imagine that! Both the US and the UK, he adds, are at notoriously bad levels of income inequality, but Bermuda surpasses them. These are the very real struggles that have confronted our people.

More specifically, when we look at the rise and the widespread adoption of low-cost foreign labour in the country, both low to medium skilled low-cost foreign labour, it has had the effect of stagnating wages, and with the inordinate rise of inflation over the last quarter century, has led to very real declines in wages, especially those at the low end of income distribution in this country, the working poor, the lower and middle classes. Many people in this country, thousands, to use that term again, have not had pay raises in over a decade. Over a decade!

Certainly, Mr. Speaker, and I have said this before, those of us who canvass—and many of us need to do a little more, myself included—have seen over the last 10 years, [when] going into households in Bermuda, those who are struggling under these conditions. It is heart-breaking, as poverty has metastasised in Bermuda. Now I have said this before, with the levels of income inequality that we see in this country, it should be no surprise that what accompanied this is reminiscent of the four horsemen of the apocalypse—gang formation, gang violence, poor educational outcomes, in the most poorest of households.

We can go on and on and on, but we all know that this is what we have seen rise to the fore in the Bermuda we know and love during this period.

Mr. Speaker, I just want to assert here that the movement for economic justice is not incompatible with the need to maintain a healthy economy. Think of it as an investment in our economy. And anyone who wilfully asserts to the contrary that economic justice is incompatible with having a strong and vibrant economy, is usually ill-informed or motivated by naked self-interest.

And I want to say to all the members of the business community out there today, we know that demand in the country has been tepid, has been weak, cutting into your bottom line. Well, give more money to those who are going to spend it, and let's buoy demand in this economy, consumer demand, because studies show that this is what occurs when you put more money in the pockets of those at the low and middle income strata. That is what the evidence shows. So, let's convert that naked self-interest, that myopic view, *Oh, my business, I am going to go un-*

der, to one of enlightened self-interest and get on board.

Mr. Speaker, I hope that we have many people getting up today to have this debate. I want to very quickly go to the fact of how many people are likely going to be affected, those at the bottom end. And I want to say this as well, studies also show (and forgive me for not quoting chapter and verse) that when you impose statutory wages, either for the first time as we are doing, as Germany did for the first time only three or four years ago, or when you increase them significantly, it has a spill-over effect on those who are just above that level, increasing the wage levels at those tiers as well.

Mr. Speaker, we had a total of 4,368 Bermudians who are in what they call the "service workers" category. Not all of them are in low-pay jobs. It includes, as I have said here on the floor before, persons who, for example, are in the prison service, persons who are in the fire service, and about three or four other categories of Bermudians who are solidly making middle income, upper middle income salaries. But the vast majority of those people are persons earning the type of wages that the Minister spoke about, that I have been speaking about, under \$15.00 an hour, under \$18.00 an hour. Of those, 3,738 are black Bermudians; 630 are white. Also, that figure of 4,368 also includes the spouses of Bermudians. They are our family too.

Now, in this category you also have what is called "mixed and other races." That is way the subcategory is characterised. There are 1,322 in that category, [and] 1,904 are non-Bermudian mainly from Southeast Asia and the Indian subcontinent, the persons I spoke about earlier who have been working for what Bermudians would consider poverty level wages.

And let me say this here to my Bermudian people out there: Stop pointing the finger at these workers. We should not do that. Not when one understands the conditions by which they have come here, and the conditions they left. They are trying to support their families back home, many of which are living [on] under \$100 a week, for example. And it may be under \$50 a week. Let's put a focus on the systemic problem which has precipitated this. And may I say this as well, focus on those unscrupulous employers who have been very happily reaping those profits at the expense, not only of those foreign workers, but more specifically at the expense of Bermudian workers.

Mr. Speaker, I also have to say that I take comfort in the comments of my former deputy on the Joint Select Committee. You, more than anybody, would know, Mr. Speaker, how rough it got sometimes. Well, we persevered. With your assistance, we got through this and we maintained the bipartisan nature of this exercise. And my hat is off to the Opposition here. I am very happy with their statement because they too see what is going on. Unless you are

in total denial, you see what is going on in our Bermuda, by those issues that I talked about.

But she says that we need to deal with and tackle the cost of living. And I am right with her! This initiative will not be as successful as it needs to be unless we do some other very important things in terms of systemically changing what has been a very damaging and destructive environment for too many Bermudians. We have to add to that. So, for example, we know that the Committee recommended that there will be changes and amendments, one specifically, to the Employment Act [2000] around overtime pay. There has been a terrible level of exploitation going on there, as well. And in time that will be dealt with.

We also know that this Committee recommended that there will be an amendment to the [National Pension Scheme] (Occupational Pensions) Act [1998]. It just happens that the Progressive Labour Party in its election platform also made that commitment, and we are happy about that because that too placed Bermudians at a disadvantage in terms of their ability to thrive in this labour market, particularly those non-college educated, low to medium skilled, competing against this foreign labour.

So, for example, the [National Pension Scheme] Occupational Pensions Act 2000 . . . or was it somewhere around there? Correct me, please.

An Hon. Member: It was 2000.

Mr. Rolfe Commissiong: Of 2000 [*sic*]. It made no requirement that persons who are on work permits have to pay into it. We all know that the employer pays his 5 per cent and the employee pays 5 per cent.

But it provided a perverse incentive on the part of employers, some out of extreme necessity (I am not making excuses), and some who just are unscrupulous, to ensure that they are going to have a workforce at their respective companies that are going to have two-thirds or more foreign workers to get that little advantage. And they will sprinkle in a few Bermudians, particularly black Bermudians, just to make it look good for Immigration. We know the games that have been going on here for the last 25 years—

Mr. Neville S. Tyrrell: Or longer.

Mr. Rolfe Commissiong: Or longer than that, as the Member from constituency 26 interpolates.

Look at the development down at St. George's, much needed. We need to get that hotel up and running. But the deal was struck, at the risk of running from the bipartisan nature of this exercise, which I have commended. The deal was struck that saw scores of work permits being allowed by the developer on the part of a previous Government. Scores of them! He will not have to pay the developer that 5 per cent as per employee, for those foreign workers.

So, those are two of the systemic issues that need to be dealt with. But far more profoundly important, if I can use that term, are the macroeconomic issues that need to be addressed. And I am not going to veer away from this. We need significant tax reform. If we are going to make this successful and immeasurably improve the lives of Bermudians who are of low incomes and lower- and middle-class Bermudians, then we must have progressive tax reform in this country. There is no way around it now, not this late in the day. And it has to be progressive, and it must remove the disproportionate burden of taxation that falls on the least of us, in terms of those who earn under \$40[000], or \$50[000], or \$70[000] or \$80,000 per year. That is what is driving income inequality. That is one of the systemic issues that drives income inequality in this country and has for a long time.

And it squares with the pre-existing racial disparities, because we all know who is at the bottom of income distribution in this country. It is black Bermudians, for the most part. Haven't we all seen the various metrics over the last year and a half, where it shows that racial disparities amongst key metrics have widened? Not narrowed, widened, in 2017, 2018 and 2019, by way of the data. That half census was very sober reading. That was published about a year ago.

So, again, we want to tell those Bermudians out there that help is on the way. And we are not backing down here. We are going to unabashedly move forward with a progressive agenda because we know it has to be done. I said the other day that the sands that are shifting are the sands of the geopolitical realities that we need to be aware of. The Bermuda that we saw 20 years ago, 10 years ago, cannot be maintained in that way. We have to make adjustments in terms of our political economy and in terms of our labour market, which is what this legislation, this Employment (Wage Commission) Act 2019 is seeking to achieve. It has to be done. And if we are going to reduce the levels of income inequality, this is a good place to start, but a lot more has to be done as well.

Mr. Speaker, I just want to conclude by taking the time out to acknowledge the various members of two committees, one, pre-2017 selection and the other post-2017, which helped get us to this point.

I acknowledge the Deputy Leader of the Opposition, Ms. Leah Scott, MP; Mr. Lawrence Scott, MP; who was with us right from the very beginning; Senator Jason Hayward, who played a very important role with the work of this Committee. He was able to bring that experience, that wealth of knowledge from the labour sector as part of a major officer within the BPSU [Bermuda Public Services Union].

And let me say this here, this is another indication of why this is necessary. It also tells you why Governments felt the need over the last 15, 20 years to start to impose statutory wages, particularly in the west because of the decline of the influence and power of trade unions. For example, in 1983 (and I will

continue with my list in a second) the BIU [Bermuda Industrial Union] had over 6,000 members. They were probably the most powerful organisation at that time in Bermuda. Today it is over 3,000. Imagine that! And they always, historically, represented the most vulnerable of workers in our community, in this labour market.

It has not been any different in the US where the level of the union participation and membership dropped down to 6 per cent, as of, maybe 2018. It created a void. In Germany, one of the strongest union environments in the world, in the modern era, they felt they had to impose statutory wages because they were having too many workers who were not being covered by unions and collective bargaining, and they were subjected to what is called (and this is what the Minister was referring to), what is being called globally as the “race to the bottom” on wages and benefits.

So I thank Mr. Jason Hayward for the experience he brought in from the labour movement.

We had Nandi Outerbridge, of course, a former Senator. And I wanted to thank the secretaries who were provided by you, Mr. Speaker, both Mr. Randy Scott and Ms. Sierra O’Meally did a sterling job and were of inestimable assistance to myself.

But I just want to go back now, I am going to go down memory lane a little further. So, that was the last iteration of the Joint Select Committee. The previous Committee, pre-2017, I had Mr. Shawn Crockwell as my deputy. And we always remember here, when the final and most powerful statement that was ever made in this House, where he talked about the recognition, that there were Two Bermudas. When he talked about that, it was a realisation of his work on this Committee that finally opened his eyes. He is still missed by me.

Mr. Mark Pettingill; again, Ms. Leah Scott; Senator Vic Ball; and another person who made a major contribution is Senator Kim Wilkerson, former Senator; and again, Randy Scott, [who] went the whole way with us. And, of course, I want to thank the Speaker, and his predecessor, Mr. Randolph Horton.

As to the Wage Commission, it represents global best practice. In most of the developed world you find that they use these independent or semi-independent bodies to calculate or determine methodology that they will employ to calculate these wages, these wage rates. And, of course, as I have just alluded, they set these wage rates in a way that does not allow for overt political interference. I would have liked to have seen it go a little further, and be honest in that regard. But I am happy we are able to get to this point.

I just want to, secondly, say this. I get it, when we get to this issue about hoping that the people in the business sector, particularly in the hospitality sector, do not be too short-sighted here, too myopic. This is going to be good for everyone here, businesses, and, more importantly, these workers. But for exam-

ple, in the hospitality sector nowhere in the world, nowhere, and I have . . . you know, I have studied this issue, man, until I was like, you know, I mean, I was going brain-dead, over the last three years in terms of the research. It was overwhelming at times. Nowhere in the world are gratuities included in any calculation on a living or statutory wage.

If they can find an example, I stand to be corrected. But in every country that we compare ourselves to, Europe and the US, it is not done. Gratuities represent a variable. Yes, so you are going to get \$1,000 in gratuities this week and in January and February you are going to have to rely on that \$300.00 per week to get by.

Imagine, Mr. Speaker, that in many of our hotels you have at least three or four categories of workers who are earning \$7.50, \$8.00 per hour. Yes, they are getting gratuities, and in major hotels for six months of the year, if they are lucky. But they are earning \$6.00, \$7.00, or \$8.00, perhaps, per hour. And we want to talk about that headwind that has precluded Bermudians from getting into that industry? This has been a big one.

So, Mr. Speaker, like I said, help is on the way. And this Progressive Labour Party, consistent with our values, our principles, our ideology, is going to deliver. Some will say, and maybe quite justifiably, that it has taken a long time to get up and running, but we are getting in gear now on these issues. I heard two of our Members just the other day talk about how out of necessity, and the Finance Minister can speak to this, we had to concentrate on saving this economy, despite its flaws, and a lot of concentration was going into that, a lot of effort, the first year of the PLP Government. No need for me to highlight it, from economic substance to all the various other finance-related Bills and regulatory Bills that in terms of compliance that we had to deal with. But we are ready now and we are going to be doing it the way it needs to be done on behalf of our people to ensure that the benefits of this Government are going to go to those who deserve it the most.

And I hope, Mr. Speaker, there will be a day that those who have done quite well in Bermuda, those who are earning over \$400,000 or \$500,000, minimum, a few who may sit here in this Chamber with us, I hope the day is coming when they will carry more of that tax burden. That has to happen. It has to happen soon.

Mr. Speaker, this Progressive Labour Party Government, consistent with the values and principles, the ideology of our forefathers in that party, is ready to deliver on another Progressive initiative for our people. And I am very proud to see this occur today and I want to thank the Minister and the PLP Government for delivering. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I was about to acknowledge the presence of the former Speaker, but he stepped out of the door before you finished speaking that time.

I now acknowledge the Deputy Speaker. Deputy Speaker, you have the floor.

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

Mr. Speaker, first of all, I would like to thank the Committee headed by the Member who just took his seat, Rolfe Commissiong, for the work they have done in bringing this task to where it is today.

And I thank the Minister Foggo for having the rate to bring before this House, Mr. Speaker.

Mr. Speaker, some years ago, I don't like to use the word "many," but some years ago the norm was, the equation was, a quarter of your income would take care of your rent. Well, Mr. Speaker, that does not happen today. I think in some instances about 80 per cent of your income has to take care of your housing.

Mr. Speaker, I really want people to understand what a living wage is. A living wage is not a minimum wage. I think people get them both confused. A living wage is where a person can earn their living, earn their salary, and be able to live comfortably without doing the extra jobs. Mr. Speaker, normally, when you work a job, eight to five is survival. After that is success. And we want people to survive, but with the wages that they are receiving today it is not survival.

Mr. Speaker, I take exception to the exploitation of workers, particularly the workers from overseas, where people pay them any amount of pay and get them to do almost anything. And I understand the workers' disposition on that. They really can't say anything because if they made any noise they would be sent back home to basically nothing. And they do not want that, and I wouldn't want that to happen either. But we shouldn't be allowing modern-day slavery, in terms of what they are paid in Bermuda.

We supposedly came out of that in 1834. But some today—not only in Bermuda, but worldwide, not only hotels and restaurants, but even the big companies—because what we have today is some of these big companies farm their work out to another country where the wages are much lower and have that work done there in the name more profits, Mr. Speaker.

So, you know, Mr. Speaker, I read something the other day. I forget what paper or what book I was reading, but it said that in the last decade, of the 2 per cent of the richest people in the world, their riches, their income increased by 12 per cent. And the lowest 2 per cent—or [rather] the 98 per cent of the rest of them, theirs decreased by 11 per cent. So despite the recession and everything else that went on in this world, the rich became richer, Mr. Speaker. That is not the way things should be, Mr. Speaker.

The Speaker: Mm-hmm.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I take exception to some billionaires for their attitude toward poor countries, poor families, because you know, you get some of those billionaires and they will donate a million dollars to this and that, and some people think that is a lot of money. But that is not a lot of money at all, particularly with the billions they have, the billions they earn and what they are worth. The Lord put enough here for all of us, but we still got people suffering [who] can't afford proper clothing, housing, and shelters for their families.

Mr. Speaker, some of us seem to forget those people who fought for them. Mr. Speaker, we had quite a few people marching, not only worldwide, in Bermuda, to get better benefits and a better life for people. Not only for themselves, because as they achieve more those above them or in a higher income, they got more. And they did nothing for it. The fight has always come from the poor, middle class and below.

And some have earned a good living in this Bermuda and never lost a day's pay for it. Many of our people today who struggle in those margins, some folks even twist their nose up against them like they did not do anything for them. Mr. Speaker, these same people who marched the streets, the benefits that they got for them was able to send children off to school, Bermuda and overseas. Some of us forget some of the siblings, some of the families where, particularly the males came out of school to help support the family and send a sister or sisters away to school. These guys fought hard and they did not get the education, but they got plenty common sense. But a lot of people forget them and really do not have too much for them, Mr. Speaker.

Mr. Speaker, we cannot forget the unions. They fought very hard in this country for better benefits, not [just] in this country, worldwide, for the working-class people, and achieved quite a bit. But today . . .

I get disturbed like this, where you are holding a conversation between—I get a little disturbed with that. And if I do it in the Chair, please let me know . . . any Member.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: Yes. No, I have to speak to the Speaker, but I do not like when I am talking to you, and you are talking to somebody else.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: Yes, I get a little . . . a little . . . it takes me off my thing.

But, Mr. Speaker, as the Member who just sat down talked about the gratuities; we have establishments in Bermuda and worldwide collecting gratuities as a tip. That is what it is, a tip to these folks. And

paying wages out of gratuities . . . that is not right. This does not happen in unionised establishments, but it happens far too much in this country, and it should never be.

You find managers taking some of those gratuities from these workers. That should not be, Mr. Speaker. But it happens in this country. And I just wonder very shortly, we outlaw that, because if we receive money in the name of grats for the employees it should go to them. It should not be going to all the staff members in the workplace because in restaurants and hotels you have what is called a “tip rate” and a “non-tip rate.” And the non-tip rate is substantially more than the tip rate. And people are paid and they get gratuities accordingly, Mr. Speaker.

Mr. Speaker, again, in closing, people turn their noses up against unions. The unions in this country have done much for all in this country. I can remember in another life if an exempt company was going to make somebody redundant, they would call the union and ask us, *What do we pay for redundancy pay?* And all of that. And normally that is how they would pay their people.

But today what some companies have done with the Employment Act . . . for example, I know a few employees of large companies in Bermuda, and let’s say the banks. Before the Employment Act came in, they were getting a maximum of 30 days a year in sick pay. Once the Employment Act came in, they reverted to the 10 days that we have in the Employment Act. Not only that, Mr. Speaker, in most unionised agreements you can get up to a year’s pay in severance, a year’s severance pay, depending on the amount of years you have been there. What these companies do in Bermuda now, they will pay 26 weeks [which is] what is in the Employment Act. That is not right. The Employment Act was not made for every employer in Bermuda.

The intent of the Employment Act was to take those places that are not organised, very small employers—not banks and international business—to align their vacation pay policy, their sick leave policy, and all those types of benefits that we get in the union. They scale them back to what is in the Employment Act, Mr. Speaker. And I hope very shortly the Minister will bring a Bill to this House, making companies put back what they had in place prior to their taking benefits from people via the Employment Act. It is not meant for that.

So you will find some employers will take advantage of anything they can in the interest of more profits for them. So, Mr. Speaker, I just hope that we address this shortly because to me it is almost criminal what they are doing. Somebody who has been working for the bank 20 years and only getting 10 days in sick pay, or before they would probably get six weeks in vacation pay and it is down to about two or three weeks. That should never happen, but some of

them have done that. We need to fix that, Mr. Speaker.

So, again, I would like to thank the Minister, Minister Foggo, for bringing this Bill to the House and hopefully she will bring one shortly to correct those, I would call, offenses, that have been carried out against employees via the Employment Act. Thank you, Mr. Speaker.

The Speaker: Thank you Honourable Member, Deputy.

I recognise the Honourable Member Brown, constituency 17. Honourable Member, you have the floor.

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

Mr. Speaker, I would like to begin by commending the Minister for Labour for bringing forth this piece of legislation. I would also like to commend MP Commissioning for his work on the Living Wage Commission, very important work that forms a backdrop for this piece of legislation we are here debating today.

Mr. Speaker, the issue of a minimum wage and a living wage is a critical one. It is very important for a democratic society to ensure that there is a measure of provision for those people who are very vulnerable, the most vulnerable in a society. And so this legislation is very important for helping us to address these issues.

Mr. Speaker, Jessica works for a local restaurant. She earns \$6.00 an hour. She is entitled to gratuities but she does not always get the gratuities she is entitled to because the employer pockets the gratuities and decides how much to allocate her on a weekly basis. This is an affront to the whole principle of ensuring that people get access to their gratuities. Gratuities are seen as the important support for a living wage because in the low wage sector in hospitality, gratuities are critically important. But they do not get access to the full benefit of the gratuities, and this is an abomination.

Mr. Speaker, there is an important nexus between the work permit holder and the Bermudian employee in this regard. The employer oftentimes has a vested interest in hiring out work permit holders because he can get a lower wage embedded in the employment contract with the employer. What the employer does is deliberately advertise a position at a very low rate knowing full well that a Bermudian is not going to apply for that position. That is an abuse of the system, Mr. Speaker. They deliberately advertise a very low rate of pay, knowing full well that a Bermudian is not going to take those positions and, therefore, they can go to Immigration and say, *There are no local applicants for the position; therefore, please give me a work permit.*

That happens very often, Mr. Speaker. And that is inappropriate. That should not be allowed to happen. We need to try to find ways to address that.

This measure of having a living wage in place or a minimum wage in place will help to address that imbalance because it will provide for a minimum pay across the board for all categories of work.

Now, it is important to note that this may have an issue, an impact in hospitality in particular because hospitality pays notoriously low wages. And to make an adjustment of \$6.00 an hour to maybe \$15.00 or \$18.00 an hour will represent a dramatic change for the hospitality sector. It will lead to some implications in terms of employment, I am sure. But we have to address it from a clear standpoint. It has to be addressed, Mr. Speaker. The issue is one that is of critical importance and we cannot just ignore it.

Mr. Speaker, the issue that is also concerning relates to the lack of a consistency in regard to the employment of social insurance payments . . . sorry, the pension payments, whereby a contract worker is not obliged to pay into the pension. That creates a differential in terms of the employment practices, again. It allows for a foreign employee to be paid off at a lower rate than a Bermudian employee. And that is an issue as well, Mr. Speaker.

Mr. Speaker, the unions have played a very important role in helping to increase the wages over time. You will note from the ascent of the trade union movement up until today, there has been a gradual increase in the minimum wages paid to unionised employees. But that only applies to the unionised employee sector; it does not apply to all employees. And that is where you get the differential, Mr. Speaker. The unionised employee is said to get what we would consider the minimum wage pay, or above, whereas the non-unionised employee is not benefiting from that higher pay scale. And that is a matter of great concern, Mr. Speaker.

Mr. Speaker, the issues that we have before us are important ones and they will be addressed by this Commission. This Commission will have the mandate to explore the minimum wage required in Bermuda. They will come up with some recommendations. Those recommendations will become legislative in this House. I look forward to this happening, Mr. Speaker. The idea of a minimum wage is long overdue. I look forward to it happening in due course. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

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

Hon. Walter H. Roban: Good afternoon, Mr. Speaker.

The Speaker: Good afternoon.

Hon. Walter H. Roban: It is quite fitting and appropriate that we enter into this debate today on this very

important legislation that is going to enact . . . a Commission that is going to give a serious examination of the issues around a living wage. I would suggest that this is not a new issue. Certainly, the Progressive Labour Party Government in its commitment in its Throne Speech and platform has made a commitment to address this issue head-on. But there is nothing new under the sun when it comes to this question of a living wage that will allow for citizens in this country to survive and exist and to have a manageable quality of life.

Not too long ago we received a message from the Governor that he approved a pardon for the Reverend of the AME Church, Charles Vinton Monk. We must not forget why this over 100-year journey commenced to get to this point. It was because Charles Vinton Monk was reporting about the injustices that were being persecuted on workers in the country, which would, obviously, not only have been related to the conditions in which they worked, but also what they were being paid. And he was, essentially . . . and the pardon now vindicates the acts that he was doing. It essentially vindicates his efforts even though he was prosecuted in the courts, for whatever the charges were, and imprisoned. The pardon vindicates the actions that he took to bring attention to the injustices and conditions of workers, which presumably would have also included unfair pay, unfair benefits, unfair conditions.

Let's jump now perhaps some 80 years after the experience of Charles Vinton Monk to the general strike of 1981, of which similar circumstances . . . and I could probably mention a couple more periods in history, but I want to keep my contribution to this particular debate compact, Mr. Speaker.

[In] 1981, the general strike started with the hospital workers and then rippled to other groups of workers throughout the country and every sector of the economy of that time to do with wages, benefits, and other issues. And some of us were younger at that time, but we certainly witnessed it. And I am sure, Mr. Speaker, you might have been, and I am not suggesting in any way that you are older than you truly are at your age of 40.

The Speaker: Yes.

[Inaudible interjections and laughter]

The Speaker: Yes.

Hon. Walter H. Roban: That you were a witness to that as well.

An Hon. Member: He will give you extra time for that.

[Laughter]

The Speaker: All right.

Hon. Walter H. Roban: Hey, a Member has got to try and get it anyway he can get it.

[Laughter]

Hon. Walter H. Roban: So, that was another momentous point in our history where the question of people's ability to live and exist and how they would be compensated for their hard work to contribute to their quality of life was brought to the forefront of this country. And there were victories out of that. But those victories—as we now some 40-odd years, or more, after that, those instances whether of the issues that are related to Charles Vinton Monk, or the circumstances that brought about the 1981 strike, and any situations thereafter, or the questions of benefits and the justice toward working people was on the table—this remains unfinished business.

So, here we are, and I do applaud all persons who have [given] support around this particular endeavour. Certainly, I congratulate my Government and the Minister who is carrying this particular legislation and the work that preceded the Honourable Member who sits in constituency 3, and her predecessors in the area of labour, who also . . . because this has been a work that this Government has commenced from its inception. So others certainly [need] credit for the work that has been done to getting us to this point, because it is truly part of the unfinished business of transforming Bermuda, work that I believe we can certainly put at the feet of those who were the architects of the trade union movement in this country, who have had the welfare of the working people and the disenfranchised as core to their mission, to ensure that people were able to live.

Outside of the fact that people may want to acquire other things, Mr. Speaker, people need to live. People need to be able to function, where they can provide for their families, and where they can deal with their essential needs. And that is what a living wage is about. It is not about having the disposable income to acquire some of the material benefits that we in this day and age have for ourselves. It is for people to afford to live with the essentials that are in a modern society: housing, clothing, food, and health, good health. That is what a living wage essentially is to provide.

So, it is going to be interesting later, as we move beyond this process, and as the Commission itself engages, Mr. Speaker, in the discussions and it becomes a part of a wider debate, where it all goes. Because I suspect some will chime in, and let's be, sort of trying . . . it is always important to bring a level of honesty into these discussions, Mr. Speaker.

You know, the business community, for all of its importance to the country, certain sectors have not been the best partners in an effort to ensure that workers get a fair opportunity to earn a living, a wage that allows them to live. I can jump back again to the

very circumstances that brought about the creation of the Bermuda Workers Association and the circumstances on the base and how the persons whom the Americans were seeking to employ found themselves in a contrasting situation to the workers who were being employed by local businesses. And the local businesses deliberately went to the Americans and told the Americans, *Don't pay them. Don't give them so many benefits*. A deliberate action to undermine the condition of the workers who were being, obviously, compensated by the Americans for the work that they were doing to create the base which would later transform the country.

So these are ongoing issues that we face. And the business community has not always been the best participants in the process. And it had to, in almost every circumstance, be forced to face the reality and responsibility that they shared in the wider economy and social makeup of Bermuda. People do not function well when they are working for a pittance.

[Inaudible interjections]

Hon. Walter H. Roban: That is a universal truth. It is a truth in Bermuda, [and] it is a truth around the globe. And there has been plenty of work done outside of Bermuda of which I am sure that the Commission will rely on, both done here and internationally, that asserts and makes those points evident.

So it will be important for the business community and the interests that will represent them around the table around this, but also all the other participants, to bring those truths to the table and there be an acceptance that there are some truths about living in Bermuda now that we have to be prepared to take head-on and find a path where people can have the resources to live. And "live" is a key word in this wage dynamic. And we should not begrudge whatever success representatives of workers have had in the past [who] were helping workers to get in a better position.

There are some out there who would argue, and we have seen the commentary in some cases where, *Oh, well, the workers are getting too much. Or, There are too many benefits. Or, Workers are costly; Bermudian workers are expensive*. Yes, Bermudian workers are expensive because it is expensive to live here. And Bermudian workers are not the ones who set the prices of electricity. They are not the ones setting the price of food. They are not the ones setting the prices of telephone and telecommunication services. They are not the ones setting the prices that businesses are charging for services in the country. The workers do not set those prices, Mr. Speaker, or for whatever services that you are looking to procure on this Island. Workers do not set those prices. And those prices, as we know, are governed by a number of factors. But one thing we know, the workers are not the ones setting those prices.

So as we go forward, Mr. Speaker, there has to be truth brought into the equation and into the discussion around this. How will we devise a path to ensure that a living wage becomes an accepted component of the wider experience of people living in this community?

Other countries have taken up this charge, Mr. Speaker. It is not an easy one. Let's not . . . that is another truth that we can bring to the table. This is not going to be an easy process. But it is a process that we must engage in or else we will price ourselves out of our own market. We will push our own residents and citizens into the ocean and they will have to find somewhere else to be, other than in Bermuda, as many have made the choice already.

An Hon. Member: Yes.

Hon. Walter H. Roban: We do not need a predominantly large number of Bermudians making that their choice further into the future. We must find a way, Mr. Speaker, and this Commission will enter into that process. It will create the information which will be the body of data that will allow a decision to be made, but also we will clearly be the product of debate and discussion so that all interests will have an opportunity to chime in and make their case around the direction we should take. But we certainly should not see this discussion as one that we should be scared to enter into, Mr. Speaker, because of the message it sends out to the marketplace. Because that will be a very foolish assumption to make, that somehow the wider global community or community that watches what happens in Bermuda, somehow thinks this is not a legitimate step to take.

Many other countries on this planet are examining the same issues. Many jurisdictions in North America, in Europe and other parts of the world are going through this exercise, because these issues are real to many countries around the planet.

And so we must see this as a sensible process for us to engage in. And we should see that if we start this sensibly with this Commission, with the participants, with the processes that they will gather the information that will be essential to them coming to recommendations, then that will allow everyone to engage appropriately and sensibly into the wider debate and decision-making which will come from the work of the Commission.

And no matter what the answer is, I think we should be satisfied that when this process has ended that it will have come to some sort of decision that the country should be able to live with. We should expect that because this is an essential process for us to go through. We cannot allow just the free market anymore. Or, perhaps, even if I might argue, overregulation to be the governing factor with how we come to the decision. We must take a balanced approach, but

that will come with us having gone through the process that this Commission will allow us to engage in.

And I look forward to it. I look forward to learning what they discover. And there is other work going on in other places which will also influence. There is a Cost of Living Commission, as well, whose work will certainly aid and abet this wider issue of getting a grip on the influences on cost that we are all faced with in the Island. And other exercises we hope will help to address this. Certainly, in my own Ministry and in association with some other ministries, we are endeavouring to see how we can look at how fuel is taxed with hopes that this can have some influence on bringing down the cost of energy.

So there are a number of activities which should influence the work of this Commission and other bodies in the government which are seeking to address the issue of the cost of living and ensuring that the people in Bermuda can live, not engage in disposable income choice, but to live in the ways that I have outlined earlier in my presentation, Mr. Speaker.

So, let us look forward to this Bill passing. Let us look forward to the persons who have been identified who will be a part of the Commission and let us look forward to their work and the process that their work will bring us to because this is unfinished business. Because it is business that has contributed to a whole lot of disquiet, historically, in the country and it has contributed to conflict, it has contributed to disruption. So this is just one process.

And as the Honourable Member who sits in constituency 21 [said], these processes aren't the silver bullet to all of our problems, but they will contribute little ingredients to us getting to the places that we must get as a country. Thank you, Mr. Speaker.

The Speaker: Thank you, Deputy.

Does any other Member wish to speak?

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

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

Mr. Speaker, I will start where the other Member just finished, because I believe that always the devil is in the detail.

The Speaker: Yes.

Hon. Jeanne J. Atherden: And when the Minister was talking about some of the issues and concerns, I made a little note to myself about productivity, that happy workers are productive workers. Therefore, we should not always assume that business is always going to be against the introduction of a living wage and against the introduction of a minimum wage because it is workers versus employers. We do not have to just assume there is always that tension because as I say—

Hon. Walter H. Roban: Point of order, Mr. Speaker.

The Speaker: Yes, point of order.

POINT OF ORDER

Hon. Walter H. Roban: I think it is very clear that that is not the argument that I was making, and I would hope that the Member is not suggesting that that is the argument that we are making. I would just hope that, so they should withdraw that suggestion.

The Speaker: Yes. She was holding up in her comments, I think she is just going down the course where she is.

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

The Speaker: Okay.

Hon. Jeanne J. Atherden: And as I said, I am going to talk on a range of subjects, and the reason [why is this]. It was not just the earlier speaker, but someone else before, who sort of implied that just by us doing this that we are not going to have everybody understanding that if you can have people making the proper wage that it just shouldn't necessarily be that it was going to be an issue with respect to business. And, therefore, I want to go and I just want to make a couple of observations as it relates to the way this Bill has been introduced.

There has been the suggestion that in terms of the living wage that the living wage rate would be the amount of income, if you will allow me to just quote from the Bill, "necessary to afford an employee and his household a socially acceptable standard of living calculated to take into account such factors as the basic cost of—(a) food; (b) housing; (c) clothing; (d) medical care; (e) child care; (f) transportation."

When I looked at that I thought, *Okay, yes. I think that this seems to be right.* But I think in this day and age, and maybe it is because things have evolved, I actually believe, and I think a lot of people in Bermuda will agree with me, now is the time that you are going to have to add another category—taxation—because taxation now becomes much more of a factor that the people of Bermuda have to deal with.

Before you could turn around and you could look at it and you could sort of say, *Well, what you pay for food, that is what it is. What you pay for housing . . .* But now taxation is there as another category. And I am going to suggest that maybe as the Commission, once it starts to look at some of the factors that they are going to put into place, that maybe they will add taxation as one of those items.

I also realised that the way it is set up—and I appreciate that it is set up in a way with some sort of caveats and some sort of structure, which I think is

going to be very good for the people of Bermuda—there is a suggestion that if the Commission utilises a consultant that, in their report, they name any consultants or experts that contribute to assist with the research enquiries and consultation. And I think that is good because when people are relying on information from other people to help them decide what decisions to make, it is important to know who those people are because then you get a feel for what type of expertise, what type of global knowledge they have, and how appropriate their areas expertise are to Bermuda.

Whether we like it or not, Bermuda is different. We are not a global entity. Many things that happen here have knock-on effects and, therefore, you would like to think that when we use consultants they have had experience with small islands, they have had experience with countries or islands that are influenced by . . . they are near neighbours. Therefore to know that the report will always tell us who those consultants are I think is going to be very important.

I think the other thing that I felt comforted by was the fact that the report is also going to say if the Minister identifies an additional factor that the Committee or the Commission has to be reliant upon, i.e., a directive, that this is going to be taken and it is going to be stated because sometimes as things happen a Minister does make a decision and says to a particular committee or commission, *I want you to be aware of this. Or, Go down this particular path.* And it is good that this Commission will identify that because later on when they come to a conclusion the public will know that this is why it happened.

The thing that I think was equally important was that when they make their recommendation the Commission is going to indicate the effect of the determinant on the economy of Bermuda, as a whole, because we recognise that a minimum wage or a living wage is going to have a great effect on Bermuda. We cannot get around it. We do not manufacture anything here on the Island. So everything is a consequence of the labour of the people on this Island.

The second thing which I thought was significant is the fact that it is going to state the effect on the competitiveness of the economy of Bermuda. And that is significant too because every time we do something here, we are trying to position ourselves to make sure that people will believe that we are competitive whether it be with the islands down south, whether it be that we are competitive with people in the United Kingdom or the US, et cetera, because we are always in competition.

So if we know that the Commission, with their recommendation, is going to be taking that into [account as] a factor, then it means that they will understand what they come up with—what it will mean going forward because it is a cycle. Whether we like it or not, it is a cycle. If you increase the wage of a worker, then that means . . . it does not always mean that this results in an increase in the costs of the goods or ser-

VICES that the company produced. And that is why I said at the beginning, this whole thing about productivity is so important, because there is a tendency to think that just because you increased the wage that you pay your workers, the services that you produce are automatically going to be increased.

I always take the position that if you can turn around and increase the productivity then it means that everybody benefits. If we can turn around and increase the productivity of Bermuda, then it means that we can do something about this whole thing of the cost of living, because the cost of living has been spiralling upward because every time we change something, something else goes up to compensate for it, so the cost of living never comes down.

I always used to try and explain to someone how you can actually have this change. How, if I give you a dollar, and I have to turn around and sometimes have to charge another dollar for [a product], then the person who comes and buys the product, then they are paying another dollar and they think, *I didn't feel like I got any benefit*. But, if you turn around and you produce two more of the things that you are manufacturing for me, then you have the productivity effect and it can work. And I think that as we go forward we have to make people understand that we are going to figure out how this thing can change in Bermuda so that we just do not always have what I call the knock-on effects so that the cost of living goes up, because when you start to go down in terms of the "living wage rate" and right in there it is identified, "the amount of income necessary to afford an employee and his household, a socially acceptable standard of living."

And I must admit I underlined "socially acceptable" because I did not know—and I still do not know—how one defines what is a "socially acceptable" standard of living, because that depends on who you are and what you think.

And I would like to think that we would come up with something which has less of what I call subjective feeling about it, because when I hear that, I feel very subjective. It is a subjective feeling, because I know that when my parents came up, and in their generation, they were the generation that lived on things very frugally and they were the ones that basically said, *Hey, as long as you got the clothing on your back and you've got something in your stomach, it doesn't necessarily mean whether it is bread and water or whatever else, your stomach is full*.

So, I am just saying that I think that as we go forward, and as I said earlier, the devil is going to be in the detail. I would like to think that we will come up with something whereby when the Commission comes out and makes its recommendation, everyone will feel that it is properly weighing up the factors. Because the more that people can accept the fact that you have come up with something that those who are at the lower end of the scale have finally been given some measure of compensation which is appropriate so that

they can live in Bermuda, because everybody wants to make sure that if people can live . . . and it said "necessary to afford an employee and his household." And I am assuming that over time the Commission will also identify this household. And the reason I say that is because I know myself that what used to be a household has expanded as well. Before it used to be, you know, the mother, the father and their two children. But now it is granny and whoever else. That is the household; the household has expanded.

So it is going to be quite interesting as we start to see how they are going to come up with these items because it is going to determine the dollar figure. But I do know, and I am saying right from the get-go, I do know that we have to do this. I do know that we have to come up with a way to make sure that when people are working, and working hard . . . because by and large, that has always been the thing that Bermudians have been known for. Hard-working people who give their employer the full due of the work that they are supposed to do. And if that is the case, we want the workers to feel that they are working hard, they are contributing, they are contributing to the success of Bermuda, and they are getting some of the success that comes around.

I am saying that to say that although I am asking some questions, because I believe that it is important for us to know that this is just the beginning of a very difficult exercise, that we do not think that this is the end of it, because the question of the living wage, the question of the minimum wage is going to become very important. And I, as I say, I stress the whole thing of the productivity.

I do not remember that I have ever seen anything anywhere that . . . we talk about the inflation index. We talk about the GDP. And I know in some respects the GDP is sort of a way of looking at how productive we are, et cetera. But I think that over time maybe we are going have to start getting into some more definitions of productivity, industry calculations of productivity. And I say industry calculations because when you start getting into industries where the rates are going to be calculated . . . and part of me says that the minimum wage, I do not know whether there is the recognition that a minimum wage is going to be just for all of Bermuda or whether the minimum wage . . . because I know it does indicate that it is going to be . . . it is [for] people over 16. And it talks about the different categories. And when I looked at it, it seemed as if the minimum wage was going to be what I call a universal, just one single minimum wage.

But I do not know whether over time we will actually find out that maybe it will benefit from having some minimum wages that may be industry indexed because that might start to take into consideration some of the other things that come up about gratuities, and especially where you have industries where the gratuities have always formed a large part of the compensation that people take home.

And I say that because I know, and it has always been something that I used to find strange. I used to find it strange that when you used to go to the bank, the bank used to start off and used to talk about, *What's your salary?* And they only used to look at what you got paid on a fixed amount. And then all of a sudden people started getting overtime. And before you knew it, they relied on their overtime, and then their overtime got calculated into the amount that they made. Now, technically, that should never have happened. But it did. It did. People got overtime on a regular basis and, therefore, that started to be factored into what was, if you will, their take-home pay. I think as we go forward we are going to have to recognise that some of these things are things that we have to wrestle with.

Mr. Speaker, I think that I really just wanted to say that I do believe that this is something that [has] taken a while to get here. But I do think that all the members of the Committee have looked at it from the point of view of trying to be as constructive, to come up with something [to deal with] a very thorny issue. And I think that some of the things that have been put into this Act have tried to identify the things which are going to be important. And I think with respect to the concerns that I had . . . I think there was just one other thing that I wanted to mention.

Oh, yes. It was good to know that this was going to be reviewed on a regular basis, every three years. But, obviously, there is the provision that if anything was to occur that the Commission could turn around and make, if you will, a sort of an adjustment before [three years], if something happened. And I think we all understand that if we can be supportive of this, and if the businesses as well as the . . . and I say businesses. I am not talking just about the traditional businesses like the Employers' Council, et cetera, because there are so many people out there who are entrepreneurs on their own, et cetera. If they understand how this affects them, it will be important.

But as I started I want to close off to say, I do believe that you are going to have no choice but to turn around and add taxation as one of those key items because whether you like it or not, I look down the road and I see that taxation is going to be something that is going to be introduced. And, therefore, the bottom line is going to be, not so these factors that you already have here, but actually how much is your take-home pay? Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I recognise the Honourable Member from constituency 33.

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

Mr. Speaker, Amy Lyman once said, "Paying people a fair wage is a sign of respect and acknowledgement of the value of people's contributions to the business. When people are treated fairly and with re-

spect, they will provide unparalleled levels of support and commitment inside the business, and to clients and customers. Everyone is more successful when people are paid a living wage."

More recently, presidential candidate, Bernie Sanders said, "A job should lift workers out of poverty, not keep them in it."

Mr. Speaker, what we are talking about today in the formation and the decision that we are looking to move ahead with, is a changing of the values of a country. Now, if you went back 200 years ago, the value of a country said that I did not have to pay you anything. Maybe I would let you sleep under the horse stable or something and you get a trade out of it. That was the value then. The values were very different. And as time marched on, and time evolved, humanity as a whole has begun to ask the question, Am I my brother's keeper?

When we start looking at the new values, you ask the question: Is it right for a man or a woman to give a full day's work without a fair wage? Is it right for a person to work 40 hours a week and still cannot afford rent, still cannot feed themselves, still cannot keep their lights on, or are struggling to do all three? And that really comes down to it. We decided years ago as a country that if you work you should have health insurance. We decided years ago as a country that there should be financial assistance in place. These things did not always exist. And so forward progress and the way that we care for those less fortunate is critical and key.

Mr. Speaker, I won't go as far as Franklin Delano Roosevelt who said that if you can't afford to pay a decent wage to your worker, your job is not worthy of existence. But, Mr. Speaker, there is a reality in this country that the exploitation of workers has also been a value to this country. That has been wrapped into the very DNA of our country, the exploitation of workers—whether it was from the workers who were enslaved, the workers who were indentured servants, or the workers who had to march and fight to get basic rights as a result of the labour union.

Mr. Speaker, the question I would put out to any Members who are critical of this, or who are wary of this, or scared of this, is, How many of you have worked in the past five years for a job earning less than \$20.00 an hour? Show of hands. How many of you? Not one. Mr. Speaker, I have. Not by choice, but as they say, half a loaf is better than none.

Mr. Speaker, when a job does not . . . when you have to work back-breaking hours just to survive, you are not in a position to save to better the future for your children, you are not in a position to take classes where you can be able to better yourself so you can get a better paying job. You are locked into an animal existence of survival. Simply: Keep the lights on, keep the belly full, keep moving, keep moving, keep moving 'til you die.

Now, there are those who would say, *Hey, tough luck, Jack. I'm eating lobster and steak and you should be happy eating bread and water and be satisfied, at least you've got something.* But that goes back to what we believe, Mr. Speaker. Are we our brother's keeper? And so, we cannot continue in a society where people have no hope, no opportunity, and their very existence is just to be a drudgery of working . . . the lining of the pockets [of other people] by the fruit of your work and then struggling to survive, sometimes paying the same people the pennies you earn from them back to them for their lights and for your rent and for things of that nature.

So, Mr. Speaker, I have been long supportive of this, and I commend the Members who have been speaking on this, such as Mr. Commissiong, the Honourable Member who championed for this for years. It is necessary that we have this discussion and we move toward something in a rational, well-thought-of compassionate way.

Mr. Speaker, I hear the concerns. I hear the fears. And I hear the desire to maintain the status quo. And, Mr. Speaker, we are not here to maintain the status quo. We are here to do what those before us did not do because the values of the country did not embrace it. It is to push forward and make life better for our people.

Mr. Speaker, but beyond the living wage, this is only a fraction of what must be done. The Honourable Member speaks about taxation and her concern about taxation. One of the things that we found was that the taxation system in Bermuda was unfair—was, and is, and remains unfair. So a fairer system of taxation where the burden is relieved on those who are least able to pay, and the burden is balanced so that more are paying their fair share is critical. A living wage is not enough.

Mr. Speaker, it must also be added that it is not enough for our people to be locked into low-paying jobs even if you add a living wage on top of it for perpetuity. It is our objective, and it should be our objective as a country to elevate all of our people out of those jobs that have no future, out of those jobs that have no prospects of growth and fulfilment. And if you choose to [take] those jobs because that is what you enjoy, that you not starve to death while you do it.

And so, Mr. Speaker, I commend the Honourable Minister for bringing it forward. I commend the Committee for the work they have done. And I commend us as a people as we seek to reshape our values with a greater emphasis on being our brother's keeper. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

I now recognise the Member from constituency 28. Honourable Member, you have the floor.

Mr. Dennis Lister III: Thank you, Mr. Speaker. Good afternoon all.

Mr. Speaker, I stand this afternoon in support of the introduction of a living wage. And I just want to add a few brief comments to the debate that is going on and to the comments that have already been said.

Mr. Speaker, introducing a living wage is an investment, an investment toward a strong local economy and a healthy community. There are many benefits out of a living wage.

Benefits for the employers: An employer paying a living wage needs to improve productivity, increase employee loyalty, and decrease costs associated with absent staff, training and recruitment. When you have a . . . paying a living wage, your staff are more continuous. You are not hiring and firing, which decreases the training and recruitment because there is a steady turnover, there is a decreased turnover rate.

Also, paying a living wage is one way employers can show their community that they value their employees. When you pay a living wage, your employees feel valued, they want to come to work, their morale in the job is higher, Mr. Speaker. Also, paying a living wage is a positive statement about your brand for the community. If you are an employer that is known for paying a decent wage, the community has faith in you and, again, that all relates to your employees. They have higher morale so it is a better environment in and around the business and in the wider . . . in and around the community.

For the employees: An individual earning a living wage provides income to cover the most modest of living expenses and it reduces financial stress for that person. This leads to improved health, improved morale at work for the employees, increased support for healthy child growth and development, reduced barriers to social inclusion, and an overall improvement in the quality of life for the worker and their family.

Mr. Speaker, we see and hear too often in our community [about] people who cannot make ends meet. They have to choose between this and that, choose between sending [their] kid to this programme or to something else, because they are fighting hand-[to]-mouth, I believe is the expression, to make ends meet, Mr. Speaker. So, if we introduce a living wage, employees now can more focus on what they have to do instead of the other distractions that have taken time away from them.

Also, there are benefits for the community. The living wage supports local residents to be healthier, happier, and more engaged members of society. A living wage will lead to increased consumer buying power which should help grow the local economy. Again, if your employees are paid a living wage, Mr. Speaker, as has already been stated, they have expendable cash flow. They can afford to buy things that they could not before. So, that helps grow our local economy. They can now, maybe, instead of choosing again to just pay bills and not pay for some extra

things, they can now do that, Mr. Speaker. So, overall for the employers, employees, and the community, this are increased benefits by having a living wage.

But you may ask, Mr. Speaker, How can increasing the cost of doing business be good for business? By paying your employees a living wage, the employers are making a statement about the values that drive their business and their commitment to fair and decent working conditions. When lower income workers have more money to spend, they spend it almost entirely in the local community. When consumer spending grows, businesses thrive, earn more profits, and they are able to create more jobs. Mr. Speaker, these benefits, and there are others . . . I have some statistics, but I will not go into them at this time. But there are many benefits also out of these, but these are just the three that I wanted to focus on.

And, again, I stand in support of the living wage, and these are my comments on this debate, Mr. Speaker. Thank you.

The Speaker: Thank you.

Does any other Member wish to speak?

I recognise Minister Wilson. Minister, you have the floor.

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

Mr. Speaker, I would just like to start where the Honourable Member who just took his seat ended. I initially, when the discussion commenced with respect to living wages was somewhat concerned, principally, for smaller businesses and the impact it may have with respect to their bottom line. But as the Honourable Member who just spoke outlined correctly, there has been extensive research that has been conducted, particularly in the United Kingdom, which I think has to be one of the jurisdictions that is in the forefront of the introduction of the living wage, where they see significant benefits with respect to staff morale, reputational risk, reduction in sick leave, and the like.

One thing though that I would like to comment on before I move on to my substantive comments is the fact that the introduction of a living wage, I submit, Mr. Speaker, will allow something that many families who are struggling and living at the level of poverty do not have the ability to do and that is spend more time, valuable time, with their families, because [now] they are spending all of their time working two and three jobs just to make ends meet. If we were able to introduce a living wage and starting with a minimum wage so that persons would have the basic needs met financially due to their employment status, then we would be in a position where those persons would be able to no doubt spend more time with their families.

But in addition to that, Mr. Speaker, wearing my other hat as the Minister who is responsible for Financial Assistance, I think that we need to look at that aspect for a few moments.

Mr. Speaker, we spend over \$50 million a year on financial assistance. Now, granted, Mr. Speaker, the majority of the beneficiaries on the financial assistance scheme are our most vulnerable persons in the population; namely, seniors and those persons who are disabled. We also do provide financial assistance to single persons and families who just cannot make ends meet because of their work situation or the amount they are being paid. They are unable to meet their basic needs with respect to housing, food and the basic necessities. We are not speaking about extraordinary needs and so forth. We are talking about the basic living expenses for housing, for food, lights, and the like. And if those persons are unable to make those ends meet, Mr. Speaker, then oftentimes they find themselves in the perils of the system.

Now, granted, financial assistance is there as a safety net and there are huge benefits for that because we are there to provide that safety net for those individuals in need. However, Mr. Speaker, as the Minister I hear the plight daily, daily, of persons who are on financial assistance because they are unable to live in a Bermuda that they love. They are unable to have a basic quality of life provided for themselves and their families. They are caught in a trap of a loss of self-respect, a lack of hope because they are unable to provide, again, the basic needs for their family members or for themselves. Persons living in growing debt, unable to pay their bills, Lord, my Lord . . . my Lord, excuse me.

The Speaker: Wrong Chamber.

Hon. Kim N. Wilson: Wrong location.

The Speaker: Wrong Chamber.

Hon. Kim N. Wilson: Wrong location.

[Laughter]

Hon. Kim N. Wilson: So sorry.

The Speaker: Wrong Chamber.

Hon. Kim N. Wilson: [They were] unable to pay their debts, Mr. Speaker, and ended up in courts of law (that is what I wanted to say) because of debtor's court and the like because obviously they are having troubles with respect to that and perhaps they end up having to find themselves in the throes of the courts because of the debts which are mounting simply, by no fault of their own, but for the fact that they are unable to pay these debts because of the high cost of living. And the expenses end up, more importantly, because of their inability to pay because of the salaries to which they are being paid.

Mr. Speaker, again, like I said, we spend over \$50 million a year on financial assistance. And I suspect that with respect to this Bill, Mr. Speaker, we will be looking at the introduction of a minimum wage with the establishment of this Wage Commission. And if we are able to determine a minimum wage, which would be required by law, we will see that a large percentage of those persons who are the recipients of financial assistance because they need—they cannot make their ends meet, will no longer be needing financial assistance because they will be paid an honest day's pay for an honest day's work. And that calculation will be based on what will be required as a minimum wage and therefore they will have less reliance on the state.

So, in that regard, Mr. Speaker, I commend the Minister for bringing this, as well as the Committee that obviously fought hard and provided quite a lot of impetus with respect to this legislation. I commend all of their hard work and their efforts. I look forward to the passing of this Bill.

I am satisfied, Mr. Speaker, that when we are able to establish a minimum hourly wage, we will see families that will be able to reconnect because there will be less of a requirement for them to work so many jobs. We will a reduction in the persons requiring financial assistance because the introduction of a minimum wage will allow them not to live at the poverty level and therefore they will not have to rely on the state which will help to improve their self-respect, bring back their hope, and bring back their dignity. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

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

I am going to keep my comments brief. But I feel obliged to speak to you on this particular Bill, the Employment (Wage Commission) Act 2019.

Here recently I was traveling. And I had a driver who was taking me to my place of residence. And he was telling me that he was from Trinidad and he was explaining to me what was happening in Trinidad at the moment in regard to Venezuelan people coming over into Trinidad and how they are amongst the poverty lines and they are coming over to Trinidad and Tobago to find employment. And how they are, you know, experiencing this same sort of thing where they are able to offer lower wages for services and taking jobs away from the citizens of Trinidad and Tobago because people are willing to pay lower wages to be able to get services for whatever business purpose. But that does occur in other jurisdictions. And it is happening hugely over in Trinidad and Tobago, and it is still happening hugely here in Bermuda. We do

not necessarily get to hear about these stories here in Bermuda, but it does happen in Bermuda.

I just wanted to share some comparisons because one of the issues which we know in this country is affecting many of our people, because other Members have stated it already, is the cost of living, and the cost of living being very high in Bermuda and unsustainable if you are not working in this country. And people having to work two, three jobs to be able to survive.

But I was having a conversation with someone here recently and they were telling me that they worked in the hospitality industry back in 1979. And at this time they were getting paid \$240 per week. They said that their rent was \$180 per month. And they wanted to buy a car and the car that they purchased brand-new was \$6,000, and they were paying a three-year loan of \$167 per month.

And I just want to make a comparison to someone I know who in 2017, which was some 38 years past, who worked in the childcare industry making \$400 a week. In 2017, this was making comparisons to 38 years ago versus today taking home a pay of \$400 a week, when we know the cost of living here in Bermuda is high—much higher than it was some 38 years ago when you were able to pay \$180 per month for rent. I could not believe that 38 years ago we were able to pay \$180 for rent per month. So it has been a huge jump, a huge jump for what we are having to pay today, particularly for our living expenses.

But also, I just wanted to touch on, even when we compare the market value of what employers will be paying their employees over a time and that employers should want to have what we call “competitive” sort of salaries so that they are getting the right type of people working for their organisations, and persons are able to move throughout the industry because there are set wages and competitive wages. You know, hopefully it will foster a better sort of work ethic within our employee/employer community with more competitive salaries.

What I really also like about this legislation is, what we do know is that the majority of our workforce is women, our women. When we think about women, and Minister Wilson spoke on this a bit already, is that a lot of women are single parents. They are having to hold down the brunt of having to take care and financially take care of their children. And it is hard. It is hard to take care of children on two pay cheques, two parents. Right? And then compound that with just one pay cheque and then it not being a living wage. It is tough! That is very tough and so our children are missing out on opportunities and access because their parents, or caregivers, cannot afford to pay for them.

And so this is why this Act is so very important for our community, for our women who nowadays are the main breadwinners, so that they can provide better opportunities for their families. I do not even want to just talk about children, because single families and

women are having to take care of their parents as well.

So this legislation is very important for our country. It will be one of those pieces of legislation that will be impactful for our community. Because we come here and we pass lots of legislation, but this piece will particularly be impactful for our country.

What I also do like about this legislation, Mr. Speaker, is that it speaks to the general powers of the Commission. And it also has offences and penalties associated with what happens when people do not comply. Because often legislation, when we pass it, it lacks a compliance component and it lacks a monitoring component, and so with the powers and the duties of the Commission they are now able to request information from employees and employers in regard to information that they may need to gather to help them make decisions that they will need to make. And so this piece in this particular Act is vital for this Commission to work.

I also believe that this piece will also help out our Immigration Department as well with gathering information in regard to what people are getting paid and what they should be getting paid, because it speaks to research and enquiries and consultation. I am hoping that this Commission uses this opportunity to be able to gather all of that information and research, because Bermuda sometimes lacks the ability to gather research and information, but [now] they have the power to be able to collect this information which will be good for our information gathering and statistics in the long term and in the long run.

So with that, Mr. Speaker, I just wanted to add that to this portion of this debate. And, yes, again, this legislation will be one of those impactful pieces of legislation that the Progressive Labour Party has brought to this House. 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 2. Honourable Member Swan, you have the floor.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I want to take this opportunity to congratulate my colleague from constituency 21, and my colleague, the Minister, from constituency 3, because I have heard on any number of occasions both in the House and out of the House and on the radio and sometimes in my sleep, because maybe my phone goes off and, you know, there is somebody on the line and, *You know, the income inequality, and the like.*

[Laughter]

Mr. Hubert (Kim) E. Swan: I do not want to make fun, but I know this much, that the Honourable Member

Mr. Commissioning has worn this issue on his sleeve. And I think it is important for persons to see and appreciate the process of a committee advocacy turning into a Joint Select Committee which I am sure if he had sufficient time back in the old days . . . we always had this conversation about this in the old days when Dame Lois was up here and I was sitting in the Gallery there watching. She probably would have just been on her preamble right about now, you know, warming up. With only 30 minutes, I somewhat feel for the Honourable Member because I think he would have just about been closing down right about now. And he would have probably wandered a little bit wide and far as well, Mr. Speaker. And for good reason. He actually has championed an initiative that has turned into legislation here in this House.

It speaks to some of the real fundamental challenges that Bermuda is faced with. I hope that it does not just boil down to this piece of legislation, what is it going to mean for my business or not, and how can . . . it speaks more importantly to this piece of legislation, why, why is it necessary in a society as sophisticated as Bermuda—[there were] times when I have been sent away to represent this country, one of the things that we always were proud about was that we had one of the highest per capita incomes in the world. But there is in our mix a poverty that is masked by our affluence, materialism that has been worked to our detriment.

And we have, as we spoke about on any number of previous debates, a situation where there are many persons that have (quote/unquote) “means” where, if they acquired a piece of the rock, and particularly black Bermudians who may have invested in a home, will now find themselves land rich and very much cash poor.

If I boiled it down, Mr. Speaker, to just a block of cheese . . . cheese is one of the biggest detriments in our society for any number of reasons. I declare my interest. I was interviewing Dr. Leonard Gibbons this morning from the Seventh-day Adventist Church, and we was talking about obesity and the impact of that. And the next discussion we are going to have is on diabetes. And those are things that impact our community in large proportions in this country.

A block of cheese was a go-to staple item in Bermuda. A block of cheese would form part of that macaroni and cheese. It has now become the cheese and a little bit of macaroni. I am glad the Honourable Minister of Health did not come to St. George’s last night, because she might have admonished us for some of that menu. But it is commonplace in Bermuda. And when you had cheese 10 years ago . . . the Honourable Member from constituency 4, Ms. Furbert, had spoken about housing. Well, when you just look 10 years ago to that little block of cheese that you would grate up and put on your nachos, or maybe grate it up for the macaroni and cheese, \$1.50 could get it. It’s about \$4.50 . . . about \$7.00 now I am told.

And these are the types of items that have really squeezed out the common man.

And the old adage that we used to live by . . . and I heard Members go back to memory lane, talking about it is not what you . . . in essence, I am paraphrasing, *It is not what you make, it is what you save*. Well, the cost of living has got so much is that you cannot save anything. Really. It is impossible. And when you just add up what the basic cost of survival is in this country, you just take the main items, you just take the electricity which is a necessity, and you take transportation which is essential, things such as that.

This living wage speaks to any number of issues that I could venture into. And I am sure the Honourable Member that championed this from the very get-go speaks about simple things, like . . . if you have to make a choice to take public transportation, or to get somewhere in a hurry in Bermuda, it could cost you \$30.00 to get to Hamilton from St. George's. It may cost you a little bit more to get there. And if that was to get to your place of work, you could have used up three hours of your pay just to get there. Just to get to work on time!

Now, you tell me that if a person . . . and there are persons doing that. And if a person has to make that, how . . . how . . . where is the dignity for them?

I remember in the 1998 election the Progressive Labour Party was successful. We were on opposite sides of the spectrum, but I always listened to what was being said on the hustings by those who I was campaigning against. It was no secret that we both appeal to working-class persons. No secret.

I remember in 1998, and leading up to 1998, my good friend, Jimmy Williams, telling me, *Swan, the days of one week's wage covering one month's rent are gone*. That was in 1998. In 2019, there are people who do not even know what that means. They do not have a clue what that means. But we still would hang on to the adage, *It's not what you make, it is what you save*. But if all that you make has to go toward where you are going to live . . . and what happens if that scenario happens to be someone who is a single mother?

I know the Honourable Minister—Ministers, because I have two Ministers, one deals with social development and community and culture and one deals with health, that also have persons knocking on their doors with regard to financial assistance, who know the challenges that are out there today in great abundance. And those are real issues.

This piece of legislation to me, Mr. Speaker, is a conversation starter. I have heard on any number occasions the President of the Bermuda Industrial Union, Mr. Chris Furbert, speak to this very issue, as well as anybody in this country. He talks about the basket of goods and services, and he is a numbers man, and even though he is a numbers man, he carries around a lot of documents when he speaks about that. And he articulates very succinctly how the wages

have been suppressed in our society at the lower end while the cost of goods and services has skyrocketed beyond the reach of the common man.

So when you have businesses that are looking to be profitable, it is no wonder [why] they will look to say, *Well, listen, maybe my salvation for success would be that if I rent a building, or even purchase it, which has a few rental units in it, and I find a way to get persons to live there, two and three, or more, and share that cost, then they find a way to buy a piece of the rock, supplement the income and pay persons something that will allow them to continue on the bottom line*.

I heard people talking about gratuities in the hotel. Well, I worked in the hotel in 1975, 1976 and 1977, right around the time of the 1976 election. Yes, there was an election in 1972 and 1976 and 1980. I remember that. I worked in the hotel. I remember those byes that I worked for, Lightfoot and Gossie and Cleve and those byes. My mom said, *Look, Swan, I don't know about you. They have their own stamps, '15 per cent, not included.'* They had their own stamp.

And not too long after that moves got underway where it became 15 per cent gratuities, and whenever we made wages it was coming to us. It did not go to [any] pool! I put myself through two years of junior college in Palm Beach, Florida, through gratuities that I worked hard for. And in addition to that, if you gave that over-and-above-type of good Bermuda service that we were taught by our peers and our elders to provide, you would get some additional pocket money on top of that. You would go down to the cashier at Belmont, you would take your receipts, and she would give you the money for what you earned. And in one pocket you had that and the other pocket was that, and the challenge was to get past Flavours so that those byes did not some of it, or all of it.

[Laughter]

Mr. Hubert (Kim) E. Swan: But those were the days I was focused and a lot went in the bank.

You fast forward to today. Employers saw what was happening. And you know what? We worked two and three jobs in this country. Did not just starve. We did it to get ahead. Today you are doing it just to survive. And that is a fundamental difference. And there is a narrative out there that wants to paint Bermudians anything less than a hard-working person prepared to give an honest day's work for an honest day's pay. And I say that we are out there in great abundance.

And this legislation is here today in 2019, I am pleased. And it is here under the PLP Government because the PLP Government is in touch and cares about the working-class person of this country. And it is necessary to do this. But more has to be done. But it would be better if more was done in partnership with business.

I spoke just this morning, and I said there are businesses out there that do good by their [employees]. But there are many out there that don't, and won't. And when we start looking at the real mousetrap that needs to be established, I know people start throwing out different taxations and the like, and the ability to escape accountability by maybe winding up a business while you are in the midst starting another one, to get on the train, is something we need to look at as well.

I have been in business. I have owned my own business. I know what the challenges are in business. It is not easy. But we need to make sure . . . there was a time when I was talking about Bermudians were working two and three jobs. Let me put a face to those Bermudians. Those Bermudians may have worked at BELCO from up until about 4:30, 4:45. I used to see them at Belmont at 5:15. Good evening, guys. You know what I am talking about.

[Laughter]

Mr. Hubert (Kim) E. Swan: And then if they had to be there a little bit later, they would call ahead, and say, *Look, get my porter to set up my station. I'll be there.* You know what that was? That's how the porter learned. Because if a worker, if an adult man, who was raising a young family, who was working at TELCO or BELCO, or somewhere had a young porter, 15 or 16, who was responsible, maybe working underage in the hotel, he would make sure that he would teach that person right so he could look after his station and learn and pay it back. That's the type of Bermuda that I grew up in. That's the type of Bermuda where we were our brother's keeper in that respect.

And the sad thing . . . I spoke even recently, today, about the intellectual capital that we have in this country, people who put years in the hotel. You know, I know persons in the hotel who did not have the opportunities that I had, who fathered children who became lawyers and doctors and the whole nine yards, who had the same aptitude that their children [had who] were able to go further.

I knew a lady from Somerset (she didn't root for St. George's but she was from Somerset) who could walk into a dining room and look at every table, had a photographic memory, take every order, and if the chef got it wrong, take him back and tell him how he got . . . look, that was a lady who very well could have been one of the greatest lawyers in this country that it ever had. She had a tremendous recollection. Momma Marian Simmons from Somerset, Church Hill Lane. Her daughter lives on George's Bay Lane. Married a Smith. My friend from Southampton Glebe.

And she was not the exception. I thought she was, but I found it when I went to other places in the hotel. I found it when I went down to Castle Harbour and I saw those exceptional talents displayed, you know? Whether or not it be my boy, Cheeky, down at

Belmont, the Simons brothers, or my mate with the sports car with his hair flowing, we had some exceptional people working two and three jobs all day to make better. But they were able to pass it down.

The structure changed because people saw, *Man, you mean to tell me that that guy who drives bus owns that house up there? Or, That person that drives taxi owns that over there? How could that be?* I'll tell you how it could be—because we were brought up on value systems and principles that encouraged us to do so, and to share our knowledge with others. That disconnect has manifested itself.

And when you have an Employment Commission that is tasked with looking at things every three years and gathering information, maybe, just maybe, the mechanisms are being put in place to keep pace with changing times. Because let me tell you this. My experience in life has taught me that businesspeople do monitor social movement in this country. That is why they will make decisions in big companies to have their logos switched from what they are and be green. I have seen that. I have seen it. Why? Because if the masses of people are moving in a certain direction, and that is their market base, notwithstanding that might not be their political allegiance, they will set their market sales to that wind. That is what businesses do.

What I am encouraging business to do is to throw away their traditional political allegiance and look a little bit more compassionately toward the persons who are more in line with the working class and those who represent them. In a real way!

I have said it before, maybe your boardroom should have persons like the Honourable Member who looks at statistics and looks at trends in a real way. Why not? And the proverbial helm exists around this country in great abundance, who does not feel a part of that experience. And because political cycles being what they are, they come around and it is easy for persons who put themselves in position to study these types of trends and set their sail accordingly to be able to, as we would say, tickle-up that fancy, I am saying, more fundamentally as it comes to the task of this Wage Commission. We need to look earnestly at why it is still that persons will look afar, and well afar, to supply their neighbour's needs in great abundance, and other needs, at the expense of what now is a local employment level that has been unacceptable for a number of years to the point where we have had an exodus of our people.

That is the fundamental question that I have to ask that we examine from the Government and from the private sector as well. Because as I said, the private sector does do examinations to find out what market trends are. They do! You only have to look at some of the reports that have come to fruition to see where they emanated from. Doctor Carol Swain's report, back in the 1980s and 1990s. The Honourable Member Commissioning probably remembers that re-

port. It came out of the late [Sir] David Gibbons, [he] was the genesis of that report. And even she said, *I wish I could have gone further*. She went far enough. We are still having the residuals of those types of problems.

And what I am calling on today in celebration of this step is to point out where this step, how this step came about, why it came about, and I am pleased that we are in a position to be able to advance it. But it is going to need some buy-in. And buy-in from the business community would be very much appreciated, Mr. Speaker. Thank you.

The Speaker: Thank you, Honourable Member.

No other Member?

Minister, would you like to take this time to wrap us up and lead us into Committee?

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

The Speaker: Thank you.

Hon. Lovitta F. Foggo: And before I ask that we go to Committee, I just want to thank all Members who did participate in this debate. And for everyone who spoke, they did speak in support of the Wage Commission being established because they all have shared here today that they understand and appreciate the need for having such a body being put in place.

Members have spoken to many conditions that have led to much of the inequities that we see operating within our community. And one such Member spoke to research. And there is research far and broad that constantly reiterates that with a living wage regime there has been notable increases in the workplace in things such as productivity, in things such as loyalty in the workplace, [and] increases in social benefits.

They have even spoken to increases in health and this is because when someone is paid at a living wage rate that allows them to sustain themselves and their household, quite often the affect is that they no longer need to work two and three jobs just to make ends meet. They do not find themselves having to work a 16-hour workday, which of course leads to poor health and a reduction in productivity.

And because of that, they have seen the decline in things, such as poor health in some of their workers, absenteeism from the job, and they have seen where their workers have become more loyal, and most importantly, they have seen increased productivity in the workplace.

And with all of the research that has been out there with the work that the Committee did, with the work that was done through the town halls that the Ministry of Labour, Community Affairs and Sports did put on, we, again, were exposed to much of that research. And we have heard from the public domain

many of those same arguments being made and many of the stories that have been shared here today.

So we know that here in Bermuda that 20, 30, 40 years ago, yes, a week's wage took care of not just the rent, it took care of all of the household's bills. And so persons were able to provide for their families. They were able to send their children away to school, and the like. And today sometimes it takes two pay cheques, and even with two pay cheques they are not able to do the same.

So, Mr. Speaker, bringing this legislation today is what the times have said must happen. And so we are doing this and we are going to make certain that through our Commission the requisite research and the requisite consultation takes place because I have no doubt that the Commission will arrive at rates that will be deemed to operate in a manner that will encourage positive outcomes.

And so, Mr. Speaker, on that note, I ask that the Bill be committed.

The Speaker: The Bill be committed, yes. Thank you. Deputy.

House in Committee at 4:32 pm

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

COMMITTEE ON BILL

EMPLOYMENT (WAGE COMMISSION) ACT 2019

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Employment \(Wage Commission\) Act 2019](#).

Minister, you have the floor.

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

Mr. Chairman, if you will, I would like to move all 22 clauses, I believe it is.

The Chairman: Oh, no, that's a bit too many. If you want to break them up.

Hon. Lovitta F. Foggo: I can do that, if you think that is a better way.

The Chairman: Yes.

Hon. Lovitta F. Foggo: I will take your advice on that. So perhaps I will move clauses 1 through 4, first.

The Chairman: Okay. Continue.

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

I am going to give a brief preamble. Mr. Chairman, in essence, the Bill provides for the estab-

lishment of the Wage Commission, which is to be mandated to inquire into the provision of a statutory wage scheme with the objective of recommending to the Minister a minimum hourly wage and a living wage rate.

Part 2 of the Bill establishes the Wage Commission. Part 3 of the Bill sets out the requirements for the report of the Wage Commission every three years, or the determination of a minimum hourly wage and provides the Minister with the power to prescribe the minimum hourly wage. Part 4 of the Bill provides the meaning of a living wage rate and sets out the requirements for the report of the Wage Commission every three years to the determination of the living wage rate and provides the Minister with the power to prescribe the living wage rate. Part 5 provides—

The Chairman: Minister—

Hon. Lovitta F. Foggo: I am just giving the preamble.

The Chairman: —just say “clause,” not “part.” We talk in terms of clauses.

Hon. Lovitta F. Foggo: Yes, I know, sir.

The Chairman: Okay.

Hon. Lovitta F. Foggo: Thank you.
Can I just finish the sentence?

The Chairman: Continue. Yes.

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

[Part 5] provides for the miscellaneous provisions, including offences relating to failing to provide the Commission with the information producing documents that are known to be false intentionally, delaying or obstructing the Commission, or refusing or neglecting to answer questions.

So, with that, Mr. Chairman, clause 1, in particular, provides a citation for the Bill.

Clause 2 provides for the interpretation section of the Bill.

Clause 3 provides for the meaning of the term “employee.”

Clause 4 provides for the application provision for the Bill.

The Chairman: Any further speakers?

The Chair recognises the Deputy Leader of the Opposition. Ms. Scott, you have the floor.

Ms. Leah K. Scott: Thank you, Mr. Chairman.

With all due respect to you, sir, we actually have no objection to the Minister moving straight through all of the clauses. We support the legislation and have no further comments.

The Chairman: Thank you.

Minister, you want to move the first four clauses? And then you can move the rest.

Hon. Lovitta F. Foggo: Mr. Chairman, I ask that the first four clauses be moved.

The Chairman: It has been moved that the first four clause be approved.

Are there any objections to that?

There appear to be none.

Approved.

Minister, continue.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Lovitta F. Foggo: Mr. Chairman, with your guidance, do you want me to do all the other clauses?

The Chairman: Yes. No objections to that.

Hon. Lovitta F. Foggo: Thank you.

Mr. Chairman, clause 5 establishes the Wage Commission. The Commission will consist of a Chairman, five members, and two ex officio members from the Ministry of Finance and the Ministry of Labour. The Commission will be appointed by the Minister for Labour and have broad experience and expertise in economics, laws, statistics and other suitable qualifications. Provision is made for the payment of Commission members. Provision is also made for the Schedule which sets out the precedence of the Commission to have effect.

Clause 6 provides for the functions of the Commission which are to recommend to the Minister a minimum hourly wage and a living wage rate and recommends the pay reference period to apply.

Clause 7 provides for the general powers of the Commission to obtain information and documentation relating to investigations and consultations under the Bill.

Clause 8 provides for the general powers of the Minister to give directions to the Commission of a specific or general character regarding the Commission's functions.

Clause 9 provides for the determination of the minimum hourly wage. The Commission is to conduct research, inquiries and consultations for the purpose of making a report to the Minister every three years on the proposed minimum hourly wage to apply with respect to the pay reference period. The report of the Commission is to include determinations of the Commission on the findings and conclusions made on the research, inquiries and consultations as well as the recommendations of the Commission based on the determinations made. The report is also to include an explanation of the procedures used with regard to the taking of evidence, the receiving of representations, and the methodology used for the determination of the

minimum hourly wage. The Minister shall lay the report before both Houses of the Legislature.

Clause 10, Mr. Chairman, provides for the recommendations to be made by the Commission and to give an explanation of how the recommendations were arrived at. The recommendations must state the effect of the determinations on the economy of Bermuda as a whole; the competitiveness of the economy of Bermuda; and any other factor that may have been raised by the Minister in his directions or that is relevant to Bermuda.

Clause 11 empowers the Minister after receipt of the report and by order to prescribe the minimum hourly wage for a pay reference period.

Clause 12 provides for the meaning of "living wage rate."

Clause 13 provides for the Commission to make a report to the Minister on the proposed living wage rate, and for the Minister, by order, to prescribe the living wage rate for a pay reference period.

Clause 14 provides for the determination of the living wage rate. The Commission is to conduct research, inquiries, and consultations for the purpose of making a report to the Minister on the proposed living wage rate to apply with respect to the pay reference period. The report of the Commission is to include determinations of the Commission on the findings and conclusions made on the research, inquiries, and consultations, as well as the recommendations of the Commission based on the determinations made. The report is also to include an explanation of the procedures used with regard to the taking of evidence, the receiving of representations, and the methodology used for the determination of the living wage rate. The Minister shall lay the report before both Houses of the Legislature.

Clause 15 provides powers of the Commission relating to determining the living wage rate.

Clause 16 creates general offences and penalties for failure to produce any required record, document or other information to the Commission; producing a document or other information that is known to be false and intentionally delaying or obstructing the Commission and refusing or neglecting to answer questions.

Clause 17 provides for offences by bodies corporate, et cetera.

Clause 18 requires Commission members and anyone employed by the Commission to maintain confidentiality of information in the course of their functions. The clause creates an offence and provides for a penalty for persons failing to comply with the confidentiality requirement.

Clause 19 grants immunity to Commission members and any person employed by the Commission for any act done in the purported exercise of their functions provided the act was done in good faith.

Clause 20 empowers the Minister to make regulations subject to the negative resolution proce-

dures for matters necessary to carry out the provisions of the Bill.

Clause 21 provides for a consequential amendment to the Government Authorities (Fees) Act 1971.

Clause 22 provides for the Minister to bring this Act into operation by notice published in the *Gazette*.

Mr. Chairman, I move those clauses.

The Chairman: One second, let me just clear . . .

Any further speakers?

None.

Now you may move the . . .

Hon. Lovitta F. Foggo: Thank you.

I do move those clauses.

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

The Chairman: One second. You have got to move clauses [5] through 22.

Hon. Lovitta F. Foggo: I'm sorry.

I did not name the clauses. Mr. Chairman, thank you for your guidance.

The Chairman: No problem.

Hon. Lovitta F. Foggo: I am just so excited about this.

[Laughter]

Hon. Lovitta F. Foggo: I really am. And so I thank you for that, and I would like to move [clauses] [5] through 22.

The Chairman: It has been moved that clauses [5] through 22 be approved.

Any objections to that?

There appears to be none.

Approved.

Minister. Do the Schedules now.

[Motion carried: Clauses 5 through 22 passed.]

Hon. Lovitta F. Foggo: Yes. Mr. Chairman.

Let me see where I am. I move that . . . I am looking for the Schedule.

The Chairman: Move that the Schedule be approved.

Hon. Lovitta F. Foggo: Yes. I move that the Schedule be approved.

The Chairman: It has been moved that the Schedule be approved.

Any objections to that?

There appear to be none.
Approved.

[Motion carried: The Schedule passed.]

The Chairman: Now the preamble.

Hon. Lovitta F. Foggo: Mr. Chairman, I move that the Bill be reported to the House.

The Chairman: No, no. Preamble first.

Hon. Lovitta F. Foggo: That the preamble be approved. See, I told you, I'm so excited.

The Chairman: That's all right.

It has been moved that the preamble be approved.

Are there any objections to that?
There appear to be none.
Approved.
Now, you can move the—

Hon. Lovitta F. Foggo: Thank you. Now we are here.
Mr. Chairman, I move that the Bill be reported to the House as printed.

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

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

Thank you, Minister.

Hon. Lovitta F. Foggo: Thank you.

[Motion carried: The Employment (Wage Commission) Act 2019 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 4:43 pm

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

REPORT OF COMMITTEE

EMPLOYMENT (WAGE COMMISSION) ACT 2019

The Speaker: Good afternoon, Members.

Is there any objection to the Employment (Wage Commission) Act 2019 being reported to the House as printed?

No objections.
So moved.

It now moves us on to the next item for today which is the Merchant Shipping (Fees) Amendment Regulations 2019 in the name of the Minister of Tour-

ism and Transport. Minister, would you like to present your matter?

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

The Speaker: Thank you.

REGULATIONS

MERCHANT SHIPPING (FEES) AMENDMENT REGULATIONS 2019

Hon. Zane J. S. De Silva: Mr. Speaker, I move that consideration be given to the draft Order entitled the [Merchant Shipping \(Fees\) Amendment Regulations 2019](#).

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

Hon. Zane J. S. De Silva: Okay. All right. Because I did have another sentence after that one. But you jumped in.

The Speaker: Oh, you paused there for a minute, sir.

Hon. Zane J. S. De Silva: Yes, I was just clearing my throat there, Mr. Speaker.

The Speaker: You were slow around—

Hon. Zane J. S. De Silva: Yes, sir. You are moving quick. I like that, Mr. Speaker. It gives me hope that we might get out of here early.

The Speaker: Well, I am going to try push us along as quickly as we can.

[Laughter and inaudible interjections]

Hon. Zane J. S. De Silva: Let me just run by this again, with your indulgence, please, Mr. Speaker.

The Speaker: Yes.

Hon. Zane J. S. De Silva: I move that consideration be given to the draft Order entitled the Merchant Shipping (Fees) Amendment Regulations 2019 proposed to be made by the Minister responsible for maritime administration in exercise of the power conferred by section 250 of the Merchant Shipping Act 2002.

The Speaker: Any objections?
None.
Now you can proceed, Minister.

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

Mr. Speaker, the purpose of the amendment regulations before this Honourable House today is to implement a new scale of charges for the registration of ships with the Bermuda Ship Registry, to introduce registration incentive programmes, and to provide the appropriate powers for the Bermuda Shipping and Maritime Authority (BSMA) to reduce or waive fees under certain specific circumstances.

Mr. Speaker, Bermuda is a member of the Red Ensign Group, also known as REG, category 1 shipping registries and is privileged to register ships of any type, age or size. The registry must ensure ships on its register comply with Bermuda's international obligations. In order to maintain the required standards, the BSMA must undertake regular technical surveys, audits, and safety inspections of registered ships and issue statutory certificates. Shipowners are required to pay a registration fee, annual tonnage, and service fees, and additional fees are levied for certain technical services.

Mr. Speaker, ship registration is a highly lucrative and competitive international business. And shipowners have many options available when considering a jurisdiction to register their ships. Therefore, competing international registries have introduced various incentive programmes as a method of encouraging shipowners to register their ships with the respective registry's jurisdiction. To enhance Bermuda's commercial competitiveness and to support marketing efforts to grow the ship registry, the BSMA is proposing to implement a new scale of fees for the one-off initial registration of vessels joining the registry and introduce an incentive programme. The details of the proposed programmes are as follows:

- New scale of fees for initial registration of new vessels, a one-off fee.
- A discount of 30 per cent off the initial registration fee will be available in the following circumstances:
 1. Registration of a vessel that is five years of age or less from the date of first construction or that has undergone a major conversion within the past five years.
 2. Registration of three or more vessels at the same time that are 15 years of age or less, or at least an irrevocable written commitment to register three or more such vessels within a calendar year.
 3. This discount will be increased to 50 per cent for an owner registering 10 or more vessels that are 15 years of age or less at the time of submitting an irrevocable written commitment to register 10 or more such vessels within a calendar year.

Maritime incentive programme. Currently there are a number of shipping companies that are Bermuda-registered companies, but their ships are

registered in other jurisdictions. It is proposed to provide a reduction in the initial registration fees for owners who have their shipping company based in Bermuda and who register their ships with the Bermuda Ship Registry. A similar reduction in initial registration fees can be provided for shipping companies that comply with the economic substance requirements once the scope of adequate requirements is finalised.

Mr. Speaker, it has become custom and standard practice for open shipping registries to waive or reduce fees and the cost of services for specific shipowners and clients as a form of incentive to attract new business, particularly with ships that are under construction. It is often the case where open ship registries will negotiate and enter into agreements with shipbuilders in Korea, Japan, Italy, Germany and China to provide a ship registration financial package which the shipbuilder in turn markets and offers to owners and financiers to secure construction orders. Therefore, it is proposed to provide the BSMA the appropriate powers to waive or reduce fees for the new construction vessels and also with the registration of a fleet of vessels and in other specific circumstances.

Mr. Speaker, other amendments to the regulations include provisions for the issuance of specific insurance certificates as a result of recent amendments to the enabling legislation, the Merchant Shipping Act 2002, and provisions for the issuance of ship radio licences.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

I recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

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

Mr. Speaker, I am not going to be long. I would just like to say that the Opposition supports this legislation. We support anything that is going to create a revenue line for Bermuda. I think the shipping industry is one that has not been investigated and researched enough in terms of what it can bring to Bermuda, and so we fully support the legislation.

I do not know if this is the time to say it, but there will probably be no other speakers on this legislation so when we go into Committee we can sail on through.

The Speaker: Thank you, Member.

Ms. Leah K. Scott: No pun intended.

The Speaker: That was the best part of those comments.

[Laughter]

The Speaker: Minister, would you like to resume your spot on your feet?

[Laughter]

The Speaker: And I guess we will be moving to Committee in a quick order.

Hon. Zane J. S. De Silva: Mr. Speaker, because these are regulations we know that that will not be needed.

The Speaker: That's right! Yes, that's right. That's right.

Hon. Zane J. S. De Silva: So, Mr. Speaker, I move that the said draft Order be approved and that a suitable message be sent to his Excellency the Governor.

The Speaker: Now, are there any objections to that?
No objections.

Thank you, Minister, for dealing with your matter in such a short order.

[Motion carried: The Merchant Shipping (Fees) Amendment Regulations 2019 were approved.]

The Speaker: We will now move on to the next item for today.

The next item is [Order] No. 6, which is the second reading of the Fund Administration Provider Business Act 2019 in the name of the Minister of Finance.

Minister, would you like to present your item?

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

The Speaker: Yes.

It would be nice if you took the lead from the last item, but we understand.

[Laughter]

Hon. Curtis L. Dickinson: I will try my best.

The Speaker: Thank you.

SUSPENSION OF STANDING ORDER 29(1)

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled Fund Administration Provider Business Act 2019.

The Speaker: Are there any objections to that?
No objections, Minister, continue.

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

BILL

SECOND READING

FUND ADMINISTRATION PROVIDER BUSINESS ACT 2019

Hon. Curtis L. Dickinson: Mr. Speaker, I am pleased to present the Fund Administration Provider Business Act 2019 for the consideration of Honourable Members. The Bill seeks to enhance Bermuda's supervisory and regulatory regime for those engaged in fund administration provider business, an important segment of Bermuda's financial services sector.

Mr. Speaker, by way of background, in March 2018 a discussion paper entitled "Proposed Enhancements to Investment Business, Investment Funds, and Fund Administration Regimes" was issued by the Bermuda Monetary Authority (the BMA, or Authority). As indicated in this paper, input from industry stakeholders was sought regarding proposed modifications to the framework in place for these sectors. Following the feedback received from the discussion paper, the Authority made a commitment in its 2018 business plan to support the introduction of the legislative proposals in respect of fund administration business to this Honourable House. This proposal involves enacting a new standalone fund administration Act, the Fund Administration Provider Business Act 2019.

Mr. Speaker, the Fund Administration Provider Business Act 2019 is the first of a series of enhancements to the investment business and investment fund regime proposed in the March 2018 discussion paper. The Fund Administration Provider Business Act 2019 is derived from the original Investment Funds Act 2006 (the IFA) which provides the legislative basis for Bermuda's investment fund and fund administration businesses. While the Investment Funds Act 2006 has been subject to amendments over time, these amendments have tended to be ad hoc in nature, addressing specific issues and particular circumstances related to investment fund vehicles. However, with the evolution of the fund business, it is the Authority's view that its oversight of fund administration businesses, and investment fund products, will each be better accomplished via separate legislative frameworks. Furthermore, introducing a legislative regime that is specific to fund administrators will put this sector on the same footing as other regulated financial institutions in Bermuda.

Mr. Speaker, the Authority has proposed that a majority of the existing provisions within the Investment Funds Act of 2006, related to the fund administration business, predominantly found in Part III of the IFA, be incorporated in the new Fund Administration Provider Business Act 2019. When developing the new Act, the Authority sought to ensure that relevant provisions of the IFA were updated or appropri-

ate in the new framework so as to be consistent with how comparable provisions are presented within recently adopted legislation covering other regulated financial institutions.

Mr. Speaker, the new Fund Administration Provider Business Act 2019 seeks to provide consistency and clarity in respect of how fund administrators exercise their functions and how the Authority supervises them. A key aspect of the regime for fund administrators, which had been subject to enhancement in the new Act, include:

1. carrying on fund administration business in or from within Bermuda;
2. safeguarding of other assets for clients;
3. minimum criteria for licensing;
4. statement of principles;
5. reporting requirements;
6. new code practice.

Mr. Speaker, I will now elaborate on each of these points.

Point 1: Carrying on fund administration business in or from within Bermuda. This section is derived from section 41, Part III, of the Investment Fund Act and is a core element of the current fund administration business regime. This section prohibits a person from carrying on the business of a fund administrator in or from within Bermuda without a licence. The Authority believes that additional certainty is required with regard to when one would be considered to carry on or purport to carry on the business of a fund administrator in or from Bermuda.

Accordingly, this legislation provides that fund administrators will correctly be regarded as carrying on fund administrative business within Bermuda if they occupy premises in Bermuda or make known by way of website, promotional materials, legal documents, or letterheads, that they may be contacted at a particular address in Bermuda, or are otherwise to be seen to be holding themselves out as engaging in or carrying on fund administrative business in or from within Bermuda.

Furthermore, the Act makes it clear that a company incorporated in Bermuda shall not carry on the business of a fund administrator anywhere in the world without being licenced by the Authority.

Point 2: Safeguarding of other assets for clients. The Act makes provision for Bermuda licensed fund administrators to provide, subject to specific application process, certain safeguarding services for other assets only and not in respect of financial instruments or client monies.

It is intended that fund administrators which provide any such safeguarding services will be subject to additional obligations which will be contained within the regulations which can be made by the Minister of Finance pursuant to the new Act and an updated Code of Practice, which the Authority will be empowered to issue. Licensees who are granted permissions

to provide such safeguarding services in respect of their clients other assets will be subject to additional reporting and disclosure obligations including the requirement to prepare audited financial statements submitted to the Authority on an annual basis.

Point 3: Minimum criteria for licensing. The minimum criteria for licensing of fund administrators is currently set out in the Schedule to the IFA. The Authority must be satisfied that the minimum criteria are met and continued to be met by entities seeking to be licensed or which are currently licensed as fund administrators. The new Act updates the existing minimum criteria for licensing to ensure that the provisions contained therein are consistent where appropriate with those reflected within recently adopted legislation covering other regulated financial institutions. For example, the Act strengthens the existing requirements for business to be conducted in a prudent manner by adding a provision specific to maintaining adequate accounting and other records along with accompanying systems of control and associated policies and procedures. Also, further emphasis is given to general corporate obligations by reflecting these obligations independently rather than as a subset of the fit and proper person criteria.

Point 4: Statement of principles. The new Act requires the Authority, consistent with other supervisory Acts for financial services providers, to publish as soon as practicable after the legislation comes into force, a statement of principles which identifies the manner in which the Authority proposes to act in respect of:

- (a) interpreting the minimum criteria testified in the schedule to the Act and grounds for revocation;
- (b) exercising its power to grant, revoke or restrict a license;
- (c) exercising its power to obtain information, reports and to require production of documents; and
- (d) exercising its power to impose a civil penalty, censure publicly, make a prohibition orders and publish information about any matter to which a decision notice relates.

Point 5: Reporting requirements. Section 47 of the Investment Funds Act requires fund administrators to submit an annual statement of compliance to the Authority, but the information to be included in this statement is general in nature. In keeping with international best practice in this area, the Act expands and makes more specific the requirements of the statement of compliance by way of:

- (a) requiring that the statement of compliance be signed by two directors, one of whom must be the chief executive or equivalent officer;
- (b) introducing more extensive confirmation requirements; and

- (c) providing the Authority with power to, upon application, grant an extension in relation to the filing of an annual statement of compliance.

Also, it is proposed that fund administrators be subject to new requirements with the respect for the filing of annual financial statements including a requirement for the appointment of an auditor and the filing of annual audited financials in the instances where the fund administrator has been approved to provide safeguarding services for its clients' other assets.

Point 6: Code of practice. The Act makes provision for such a code to be issued. In this regard, it is proposed that the existing code of conduct for fund administrators be revised to achieve alignment with, among other things, the revisions to be made to minimum criteria for licensing.

Mr. Speaker, I can confirm that there are currently 27 fund administrators licensed under the existing IFA regime which we would expect to be licensed under the new regime once it comes into force.

Mr. Speaker, I wish to emphasise the Authority sought input from stakeholders on all of these provisions in March of 2018 by means of the aforementioned discussion paper and via a consultation paper and draft Bill issued April 2019. This Bill represents a collaborative effort between the Authority and various industry stakeholders. Accordingly, I would like to thank all of those persons within the Bermuda Monetary Authority, the Attorney General's Chambers and the Ministry of Finance and the private sector who have assisted with the development of this Bill.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Fund Administration Provider Business Act 2019.

The Speaker: Thank you, Minister.

Does any Honourable Member wish to speak to this matter?

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

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

Mr. Speaker, we had a little bit of a debate on a similar vein last week where an Honourable Member of the House from the other side, a Minister, said that international business needs to take their licks. I am not sure that that was the smartest thing to have been said, but that is not the point I am going to pick up on today.

The point I am going to pick up on today is how important international business really is for us. It is not—I repeat, it is not—a question of “us” and “them,” as an Honourable Member said last week. It is all us. I am reliably informed that 64 per cent of international business is Bermudian. [There are] 3,300 to 3,500 workers in international business who are Bermudian. So, when we deal with matters such as this

one and when we speak of international business, they are not some sort of piñata at which we can wield a club. They are “us” as well, and I think it is important that we all recognise that and do not try to play politics with it.

Mr. Speaker, secondly, the Honourable Minister mentioned the point on consultation. It is, of course, vital that when we legislate in the area that involves such a fundamental thing as international business that we do consult. But consultation means more than just asking someone, *What do you think?* Consultation—real consultation—means listening to their response and responding back to their response, either to say, *Yes, we agree and we will change our proposed Bill because what you have said is important* and so we take it on board and we will or (and it is the Government's Bill) at least have the courtesy and good sense to go back to the party with whom you are consulting and say, *We are not going to take on your suggested changes because we do not think they are appropriate for these reasons.*

Now, the relevant industry body for this Bill is the Alternative Investment Managers Association. And they are not unhappy with this legislation, I am told. But they do rather feel that perhaps the consultation was not as full and proper as it could have been. They were asked to provide comments. Comments were provided and nothing further was heard. Comments were not taken on board.

Now, let me just take two examples, and they are not the end of the world, but they are two important examples. One example is the notion of whether or not a fund administrator is a custodian. There are two sections in this Act, sections 22 and 25, where it speaks about fund administrators “holding other assets.” Now, fund administrators would tell you that they do not hold assets. They are not the custodian. They record the holdings of others. It is a nuanced point, but it is the kind of point that if you draft without paying attention and suggest that we do not understand the importance in nuances of the business, even though we parliamentarians, both sides, understand the general nature of the business. The devil, as they say, is in the detail.

A second observation . . . again, I am just picking two to highlight. Generally, the Bill is very sound, and we support it. But a second observation is at clause 2 in relation to the reference to auditors. The auditors, of course, are the people who are going to have to come in and look at the fund administrators and what they are doing and look at their underlying businesses. And the definition of auditors, according to this legislation, is this. It means a person approved by Authority to audit the financial statements of a licensed undertaking.

Now, a person approved by the Authority is a reference back to the BMA. So, the auditor has to be someone the BMA says is approved. Now, that is all well and good. And if the Government wanted to say

this is why we are doing that, this is well and good. But the reality is that global fund administrators use the auditors that they use. They may be using KPMG London. They may be using E&Y California. Whether or not those entities—global accounting firms, global auditors—are within the definition of “auditor” here, because they have been specifically approved by the BMA, it is just unrealistic to how international business works.

So, I just picked those two points, and they are not intended as criticism. They are intended as helpful observations as to how going forward, this Government, with the support of the Opposition when it is supports the Government, can try to ensure that consultation is meaningful.

I simply remind everyone here that when we, or the Government, or the Opposition, when parliamentarians who are making legislation go out to industry and we say, *Industry, this is what we are thinking about doing. What do you think?* What we get back is provided to us by people who are volunteering their time in relation to this legislation. Sometimes they spend hours and hours reviewing the legislation, providing comments back to Government, and the refrain that I continuously hear, not just for this Government, but for Governments generally, is that what they say goes into some sort of vacuum and the answers do not come back.

Again, I would just invite this Government, particularly in relation to IB, when we do ask them to give us answers on how to make our Bermudian legislation better for them, that we have the good sense to try to listen and incorporate the suggestions they make, and if we do not agree with the suggestions to at least tell them why we do not agree.

Stepping back, I have already said, Mr. Speaker, that we the Opposition support this Bill, and stepping back further and looking at the big picture in terms of the fund business and how it relates to Bermuda, this is an area that interlinks with EU substance, as those present in the Chamber will be aware, and particularly, the Minister is acutely aware. This is an area where we really do need further amendments to modify EU substance, because we have an overly broad definition of holding companies at the moment—and it currently includes investment funds. That is not necessarily in accordance with the EU Scoping Paper and, Mr. Speaker, it does not accord with the definition of a competitive jurisdiction to our south.

I know that the Ministry is working on this. I know that these things do not happen overnight. But this is a very important piece of the puzzle that if the Government can solve it by way of amendment, it would greatly assist. Why do I say it would greatly assist? It is not just for those who are here now, the funded business that is currently in Bermuda. But imagine if you will, what our economic picture might look like if . . . and I will just pluck one name out of the air.

What if we had two or three more Orbises in Hamilton? How much of a difference would that make to our Bermudian economy? It would be huge. And fund business is very much an area where Bermuda can grow, and it can grow in a manner where the footprint is not overly large. It is relatively small. So, it is not like you need 500 more people in Bermuda to run a fund. You can have a small footprint, you can employ Bermudians, you can bring money to our shores.

So, when we are dealing with the funds that we already have here, as we are doing with this legislation, it is very important not just to ask them what they think, but to then listen to their answer and, if we disagree, to have the courtesy to let them know why we disagree. So often in life, Mr. Speaker, it is all about communication and if people feel that they are heard and listened to, it greatly helps.

Mr. Speaker, as I say, we support the Bill. We very much hope that this focus on the funds sector will be a precursor to an amendment in the EU substance realm so that we are placed in a position of competitive advantage against a certain jurisdiction to our south and those other international financial jurisdictions elsewhere that we must compete with and beat to succeed.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I now recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

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

I will be remiss if I did not get up and speak to this legislation because I have spoken to every single piece that has come up in relation to amendments that are being made pursuant to EU substance.

As my colleague has said, we do support this legislation, but I just have one comment to make. I was at the CPA conference this week in Cayman and I was speaking to the Minister of . . .

The Speaker: Trinidad.

Ms. Leah K. Scott: Oh, yes . . . I was speaking to the Minister from Cayman while I was in Trinidad. And she was saying that when they were doing their fund administration legislation, they actually went to the EU and met with . . . went to London and met with the group which was assisting the islands with the drafting of the legislation, and they pushed back on their legislation, and they told them that there were things that they were not going to incorporate and they did not get any resistance. So, their legislation actually resembles more of what they want in their legislation.

I take my colleague’s point about the consultation. But my understanding, and I think I have raised this point before, is that, unfortunately, the consultation is not a real consultation because the EU has said this is what you are going to do. So, it is more of a

notification because we are backed up in a corner and I will continue to say this, that the EU, the OECD, FATF, the United States, the UK and everybody else that is imposing their rules upon us, need to amend their tax laws and their legislation to collect their own taxes.

We are not the repositories of information nor should we be the repositories of information for them, and the fact of the matter is that if they are collecting taxes and revenue based on legislation and things that we are putting in place to supplement *their* revenue, then we should be charging them for it. We should not be doing anything that we are doing for them for free. I do not see why they should get the benefit and we get the burden.

The reality is that all of the things that they are requiring us to put in place, Mr. Speaker, are really going to . . . they are really going to find that they are cutting off their own noses to spite their face because there is a lot of revenue that goes from here to there than the other way around.

So, as I said, we support this legislation. Again, it is just (as far as I am concerned) another unfortunate imposition, but it is something that we have to do. I thank the Minister for bringing it forward. I hope that we can, at some point, have all of the legislation harmonised so that we are at least in a competitive standing with [the] other jurisdictions.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Does any other Honourable Member wish to speak?

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

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

As my colleagues have said, we support the legislation. I just have a few questions and comments that I would like to have some clarity around.

Generally speaking, I think the legislation is thorough, but there were some gaps that I thought, or that I missed, that need to be addressed. And I will go through them.

From the director's point of view, has the Minister entertained putting a quorum in the legislation to ensure that there is presence of directors and not have so many directors overseas calling in? I would like to hear his comments in regard to requirements of quorums for these type companies.

The other question is, How is he going to address companies that want to have a sole director? The other issue of directorship is corporate directors. I am seeing in the business now that there are a number of companies having corporate directors. How will they be managed? And will he allow corporate directors who are domiciled elsewhere, Mr. Speaker?

The other issue that I would like to speak to, Mr. Speaker, is the Core Income Generating Activities [CIGA]. I know that Guernsey legislation had that defined in their legislation so that there is clarity as to what is expected and what is required. And so, I was wondering why the Minister had not entertained a thought of somehow embedding the core income generating activities summaries within the legislation so there was no doubt as to what business we are covering in this regard.

The other issue that I would like to speak to, Mr. Speaker, is the issue of outsourcing. We know that a lot of institutions have made outsourcing a part of their business model, Mr. Speaker. In the fund administration businesses, we generally have the corporate administration, the corporate management area. We have the accounting evaluations and cost tier reporting and we have shareholder services. I know I used to work in fund administration years ago and, Mr. Speaker, I know recently we have outsourced a lot of those services to overseas jurisdictions.

The legislation in other jurisdictions allow outsourcing to local service providers. But the question that I have is, what will be the Government's position in regard to companies if they want to outsource to foreign providers? Because as we know, many companies have back office administrators outsourced to Canada, to the Philippines and India. How will that impact this legislation? How will this impact the economic substance in regard to fund administrators who have outsourcing some of their administrative duties as a part of their business model? So, I would like for the Minister to speak to that as well.

Mr. Speaker, when it comes to penalties . . . yes, you know, when there are infractions, we have a responsibility to report it to the BMA and, in some cases, we have to report it to other regulatory bodies because of various multilateral conventions that we have in place. Should we not have that also embedded in the legislation? Or are we going to basically allow the BMA to do that? Can he speak to reporting to other regulatory bodies that we are in partnership [with] because of multilateral conventions?

Mr. Speaker, those are my main questions. I will have some more when we get in Committee.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

No other?

Minister.

Hon. Curtis L. Dickinson: Thank you, Mr. Speaker. Before I move to commit the Bill, I would like to respond to some of the comments that were made.

In respect of consultation, I think . . . and the BMA led the effort on the consultation with respect to this particular piece of legislation as well as the three

pieces that are coming next week. It has been my experience in the almost nine months as being Minister of Finance that I have never had a complaint about the BMA's failure to consult.

But let us just understand what consultation actually means. It means that people are allowed to provide their feedback. And the BMA, as the ones who take the lead on this type of legislation, are allowed to consider the feedback and, in all instances, feedback which is given is considered and a decision is made as to whether or not to accept the feedback in the effecting of the legislation, or the drafting of the legislation, or not.

I can remember in all of my overseas visits and my talks about the BMA and the important work that they do. I have never heard any criticism that they are anything other than a world renowned, world-class regulator, who tends to be somewhat pragmatic in their approach to regulation. But I would caution Members to understand this, that the BMA is not an organisation that can be unduly influenced by anything other than by doing the right thing for the jurisdiction.

There were some questions about regulations with respect to—

Ms. Leah K. Scott: Point of clarification, Mr. Speaker.

The Speaker: Yes? We will take your point of clarification.

POINT OF CLARIFICATION

Ms. Leah K. Scott: I take the Minister's point and fully appreciate it. I think that . . . and I understand your definition of consultation. And I guess being in the industry, we feel that some of the comments that we make would make the legislation better, and better for us in the industry. So, that is the concern. We put forth things that we know will assist us and they are not taken on board. So, I think that this is where the challenge lies.

The Speaker: Thank you.

Hon. Curtis L. Dickinson: Thanks for that, Member. I would say this, again, in my almost nine short months, many of you in this Chamber who work in IB—and that is a fairly broad universe—and many of the stakeholders know that I have an open-door policy and probably, some would argue, [I am] probably too accessible. I am quite comfortable with the level of accessibility that I provide to international business. One, because I understand the importance of the contribution that they make to our economy and how important it is for us to kind of get this stuff right.

Balance is always important, and so my own view was that the accessibility that I provide ensures that industry stakeholders have an opportunity to

make their concerns broadly known, directly known to me, so that I can do whatever I can do to ensure that I can allay their concerns around any particular piece of legislation or regulation.

With respect to the regulations regarding the safeguarding of assets, this provision specifically relates to the holding of other assets. There is no implication that an administrator will become a custodian of financial assets. This is . . . we are holding the contracts and things like that.

With respect to auditors, no reasonable request for auditors will be withheld. This is already the standard for the BMA with respect to other sectors that the BMA provides regulation to.

I will also say on the issue of consultation that meetings were held with AIMA, [Alternative Investment Managers Association] in 2018 and they fully took part in the consultative process.

The Honourable Member Simons asked about directors. The approach here is consistent with all other financial sectors that the BMA oversees. It is not intended that this Bill will set a new standard in this area with respect to directors, whether it be overseas or domestic.

You mentioned CIGA, and I think a couple of you guys mentioned CIGA. As you will appreciate, we are working on a number of potential amendments to the economic substance regime. The last one that we did towards the end of June . . . June 24th I think it was, with respect to the tax residency exemption. Other matters being worked on, which I expect to have full sight of in mid-August, revolve around the definition of holding company, proposals for leasing and financing, and I believe there is another piece that is being worked on for high-risk IP.

In particular, with respect to this legislation around funds and fund administrators, the BMA continues to work with the code of conduct group around what their requirements are for us with respect to funds. And inasmuch as they have not given us full clarity on their expectations, it would be foolhardy for us to propose amendments in this legislation until we have a proper stare from the EU with respect to the direction of travel around their requirements for funds.

Member Simons mentioned CIGA. Fund administration in itself is not a relevant activity, so it would fall outside of the economic substance regime.

There was a question about outsourcing. The Bill allows fund administrators to operate from abroad. It requires, however, that they be licensed by the BMA. We want to have some level of oversight, insight into these activities and so the BMA will have to be the regulator overseeing some of these activities.

And then I think—

Mr. N. H. Cole Simons: Point of clarification.

The Speaker: We will take your point of clarification.

POINT OF CLARIFICATION

Mr. N. H. Cole Simons: Will the Minister expand upon that? I understand what he is saying, the BMA having oversight over the local service providers as far as outsourcing is concerned. But can he speak to the event that a company wants to outsource, let us say, accounting evaluation services to Ireland or India because it is more cost-effective?

The Speaker: Thank you.
Minister.

Hon. Curtis L. Dickinson: The Honourable Member will know from his own experience at his current employer, for which I am also a former member of the team there, that organisations make decisions about kind of where they decide to perform certain activities for a number of reasons. Among those reasons could be availability of quality resources, the cost of employing those resources, a number of factors.

I think it would welcome a substantial challenge if we, as the Government or the Authority, start to tell companies how to conduct their business with respect to certain activities. We understand that. Ideally, we would want everyone to do everything here in Bermuda because what we want is more people employed and the activity actually performed inside this jurisdiction. Unfortunately, that is not the reality.

I think we spoke earlier this morning about the cost of living in Bermuda and the cost of doing business. While we work towards achieving a lower cost of doing business, the companies will take decisions themselves around where to locate their businesses. And sometimes that means outsourcing certain activities in jurisdictions where they can get those services at a cheaper cost.

POINT OF CLARIFICATION

Mr. N. H. Cole Simons: A follow-up clarification. So, is the Minister saying that the outsourcing to foreign jurisdiction will not compromise the economic substance qualification for the companies?

The Speaker: Minister.

Hon. Curtis L. Dickinson: As I mentioned earlier, the activities of fund administrators is not considered a core income generating activity; therefore, it would not fall under the remit of the Economic Substance Act.

The Speaker: Continue, Minister.

Hon. Curtis L. Dickinson: I think there was a reporting requirement about things being done overseas. The advice I received here is that in terms of reporting to other regulatory authorities overseas on appropriate

matters, the BMA Act makes specific provisions for this.

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

The Speaker: Thank you.
Mr. Deputy?

House in Committee at 5:28 pm

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

COMMITTEE ON BILL**FUND ADMINISTRATION PROVIDER
BUSINESS ACT 2019**

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Fund Administration Provider Business Act 2019](#).

Minister, you have the floor.

Hon. Curtis L. Dickinson: Mr. Chairman, this Bill provides for an improved and updated regulatory framework for fund administration provider business, the protection of the interests of clients or potential clients of persons carrying on fund administration provider business. Mr. Chairman, I would like to move clauses 1 through 5.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 1 provides for a citation for the Bill.

Clause 2 provides for the definitions in the Bill. Clause 2(2) provides for the substantive interpretation of the term “fund administration provider business.” For purposes of the Bill the term is interpreted to mean the provision of fund administration provider business.

Clause 3 provides for the substantive interpretation of the term “director,” “controller,” “senior executive” and “associate” that are of significant use in the Bill.

Clause 4 provides for the substantive interpretation of the phrase “carrying on fund administration provider business in Bermuda.” The clause provides for the circumstances that are to apply to a person for such person to be considered as carrying on fund administration provider business in Bermuda, where such person is situated either within Bermuda or outside of Bermuda.

Clause 5 imposes a duty on the Bermuda Monetary Authority (the Authority) to publish annual reports.

The Chairman: Any further speakers? There appear to be none.

Do you want to move clauses 1 through 5 to be approved?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 1 through 5 be approved.

The Chairman: Clauses 1 through 5 have been moved to be approved.

Any objections to that?

The appear to be no objections.

Approved.

[Motion carried: Clauses 1 through 5 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I would like to move clauses 6 through 11.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 6 requires the Authority to publish a statement of principles. This statement is to indicate to persons carrying on fund administration provider business how the Authority proposes to carry out certain aspects of its licensing and supervisory functions. This clause also allows the Authority to publish guidance on the application of the Bill and regulations made under it.

Clause 7 empowers the Authority to issue codes of practice. Persons carrying on fund administration provider business are required to observe these codes of practice. A failure to observe the codes of practice could lead to regulatory sanctions.

Clause 8 prohibits any person from carrying on fund administration provider business unless that person is licensed by the Authority.

Clause 9 provides the procedure for the making of an application to the Authority for a licence to carry on fund administration provider business. An application must be accompanied by a business plan, application fee (to be prescribed under the Bermuda Monetary Authority Act 1969) and such other information or documents as the Authority may require.

Clause 10 empowers the Authority to grant or refuse an application for licence. The Authority must refuse an application unless it is satisfied that the minimum criteria are fulfilled with respect to the applicant. The Minister is empowered to amend Schedule 1 that sets out the minimum criteria by order, under clause 10(7).

Clause 11 requires licences to be displayed. The Authority is required to keep a copy of each licence it issues and to make such copy available for inspection by members of the public at all reasonable times. The Authority is also required to provide on its website a list of all currently licensed undertakings.

The Chairman: Any further speakers to clauses 6 through 11? There appear to be none.

Minister, do you want to move clauses 6 through 11?

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 6 through 11.

The Chairman: Be approved?

Hon. Curtis L. Dickinson: Be approved.

The Chairman: It has been moved that clauses 6 through 11 be approved.

Are there any objections to that?

The appear to be none.

Approved.

[Motion carried: Clauses 6 through 11 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 12 through 17.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 12 provides for a fee to be payable on the grant of the licence and thereafter annually on or before 31st of March. The clause further provides that where a licensed undertaking fails to tender such fee in time, it shall be liable to a civil penalty. The fee payable is to be prescribed under the [Bermuda Monetary Authority Act 1969](#).

Clause 13 empowers the Authority to restrict a licence issued to undertakings under the Bill. Generally, restrictions may be imposed: where there are grounds for the revocation of the licence under clause 14 (which grounds include failure to comply with the minimum criteria); where a person becomes or remains a controller of a licensed undertaking in contravention of clauses 24, 25 or 26; where an undertaking has received a warning notice of revocation of licence; or where an undertaking has given notice of surrender of licence.

Clause 14 provides for the revocation by the Authority of a licence issued under the Bill. Paragraphs (a) to (e) of the clause sets out the grounds for revocation.

Clause 15 provides for the winding-up of a licensed undertaking that has had its licence revoked, if it is just and equitable to wind it up.

Clause 16 requires the Authority to give notice to a licensed undertaking where it proposes to restrict, vary a restriction or revoke its licence. The Authority is required to give the undertaking a warning notice in writing which must state the action it proposes to take and give reasons for the proposed action. The licensed undertaking is given the opportunity to make representations to the Authority.

Clause 17 provides for the imposition of restrictions in cases of urgency where the situation warrants immediate action.

The Chairman: Any further speakers?
Minister, [do you] want to move those clauses 12 through 17?

Hon. Curtis L. Dickinson: I move clauses 12 through 17 be approved.

The Chairman: It has been moved that clauses 12 through 17 be approved.
Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 12 through 17 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 18 through 22.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 18 provides for the giving of directions by the Authority to a licensed undertaking following the revocation or surrender of its licence. In these circumstances there is no licence subsisting on which the Authority can impose restrictions for the protection of clients. This clause seeks to empower the Authority to give a licensed undertaking such directions as appear to the Authority desirable for safeguarding the interests of the clients. Failure to comply with directions is a criminal offence.

Clause 19 provides for the notification and confirmation of directions given by the Authority to licensed undertakings. The clause requires that the Authority give directions by notice in writing and empowers the Authority to vary a direction by a further direction. The Authority may revoke a direction by notice in writing. The clause further provides that a direction given shall cease to have effect at the end of 28 days unless it is confirmed by a further notice given by the Authority.

Clause 20 provides for the surrender of a licence by an undertaking. The surrender of a licence is irrevocable, unless it is expressed to take effect at a future date and before that date the Authority by notice in writing allows it to be withdrawn.

Clause 21 provides for the licensed undertaking to prepare annual financial statements in respect of its business.

Clause 22 requires a licensed undertaking which has been approved by the Authority to hold other assets of clients to appoint an auditor approved by the Authority

The Chairman: Any further speakers on the clauses 18 through 22?

There appear to be none.
Minister.

Hon. Curtis L. Dickinson: I move that clauses 18 through 22 be approved.

The Chairman: It has been moved that clauses 18 through 22 be approved.

Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 18 through 22 passed.]

Hon. Curtis L. Dickinson: I move clauses 23 through 27.

The Chairman: [Clauses] 23 through 27, continue.

Hon. Curtis L. Dickinson: Clause 23 requires approved auditors to notify the Authority where certain circumstances arise. The circumstances include: the resignation of the auditor before the expiration of his term of appointment; the auditor's intention not to seek re-appointment; or the auditor's intention to give a qualified audit report.

Clause 24 requires any person who proposes to become a 10 per cent or majority shareholder controller of a licensed undertaking (or a partner in a licensed undertaking) to obtain the prior approval of the Authority. Such a controller is required to serve notice on the Authority of his proposal and to only become such a controller if the Authority either does not object or does not respond within a specified period.

Clause 25 provides for the Authority to object to any person who seeks to become a controller unless it is satisfied of a number of matters, one of which is that the person concerned is a fit and proper person to become a controller of the licensed undertaking. Provision is made for the giving of appropriate notices and for the making of representations by the person concerned.

Clause 26 provides for the Authority to object to an existing controller who it considers no longer fit and proper. Provision is made for the giving of notices and for the making of representations by the person concerned.

Clause 27 provides for the contraventions by a controller of various requirements under the Bill. Contraventions are committed, in particular, with respect to the failure by a person to notify the Authority as required that the person is to become a 10 per cent or majority controller of a licensed undertaking or where a person fails to comply with notices of objection to him being a controller given by the Authority. The penalties that may be imposed range from \$25,000 to \$50,000.

The Chairman: Any further speakers? There appear to be none.

An Hon. Member: Hang on.

Mr. N. H. Cole Simons: [looking at clause] 26, objections to an existing controller, if the company—

The Chairman: Which clause are you speaking to?

Mr. N. H. Cole Simons: [Clause] 26, objections to an existing controller. If the company wanted to appeal that decision, what protocols are in place for them to appeal the decision in regard to the existing controller?

The Chairman: Any further speakers?

Hon. Curtis L. Dickinson: Mr. Chairman, I am awaiting advice from the technical team.

[Pause]

Hon. Curtis L. Dickinson: Part 8 of the legislation, page 26, section 40, Rights of Appeal.

An Hon. Member: Then we will come to it. Okay, good.

The Chairman: Any further . . . there appear to be none. Minister, do you want to move clauses 23 through 27.

Hon. Curtis L. Dickinson: I move that clauses 23 through 27 be approved.

The Chairman: It has been moved that clauses 23 through 27 be approved.

Are there any objections to that?

The appear to be none.

Approved.

[Motion carried: Clauses 23 through 27 passed.]

Hon. Curtis L. Dickinson: Mr. Chairman, I move clauses 28 through 34.

The Chairman: [Clauses] 28 through 34, continue.

Hon. Curtis L. Dickinson: Clause 28 provides for the imposition by the Authority of certain restrictions on the shares of a controller who contravenes clauses 24 or 25. The Authority may also apply to the court for an order for the sale of specified shares.

Clause 29 provides a licensed undertaking to notify the Authority of any change in its controllers or officers. Where an undertaking fails to comply, it shall be liable to a civil penalty.

Clause 30 requires a licensed undertaking, within four months from the end of its financial year, to deliver to the Authority a statement of compliance signed by an officer of the licensed undertaking, certifying that the licensed undertaking has, (with respect to the preceding financial year) complied or failed to

comply with the minimum criteria for licensing under Schedule 1; and that it has observed any limitations imposed on it by the Authority under its licence (if applicable).

Clause 31 empowers the Authority to impose civil penalties of up to \$500,000 for failure to comply with any requirement, or contravention of any prohibition, imposed by or under the Bill.

Clause 32 sets out the procedure for imposing fines. The Authority must give a warning notice first, followed by a decision notice. Clauses 44 and 45 make provision for the content of such notices.

Clause 33 provides for public censure of a licensed undertaking by the publication of a statement by the Authority stating that such undertaking has contravened a requirement imposed by or under the Bill.

Clause 34 sets out the public censure procedure. The Authority must give a warning notice first, followed by a decision notice.

The Chairman: Any further speakers? Minister, there appear to be none.

Hon. Curtis L. Dickinson: I move that clauses 28 through 34 be approved.

The Chairman: It has been moved that clauses 28 through 34 be approved.

Any objections to that?

The appear to be none.

Approved.

[Motion carried: Clauses 28 through 34 passed.]

Hon. Curtis L. Dickinson: I move clauses 35 through 41.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 35 empowers the Authority to make a prohibition order prohibiting the individual from performing a specified function, any function falling within a specified description, or any function.

Clause 36 sets out the procedure for making prohibition orders. The Authority must give a warning notice first, followed by a decision notice.

Clause 37 sets out the procedure for the making of applications to vary or revoke a prohibition order, requiring the Authority to serve appropriate notices with respect to its decisions on the application.

Clause 38 permits the Authority to revoke or vary a prohibition order if it is satisfied that a person in respect of whom an order has been made is now fit and proper.

Clause 39 allows for the issuing of three types of injunction orders by the Supreme Court on the application of the Authority. The first is an order restrain-

ing a person from contravening any requirement imposed by or under the Bill; the second is an order requiring persons to take steps to remedy a contravention of such a requirement; and the third is an order restraining a person from disposing or otherwise dealing with assets.

Clause 40 provides for appeals to appeal tribunals against decisions of the Authority restricting or revoking a licence.

Clause 41 provides for the establishment of appeal tribunals. A tribunal is to be comprised of a chairman, or deputy chairman to act in his absence, who must be a barrister or attorney of at least seven years standing; and two other members with experience of money service business. The chairman and deputy chairman of the tribunal are appointed by the Minister. The other members are appointed by the chairman, or, in his absence, by the deputy chairman from a panel of members appointed by the Minister.

The Chairman: Any further speakers?
Mr. Pearman.

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

Just in respect of clause 41, I know that in the Throne Speech, the Government had indicated the possibility that they might be turning the police station into an alternative dispute resolution centre, named after the former head of the union. We also had some discussion around that during the Throne Speech debates about the consolidation of the numerous tribunals that already exist in Bermuda. I am speaking off the top of my head here, but I believe there were something like 120, 130 different government boards, and there was something like 36, 38, or possibly even 40, different tribunals. We are creating yet another one.

I know this is maybe not the time, but would the Minister have a consideration about consolidating at least some of the financial tribunals. I say this because they always seem to require a lawyer to chair them and I see Honourable Member, Ms. Wilson, across the way, I have no doubt she has had to chair several of these things in the past, and I know that the Chairman himself chairs a number of these. I think some consolidation would be very sensible in this instance to the public.

The Chairman: The Honourable Member Cole Simons.

Mr. N. H. Cole Simons: Generally, on the appeals process, can the Minister let the House know how long does the company have to lodge an appeal once a decision has been moved against them?

The Chairman: Minister?

Hon. Curtis L. Dickinson: I would like to answer those questions in the order in which they were [asked].

In the spirit of good consultation and good collaboration, I will take the Honourable Member's suggestions under consideration. And if you will indulge me, I am awaiting a response from the technical team with respect to the process for the appeals.

[Pause]

Hon. Curtis L. Dickinson: Mr. Chairman, I am advised that the procedures for the appeals process will be outlined in the Regulations.

The Chairman: Any further speakers?
Minister.

Hon. Curtis L. Dickinson: I move that clauses 35 through 41 be approved.

The Chairman: It has been moved that clauses 35 through 41 be approved.
Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 35 through 41 passed.]

The Chairman: Continue, Minister.

Hon. Curtis L. Dickinson: I move clauses 42 through 49.

The Chairman: [Clauses] 42 through 49.

Hon. Curtis L. Dickinson: Clause 42 provides for the jurisdiction and power of the tribunal in the determination of appeals.

Clause 43 provides for costs, procedures and evidence. Under this clause, a tribunal has power to give directions as to costs and the Minister has the power to make regulations prescribing procedure and evidence.

Clause 44 provides for appeals against the decision of the tribunal to lie to the Supreme Court on questions of law only. Appeals to the Court of Appeal lie with leave of that Court.

Clause 45 sets out the procedure for the issue of warning notices.

Clause 46 sets out the procedure for the issuing of decision notices.

Clause 47 requires the Authority to give a notice of discontinuance to the person concerned if, following the issue of a warning notice the Authority decides not to proceed with the proposed action.

Clause 48 allows the Authority to decide what information should be published about a decision and prohibits the Authority from publishing a decision un-

less it has first notified the person concerned and pending the outcome of any appeal that might have been made.

Clause 49 provides for the obtaining of information and reports from a fund administration provider business. A report requested by the Authority under this clause may be prepared by the fund administration provider business' auditors, accountants or other person. An auditor, accountant or other person is required to report to the Authority any facts which indicate to him that the minimum criteria is not or has not been or may not be fulfilled by a licensed undertaking which are likely to be of material significance for the exercise of the Authority's functions.

The Chairman: Any further speakers? There appear to be none.

Minister, you want to move [clauses] 42 through 49?

Hon. Curtis L. Dickinson: I move that clauses 42 through 49 be approved.

The Chairman: It has been moved that clauses 42 through 49 be approved.

Are there any objections to that?
There appear to be none.

[Motion carried: Clauses 42 through 49 passed.]

Hon. Curtis L. Dickinson: I move clauses 50 through 54.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 50 provides for the production of documents for examination by the Authority. The Authority may also require the parent or a subsidiary company of a fund administration provider business to produce documents for its examination, if it appears to it to be desirable in the interests of clients.

Clause 51 provides for the right of entry into premises occupied by the fund administration provider business, by officers, servants and agents of the Authority to obtain information or documents in certain circumstances.

Clause 52 provides for the investigation of a fund administration provider business.

Clause 53 provides empowerment to the Authority to investigate suspected contraventions of fundamental requirements in the Bill including the requirements not to carry on a fund administration provider business without a licence, requirements that apply to a fit and proper person's ability to perform functions in relation to a fund administration provider business and other requirements imposed by or under the Bill, regulations, rules or orders for purposes of the Bill.

Clause 54 provides that the Authority may require the person under investigation or any person connected to the person under investigation to provide information, produce documents or attend for questioning. Clause 54(6) precludes the use of statements given in the course of such investigations as evidence against the person who gave the statement.

The Chairman: Any further speakers? There appear to be none.

Hon. Curtis L. Dickinson: I move that clauses 50 through 54 be approved.

The Chairman: It has been moved that clauses 50 through 54 be approved.

Any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 50 through 54 passed.]

Hon. Curtis L. Dickinson: I move clauses 55 through 62.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 55 provides for the issue of search warrants by a magistrate in cases where a person is suspected of removing, tampering or destroying documents required by the Authority for its function, or in cases where a person under investigation or any person connected to the person under investigation refuses to provide the information or documents requested under clause 54.

Clause 56 makes it an offence to obstruct investigations.

Clause 57 provides for a fund administrator to apply to the Authority to offer the service of holding other assets of a client.

Clause 58 prohibits, subject to clauses 59, 60 and 61, the disclosure of any person exercising functions under the Bill of information relating to the business or other affairs of any persons without the consent of that person.

Clause 59 authorises the disclosure of information in clause 60 if it is necessary for facilitating the discharge of the functions of the Authority.

Clause 60 authorises disclosures to the Minister and to other authorities in Bermuda for the purposes of enabling or assisting them to discharge their regulatory functions. Disclosure may be made to overseas regulators who exercise functions corresponding to the function of the Authority, provided that such overseas regulators are subject to similar restrictions on further disclosure. Information may be disclosed for the purposes of criminal proceedings and may be disclosed to the Director of Public Prosecutions or a police officer not below the rank of inspector.

Clause 61 imposes similar restrictions on the disclosure of information supplied to the Authority by an overseas authority.

Clause 62 creates offences in connection with false documents or information

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Hadley Cole Simons.

Mr. N. H. Cole Simons: Safeguarding of other assets.

The Chairman: What clause are you on?

Mr. N. H. Cole Simons: Clause 57.

The Chairman: Clause 57.

Mr. N. H. Cole Simons: On page 38. It says an undertaking may apply to the Authority to obtain approval to offer the services of holding other assets. Can the Minister provide more information as to what is the intention here and the other type of assets that may be held by the undertaking company?

The Chairman: Minister?

Hon. Curtis L. Dickinson: The purpose of [clause] 67 is to expand the—

The Chairman: [Clause] 57.

Hon. Curtis L. Dickinson: [Clause] 57. Yes, sorry.

The purpose of [clause] 57 is to expand the range of activities which a fund administrator may undertake subject to approval by the Authority. At present, fund administrators are expressly prevented from holding client assets or client monies. This section would allow them subject to meeting appropriate requirements to hold non-financial or other assets, for example, contracts or agreements. This provision will be supplemented by regulations.

The Chairman: Any further speakers?

Cole Simons, Honourable Member.

Mr. N. H. Cole Simons: So, these contracts can be like patents or intellectual properties that can be linked to the funds?

Hon. Curtis L. Dickinson: I am advised that these would include deeds for physical assets.

The Chairman: Any further speakers?

Minister, do you want to move that?

Hon. Curtis L. Dickinson: I move that clauses 55 through 62 be approved.

The Chairman: It has been moved that clauses 55 through 62 be approved.

Any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 55 through 62 passed.]

Hon. Curtis L. Dickinson: I move clauses 63 through 71.

The Chairman: Continue.

Hon. Curtis L. Dickinson: Clause 63 provides for the trial and punishment of directors and officers of a money service business for offences committed by companies in circumstances where such persons are implicated in the commission of an offence under the Act.

Clause 64 prohibits the use of the term "fund administration provider business" by persons not holding a licence in accordance with clause 10.

Clause 65 provides [the procedures for the giving and serving of notices to fund administration provider businesses].

Clause 66 provides that a notice required under the Bill to be given or served on the Authority shall not be regarded as given or served until it is received by the Authority.

Clause 67 directs that where a person is convicted of a criminal charge, no civil penalty can be imposed relative to the same matter. This clause also provides a mechanism for the recovery of civil debt imposed under the Bill. The Authority would be able to claim the amount owing by way of civil proceeding in Court.

Clause 68 provides for the regulations making powers of the Minister.

Clause 69 provides for the consequential amendments to the Bermuda Monetary Authority Act 1969, the Investment Funds Act 2006 and the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008.

Clause 70 makes provision for transitional matters.

Clause 71 provides for the Bill to come into operation on such day as the Minister may appoint by notice published in the *Gazette*.

The Chairman: Are there any further speakers? There appear to be none.

Minister.

Hon. Curtis L. Dickinson: Mr. Chairman, I move that clauses 63 through 71 be approved.

The Chairman: It has been moved that clauses 63 through 71 be approved.

Are there any objections to that?
There appear to be none.
Approved.

[Motion carried: Clauses 63 through 71 passed.]

The Chairman: Minister, you want to—

An Hon. Member: Schedules.

The Chairman: Schedules.

[Crosstalk]

Hon. Curtis L. Dickinson: I move that the Schedules be approved.

The Chairman: It has been moved that the Schedules be approved.

Any objections to that?
There appear to be none.
Approved.

Hon. Curtis L. Dickinson: I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Are there any objections that?
There appear to be none.
Approved.

Hon. Curtis L. Dickinson: I move that the Bill be reported to the House as printed.

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

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

[Motion carried: The Fund Administration Provider Business Act 2019 was considered by a Committee of the whole House and passed without amendments.]

House resumed at 5:57 pm

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

REPORT OF COMMITTEE

FUND ADMINISTRATION PROVIDER BUSINESS ACT 2019

The Speaker: Members, are there any objections to the Fund Administration Provider Business Amendment *[sic]* Act 2019 being reported as printed?
There are none. So moved.

We now move on to the next order and that being the Dental Practitioners Amendment (No. 2) Act 2019. Minister of Health, would you like to move your matter?

SUSPENSION OF STANDING ORDER 29(1)

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

Mr. Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019.

The Speaker: Any objections?

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

BILL

SECOND READING

DENTAL PRACTITIONERS AMENDMENT (NO. 2) ACT 2019

Hon. Kim N. Wilson: Mr. Speaker, I move that the Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019 be now read the second time.

The Speaker: Continue.

Hon. Kim N. Wilson: I stand before this Honourable House today to present the Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019.

Mr. Speaker, the Ministry of Health is responsible for the legislation that provides the framework for the regulation of health care professionals. The [Dental Practitioners Act of 1950](#)—and, Mr. Speaker, herein I will refer to that as the “Act”—is the legislation that enables the Bermuda Dental Board and the Dental Professions Complaints Committee and guides the regulations of dentists, dental hygienists and dental technicians.

The Board is the regulatory Authority charged with ensuring high standards of professional competence and conduct for the dental profession and to advise the Ministry on issues pertaining to them. Accordingly, Mr. Speaker, the Board and the Ministry’s efforts to advance standards for professional practise are ongoing. The committee is responsible for receiving and investigating complaints against any dentist, dental hygienist or dental technician registered with the Board in order to determine whether a complaint should be referred to the Board for possible disciplinary action.

Mr. Speaker, the Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019 proposes to amend the administrative handling of complaints made against dentists, dental hygienists and dental technicians by increasing the number of alternative

members available for both the Board and the committee. Mr. Speaker, you may recall a couple of weeks ago we actually did similar legislation by amending the Medical Practitioners Act 2019, as well, to allow for further alternates to be comprised of, with respect to the committee hearings and this Bill seeks to do exactly the same thing, except for dentists.

Additionally, the Bill proposes a provision for an ancillary committee to be constituted when the committee is unable to deal with all the complaints before it. It is important to note, Mr. Speaker, that the reasons for constituting an ancillary committee can be due to the volume of complaints received, time constraints and conflicts of interest. The proposed amendments for ancillary committees make provision for decisions of such committees to be decisions of the committee.

Mr. Speaker, like I said, the Honourable Members will remember that this Bill proposes the exact same amendments which we passed about two weeks ago under the Medical Practitioners Amendment Act 2019. Mr. Speaker, currently the Act allows for seven members of the Board with one alternate each. It also provides for the committee to be comprised of three members and three alternates. This number of alternates has proved unworkable due to the intensity of work involved in investigating complaints and conducting disciplinary hearings—and, Mr. Speaker, I can also add that, of course, these dentists and the members of these committees also have full-time professions in which they are trying to juggle with respect to that as well as to provide this service by sitting on these committees.

Mr. Speaker, both the Board and the committee are comprised of members with full-time commitments within their respective professions and securing their engagement for complaint is unreasonably onerous and unworkable. On average, Mr. Speaker, the committee receives about three complaints per year. Each complaint is investigated in order to determine whether an allegation sets out grounds for disciplinary action. The investigation of a complaint can be a lengthy process and require intensive consultation, coordination and research. It is also important to note that during the investigation, Committee members are coordinating and balancing their professional and personal schedules in order to ensure a thorough investigation.

Mr. Speaker, in our small community, persons are often conflicted and establishing a committee that can meet the particulars of a complaint is challenging with the current membership structure. The changes proposed today are small but necessary to improve the timeliness and efficiency of complaint handling for both the person making the complaint as well as the registered person who is subject to the complaint.

Overall, Mr. Speaker, this Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019 will improve complaint handling so that the Board and the

committee can continue to uphold the high standards of professional competence, and conduct essential services and safeguarding of the public health.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

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

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

I just wanted to say a few words in support of the move to make sure that we have an ancillary committee available to address complaints and to make the entire process certainly more efficient. Having good conduct in the profession in any circumstance is so important and if we have any kind of complainant who comes forward there should be a timely response to fulfil the investigations and hearings and such to bring any complaint to a closure as quickly as possible because certainly in a situation like that it can create a number of anxieties, and so the best [thing to do] is to see what we can do to find the human resource to make sure that we are able to carry out any investigations and get to root causes and bring closure as quickly as possible.

I am guessing that the composition of the ancillary committee will mirror that of the committee and I know, again, with a finite number of professionals that we have in a small community such as this, that there is a challenge but certainly I would expect that the same composition would also be included for any ancillary committee that is brought or organised by the Permanent Secretary.

So, I completely support this. I do not see that there are any other issues or questions that come out of this. Certainly, having a strong and a vibrant complaint committee procedure certainly holds integrity to the profession.

Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

None?

Minister.

Hon. Kim N. Wilson: Thank you, Mr. Speaker, and I thank the Honourable Member who just took her seat. She is correct, that would be the composition of the committee.

Mr. Speaker, one of the challenges that we have, as this Bill outlines and will attempt to address, is this issue about conflicts. We have such a small community and with all of the professional complaints committees that come within the Ministry of Health's purview—I actually had to smile when the honourable and learned colleague from constituency 22, was

speaking about the challenges with respect to having (on the previous Bill) having multiple tribunals and you have to have lawyers that sit on each. All these PCCs also require lawyers because obviously we have to ensure that the rules of natural justice are followed, and oftentimes if you have a lawyer who is sitting on those tribunals, they can make sure that those types of rules and natural justice rules are abided by. It is a challenge also trying to find lawyers to sit on these types of committees because they, too, have professional obligations and personal obligations, and these types of investigations can be very lengthy as well. In fact, the lawyer who actually sits on this particular committee is a personal friend of mine and I stretched the truth a little bit when I tried to convince her to sit as the attorney and said that it was not very time-consuming. Now, of course, she is not very happy with me. But needless to say—

[Laughter]

Hon. Kim N. Wilson: —she is on the committee. It has been gazetted.

[Inaudible interjection]

Hon. Kim N. Wilson: Yes, we are still friends, actually. But needless to say, she is still on the committee because it has been gazetted. But I thank the Honourable Member and the Honourable Opposition for supporting this Bill and as such, Mr. Speaker, would like to move that this Bill be now committed.

The Speaker: Thank you, Minister.
Deputy, would you like to take the Chair?

House in Committee at 6:06 pm

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

COMMITTEE ON BILL

DENTAL PRACTITIONERS AMENDMENT (NO. 2) ACT 2019

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Dental Practitioners Amendment \(No. 2\) Act 2019](#).

Minister, you have the floor.

Hon. Kim N. Wilson: Thank you.
Mr. Chairman, with your leave, I would like to move all four clauses, please.

The Chairman: Continue.

Hon. Kim N. Wilson: Mr. Chairman, the Bill seeks to amend the Dental Practitioners Act 1950 in relation to

the Bermuda Dental Board and the Dental Professions Complaint Committee.

Clause 1 provides the citation for the Bill.

Clause 2 amends section 5(3B) of the principal Act to provide for multiple alternate members of the Bermuda Dental Board.

Clause 3 amends section 12C of the principal Act by inserting new subsections (6) and (7). Subsection (6) empowers the Permanent Secretary of the Department of Health (who maintains the register of dental practitioners pursuant to section 6) to constitute one or more ancillary committees made up of alternative members of the Dental Professions Complaints Committee to deal with such complaints as he may specify, if he determines that the Committee is unable to deal with all of the complaints before it, whether due to volume, time constraints, conflict of interest or otherwise. Subsection (7), Mr. Chairman, provides that sections 12C and 12D of the Schedule to the principal Act apply to ancillary committees as if they also apply to the Committee, and any decision of an ancillary committee shall be taken to be a decision of the Committee.

Clause 4 amends paragraph 4 of the Schedule to the principal Act to provide for multiple alternate members of the Dental Professions Complaints Committee.

Thank you, Mr. Chairman.

The Chairman: Any further speakers?

There appear to be none. Minister.

Hon. Kim N. Wilson: Thank you, Mr. Chairman.
I now move that the Schedule be approved.

The Chairman: It has been moved that the Schedule be approved. Any objections to that?

Hon. Kim N. Wilson: Mr. Chairman, I move that all four clauses be approved and that the Bill be reported to House as printed.

The Chairman: Let us get it approved first before we get to the House.

Hon. Kim N. Wilson: I move that all four clauses be approved.

The Chairman: It has been moved that the clauses 1 through 4 be approved.

Are there any objections to that?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 4 passed.]

Hon. Kim N. Wilson: Thank you, Mr. Chairman.
I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved. Any objections to that?

There appear to be none.

Approved.

Hon. Kim N. Wilson: Thank you, Mr. Chairman.

I now move that the Bill entitled the Dental Practitioners Amendment (No. 2) Act 2019 be reported to the House as printed.

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

There appear to be none.

The Bill will be reported to the House as printed.

[Motion carried: The Dental Practitioners Amendment (No. 2) Act 2019 was considered by a Committee of the whole House and passed without amendments.]

House resumed at 6:10 pm

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

REPORT OF COMMITTEE

DENTAL PRACTITIONERS AMENDMENT (NO. 2) ACT 2019

The Speaker: Members, are there any objections to the reporting to the House of the Dental Practitioners Amendment (No. 2) Act 2019 as printed?

There are none. It is so moved.

We now move on to the next item, and for clarification, Minister of Finance, are we passing over [Order. No.] 12?

Hon. Curtis L. Dickinson: I would like to defer that to next week, Mr. Speaker.

Thank you.

The Speaker: Okay, no problem.

That now moves us on to [Order] No. 13, which is the motion in the name of the Honourable H. K. E. Swan, [notice of] which was given on the 5th of July 2019.

Member, would you like to state your motion and move your motion?

MOTION

JOINT SELECT COMMITTEE TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS ON THE EVENTS OF 2ND DECEMBER 2016

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

Mr. Speaker, I move that the House do now take under consideration the following motion, notice of which was given on the 5th of July 2019.

WHEREAS this House ratified a resolution to establish a Parliamentary Joint Select Committee on December 1st, 2017, and subsequently passed in the Senate on the 21st of February 2018, to carry out the said Inquiry into the said events of December 2nd, 2016;

AND THEREAFTER, pursuant to Part IV of the Parliament Act 1957, that a Parliamentary Joint Select Committee be appointed:

- 1) to inquire into the events of aforesaid as thoroughly as may be;
- 2) to bring closure to the event by [the] making of all proper and necessary findings, recommendations and where required sanctions; and
- 3) to submit its report to the House of Assembly within three to six months (with the approved extensions);

AND WHEREAS the Parliamentary Joint Select Committee undertook and has completed its inquiry into the events of December 2nd, 2016;

BE IT RESOLVED that this Honourable House supports the report, together with the findings, recommendations and sanctions of the Parliamentary Joint Select Committee as contained in the Report.

Mr. Speaker—

The Speaker: Yes, continue.

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

Mr. Speaker, it is my solemn duty to introduce this motion to the Honourable House, the culmination of painstaking work by Members of your committee and the Parliamentary Joint Select Committee on the events of December 2nd, 2016.

I take this opportunity to thank the consultant clerk, Ms. Alberta Dyer-Tucker and Ms. Sierra O'Meally, and the support received from the House of Assembly staff, led by Mrs. Shernette Wolffe, and also my colleagues in the Legislature who participated on this Committee, Mr. Speaker. I will take the opportunity to name them as well.

Mr. Speaker, let me say from the outset that our report was inadvertently . . . there was an omission of the recommendations that had been submitted to the Parliamentary Joint Select Committee during our interview of representatives from the People's Campaign. With your permission, I would like to table those recommendations offered by the People's Campaign as presented to the Parliamentary Joint Select Committee, Mr. Speaker.

The Speaker: Yes.

Mr. Hubert (Kim) E. Swan: In addition, Mr. Speaker, there is also a correction that I would like to make with regard to the narrative used to express the People's Campaign, and that is to articulate that it was clearly

pointed out to the Parliamentary Joint Select Committee that their concerns were with the privatisation of the airport and not the redevelopment of the airport, Mr. Speaker.

We were most appreciative of the comprehensive presentation that the People's Campaign made and the great work they did in obtaining information via a PATI request to the Canadian Government. In addition, Mr. Speaker, I will share with you the legal opinion that the People's Campaign shared with us, obtained from their QC.

Mr. Speaker, my apologies as we establish [and] clearly define that their concern was with the privatisation of the Bermuda airport.

Mr. Speaker, in addition to the document shared by the People's Campaign with the Parliamentary Joint Select Committee, I respectfully submit that my fellow Committee members may choose to table the correspondence, some correspondence or resource material listed during their debates. Those would be the persons who were part of the Committee—in this House, MP Tinee Furbert, MP Neville Tyrrell, MP Scott Simmons, and MP Ben Smith. In another place, Madam President Ms. Joan Dillas-Wright and Senator Marcus Jones. And we also had persons that served on the Committee for abbreviated periods. MP Michael Scott, the Honourable Member, former Senator Robyn Swan and former Senator Andrew Simmons, Mr. Speaker.

Mr. Speaker, there was a setback that the Committee could not restart until the Senate reconvened. Initially, it had been brought to our attention first by letter and also through the media, Mr. Speaker, that the Committee had not been ratified in the Senate, and that was rightfully so. It proved problematic. It was challenged publicly as well by a sitting Member of the Legislature, Mr. Speaker. And this matter caused us a bit of concern because the matter, in our respectful opinion, should have been dealt with clearly as a matter for this particular House.

And this is in our report, but in my submission, we had an Honourable Member in breach of our own rules, Mr. Speaker. An Honourable Member opted to use the mechanisms of this House of Assembly to express their concerns about the composition of the Committee and the suitability of fellow Members of the Legislature to sit on the Committee, but chose to do so outside of this very House by engaging a lawyer to do so.

I take great umbrage to that procedure, Mr. Speaker. I think it was grave disrespect to this Honourable House, to Members of this Honourable House, and I respectfully submit that in some ways it brought this House into disrepute because that precedent that was set by that Honourable Member, former Premier, set the tone for what took place in this Committee, Mr. Speaker.

Mr. Speaker, there are mechanisms available to Members of this Honourable House, methods

through the Rules and Privilege Committee, for example, to address the concerns that a Member may have with what is taking place. Even if it involves—and in this case it involved you, Mr. Speaker, it involved your Committee of which I was the chairman. Because of the actions that Honourable Member took, it is my submission, Mr. Speaker, that the proceedings were brought into disrepute. And I am saddened that the Honourable Member would wilfully participate in a way that would obstruct the work of your Committee.

I respectfully would like for you, Mr. Speaker, to consider this as a formal complaint from me, the chairman, as a matter of consideration by your office and/or the Rules and Privileges Committee. It set a dangerous precedent that could be followed in the future. And I would venture to say that it was my duty, not only to act as responsibly as I could, but at this juncture, to point out how detrimental I feel that those actions were.

I said that it set the tone, Mr. Speaker. And I would say that from the outset when this Committee was formed in December of 2017, in a motion, we set about to meet, and it was a very important responsibility, as I look back on that. It was a very . . . it is and always remained a very significant responsibility that we had during this period. And when we found out that we had to restart, we accepted that. But the tone I speak of is the way in which it played itself out in the *Royal Gazette*.

An Hon. Member: Hear, hear!

Mr. Hubert (Kim) E. Swan: When a senior Member of this House, Mr. Speaker, a former leader of this country, who had issue with your Committee, with the composition of your Committee, chose to go to a lawyer outside of this Parliament, it brought me to mind of Dame Lois Browne-Evans. It really did, because I remember, because I came here many times and listened to her and where she could sit in two places in this building. *I wore my wig downstairs, up here I speak on a different matter. I represent ordinary people, and I would hope that the legislation would be something that they can understand in my constituency.*

If I am not paraphrasing correctly, someone get up and give me a point of order. I have heard it! And when those lines in this Honourable House are crossed, I, as also a senior Member of this House, one who watched previous persons that I learned from operate and duty-bound to point out when I feel that a grand injustice has been done to this House, to the workings of your Committee, Mr. Speaker. I take great umbrage.

I feel at the very least, at the very least, an apology is deserving of this House. But more so than that I feel that the Rules and Privileges Committee need to look at this, what it stood for. When you look, Mr. Speaker . . . when the people of Bermuda look at

what transpired by those actions in the initial stages, the tone that was set in the initial stages, when a Member of this House went outside for legal counsel, what happened? What happened after that? The legal counsel joined-up. We hear about “joined-up” things. They joined-up, the same legal counsel represented the Bermuda . . . no, the same counsel represented that Honourable Member I spoke of, represented the Police Commissioner, in correspondence, and the correspondence took to task the Honourable Member Michael Scott in this very House, took to task myself as Member, and by extension insulted you, Mr. Speaker, and this very House.

And not only did that lawyer represent in their private capacity the Honourable Member from this House, as he expressed their problems with the way in which you did your business here, Mr. Speaker, but in later months, and at that time, made it a point of indicating that they represented others who still remain unknown to us to this very day. That cannot be right. We hear talk of conflicts of interest this and, you know, transparency that. But how transparent are those actions, Mr. Speaker?

We noted in our findings that this was a conflict. But I felt it my duty to tell you, Mr. Speaker, that your Committee . . . oh boy, it ran up against it from the very outset. As a consequence, Mr. Speaker, it is noteworthy that the work of your Committee met up with serious delays. In fact, Mr. Speaker, the first nine months of 2018, including the period of time that we had to restart, respectfully, we accepted that, save and except for what was to follow with it. Your Committee was thwarted with legal challenges that, respectfully, threatened to disrupt the composition and obstruct our proceedings. And I felt duty-bound, Mr. Speaker, duty-bound to share this with you, because this Committee, it did work in a bipartisan manner—contrary to what some would argue.

It is not common, sometimes, to have Members that sit on the same benches as the Opposition actually side with the report that was led by a Government Member and the most senior independent Senator. But we did agree. And we had our disagreements; but the first salvo fired toward us allowed us to recognise that we had an awesome responsibility. Let no one underestimate the responsibility when you have to look at matters of national security.

I heard the press talking about transparency and calling up and wondering why they cannot see what our proceedings are doing at certain times. And I understand what their job was. Our responsibility was an awesome task to look at a most serious event. And to my recollection, there are not too many reporters outside of Mr. Ayo Johnson who really delved into this matter. There may be one or two others who delved into this matter. And so, Mr. Speaker, I felt duty-bound to share this with you.

Sadly, Mr. Speaker, when your Committee is confronted with that type of joined-up opposition, we

have to cause this country to look at that situation very, very carefully.

As we looked at a matter of national security, one lawyer represented a former Premier of this country, the then Commissioner of Police, who was on duty at that time, and others are named, at that time, in February/March of 2018. And later, Mr. Speaker, when a new Commissioner, a new sheriff came in town towards September/August of that period, it was revealed to us that this same lawyer also represented the Bermuda Police Service! This situation was not lost on us.

Mr. Speaker, in the report, Finding 5.5 on page 41, speaks to Collective Legal Representation. Mr. Speaker, by way of reminder, I read from the report, Mr. Acting Speaker—

[Mr. Rolfe Commissioning, Acting Speaker, in the Chair]

Mr. Hubert (Kim) E. Swan: —the “Parliamentary Joint Select Committee is composed of persons elected and appointed to serve the people of Bermuda. As such, the Committee does not take direction from a private person.”

We represent you, Mr. Acting Speaker. But the course of action that was set out against us was trying to suggest something otherwise. I did not come up in this place between 1983 and 1998 when I became a Member of the Legislature to let someone outside of this Parliament direct traffic for what happens in this Parliament. And I submit, Mr. Acting Speaker, that the former Premier knew that all too well.

Mr. [Acting] Speaker, the context outlined in the report is significant in that it provides an important contrast between two significant protests nine months apart in 2016. Mr. Acting Speaker, when examining the outcomes we found it noteworthy that within the time period between those two different major protests in 2016, we had two different Governors at the helm of this country. Very important. And ultimately the Bermuda Police Service comes under Government House. Although we are the Government, they occupy Government House.

Governor George Fergusson in March 2016, and I refer to page 13 of the report, Mr. [Acting] Speaker, said this about the March event: “But I am clear, the police have a duty to maintain public peace as well as to enforce the Law. These can be two different things, though it is not good [that] they diverge too far [and far] too long. The Law should not be broken. However, it is not always sensible for the police to apply zero tolerance at the time, especially when emotions are running high. There was a risk of violence last week, despite the good efforts of the protest leaders to prevent this, and violence would have had serious consequences for the whole community. Although the police will no doubt be learning lessons [too], in my view the police got [it] right.”

Now, that was in March of 2016, the same year, Mr. Acting Speaker.

And, Mr. Acting Speaker, whilst those comments were being made, those comments did not sit well with the Government of the time, the OBA Government. Their own Attorney General had a different view, accused the Bermuda Police Service, no less, of being missing in action while the Governor was complimenting the Bermuda Police Service in March. The same Government involved in this action were saying [the Bermuda Police Service] were standing back, twiddling their thumbs and doing nothing.

And, Mr. [Acting] Speaker, when you look at the end result, the use of Captor spray on protestors, your Committee directed its attention towards first gaining a fulsome understanding of the decision-making that caused the actions to be necessary to march in on persons that day, notwithstanding the challenges that we face, notwithstanding the fact that we had to rise and report progress around this time, a year ago, mindful—having been in the Legislature many years—that the House was going to close and this Committee could find itself in limbo in the summer recess without a mandate, and then someone come up and want to try to bowl them out and the like. Mindful of the fact that there were persons trying to draw us into a legal battle of which we were not equipped to be able to engage—and should not have to because we are a Joint Select Committee of this House.

Moving along, Mr. [Acting] Speaker—I have got my own time clock going here. Mr. [Acting] Speaker, it was important to highlight that the work of your Committee touched numerous arms of Bermuda's governing structure which are covered by the Bermuda Constitution—the Governor, as Commander in Chief, the Deputy Governor, the Premier of Bermuda, the Deputy Premier, the Attorney General, other Ministers of Government, the Opposition Leader, MPs and Senators, the Police Commissioner, the Deputy Commissioner of Police, rank-and-file police officers, the Bermuda public, and maybe others as well. And it was mentioned that the work of this Committee was challenged from the outset immediately following our appointment in December, the Committee in its zeal convened its first meeting and set about immediately to meet persons connected with the decision-making, Mr. [Acting] Speaker.

Mr. [Acting] Speaker, your Committee set out to get a full understanding of the decision-making which led to the discharge of Captor spray, commonly referred to as pepper spray, on a crowd gathered. In our findings on page 33—[Finding] 4.2, yes, on page 33—the former Commissioner Mr. DeSilva provided us with the files. We went to the Governor. We wrote to the Governor. And in our report we thanked Governor Rankin for his cooperation, because while persons were trying to, you know, get us drawn into legal [disputes], Mr. [Acting] Speaker, we referred those to yourself. You were written to first and we allowed you

to deal with that. We wrote to the Governor about who do the police answer to. And on the retirement of Mr. DeSilva, we received some files. Some redacted, like you would see overseas. We did not have full access to all the information, and as [we] would later find out, some files not there, [files] that we would later get sight of, Mr. [Acting] Speaker.

Mr. [Acting] Speaker, when we speak about the Captor, Finding 4.2: Body Cameras and Instructions to Use Captor Spray, and my colleagues will speak more comprehensively on that. But our finding in looking at the camcorders on officers revealed clearly that an order was given to discharge Captor spray. And it was [like] a case of that song—the Honourable Member, Mr. Dunkley, got up and sang [one] last week—but there is a song for every occasion and I wanted to [refer to the saying] *do you believe what you see—what you hear? Or my lying eyes?*

Well, I saw it! We saw the video. We heard the command. And you know what? It took us back to what we did at first. At first, we went through Mr. Chris Shead's report, line by line, the same way you go through the budget here. And we recalled that during that report, of which he had full sight and the ability to interview everyone, unlike us, a House Committee . . . we are supposed to make the laws, but we did not have all access to that. No! And the person that once led the company—country, right (well back in the day it was a company), but who led the country once—did not trust this procedure! No! They went outside and got a heavy-hitting lawyer to represent [them].

That report, the National Police Coordination Centre (NPoCC) report stated clearly that officers were confused as to what their command roles were. Some thought they were silver, some thought they were bronze. There was confusion. That goes to the very fact of when we started looking at this and when we started the police complaints report to get clear as to, you know, where the decision-making was coming from. We had to look at what was reviewed. If there was confusion that was outlined by Mr. Shead, and a review from the Authority (of which I was a member of the first one ever in 1998), chooses not to consider those persons and does not really fully take in consideration that there was confusion among officers, it gave us great cause of concern when we were sitting there looking at this cam [recording] and seeing it.

Mr. [Acting] Speaker, can you tell me how much time I have got left?

The Acting Speaker: You have 28 minutes, Member.

Mr. Hubert (Kim) E. Swan: Thank you. I picked up a few minutes.

Mr. [Acting] Speaker, when your Committee officially commenced work on the ratification, the Committee did set out reviewing the NPoCC report and was unable to gain access to persons that we would have liked to just come in and share with us

without having to jump through any hoops, because to a letter it was . . . the *modus operandi* was to challenge the composition of your Committee, Mr. Speaker.

Mr. Speaker—

The Acting Speaker: “Acting Speaker,” Member.

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

Mr. Acting Speaker, what is most concerning when we look at the NPoCC report was the paragraph 3.9 in that report that clearly set out that the lines of communication were significantly blurred.

You know, Mr. [Acting] Speaker, we had occasion to interview former National Security Minister, Mr. Jeff Baron, who revealed his displeasure with being sent on a ceremonial role when the country was confronted with a major national incident. And we had great empathy for his concerns, but he was required to be at Government House in the afternoon when the debriefings took place, Mr. [Acting] Speaker. When we looked at this whole matter, we were gravely concerned about what we characterised on page 26 of our report as the “reversal of the cancellation.”

Mr. Acting Speaker, you see, when we had a chance to speak with former Speaker, Mr. Horton. His regret was that none of this would have happened if the decision at ten o'clock remained. None of this would have happened had the decision of ten o'clock remained. And between 8:00 and 10:00 police stood down. That is a finding that we have. Police stood down, or lower ranked officers were stood down. There is a difference. The wheels in motion continued. And what would the wheels of those motions have been? Any number of calls to the then Speaker, to reverse his position.

And you will hear, Mr. Acting Speaker, all types of explanations or justifications as to why it was necessary to get on with the people's business, but a Government is not a business. A Government is elected to take into consideration its people. And in our context we pointed out, Mr. Acting Speaker, that this was a Government in crisis at that time. It had a razor-thin majority, it had Members who had stepped down from its leadership—Mr. Pettingill and Mr. Crockwell. And this was a trying time for them. And you had persons who had pointed out things through PATI requests to Canada, and the like, that called into question the privatisation situation that took place—called it into question. And there was a moving of heaven and earth to get in to do that.

The former Honourable Member of this House, Mr. Baron, put it this way (and I paraphrase): *I could not see the logic to gain access to a building.* He said, and I paraphrase, *It was just a piece of legislation.* And I think—

[Inaudible interjection and laughter]

Mr. Hubert (Kim) E. Swan: I believe, Mr. Acting Speaker, that was probably the one thing, because he was one of the first persons we had opportunity to speak to. I think it is important, Mr. Acting Speaker, in the time that I have left that I reflect on pages 31 and 131 and 43 of the report. And page 31 and 131 deal with the witness statements that we received from the People's Campaign that also contained witness statements from former Members of this Honourable House, Mr. Acting Speaker. The witness statement of Mr. Kenneth Bascome, page 131, “Therefore, I remained at the Cabinet Office with my colleagues. Throughout the discussion, Police attended the office and suggested options to gain entry onto the grounds. I expressed my concerns with these options . . .”.

Mr. [Acting] Speaker, former Deputy Speaker, Mrs. Suzann Roberts-Holshouser, also provided testimony. It is contained on page 134 of our report, Mr. Acting Speaker. She says, “Other Members of Parliament and I remained in the office discussing what had taken place. Sometime before 1pm, it was discussed whether it was still our intention to attend the House to carry out our civic duty. We decided that we would [still] sit for the session.” (We decided that we would sit for the session.) “A Police Officer attended the offices and discussed possible options available to gain access to the grounds. One of these options was that the Police would clear the gate and we would go in by vehicle. We were told the House would reconvene at 1pm.”

These are testimonies that we did not see in that packet. We had redacted information. But unlike Mr. Shead, we did not have the full run of the House. Somebodies (that is my Alabama background coming out, “somebodies”) had access to all of those documents. Not us! Somebodies went outside of the remit of this House. Somebodies would get up and say in the press all the time, *If you know something, say something! If you know that person, call their name out loud! If you know something, say something!* But you know what? Silence was golden. Thankfully, thankfully we were able to get some insight.

You know, Mr. Acting Speaker, I just want to say that our Committee—your Committee—had some stick-to-it-iveness. And we worked under tremendously difficult circumstances. And we stayed focused on understanding the decision-making because, you know, Mr. Acting Speaker, when a Commission of Inquiry was struck by the same Member who always says, *If you know something, say something*, that Committee in its legal background had upward of a quarter of a million [dollars] at its disposal. So, this little poor country boy, who has gone places far beyond what was probably expected of him when he went to Southampton Glebe . . . you knew one thing growing up in Glebe: That the power of some prayer, is a lot more power than you can ever ask for sometimes. This little Daniel-like Committee, with all but a

slingshot, was going up against [this] joined-up situation that was put in our way. Very difficult.

Mr. Acting Speaker, one of the things that we felt was needed . . . you know, I have always been . . . never forget the time, Mr. Acting Speaker, when I was down there in another place and I was fighting for an issue on behalf of people. And I ran up to a Premier at that time and I was on TV. And I was a little bit, you know, hot under the collar (and I was representing the UBP). I went home and my mother said to me, *You need to go apologise to that Premier.* And I huffed and I puffed, and I huffed and I puffed, but I never forgot what my mother had said. And whilst I sat in this legislature with Charlie Swan one day and a picture was being unveiled, around that time, I went up to Mr. Alex Scott, and I said, *Mr. Scott, Premier Scott, I owe you an apology. My mother told me that I handled a situation wrong.* And it never left me. I was always more respectful after that time. But it never left me.

That is what country folk are like. This little country boy recognises that the . . . you know, I did not come equipped with . . . I am no lawyer standing up here. I am no doctor standing up here. You know, I got a college degree. But persons have done more academically than me. But I think to bring to a proper conclusion this situation, yes, I pushed for furtherance of examination because what we went up against for nine months, Mr. Acting Speaker, from persons who have . . . well, not all. I cannot speak to all. But I knew there were persons there that had enough (as we would say up in White Hill) change to be able to fund their own situation.

This country deserves it. A forensic analysis by persons trained to review and analyse this information. There will be people that might say, *Well, why? If you wanted to, you couldn't do it.* But I wanted people to know what we were up against. And it was wrong. And that is why I had called from the outset that that Honourable Member should go before the Rules and Privileges [Committee], should be held to account to the way in which he carried on and showed this House total disrespect, Mr. Acting Speaker.

If it is not rectified, he is giving licence to precedence for it to take place again and again.

And as the late Dame Lois [Browne-Evans] used to say . . . my cousin Stanley Morton used to give speeches and spoke from the heart and represented the heart and soul of his community. Dame Lois, who was the most accomplished lawyer in the Commonwealth, could still carry the heart and soul of persons. It should not be about the means to be able to get that type of financial representation when it comes to this House.

If I sound a little bit fired up, it is because I am.

Mr. Acting Speaker, in the 19 minutes that I . . . is it 19, or it is 10?

The Acting Speaker: By the Speaker's clock, you have 11 minutes and 22 seconds.

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

Front line officers and front line protesters were the focal point of this tragic day. Front line officers. Let me declare my interests. I am the son of a front line officer, deceased, worked 30-plus years as a constable in this Bermuda Police Service. I grew up in a police home. I respect police officers. One of my mentors died today, a police chief inspector, may he rest in peace, Mr. James.

Officers take instructions. And when Mr. Shead writes in [Finding 5.1, section] 3.9 [of the National Police Coordination Centre Report], that Platinum Command should not become the *de facto* command, and wrote at great length to point out a serious problem, persons need to start asking themselves, *What was really going on?*

And in [section] 3.9 he says, in his review of the officers, "platinum" was referenced numerous times. But Honourable Members . . . *Oh, my boy, if you know something, say nothing!*

[Laughter]

Mr. Hubert (Kim) E. Swan: I got some ace boys that [say], no man, fess up to nothing. You have to be like Thomas in the Bible, you have to show me that ruin in your side; show me where the spur when in. But, you know what? Thankfully, for former Member, Kenneth Bascome's testimony, thankfully, for former Deputy Speaker, Mrs. Robert-Holshouser's testimony, we got a glimpse of what the spur was really aimed at.

And let me say this: The Honourable Speaker at that time made a comment. Because when the decision that the House would meet was reversed, he said that if the House reconvened he would not take his seat. So, the person with the statement that we saw was prepared to go into the House and take the seat.

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

Mr. Hubert (Kim) E. Swan: Mr. Speaker, we had a situation occur during our deliberations where . . . we operate on the precedents which are accustomed to this House. And I take my instructions from the Honourable Speaker whose committee we represent. We had members who, when we summoned [them], finally came before the committee. But the rules of this House were that, as we summoned, we would see persons. And we had persons who wanted to do otherwise. They wanted to bring their lawyer, or they wanted to come with others. But, Mr. Speaker, they do not make the rules for your House. We are operating within the framework of your House, Mr. Speaker. And, having spent nine months of that time navigating through obstacles, obstruction, not knowing who is

being represented by whom, Mr. Speaker, I felt duty-bound, and I feel duty-bound, to stress to you on this day our displeasure with that.

Mr. Speaker, as I wrap up, I shared with you the witness statement of the Members [Roberts]-Holshouser and Bascome. I want to thank the staff here at the House of Assembly for the service that they provided. On page 19 of the report, in Finding 3.4, the House of Assembly staff did meet and submit to the committee that they were approached about gaining access to the House during those circumstances, being transported past protestors. And it must be stated that the House of Assembly staff “refused these offers and, as a result, it was not possible to convene Parliament on that day.”

So, when you drill down on the decision-making we must really and truly hold to account those who were not that willing to allow this country to fully appreciate what took place behind the scenes on that day to cause front line officers to be put in harm’s way, and the general public, who had experienced a far different circumstance some eight months prior.

And I made note in my opening context of the political climate in this country. And when you realise that in 2016 Bermuda had three commanders in chief, imagine the CEO of any company having three CEOs in one year. In March of 2016, you had Mr. George Fergusson on the tail end of his tenure. Measured . . . *Oh no, I am sure, not on my watch. We are going to err on the side of caution.* I am just paraphrasing; I am not reading anything here. I am just looking at the circumstances.

And then you had the Government in all that it was going through at that time, arms folded, with their legal representatives, questioning the very police that we relied on. You were there twiddling your thumbs. What did you do?

Mr. Fergusson retires, and his deputy, as is always the case in that three-year rollover, is the Commander in Chief; but, oh, what a short window. And during that time period another tumultuous episode is taking place. And on that day, that Acting Governor took a different approach from Mr. George Fergusson. That Acting Governor made a call. And, as was revealed in communications that we wrote, to relay information from the Commissioner to the Speaker.

Now, if I am getting messages from all types of folks on this and, all of a sudden, the Commander in Chief calls me to tell me something, that, Mr. Speaker . . . Mr. Acting Speaker . . . Mr. Speaker . . . I in no way want to disrespect you, Mr. Speaker. You have had enough to endure.

On that, Mr. Speaker, I believe your hand up means I have one minute, or—

Mr. Hubert (Kim) E. Swan: —or a sign that I do not want to see—

The Speaker: You have half a minute.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, thank you for allowing me to serve. And I thank my colleagues and those associated with the staff for their assistance. That is my time. Thank you, Mr. Speaker.

The Speaker: Nineteen seconds left.

Thank you, Mr. Swan.

I now recognise the Honourable Member from constituency 7. Honourable Member Richards, you have the floor.

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker. How much time do I have?

As the first speaker on the Opposition, you have 60 minutes, just like the last speaker did.

Mr. Sylvan D. Richards, Jr.: Okay.

Mr. Speaker, with you indulgence, I am not going to need that much time. I would like to use 30 minutes of my time and then yield the remaining 30 minutes to the Member, Michael Dunkley.

The Speaker: Well, well—

[Inaudible interjections]

The Speaker: Ah, ah, ah, ah, ah. Wait a minute. Wait a minute. Wait a minute. Wait a minute now.

[Inaudible interjections]

The Speaker: Wait a minute. Wait a minute.

Just for clarity, just for clarity, the Opposition, the Deputy Opposition Leader is acting because the Opposition Leader is not here, consulted with me earlier and asked could we allow the Member who led off to share half of his time with someone else. She did not indicate who, necessarily, but that she would like to share it off.

I consulted and said I did not have a problem with it, if it was being sought for upfront. And it has been sought for upfront. So you only use 30 minutes and we will share your other 30 minutes. Okay?

I am going to reset this clock to 30 minutes.

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

The Speaker: We will take your point of order.

POINT OF ORDER

Hon. E. David Burt: Far be it from me to question the decision of the Chair, but could I please be advised under what Standing Order . . . on minutes ending. The Standing Orders are relatively clear on speaking times and speaking restrictions for Members. And I guess I am worried about setting a precedent that

Members can start transferring their minutes at any point in time during any debate, as one will be set at this point in time.

SPEAKER'S RULING

[*Standing Order 19 (14)(1)*]

The Speaker: There were some conversations that took place, Mr. Premier. And the Speaker took a ruling on how he would handle this one. Okay? It is not precedent-setting; it was a request that was asked directly. Okay?

Hon. E. David Burt: Mr. Speaker, if I may.

The Speaker: Yes.

Hon. E. David Burt: Just a question, I am just asking under which Standing Order was the ruling made, Mr. Speaker.

The Speaker: It is under the Order of the response . . . I am not going to get into pulling up the order right now, but the request was made to me. And as I have been lenient in other situations, I prefer to be lenient in this one, just . . . not as precedent-setting, but as lenience on this one. Okay?

Mr. Sylvan D. Richards, Jr.: Thank you for your indulgence, Mr. Speaker.

Mr. Speaker, we are here to talk about the events of December 2nd, 2016, that most people in the community are aware of, or have heard about. Some of us experienced the events of that day. But before I speak about December 2nd, 2016, Mr. Speaker, I would like to reflect on some history. And I am going to go back to 1977. This is relevant because it ties into what happened in 2016.

So, back in 1977, Mr. Speaker, I was a young man of 18. And this was around the time when the trials of Larry Tacklyn and Buck Burrows had already occurred. They had been sentenced to be hanged. And as an 18-year-old young man, I got caught up in the events surrounding that time.

I clearly remember on the evening before the executions took place, there were protests going on. There were activities at this very Honourable House, Mr. Speaker, where lawyers were pleading for the lives of those two gentlemen. I remember being on the corner of Victoria and King Street, up on the hill, right adjacent to where the Salvation Army treatment centre is, and I guess the word came down that the executions had been carried out. And Bermuda exploded.

One of my most vivid memories stays with me to this day. I was standing on that hill at the corner of Victoria and King Street, watching clashes going on between the police and protesters at the intersection of Victoria and Court Street. And I just happened to be standing beside a gentleman, a very distinguished,

older gentleman, and we were both watching events unfold before our eyes. I, as an 18-year-old young man, and the gentleman standing beside me was probably in his late 40s at the time. But I recognised him because I had seen him on TV. I had seen his face in the papers. I knew he was someone of importance. That gentleman was Ottiwell Simmons.

And as we stood silently, watching Bermuda burn, I said to him, *Is there anything that you can do?*

He looked at me and he said, *No son, there is nothing that I can do.*

That stayed with me.

And during that very traumatic time in Bermuda's history . . . because I was far too young to participate in the riots that occurred in 1968, I do remember them, but 1977 was my coming of age in a way. Bermuda, to me, lost something on that day. I felt then as I do now, Mr. Speaker. That that protest was, what I call, a righteous protest. It was a righteous protest because people were protesting the lives of two young men. They had been tried, they had been convicted, they were sentenced. And their sentence was carried out.

But to see Bermuda burn, and to see the things that I saw, which I have not spoken about to this day . . . I witnessed some very traumatic scenes during that time on Court Street. People's lives were changed forever because of what happened in 1977. So let's move forward to the December 2nd, 2016, protest.

Now, I have to say, Mr. Speaker, that I woke up on December 2nd, 2016, with a great sense of foreboding. I do not know why. But I just felt within me that that day was not going to be a normal day. I got up early. I got dressed to come to the House of Assembly, as we do every Friday, to do the people's work in this place. I got here in the morning. It was probably about 6:45 am, maybe 7:00 am, and I walked into this building unimpeded. There were no protesters in front of the gates. I walked in, entered the building and I was the only Member of Parliament in this place for the entire day on December 2nd, 2016.

The only other individual in the building with me was former Speaker, Honourable Randy Horton. It was a very surreal day to be in this place and to watch what unfolded over the course of the next few hours. So after having a brief chat with Speaker Horton, I went outside on the terrace and I watched the crowd build from a handful of protesters, then more began to arrive (this was at the main gate where the electric gate is). The south entrance had no people there. Over the course of the day, I saw events escalate to a point where it felt like 1977. Not as extreme, not as violent, but I got that same feeling like I had in 1977 where I felt Bermuda was coming apart at the seams.

So, I was standing on the balcony and I will say (and I believe this to my core) that every person in Bermuda is entitled to lawfully protest and express their views. That is a democracy. There is nothing

wrong with protesting, if you feel you have been aggrieved, and we have freedom of expression, as long as it is not inciting violence. So, that is a fact. I believe that. I embrace that wholeheartedly.

But, Mr. Speaker, what I saw . . . and this is where I get confused. You know, you have a Joint Select Committee that looked into the events of that day. Why did people get pepper-sprayed? Why did the police try and clear the gate with a “Bubble?” Why were emotions so high? Why were Bermudians fighting other Bermudians? There is one thing that sticks in my mind, Mr. Speaker—one thing. And nobody has answered this question for me. I am going to read something out. This is from the Police Complaints Authority Report dated August 10, 2017.

It says, on page 3, “The Law states that persons who block or cause to be blocked access to the House of Assembly commit an unlawful act—sections 12 and 13 of the Parliament Act 1957 and Section 20 of the Summary Offences Act.”

I am going to read that again: “The Law states that persons who block or cause to be blocked access to the House of Assembly commit an unlawful act—sections 12 and 13 of the Parliament Act 1957 and Section 20 of the Summary Offences Act.”

So, I am on the balcony and I am watching a crowd of protesters, peaceful at that time, build up. And then I see my fellow MPs in the crowd—walking around amongst the crowd, talking to people in the crowd. Okay. No issue. But, as time went on, I was standing on that balcony, I was hungry, I hadn’t had anything to eat. And it was getting up near lunchtime, and I saw the crowd getting agitated. And I saw that people were getting worked up. By [that time], there was a crowd at the south entrance to Parliament across from the Cabinet building. So I was standing on the balcony and I was looking at both. And I could tell that the temperature was rising.

Getting back to my point, Mr. Speaker, if you have protestors in front of the main gate of the House of Assembly blocking access, they are breaking the law. That goes without saying. What I struggle with is the MPs of the then Opposition who were in the crowd who were linking arms with the crowd, who are law makers breaking the law. Nobody has explained that to me.

How do you go from being law maker to law breaker?

And I hope, Mr. Speaker, that when Members from that side take to their feet they answer that question for me, because it has not been addressed in the Joint Select Committee report, it has not been addressed in any of the reports that I have seen in the press. Now, I saw a video of the crowd. I have spoken to people who were in the crowd. And there were Members of the Opposition, duly elected Members of Parliament, who were in that crowd. They were in that crowd, and they were breaking the law.

So that is where I struggle, Mr. Speaker, because that is the fundamental issue for me. There were a lot of mistakes made that day, Mr. Speaker. I saw them happen right in front of my eyes. There is enough blame to go around. If the police give an order to use Captor spray . . . who gave the order to use Captor spray? Did anyone give the order to use Captor spray?

The main issue, once again . . . and I do not have an issue with the civilian protesters, Mr. Speaker, because they were doing what they felt they had to do. My issue—and I am going to reiterate it until the cows come home . . . and there is laughter over on that side. There is giggling over that side, Mr. Speaker.

[Inaudible interjections]

Mr. Sylvan D. Richards, Jr.: Everything seems to be a joke up in this place.

My view, Mr. Speaker, is that those civilian protesters were manipulated. Those civilian protesters were used as pawns in a political game.

Hon. Michael J. Scott: Okay. Mr. Speaker, Mr. Speaker, a point of order.

The Speaker: We will take your point of order.

POINT OF ORDER

[Imputing improper motives]

Hon. Michael J. Scott: Not only is the Honourable Mr. Richards imputing improper motives, and he began doing so when he, in his speech, has introduced facts which are *nowhere in this report*, that Members of Parliament broke the law. That is the first point [and] he must stop it. That is an imputing of a lie, based on his opinion. It must not happen in this important debate. And anything else that he begins to say that represents his speculation must not be allowed as it breaches the rules of this House of imputing. I will not have it!

The Speaker: Thank you, Member.

Mr. Sylvan D. Richards, Jr.: Mr. Speaker, I know what I saw with my own eyes. There is a song that says, *Don’t believe your lying eyes*. But I know what I saw, Mr. Speaker. So, for that Honourable Member, my dear cousin, to take to his feet and say that I am lying—

An Hon. Member: You are.

Mr. Sylvan D. Richards, Jr.: —or I am imputing improper motive, I am not going to stand for it, because I know what I saw, Honourable Member. I know exactly what I saw. And there is videotape.

The Speaker: Just speak to the facts of what you saw and you will be okay. Do not put your opinion in it, just speak to the facts.

Mr. Sylvan D. Richards, Jr.: I know what I saw, Mr. Speaker, so I stand by my comments. I will not back down by intimidation. I know what I saw, Mr. Speaker. The truth is an offence—

Hon. Michael J. Scott: Mr. Speaker, Mr. Speaker, Mr. Speaker, point of order.

The Speaker: Ah, ah, ah! We will take the—

POINT OF ORDER

Hon. Michael J. Scott: Mr. Speaker, you will know that you and I went to the police station that day and we heard on the radio—this is a point of order—that very trope that Mr. Sylvan Richards is now saying, that the PLP was urging this protest.

Now, we went and spoke with Commissioner DeSilva. So, I do not want to hear the imputing of that trope from this Honourable Member! I do not care whether he had it as an opinion, based on his eyes or not! It is wrong to impute that motive to any Member of the PLP who were amongst the crowd that day. Wrong! And it imputes and it is telling a lie to the public.

The Speaker: Okay. Mr. Scott, Mr. Scott! Member! You have made your point. I said to the Member to be factual what he saw and not to stretch his opinion too far. I did not hear him name the PLP thus far in his comment.

[Inaudible interjections]

The Speaker: He said he saw Opposition Members in the crowd. He did not say . . . I was listening when he said that the crowds were being used as . . . when they were manipulated. I was waiting for him to name the party or individuals—

[Inaudible interjection]

The Speaker: Wait a minute! I was waiting for him to name individuals or the party as the manipulators. He stopped there. So, I was waiting for him. There was a line until you all got up. I was making sure he did not cross the line; but you stopped him before he got there.

Hon. Michael J. Scott: Yes, you remember, Mr. Speaker—

The Speaker: I was listening very clearly, waiting for him to step on that line!

Hon. Michael J. Scott: Mr. Speaker, you know that only Opposition Members of Parliament were in the crowd that day.

The Speaker: Go ahead.

Hon. Michael J. Scott: The ruling class were in this House or—

[Inaudible interjections]

Hon. Michael J. Scott: —or otherwise in their ministries.

An Hon. Member: I know where I was that day. I know where I was.

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I think that those Honourable Members *protest* too much.

[Laughter]

The Speaker: Just, just, just speak to the Chair.

Mr. Sylvan D. Richards, Jr.: So, Mr. Speaker, it was a very sad, sad day for me. It was a day where I had a lot of time to reflect because I was in this place by myself. The Speaker at that time had his hands full, and we have all heard about the calls that were made, and at first, we were not going to sit, then the decision was made to sit. Like I said, Mr. Speaker, there were plenty of decisions made that day that, looking in hindsight, I am sure people would have made different decisions. But it is kind of like it is a fog.

You know, when you are in war, you hear veterans speak about the *fog of war*. They are on the ground; orders are being cast back and forth. There is a lot going on and a lot of bad things can happen. And what I saw that day, Mr. Speaker . . . I had tears in my eyes because we are one people. We are connected by blood, we are connected by our social activities, we are connected in our places of employment, we are connected because some of these folks we went to school with, we grew up with.

[Laughter and inaudible interjections]

Mr. Sylvan D. Richards, Jr.: That's right, Honourable Member, MP Weeks, my brother.

[Inaudible interjections]

Mr. Sylvan D. Richards, Jr.: And Mr. Speaker, when I see Bermudians going at each other the way they were going at each other on December 16th, *[sic]* it broke my heart.

An Hon. Member: December 2nd.

Mr. Sylvan D. Richards, Jr.: December 2nd. Sorry.

It broke my heart. There were police officers in that crowd that I knew. There were protesters, civilians in that crowd that I knew. There were some of my constituents in the crowd that day that I knew. And we have spoken about it since then.

So, Mr. Speaker, I know that this is going to be an emotional, tumultuous debate, but I stand by every word that I have said here this evening, unashamed, and I just pray, Mr. Speaker, that everyone learns the lessons that needed to be learned from December 2nd, 2016. So once again, before I take my seat, I want to reiterate, the law states that persons who block, or cause to be blocked, access to the House of Assembly commit an unlawful act.

We are lawmakers. We were elected to this place to make laws, Mr. Speaker. We are legislators. And I just hope that Members in this place, no matter what side of the political aisle we sit on, that we really reflect on our actions, actions that happened that day. And perhaps in the future if there is ever a time when we as legislators, as Bermudians, are confronted with a similar situation or even a different situation, I hope and pray that cooler heads will prevail. We are one people. We are stronger together than divided. So that is my hope, Mr. Speaker. Thank you.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

We recognise the Honourable Member Minister Simmons. You have the floor.

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

Mr. Speaker, I am not quite old enough to remember the events of 1977. I am not quite old enough to have been impacted the way the Honourable Member who just took his seat said he was. But I am aware of one fact, Mr. Speaker, that if that Honourable Member was serving in Parliament at *that* time, he would have been serving in the Government of the then predecessors of the party in which he serves now. So, let's get it right.

Mr. Sylvan D. Richards, Jr.: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Mr. Sylvan D. Richards, Jr.: Mr. Speaker, that gentleman is making . . . he is making an assumption, Mr. Speaker.

An Hon. Member: You made a whole lot of them!

[Laughter]

Mr. Sylvan D. Richards, Jr.: It is clearly not true, because that Honourable Member does not know my history. That Honourable Member does not know that—

[Inaudible interjections]

Mr. Sylvan D. Richards, Jr.: —I was always Progressive Labour Party up until 2012 when they took the country off the rails. So that gentleman needs to take that back.

[Inaudible interjections]

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

Hon. Jamahl S. Simmons: To paraphrase Shakespeare, Mr. Speaker, *I doth think the lady protests too much.*

[Laughter and general uproar]

Hon. Jamahl S. Simmons: So, Mr. Speaker—

An Hon. Member: You said it!

Mr. Sylvan D. Richards, Jr.: Point of order, Mr. Speaker.

The Speaker: Members! Members! Wait, wait, wait, wait, wait, wait, wait, wait!

Members, as I said earlier, just stick to the facts, and the Member did . . . the Member said . . . made a fact that he supported another organisation before 2012, and I guess we have got to take his word on that if we do not have evidence against that—

[Inaudible interjections]

Hon. Jamahl S. Simmons: Mr. Speaker, I am guided by your wisdom. I am guided by your wisdom—

Mr. Sylvan D. Richards, Jr.: Point of order, Mr. Speaker.

The Speaker: —so I will let the Member continue.

Hon. Jamahl S. Simmons: —I am guided by your wisdom. But what I can say, Mr. Speaker, is—

An Hon. Member: And there is no proof of that!

Mr. Sylvan D. Richards, Jr.: He said I was a lady. I am clearly not a lady.

[Laughter]

Mr. Sylvan D. Richards, Jr.: He said, “That lady protests too much.” I heard that.

The Speaker: No, no, no. I don’t think he . . . he was not implying—

Hon. Jamahl S. Simmons: I was quoting.

Mr. Sylvan D. Richards, Jr.: You can call me anything but a lady!

The Speaker: He was not implying that you are a lady. He just made reference to—

Hon. Jamahl S. Simmons: It was a quote from Shakespeare. You went to Howard University, man. You never heard that?

The Speaker: —Shakespeare.

[Inaudible interjections]

The Speaker: Come on! You speak to me, Mr. Simmons.

[Inaudible interjections]

Hon. Jamahl S. Simmons: Anyway, Mr. Speaker, let’s continue. Let us continue, Mr. Speaker. So, Mr. Speaker—

[Inaudible interjections]

The Speaker: Speak to me.

Hon. Jamahl S. Simmons: I may not have been old enough in 1977 to be impacted the way that Honourable Member was. I may not have been old enough when the BELCO riots occurred, and [its impact] was felt across our country. But I do know who was there—our predecessors in the Progressive Labour Party.

An Hon. Member: Yes.

Hon. Jamahl S. Simmons: Our former leader Honourable L. F. Wade, arrested standing with the people.

An Hon. Member: Yes.

Hon. Jamahl S. Simmons: Dr. Barbara Ball, arrested standing with the people.

Some Hon. Members: Yes, yes.

Hon. Jamahl S. Simmons: This is not a bug of the Progressive Labour Party standing for the people when things are wrong, this is a feature. And so, we stand proudly, Mr. Speaker, with the legacy of those

who fought for what was *right* against that which was *wrong*.

So, Mr. Speaker, when the Honourable Member says he saw us obstructing the gates of Parliament, he . . . well, let’s just put it this way. There were no Members of Parliament obstructed from that side by Members of this side. And I can tell you this, the only time I saw arms being linked was when there was this force walking down the street toward *women and seniors*. We put our bodies between them, Mr. Speaker.

We put—

An Hon. Member: So, you were there!

Hon. Jamahl S. Simmons: Yes, I was. Yes, Mr. Speaker, we were there.

[Inaudible interjections]

[Gavel]

Hon. Jamahl S. Simmons: So, Mr. Speaker—

The Speaker: Members!

Hon. Jamahl S. Simmons: —here is where we go. Here is where we go.

The Speaker: Members, I believe that every Member who gets on his feet tonight has something to contribute that they want everyone to hear, particularly those in the listening audience. And if we make too much noise, the listening audience will not be able to hear other than a lot of heckling and the to-and-fro. I am sure the Member on his feet would like to be heard clearly by those who are listening. So, if you can give him the courtesy, I am sure he will give you the courtesy when your turn comes.

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

Mr. Speaker, that day . . . we have seen an attempt to place it at the feet of the Progressive Labour Party. We have seen an attempt to, in my opinion, distract from the factors that led us to this point which were alluded to in this report.

Mr. Speaker, I would like to begin by first thanking the People’s Campaign and brother Chris Furbert and our partners and brothers in labour and the Bermuda Industrial Union, because it was they who exposed (my words) the shenanigans occurring with the airport contract. They were the ones who exposed the email where there was talk of “fuzzifying up” numbers.

[Inaudible interjections]

Hon. Jamahl S. Simmons: They were the ones who were taken to court over exposing the truth about

what was really going on with this contract that was never tendered, Mr. Speaker.

Mr. Speaker, you had at that time a One Bermuda Alliance Government elected by the slimmest of margins, a Government that without the artificial inflation of their numbers through the acquisition of a Speaker from the Progressive Labour Party side would have been in on even more razor's edge. It was clear that the intent of the people was for there to be a form of balance while giving them an opportunity to govern. In that environment, in that set of circumstances, you govern a little differently than if you have a supermajority. You should move a little differently than if you had a supermajority.

Mr. Speaker, on their watch with their artificially inflated majority, the One Bermuda Alliance had a protest in their second month in office after the promise of not getting rid of term limits was broken. That was the first protest, Mr. Speaker. After that, there were a total of 26 protests that occurred, an average of one per quarter in their tenure under their watch. Now the Honourable Member who just took his seat may disagree with me, but I know that a significant number of people thought these were righteous causes that these people protested about. He may not agree with me that they were justified in the way they felt and the way they operated and the way they moved. But a lot of people disagreed with him.

So, Mr. Speaker, as we move forward looking through, you have to understand, and I think the public understands, and this report alludes to the attitudes and actions of a Government that (in my words) was arrogant, a Government that (in my words) was out of touch, a Government (in my words) that did not understand the bear that they were poking in the people that they had been given a slim opportunity to lead.

So, Mr. Speaker, I am going to quote from a few things which speak to this attitude. I am going to speak of a few references, just because I want to talk about what got us there as alluded to in the report.

Mr. Speaker, you cannot talk about the December 2nd incident without talking about the occupation of Parliament under Pathways to Status months before, an occupation of Parliament that saw them lose a Cabinet Minister, who resigned over the attitudes and the approach of his colleagues. So, in an interview on a certain show that I know very well, Mr. Speaker, and so do many others, the Sherri Simmons Show, he said his resignation was due, in part, to the attitude of the then Attorney General, Trevor Moniz. He then relayed a conversation held with his colleagues during the Pathways to Status protests that saw thousands of Bermudians converge on Parliament.

He said he had expressed concern about the OBA's lack of understanding on the true gravity of the situation. He said that the conversation became heated, during which Moniz expressed his thoughts, which included the opinion that the Bermuda Police Service

should use all of their resources on the protesters. When he objected by reminding his colleagues that his sister, family members and friends were among the thousands, he was told, *It doesn't matter.*

Some Hon. Members: Ah!

Hon. Jamahl S. Simmons: He also stated, Mr. Speaker, and I quote, "We" (speaking of the OBA) "have a methodology of arrogance, . . . Mr. Speaker . . . *my way is the right way*, Mr. Speaker." He said. "And that is why we have had all the protests that we have seen in the past three years . . ." this has "been unprecedented in number, not just the frequency of them, but the amount of individuals that were protesting, because of the methodology and the disconnect."

The late Honourable former Member of this Chamber, Mr. Crockwell, spoke of the indifference of a double homicide, saying in the *Royal Gazette* July 23rd, 2017 [quoting from the [Official Hansard Report](#) 19 May 2017, page 1816], "'How can we have a double homicide on Saturday' (or whatever day it was, I believe it was a weekend) 'and here we are on a Tuesday night in caucus, and not one person brought it up?' Not one person was concerned about this issue. Not one person was discussing the fact that two young black men lost their lives."

In his words, Mr. Speaker, and I quote him, "That is the problem with the OBA party."

Mr. Speaker, the Honourable Member who just took his seat, spoke of being concerned and spoke of being upset with what happened that day. But I think people have forgotten that he had to apologise to this Chamber for saying that the Honourable Member who sits next to me, the Honourable Whip, Lawrence Scott, deserved to be pepper-sprayed.

[Inaudible interjections]

[Gavel]

Hon. Jamahl S. Simmons: This is the attitude that led us to where we are. This is the mind-set that—

An Hon. Member: Just crying crocodile tears.

Hon. Jamahl S. Simmons: Yes, crying crocodile tears. *Now, you deserved it. You got what you paid for, eh?*

Mr. Speaker, it was an attitude of arrogance that brought us to this point. Mr. Speaker, the report will tell you there was no evidence of a pressing need for the House to sit that day. The report will tell you that things were de-escalating until the decision was made to reopen Parliament after it had been decided it would be shut down. Mr. Speaker, arrogance, a

¹ Mr. Shawn G. Crockwell, [Official Hansard Report](#), 1 July 2016, page 2344

methodology of disconnect, these are the things that got us to where we are.

So, one of the things I think that is really fascinating, Mr. Speaker, is there is a former Premier, a man who has been teased earlier about, *if you know something, say something*, someone who frequently speaks the words “openness, transparency and accountability.” And yet, Mr. Speaker, the story around the day has evolved or been confused from the first time. In the December 6th press conference, it was said that he was not in communication with the police. But yet, this morphed into “not having tactical discussions with the police.”

Mr. Speaker, what is interesting is this: He is not the only person whose story evolved. I speak of the former and then Minister of National Security, Mr. Jeff Baron.

An Hon. Member: Oh!

Hon. Jamahl S. Simmons: He says and I quote from the ²December 5th, 2016 press statement, “As it relates to the operations on Friday, I wish to advise that as Minister I was not consulted, nor informed of tactical options discussed and decided upon by the Bermuda Police Service or anyone else on Friday.”

But on December in the *Official Hansard Report*, it says later on the following December 16th, [*sic*] “³The Member, Mr. Speaker, is misleading the House. At no point did I ever say that I did not . . . that I was not aware of the police operation at all. Completely misleading.”

So, who am I to lie? Whom am I to believe? Whom am I to believe, Mr. Speaker?

The report found that the Honourable Member Trevor Moniz was not completely forthcoming with the Joint Select Committee. And I quote from page 28 of the Joint Select Committee report, “Acting Governor Mrs. Ferson recalled that she had received a telephone call from former Attorney General Mr. Moniz in the morning in question. The purpose of the call was to alert her to the difficulties in accessing the House of Assembly.

“This is in direct contrast with Mr. Moniz’s testimony in response to a specific question he was asked about contact during his interview.”

As I said, that is from the Joint Select Committee report, page 28.

Mr. Speaker, the man who preached about openness, honesty, transparency and accountability, in my opinion, attempted to prevent, obstruct, confuse and delay the work of the Joint Select Committee. He ran to the press.

Now, Mr. Speaker, I will tell you it is a joke in my household about the most dangerous place in the

world as being between Michael Dunkley, the Honourable Member, and a camera. You don’t want to get between him and the press. You might get hurt. But Mr. Speaker—

The Speaker: Just keep it factual. Keep it factual.

Hon. Jamahl S. Simmons: —what is clear . . . well—

[*Laughter*]

Hon. Jamahl S. Simmons: Well, I do not want to test that one, Mr. Speaker. I like my life.

But, Mr. Speaker, after hiring the same lawyer held by the police and held by the Complaints Authority, the lawyer used for everything, the Jack of all trades, he went to the press and attacked the composition of the Committee. Now, I will recall, Mr. Speaker, and this is what I really found particularly interesting, the hypocrisy surrounding these protestations is that this was the same former Premier who appointed a Commission of Inquiry where he put the former leader of his party in charge of it while overseeing what was supposed to be an objective exercise. But I digress.

Mr. Speaker, when you look at the circumstances surrounding that day, when you look at Members slipping into Parliament before the sunrise . . . Mr. Speaker, the Honourable Whip and I were standing in the crowd and a police officer came to us and said, *Look, we are going in. You guys, we are going to get in the paddy wagon and we are going in.*

And I said, *Are you crazy? Are you insane? You are crazy! No sir, not interested.*

So, Mr. Speaker, at one point there were serious considerations about loading Members of Parliament into a paddy wagon, breaking through the crowd and getting in here. And the first thought, I said, *Well, after you break into that crowd, you all are going to be trapped in there.* (Not Cecille and Lionel’s bye, okay?)

I spoke to a few OBA MPs who said, *Yeah, the paddy wagon was loaded up.* One MP who testified before this Joint Select Committee said, *You won’t get me in there; I ain’t stupid.* So, this showed the level . . . and the question is when the report references the fact that there was no urgency around this Bill, there was no urgency surrounding the . . . why this desperation, why this risk, why all of this to break through protesting people? And that answer still has not been given. It still has not been reached, and not for the efforts of the Honourable Member and the colleagues, but, as he says, and as the report alludes to, their efforts were stymied. And Members after me will speak to some of the things that occurred that stymied what they were trying to accomplish.

So, Mr. Speaker, I will not take much more of the time that I have remaining. But I just want to say this: Those who do not learn from the past are doomed to repeat it. Mr. Speaker, one of the things

² [Bernews](#), 5 December 2016

³ Mr. Jeff Baron, [Official Hansard Report](#), 1 December 2017, page 777

that our colleagues, and we talked about in the aftermath of this, [asked] is, How do you get to the point where you are prepared to drive a vehicle past your people, try to drive legislation through that the people have protested and said they do not want? How could you cower in offices, scared of your own people, not walking among your people trying to reach understanding, not walking amongst your people trying to get some common ground? How could you be so fearful of the people you say you are just like?

And it is our pledge and we said that day, Mr. Speaker, the day that we are even remotely having the conversation about being loaded into a paddy wagon and running past our people is the day we know that we have truly failed as a Government. 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 4. Honourable Member Furbert, you have the floor.

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

Please bear with me this evening as I try to go through tons of information that was shared with the Parliamentary Joint Select Committee of December 2nd.

I was one of those Members who had the opportunity to sit on this Committee, and I also just want to speak to . . . I am very thankful for the experience that I have had being the chairperson of a professional conduct committee where I have had the opportunity to do investigations and give out sanctions as it relates to professional conduct.

I also would like to thank the other Committee members who were part of this Joint Select Committee. We had many meetings. As you will see in the actual report, we met many times, and it was very draining. But I would like to thank all the Committee members, and all the input that they did share and how we had to come to decisions to try to hear out one another's concerns. I also would just like to thank all those persons who did participate and they came and they shared the truths that *they* knew under oath.

But, Mr. Speaker, we were able to . . . even though it took such a long time for us to get information, because we did not really start to get information [until] toward the end of our meetings because people were not so comfortable with coming forthright, with sharing information. Even though we were asking, people were taking so long to share information with us. By the end we were able to collect three big binders, Mr. Speaker, of information and documents. But what I hope to shed some light on today is just some things that probably are not in this report, but I would like to table some things, Mr. Speaker.

I would like to table correspondence by way of letters that were sent from the Joint Select Committee to the Governor and the Governor's responses. I would like to also table correspondence by way of letters to Superintendent Howard, who was the Gold Commander at the time, and Commissioner Corbishley, and also their responses. I would also like to table the Bermuda Police Captor spray policy. I would also like to table the Bermuda Police Service Silver Commander Order of December 2nd, and I would also like to table a CD of video/audio footage of police cams. Could I bring those to you now, Mr. Speaker?

[Inaudible interjections and laughter]

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

I also would just like to make clear what . . . and I believe our chairperson of the Committee has done that, but I would like to reiterate what our mandate was, and that was to look into the events of December 2nd including the decision-making and any directives of the executive and the then Speaker of the House of Assembly given to the Bermuda Police Service that led up to and precipitated the events on that day. And that is important to note: We were responsible for looking into decision-making factors.

With one of the duties of our committee we had the opportunity through the Parliament Act to summons people. We had the authority to summons people and we would send out letters to get people to come in, to either send in documents, respond to questions that we may have had or come in for an interview.

In the Parliamentary Act it speaks to summoning of witnesses, section 30: "The chairman of a legislative committee may issue a summons under his hand to any person requiring that person to attend as a witness before the legislative committee at a time and place specified in the summons; . . ."

And when someone does not comply with a particular summons, say they refuse to properly and fully answer any questions put to them by a member of the committee, being questions which ⁴"having regard to the foregoing provisions of this Part, he is bound to fully answer" . . . if they do not comply with this, Mr. Speaker, they are committing an offense, [with a] punishment on summary conviction of \$840, which I do not think is enough, quite frankly. But we did experience that, and we did experience that through the Commissioner of Police, Commissioner Corbishley, and Superintendent Howard.

And please forgive me in advance [for] what I am going to share today, because I am in no way "bashing" the police force; but I will be sharing facts. And the public can make their own decision in regard to what I am about to share today.

⁴ Parliamentary Act 1957, section 40(b)(ii)

Parliament had a gentleman come down from the UK. His name was [Stephen] McGuinness. And [Stephen] McGuinness had a conversation [with us] about representation, whether or not people who come before committees can have someone come to represent them. And we spoke in great length and detail, and we were told, *Do not set that precedent*. We had many people come before the Joint Select Committee and they were not represented by someone. And so for Commissioner Corbishley to expect us to allow him to represent Superintendent Howard . . . that would be setting a very bad precedent for us as a Parliamentary Joint Select Committee or persons going forward and allowing that to occur. And so we did not allow that to occur, Mr. Speaker.

I just want to share . . . because we did not have the opportunity to interview Superintendent Howard, but I would like to share some of the information that I tabled today, because many people still have these questions. So we did send some questions and one of the questions was . . . and I am going to answer the questions by way of their response, okay?

One of the questions was, *What was the purpose of the meeting held on December 1, 2016, between Gold Command, the Police Service, and the former Minister of Finance and National Security?* You will read throughout the Report that Minister Richards, at the time, said that there was a meeting that occurred. And Commissioner Corbishley responded to that question, *There was no such meeting that took place*.

The question also asked, *Who else attended the meeting and who else asked for this organised meeting?* Again, *No such meeting took place*.

Question two: *At what point was the Bermuda Police Service Seven-Point Operational Plan slated to be used on the 2nd December 2016 changed to a Three-Point Plan? What precipitated the change, what points were omitted and why, and who decided on the change?* And the answer was, *No such change occurred. The suggestion made to this effect in the Paragraph 3.9 of the Shead review is erroneous*.

Question three: *What additional intelligence made the Bermuda Police Service deviate from the original plan for December 2nd?* The answer to that was, *No such deviation occurred*.

The Parliamentary Joint Select Committee also sent questions to Superintendent Howard on January 27, 2019, and the questions and answers were as follows:

What was your role in the preparations for the December 2, 2016 protests? The response was, *As you know, he was the Gold Commander*. And I am reading because these are the responses that Commissioner Corbishley gave on behalf of Superintendent Howard.

[Question] two: *Did you prepare the operational order that was to be used by the police in anticipation of the protest?* The answer was, *Yes. He did*.

[Question] three: *In the original preparation order there were seven strategic intentions prepared. Did you prepare them? Please state what they were and why?* [The answer]: *Only three of seven were used. Yes, he did. They are set out in the order. See my letter of January 8th*.

Question four: *Were you made aware of a meeting [involving] former Cabinet Ministers E.T. Richards and J. Baron that was held prior to December 2nd regarding the possibility of the protest?* The answer was, *No*.

[Question] five: *If you were aware of the meeting, what information was gathered about that meeting?* (because the answer was 'no') The answer to that was, *Not applicable*.

Question six: *“Did information gathered from the protestors’ meeting earlier that week have [an] impact on the police plan for December 2, 2016?* The answer was, *“I do not understand the reference to the protestors’ meeting, but the question goes to the heart of policing operations and tactics and is therefore not in the public interest for the Bermuda Police Service to respond*.

[Question] seven: *What was your communication with the then-Commissioner in anticipation during the event on December 2nd?* The answer to that was, *This is privileged information and unadvised subject to public interest immunity*.

And you will see as we go on further that most of the answers [were] that most of the information that we were asking for, Mr. Speaker, was *subject to public interest immunity*.

Question eight: *If the Bermuda Police Service was aware of the protest, why were there no media warnings or public information warnings on protests in the Operational Plan prior to December 2nd (i.e., notices of road closures, protest areas awareness of any relevant rules, regulations, or laws)?* And the response was, *This is not a fact-finding question. It is irrelevant to your mandate. It also goes to the issue of police operations and tactics. It is privileged and is subject to public interest immunity*.

I am just going to skip some of these questions, but, *At what time was the order given for the Bermuda Police Service to step down?* And the answer was, *The operational notes in this regard are not currently available to Mr. Howard at the time of writing*.

An Hon. Member: Stonewalling . . .

Mrs. Tinee Furbert: Stonewall, yes.

Question 18: *Were you aware of the existence of Platinum Command? Was this an individual or group of persons? What role did he or she play on December 2, 2016?* [The answer]: *He was not. How-*

ever, I refer to you the evidence of Mr. Paul Wright in which I understand he dealt with this in considerable detail.

Question 23: *Who made the decision to use the "Bubble" tactic on the day and what was its objective?* Answer, *This question goes to the issues to police operations and tactics. It is privileged and it is subject to public interest immunity.*

So, Mr. Speaker, I am just using these examples [to show] how much compliance we were able to get from the Bermuda Police Service, even though they are reporting that they were helpful and compliant.

[This] was not a question [but a request], *In conclusion, the Committee requests that the Commissioner kindly provide old training dates – initial to current – for the five officers who deployed incapacitant spray December 2016. And their answer to this was, In regards to request to the training of the five officers who deployed incapacitant spray, I confirm that they were trained and accredited to use this tactic.*

The Joint Select Committee also tried to gather information through a PATI request and we were denied information based on the law enforcement and health and safety exemptions.

So it was very difficult, Mr. Speaker, to get information from the Bermuda Police Service other than some of the statements that you see in the actual reports, which I will also be speaking to.

I just wanted to state that, even some of the documentation that was provided to us from Former Commissioner Michael DeSilva, was heavily redacted. And you will see in our actual report there is an example of the tactic options in there and how heavily redacted it was.

And we went through the means of asking because we felt, as a Committee, that we should have access to the information that Mr. Shead had received to be able to go through, so that we could see and get a better idea of what was occurring. But the information that was shared with us, which I have tabled, was heavily redacted. And when we asked the Governor to intervene to get the correct information, we had no response.

This report, Mr. Speaker, will go down in history because it is written—whether anyone agrees with it or not. And judgements will be made on those that were there that day because only those that were there that day actually know their truth, Mr. Speaker.

I encourage others to write their own account because there are so many untold stories of that day. And we will probably hear more as the evening goes on, because many people did come forward. They came forward to share their truth, but not to the amount that we thought that people would come forward to give an account of what happened that day.

To me, going through all the information . . . December 2nd was such chaos and confusion. It is like, to me, if I can describe it from a woman's per-

spective, it is like a woman having a baby, right? You go to Lamaze classes and you can prepare all you want for what it is like to have a baby and push your baby out. But nobody actually knows what the process is going to end up being like. And that is what it felt like going through all of this information. Even though there was an Operational Plan there still was so much confusion and chaos, officers not talking to one another, not giving commands. The direction, to me, appeared to be way off. There was such disorder that day, and even though the police had an operational plan, it went terribly wrong.

The public only had one plan and that was to show up and show their discontent for the Airport Bill—because there were rumors out there in regard to there was a plan—and to block the gates. But people showed up. No one could confirm even through our interviews that this Bill was going to be debated that day—a bill that was delayed and delayed. And then, however, the Former Premier Dunkley reports to our Committee that there was no pressing deadline or timelines with this Bill which would have prevented the firm decision of closing the House from that day and again rescheduling to iron out any kinks or misunderstandings.

December 2nd, Mr. Speaker, was about pepper spray. There was a meeting held November 4th with Mr. Chris Furbert and former Commissioner Michael DeSilva. And in this correspondence which I tabled, former Commissioner DeSilva says, *The police have a straightforward mission when protests occur: to keep the peace, to facilitate lawful and peaceful protests, to protect the rights of others not involved in the protest, and to maintain law and order.*

Mr. Speaker, anyone who witnessed what occurred on December 2nd would know that [this] was not "law and order."

With the pepper spray protocol . . . I just want to share because there, as the Police Complaints Authority sets out, each officer was responsible for making their own decision on how they were going to use Captor spray.

In the Captor spray policy of the Bermuda Police Service it states that. . . this is [paragraph] 6.6, "A graduated . . . [appropriate] level of force in response to varying levels of aggression and violence may include use of CAPTOR. The decision to use CAPTOR will be dependent on an officer's assessment of the situation. This will include their own ability to deal with the incident and the threat posed by the subject(s)."

It is essential that an officer's training and skill permits the exercise of maximum control and control over the situation, thus permitting the application of only that level of force appropriate to the situation.

It must be remembered that discharge of incapacitant spray is use of force. The use of force, any form of force, must be judged in relation to the level of resistance or violence for which an officer is subject.

The ability to deal with hostile behavior and to control the subjects during the arrest process. . . .”

Wow, this speaks to one person, and that day—there were many people. But it talks about its training and its use, you know.

Captor will only be issued to those officers who have been trained.

It also speaks to individual officer’s responsibility, which is I guess [paragraph] 8: It is “The ultimate responsibility for using CAPTOR rests with the individual officer, who is answerable ultimately to the law in the courts. Individual officers are accountable and responsible for all their usage of CAPTOR and must be in a position to justify such use in the light of their legal responsibilities and powers.”

And any discharge of Captor, whether intentional or otherwise, must be reported by the officer concerned. The pointing of Captor at any person may constitute an assault, and it also must be reported and recorded.

There has been much discussion, Mr. Speaker, in regard to whether an order was given for the use of pepper spray. And what I know of an “order,” Mr. Speaker, is: It is an authoritative command directing instruction which is followed by fellow people. Somebody gives you a command and you follow through, that is an order. That is a command, correct? And so, you will see in the report . . . I think it is page 44 . . . sorry, [page] 42, there was a video that was presented to us in which the (the gate down here, would that be the South Gate?) Captor spray was deployed. And you will see a police officer saying: *Get out of the way or you will be sprayed! Move! Go forward!*

And when you look at the video footage there is a group of people. They cannot go anywhere, Mr. Speaker. We are telling people to “go forward.” We have police coming into them forward. Where were they supposed to go? It was an unrealistic expectation, but we were telling people to, *Get out of the way or you will be captured, move forward. Go!*—when they had nowhere to go.

It was almost like being in a . . . I would describe it as being in a . . . I do not know if you—

An Hon. Member: Southern border!

Mrs. Tinee Furbert: Southern border or being . . . I would like being in a dancehall and there are so many people and you are trying to get to the bathroom and you cannot get through because it is just so many people [that] you are cramped, you are squashed and nobody knows the direction.

So to give a command, *Move out of the way! Move!* to a group of people was an unrealistic expectation. And so then the command was . . . because the people are not moving . . . because that, to me, was the intent to move the people out of the way. *Get out of the way or you will be sprayed! Move! Go forward!* And then there was a command that said, *Cap-*

tor out! All of them! All of them! And the command is followed in the video by the officers that are there. They pull out their Captor spray and they start to spray.

Mr. Speaker, I am not making this up. I have the video footage if you allow me to play it.

[Inaudible interjection]

Mrs. Tinee Furbert: I have the audio. I have the audio, Mr. Speaker.

The Speaker: The audio?

Mrs. Tinee Furbert: Yes.

The Speaker: You can do the audio because we cannot do the visual here without proper equipment. It is a short piece?

Mrs. Tinee Furbert: It is very. . . yes, it is a couple of seconds.

[The Honourable Member played an audio clip.]

Mrs. Tinee Furbert: So, Mr. Speaker, you can hear and we have the video footage as well where you can see: “Captor now! Captor all of them!” That is a command, Mr. Speaker.

And people . . . and the officers are complying. And if you want to know who it was, Mr. Speaker, it is actually in here in the report. There was a Statement of Witness by a police officer, Ms. Dominique Simons. It is on page 108. She said “I returned to my post, PC MacNab said we need to do something. He walked up to . . . holding the gate and said you are blocking access to the house of assembly you need to move. The lady did not move. PC MacNab said lady you need to move. PC MacNab said lady if you do not move you will be moved. The lady did not move. PC MacNab took hold of . . .” her and pulled her [off] the gate and let her go.

And then further, it says, “PC MacNab then shouted folks, you cannot block access to the house of assembly move or you will be captured. No body blocking the gates moved.”

And I explained this earlier because they could not move, Mr. Speaker. They could not move!

“The crowd continued to push police officers away and block the gate. PC MacNab informed the crowd two (2) more times that if they continued to block the gate, they will be captured however no one followed instructions and the crowd was continuing to become . . . aggressive with the police officers that were attempting to gain access to the house of assembly. PC MacNab deployed his captor.”

“I continued to assess the situation and still felt captor was the best course of action. Despite my feelings I still hesitated to deploy captor. I asked PC

MacNab who trained me in the use of captor if I was authorised in this situation to use captor and he said yes.”

[Pause]

Mrs. Tinee Furbert: Could we have prevented what occurred? Yes, I think we could have.

Pepper spray should never have happened that day. Could we have prevented the pain and trauma of that day? Yes, Mr. Speaker, we could have.

One of our colleagues earlier, Mr. Richards, was, you know, making a comparison between the riots of 1977 and December 2, 2016. And I do not know if you were recently following the protests in Puerto Rico. They are protesting because of social media, social media that their Governor had put out in regard to homophobic references and racism. And so tons of people came out to protest. And these people were also pepper-sprayed, Mr. Speaker.

And then our people come out on December 2nd to show their discontent in regard to an airport Bill, [an airport] everyone uses. Everyone uses the airport, Mr. Speaker. Everybody uses it. And they were also pepper-sprayed. So to make a comparison in regard to what was more valuable than the other, our people, no matter what their issues are, need to be listened to.

I was always taught we must fight violence with nonviolence. We already learned today that the use of Captor spray is use of force—use of force, use of violence. We must love our neighbours and pray for those who prosecute us.

We have to recognise disorder early. There were signs of discontent with that airport way before December 2nd. There were meetings. There were blockades of roads. There were protests. There were requests for more information. And the Government of the day chose not to listen to the people. And we must change minds before we can change laws, Mr. Speaker. And this particular legislation was very important to our people, which is why they came out.

There was a comment made by our Former Premier Dunkley during our interview, which stated: *If he could do anything differently, what would he have done?*

And he said, if he could do anything he would have gone to the gates of the House of Assembly by himself, because he wanted to look his brothers and sisters in the eye, whether they were smiling or mad, because the Bermudian bond that we have . . . we can always work through it.

But on December 2nd, we did not work through. We did not work through, like in March with the immigration protests. We pushed through, and the outcome was pepper spray.

When we have a hurricane, Mr. Speaker, there is an EMO [Emergency Measures Organisation] team that meets and they discuss a plan of what to do when the winds turn out to be a certain speed. And we

even go so far . . . if the wind speeds are so high, what do we do? We shut the bridge. And we tell the people to make sure they have all their emergency supplies.

The plan and preparation for December 2nd fell short. The police had a plan. What happened to that plan? The will of the people . . . the people showed up to show dissent for what was important to them—legislation they were not happy with. And what was missing? We forgot to take heed from the lessons we learned in March of that year, that in order to create an orderly resolution you must come together for a meeting of the minds. And we did not do that, Mr. Speaker, until after the ‘hurricane’, after the disaster of December 2nd.

The Government of the day was so gung-ho about getting into the House of the day to do the business of the people, to pass that Airport Bill . . . because they had the majority to do so, Mr. Speaker. And so the OBA Government of the day pressed and encouraged for a solution to try to get into the House because they felt the blocking of the House was a political scheme of the PLP supporters. However, should PLP supporters not matter to the Government of the day as either a Government or an Opposition? They should. Constantly we are punished for our political affiliations on both sides.

Something that stuck with me from Former Premier Michael Dunkley’s interview was, *Parliament sets the law of the House*. But I would beg to differ because the majority of parliamentarians who support the legislation set the law of the House. Therefore, we may not all agree, but you must give a fair chance to understand and agree or disagree to legislation. And my disagreement should not be held against me for leaders purposefully not providing enough information to change minds.

[Inaudible interjection]

Mrs. Tinee Furbert: Thank you.

The airport Bill eventually was passed by a majority when MPs came to the House really early – like five, six in the morning to pass legislation—

The Speaker: Thank you, Member.

Mrs. Tinee Furbert: I just want to end with this, Mr. Speaker.

The Speaker: We appreciate your contribution.

Mrs. Tinee Furbert: That really is the voting power, Mr. Speaker.

The Speaker: Thank you.

Any other Member wish to speak?

We recognise the Deputy Opposition Leader.

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

[Desk thumping]

Ms. Leah K. Scott: You could wait until I am finished.

An Hon. Member: That was not for you.

Ms. Leah K. Scott: Oh, okay. Just fact checking.

Mr. Speaker, this is not an easy debate to have and at the end of it, nobody is going to be satisfied; because we all see December 2nd through a different lens. It is very emotional and it is not a debate where we will reach a conciliatory point. But, be that as it may, I will share my concerns about the 2nd of December and the report and its findings.

And I guess the thing that sticks out for me is the PCA [Police Complaints Authority] report and in the conclusion . . . and if I may read a bit of it, I am not going to read all of it, but basically it says:

“This was a bad day for Bermuda, the BPS and the protesters, many of whom had only intended to be there to peacefully make known their views. It was bad for Bermuda, as it rekindled memories of darker times.

“It was bad for the BPS as it brought to light many inadequacies in the service that had accumulated over time and which demonstrated a total inability to deal with public order issues as and when they arose.”

As my honourable colleague, Sylvan Richards, said, protests are the democratic right of the people, it is a hallmark of democracy and people should be able to protest. It is a way of allowing them to speak about issues that matter to them and it is a way for them to make people hear them, and freedom of expression is important.

So I note in the report that it is prefaced with Martin Luther King quotes, and Martin Luther King was a great leader. I studied some of the marches that he conducted while looking at this report. And, you know, one of the comments that my colleague, MP Furbert, made was that she believes in nonviolence, and King believed in nonviolence and that is how he conducted his marches.

But I think one of the things that I have noted throughout the report . . . I read the PCA report, and I have heard different Members speak—and the big problem with this protest was that the planning was bad. And one thing that Martin Luther King did before he did any protest was that he went to the people in charge and he planned, he set out what his plan was. Now the march on Selma in 1965 was not successful the first couple of times. But, at the end of the day, he had the protection of the National Guard for the protesters and he also had the cooperation of Lyndon Johnson. When he marched on the mall in Washington [D.C.] and there were 3,000 people who went to that march in the spring of 1968, they sat there for six

weeks and it was completely nonviolent. But before he had that march he went and he organised it and he planned it.

So I think the thing that is—

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. Hubert (Kim) E. Swan: I think the Honourable Member is unintentionally misleading the House.

The march on Selma was met . . . when those protestors marched, locked their arms, marched across the bridge, the dogs were set on them! And the police rode roughshod through them through Selma, Alabama.

The Speaker: Thank you.

Ms. Leah K. Scott: The Member is correct, there were several attempts. But, at the end of the day, on the 25th of March, when they did march, they had the National Guard with them and they had the consent of Lyndon Johnson.

The Member is right. They did make attempts first.

Mr. Hubert (Kim) E. Swan: On the 7th of March.

Ms. Leah K. Scott: And I said on the 25th. I know what Bloody Sunday is and I said on the 25th of March 1965. So I concede your point in the first two instances, but on the 25th of March, when they marched, he had the National Guard with them.

So my point is that there has to be a plan and the plan has to be followed by all of the people who are participating.

The other thing is that Martin Luther King did not incite people to riot. And, you know, the police report says that the law was broken and there was a violation of sections 12 and 13 of the Parliament Act 1957. I understand the frustration. I understand that the people who were protesting wanted and did not feel that they were listened to. But blocking Parliament and breaking the law is not always the way to get the answers that you need.

So my question, I guess, in respect of the report is, If we have the PCA report that came out and we have the National Police Coordination Centre [report] that came out . . . and the police report—the report from the PCA—actually just kind of acknowledges that the police just did not do what they were supposed to do. They were not prepared, they did not have the training, they did not have adequate manpower, they were not prepared for the magnitude of

the protest, and the National Police Coordination Centre report also says the same thing. And they also made some suggestions as to what the police needed to do in the event that something like this happened again.

And my understanding is that the police have actually undertaken to fulfil all of the recommendations in that report, and if they have not been fulfilled, that they are in the process of being fulfilled.

So with the report of the PCA and the report of the National Police Coordination Centre . . . and the PCA report says that there was no one that gave a global command to pepper-spray, but it was an individual decision made by each of the police. So I guess I am just kind of struggling with what this report is trying to achieve in terms of who gave the order to pepper-spray if the police report actually says that there was not a global command, that it was an individual decision.

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

The Speaker: Point of order.

POINT OF ORDER

Mr. Hubert (Kim) E. Swan: The point of order is this: The National Police Report reported that there was mass confusion between officers at the brown and the silver command level. It is included in their report. And when we . . . when the Honourable Member Ms. Furbert and myself, prior, read from the transcript of the camcorder recording when we witnessed—all of the Committee witnessed—the command given by an officer to *Captor now*—that was the order that we saw. And it has been tabled. And I would invite the Member to do as we did, to look at it.

The Speaker: Thank you, Honourable Member.

Ms. Leah K. Scott: Thank you, MP Swan, a fair point. I can only go by what I have read. I have not had access to the information and documentation that you have, so I take the point of clarification and order. So thank you.

So in reading the report, the PCA report said that there were 26 complaints filed. So I have a question, and that is whether people who filed complaints [were] interviewed. And if they were not interviewed, why were they not interviewed?

My understanding is that Jimmy Howard came to be interviewed and he showed up with his Commissioner and he was not interviewed, and I just wondered why he was not interviewed.

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

The Speaker: Yes.

POINT OF INFORMATION

Mr. Hubert (Kim) E. Swan: The Honourable Member may not have been in the House when both myself and the Honourable Member Mrs. Furbert spoke to that and I believe she may have been at the seminar where we had an expert from the Westminster Parliament who gave us clear instructions in this very Chamber as to the precedent-setting that we should not be a party to as it relates to the Parliament interviewing persons. And it is not the remit of the police to tell a House Committee how it should function. That is the problem that happened from the get-go, and it is in this report for the Honourable Member to read.

The Speaker: Thank you.

Ms. Leah K. Scott: Thank you, Member.

The Speaker: Mm-hmm.

Ms. Leah K. Scott: So I guess my overall issue is that the people, well, we were illegally prevented from getting into Parliament. And I understand that there was a senior police there—and I will take a point of clarification if I am wrong—and it was Mark Clarke and he was never interviewed for this report, and I wonder why he was not interviewed.

Mr. Hubert (Kim) E. Swan: I can clear that. I would invite the Member to look at the report, because we would have loved to have interviewed any and every police officer who wanted to come forward, and especially those who were on the front line and there. But there are witness statements that you can refer to that we did not get from the police, I might add.

The Speaker: Thank you.

Mr. Hubert (Kim) E. Swan: We got them from another source.

The Speaker: Thank you.

Ms. Leah K. Scott: Okay. Okay, thank you. I will talk to you afterwards, but you know . . .

The Speaker: Just speak to the Chair.

Ms. Leah K. Scott: So, Mr. Speaker, the report says that December 2nd was a tragic day in Bermuda, and I absolutely agree that it was.

But Mr. Speaker, we have had tragic days since December 2nd and those are tragedies that are affecting the lives of our people and . . . I guess we have spent time, resources, and tax dollars on this report and—

POINT OF ORDER

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

I take great exception to “time we spent, financial resources” . . . in my report I stated that when a Commission of Inquiry was struck to investigate by the OBA Government more than a quarter of a million dollars was attributed to legal fees. This report . . . Members that served on this Committee for almost 50 minutes . . . 50 meetings received zero compensation.

The Speaker: Thank you, thank you, Mr. Swan.

Ms. Leah K. Scott: Mr. Speaker, I am not saying that spending time, resources and money on the report was a bad thing. So I do not know why the Member is getting so exercised about it.

As I said, the goal . . . I am trying to figure out if the ultimate goal, after this report has been produced . . . and is the Committee satisfied that the question that they asked has been answered.

But I guess in addition, Mr. Speaker, my opinion is that the conversations we should be having are how do we address the intense and visible economic disparity that exists in this country now and is getting worse? How do we recreate our value proposition and make ourselves attractive for foreign direct investment? How do we address our immigration challenges? How do we raise business and consumer confidence? How do we reduce the cost of living?

I am not saying that December 2nd was not important. But what I am saying is that there are also other conversations that we need to be having that are relevant to the lives of Bermuda and we need to be working on things that will help us to eradicate poverty and inequality and injustice in our own country.

I thank the Members for the report and what they have put into the report and the time that they spent and for bringing it to this House. However, I would like to leave you with a quote that I recently read which I think is fitting for all of us, and that is:

“We cannot keep on blaming the past leaders about the present circumstances. We need to be mindful that if we do nothing to improve the present circumstances, our children will also blame us in the future.”

“We may all have come in different ships, but we’re in the same boat now.”

[Inaudible interjection]

Ms. Leah K. Scott: Sorry, Gift Guru Mona.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

I recognise the Honourable Member Tyrrell from constituency 26.

Mr. Neville S. Tyrrell: That is correct.

The Speaker: Honourable Member, you have the floor.

Mr. Neville S. Tyrrell: Thank you very much, Mr. Speaker.

Mr. Speaker, I have had two members of the Committee that I was on speak prior, before me, so, therefore, they uncovered a lot of the stuff that is in the report. So I will try my best not to be too repetitious, but there are some things that I may have to repeat for emphasis.

Mr. Speaker, there is a saying *confession is good for the soul*. I will, therefore, confess today that when you first approached me informing me that you had selected me to sit on this Joint Select Committee, I really cannot say I was overjoyed. I had reservations of my ability to offer value to such an important undertaking.

Mr. Speaker, my previous experience nearing anything like the work required of this Committee, had only been on a few minor fact-finding committees during my period of football administration and nothing to date that reached the magnitude of this Joint Select Committee.

Mr. Speaker, not being one to shy away from a challenge I accepted your appointment, but still with some reservations. However, I stand here today, almost two years later, and I am pleased to say, with some bittersweet, thank you for the opportunity, thank you for the faith you showed in my selection and for the experience I gained in doing it. Sitting on this Committee is not something I will ever forget . . . not soon.

Mr. Speaker, repetition is good, as I said, and what I would like to do before I go on is to refer to the terms of reference. I know it has already been spoken about, but I would like to just read, if you do not mind.

The Speaker: Continue.

Mr. Neville S. Tyrrell: Thank you.

The terms of reference require the Parliamentary Joint Select Committee to look into the events of 2nd December 2016 generally, including the decision-making and any directives of the Executive and then Speaker of the House of Assembly given to the Bermuda Police Service that led up to and precipitated the events on that day. These events include the deployment of police in riot gear and the use, by some police, of incapacitant spray on the crowd of citizens assembled in protest.

Mr. Speaker, I think the terms have been laid out and I believe that the Committee stuck to its terms of reference as stated.

Mr. Speaker, my Chair, the Honourable Kim Swan, stated that we . . . well, he said he found working on the Joint Committee a little different in the early

stages. And I certainly felt that way because I saw some political biases starting to show from the early meetings.

Mr. Hubert (Kim) E. Swan: Mm-hmm, I did too.

Mr. Neville S. Tyrrell: However, after a few meetings and as time passed on, we all seemed to put our differences aside and got on with the job at hand which, as I said, was a difficult job.

Mr. Speaker, I will not say from that time on all was peaches and cream, for there were times we did have some strong differences of opinion around the table and it took a lot of discussion to come to some resolution on quite a few of the things. However, I believe with the skill of the Chair, who at this time I wish to publicly thank for being the Chair—thank you, Kim [Swan]—we came to some positions that were agreed on. Hence, the compilation and signing of the final report we are debating today.

Mr. Speaker, the work of the Joint Select Committee was no walk in the park as the events of the day, December 2, 2016, have rightly been described by many as a sad day in the history of Bermuda, an event, I would hope, not to see repeated and I am sure many others [would hope] as well. Therefore, a high level of seriousness had to be applied by your Committee during our inquiry and we had lots of it. There was a lot of intelligent discussion.

Mr. Speaker, while I was trying to put my thoughts together, anticipating this debate—I did not anticipate it today, though—I could not put out of my mind the criticisms of the report that were immediately espoused on the airways and social media. I just could not believe what I was hearing. There were comments such as, *What a waste of time! Rubbish! Throw it in the trash!* and many more remarks that I just found really offensive, but you know, everyone has their opinion. But as much as I support the right to free speech, it is my personal opinion . . . if you have not walked in my shoes, what gives you the right to judge my experience?

Mr. Speaker, I say this especially for those who still have not realised that the composition of your Committee was a bipartisan collection of MPs and Senators that you selected.

Mr. Speaker, as public figures we obviously have to accept that not everyone will agree with our positions so, you know, come what may. However, it is my position—again, my opinion—that criticism should at least be constructive and factual. And I have heard a lot of talk around that people who have not even read the report are saying things about it, when I am saying, *You were not at the protest; you did not read the report. How can you make these statements that you are making?* But, as I said, I tried to hold my tongue as much as I could because I knew I would have my opportunity in this place.

Mr. Speaker, and the reason I raise that, because I say that words really do hurt, and who I am thinking about . . . because our families feel it the most. They are the ones who feel it. I will leave that one right there; I will not take that any further.

Mr. Speaker, there is one misconception, and it has already been spoken about by one of my colleagues that is doing the rounds and he is continually doing the rounds about our inquiry into the events. And, again, you know, it has been said many times on the airways and, again, by those non-named writers on social media, the misconception is [about] how much the chairman and members of the Committee got paid. Well, you just recently . . . and I am glad my Honourable Member Leah Scott, made reference to money, costing . . . Mr. Speaker, you would know best. You know not one penny was paid to any member of this Committee. And I will repeat that—not one penny was paid to any member.

Ms. Leah K. Scott: Point of clarification.

The Speaker: I will allow a point of clarification.

POINT OF CLARIFICATION

Ms. Leah K. Scott: I was not implying that any member received any money . . . not at all.

Mr. Neville S. Tyrrell: I do apologise if I misunderstood you.

Ms. Leah K. Scott: Okay.

Mr. Neville S. Tyrrell: Well, as I said, Mr. Speaker, there are people outside of here who felt, you know, that we had gotten paid. And when they found out in certain ways that we did not get paid, well, some said, *Rightly so . . . tough.* Well, okay. But I would say the members on that Committee served because we wanted to get to the truth. That is really what we wanted to get to, and there are still some truths out there that need to be looked at.

Mr. Speaker, the report gives several examples of a lack of cooperation. In fact, I was tempted to use the word “obstruction,” but I am going to use it any way—a lack of cooperation and obstruction—by persons that we interviewed or we needed to interview. You have heard the classic one where we wanted to interview the Gold Commander. Well, I am not going to repeat because it has already been stated. We were not able to interview the Gold Commander, a person who was on site and who would have probably been able to clear up a lot of the things.

But let me also say it just seemed strange—and no one seems to have mentioned it as yet—but there apparently was a meeting at Government House later the same day, I think, December 2nd, and guess who was not in that meeting? The Gold Commander. I

found that so strange that all the top brass of the then Government went to Government House but did not think—and the Commissioner of Police was also there—

[Inaudible interjection]

Mr. Neville S. Tyrrell: —the Deputy, yes, but not the Gold Commander of the day. Another something that we need to get to.

Mr. Speaker, let me . . . allow me, really, to refer to some findings. And if you do not mind, I am going to read from the report.

The Speaker: Go ahead, continue.

Mr. Neville S. Tyrrell: Thank you.

This one has actually already been referred to, but it enforces my word “obstruction” that I was telling . . . that I mentioned earlier:

“By way of information, the Committee issued summonses to specific Officers who played key roles on 2nd December 2016. The purpose of each summons was to allow the Committee to interview the Officer in question. Unfortunately, the Gold Commander who provided the strategic leadership on 2nd December 2016, did not appear before the Committee, even though he was issued two summonses.”

Mr. Speaker, we did not even know that he was not coming the first time. There was no indication . . . no indication of that, he just did not appear. The second time, as you have heard already, he came with his COP and well, we know that story, he felt, *I speak for the police*. That was Commissioner Corbishley. Again, as an example of the sort of obstruction—

[Inaudible interjection]

Mr. Neville S. Tyrrell: (Yes, but I am not going to say that.) —that was shown to us during that period, Mr. Speaker. Let me just refer back to my notes here just to make sure.

Let me also refer now to one or two of the recommendations. I do not want to go through all of them, but I believe, because I had not heard them from anyone else before, I want to talk to Recommendation 1.1. And the reason I really want to speak to that one is because that was my final comment to the chairman and the Committee on that day. I believe . . . and let me read Recommendation 1.1 and then you will understand, Mr. Speaker:

“In order for these findings to be taken to the proper conclusion, a forensic audit by persons trained in reviewing and analyzing information must be carried out by an entity such as” (well, we said) “the Ombudsman or another relevant agency.”

I will not read the whole thing, but the reason I brought it up is because the members around the table had training in various areas, but we were not

technical experts in evidence gathering and that sort of thing. So I do believe that we may have missed some things that people were saying or had presented to us. And I believe that a person with that technical ability would be able to go through this report and come up with things that we were not able to come up with. So that is the reason why that recommendation certainly has come up and I certainly feel very, very strongly about it.

Mr. Speaker, I am going to take one or two more recommendations. In fact, I will take Recommendation 2.3, again, allow me to read [it].

The Speaker: Go ahead, sir.

Mr. Neville S. Tyrrell: “In any circumstances, but particularly those similar to the events encountered on 2nd December 2016, the Bermuda Police Service must ensure that threat/risk levels are properly assessed, and communicated to the relevant persons, before taking action.” (*Before taking action*.) “Such assessment would avoid reactionary actions.”

Mr. Speaker, that speaks to that . . . it appeared that the BPS were just all over the place that day. They had not a clue as to what they were doing, they were just *reacting* and obviously changing the strategies on the spot, which sometimes, I guess, you have to do, but it certainly showed a lack of togetherness of what, basically, they were doing that day.

Mr. Speaker, I am just going to wind up with one more because, as I said, I think people are getting the gist of the report and I certainly recommend that they actually read it in its entirety. And the final recommendation I think I will speak to is Recommendation 4.1:

“In addition to the Ministerial Code of Conduct, a code of conduct should be developed for all Parliamentarians (i.e. ALL members of the Legislature) which includes how they are expected to conduct themselves during protests.”

In that way we will not get the sort of comment that the Honourable Sylvan Richards made, basically, accusing people of doing things that they should not have done, and they were not doing them.

So Mr. Speaker, I certainly stand by the report. It was a difficult exercise. It is really not an exercise that I hope I ever have to do again. I hope we have learned some lessons. I hope everyone has learned some lessons in terms of the day itself. But, as I said, it is a sad day that took place and I just do not know the words to describe it other than I just hope we have learned some lessons.

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 10, Honourable Member Dunkley.

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

I thank Honourable Members who so far have participated in this debate. I hope that everyone who wishes to say something contributes tonight in this important debate.

But Mr. Speaker, as we know—

The Speaker: And just for the record, those 30 minutes that were passed on from your first speaker have been passed on to yourself, I understand.

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

The Speaker: Thank you.

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

As we know, on December 1st 2017, this House approved the motion which we debate tonight. And here we are now 20 months later.

Mr. Speaker, I have no intention of discussing the length of time it took to compile the report, because I think that is a side show to the most important subject of what is in the report and any recommendations that come out of the report.

Mr. Speaker, as I start my comments I think it is important that I repeat, again, that the powers of the Joint Select Committee under the Parliament Act 1957 are quite significant and can be found mainly in Part IV of the Act, which head is “Evidence Before Legislative Committees.” They include powers such as Honourable Members have referred to tonight of summoning witnesses, evidence under oath, privilege of a witness, Mr. Speaker, which I guess is similar to a court, restrictions on disclosure of official matters, refusal to answer where a document or a reply is of an irrelevant or private nature, evidence excluded from the proceedings, retention of documents, and any offenses that might be attached.

Simply put, in my words, Mr. Speaker, the powers of the Joint Select Committee are very similar to a court, and so they must always be treated with the utmost of respect in the deliberations and the information that it might request, Mr. Speaker.

I testified before the Joint Select Committee on December 4, 2018. I was always willing to testify, Mr. Speaker, to the properly constituted Joint Select Committee, but I was not willing to provide a statement of account. And let me give an explanation to that. Because from what my understanding is, Mr. Speaker, a statement of account was something that you had kept track of over time, and it would be put on record. I had my notes from December 2nd, leading right up to the time I testified. But I did not have any statement of account. So, it was always my wish, Mr. Speaker, to speak directly to the Committee and, of course, answer any questions that they might have had at the time.

Mr. Speaker, other than the chairman forgetting to administer the oath because we got into the conversation right away, I found my time in front of the Committee very professional. And they conducted themselves in a very appropriate manner.

Having said that, Mr. Speaker, when the document was tabled in this House a couple of weeks ago, I must say I was somewhat disappointed in the contents of the report. Because, Mr. Speaker, in my view, it provides little more than what has really already been released in the public domain, and it fails to identify many people who were involved in this day and make recommendations associated with that. It was my view, Mr. Speaker, early on that this could have been somewhat of a witch-hunt. And I think that the report leaves many questions to date still unanswered.

Some of those questions, Mr. Speaker: Why did the Joint Select Committee not interview PLP Members who were involved in the day? Some of my honourable colleagues have referred to that. Honourable Members of this place, Michael Scott, Derrick Burgess, Chris Famous, Jamahl Simmons, Wayne Furbert, Walter Roban, the list goes on. Honourable Members in another place—why did the Committee fail to interview them? Why was the current Premier not interviewed? Mr. Speaker, the current Premier made a robocall. He made a tape. And I am not sure how many people it went out to, but normally, robocalls just go out on a recorded disk over and over and over again. So, it could have gone out to hundreds, potentially thousands, of people, Mr. Speaker.

And, Mr. Speaker, I am sure that the Honourable Premier had a hand in the memo that was blasted out to people in regard to how to prepare to protest. And I will get to that memo a little bit later on, Mr. Speaker.

The Speaker: Speak to what is factual and not assumption.

Hon. Michael H. Dunkley: I will get to that a little later, Mr. Speaker.

Why did the Joint Select Committee not interview many other people of that day? For example, the Centre for Justice. Why did it take so long for interviews to commence after the restart? And then, why was there a gap when certain—

Mr. Hubert (Kim) E. Swan: Just a point of order, Mr. Speaker.

The Speaker: Yes.

POINT OF ORDER

[Misleading]

Mr. Hubert (Kim) E. Swan: The Honourable Member could be unintentionally misleading the House. But

there are persons whom he listed when he spoke who were written to, who were members of the Progressive Labour Party whom we saw in our review of that camcorder.

The Speaker: Thank you.

Mr. Hubert (Kim) E. Swan: And the Honourable Member did not include the fact that when he communicated to this Committee, it was specifically requested the removal of myself and Mr. Michael Scott from the Committee by his lawyer, and that was repeated by others.

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

Hon. Michael H. Dunkley: Mr. Speaker, I thank [the Honourable Member] for that clarification. Not even going to deal with the last point at this time because I want to move forward from there and respect your wishes.

Why were certain requests for information only sent out, I believe, in February 2019? Why were payments made by Government before the Joint Select Committee had even finished its hearings and not even tabled the report in this Honourable House? Why does the PLP Government use taxpayers' money to compensate—

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

Hon. Michael H. Dunkley: —and done so without transparency, instead sworn to confidentiality?

The Speaker: What is your point of order?

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

The Speaker: Member, Member. You have got a chance to wrap up as the lead speaker on this, you know.

Mr. Hubert (Kim) E. Swan: That Honourable Member—

The Speaker: You are going to have time to wrap up, so you do not have to keep getting up and down.

Mr. Hubert (Kim) E. Swan: That Honourable Member is misleading the House. I would not want anybody to think that the Committee was acting in any way connected with any payments or anything that was made. The Committee reviewed decision-making particularly and was hampered in great deal by the Honourable Member himself.

The Speaker: Thank you, Member. Save some of this for your wrap-up.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. Those two questions, I did not mention the Committee. I just asked the question of why the payments were made at that point and why they were subject to the confidentiality clause, Mr. Speaker. I did not mention the Committee.

So, Mr. Speaker, I think that all Members of the House who have spoken so far have said that December 2nd, 2016, was a day that we all look back on and we all have some scars from. I was quoted in print media, I believe it was in the summer of 2017, probably about August, and I said December 2nd, 2016, was “a day when political scheming, law breaking and official actions collided to create a day no Bermudian can be happy with.” And I stand with that. I do not think there is anybody who can look back at it and not reflect back with a great deal of concern and sadness over what took place.

But, Mr. Speaker, we are here today to discuss the recommendations of the report and to try to get closer to the reality of what took place. And we all have our own opinions. But December 2nd, 2016, was a day that the Sessions House, as my colleague, MP Richards who spoke first, said was blocked illegally. And I suggest that it was blocked purposely for political gain. And yet, the Joint Select Committee completely avoids the potential for this to happen. And it does not address these facts head-on, Mr. Speaker.

Now, Mr. Speaker, as my colleague said, the Parliament Act of 1957, in sections 12 and 13, clearly lays out the law. And I would like to, Mr. Speaker, just quote a bit of that Act.

The Speaker: Go ahead.

Hon. Michael H. Dunkley: Section 12, which can be found on page 7 of the Act, says, “Interference with Legislature an offence [12] Any person who wilfully, by force or fraud, interferes or attempts to interfere—(a) with the free exercise by either House of the Legislature of its authority; or (b) with the free exercise by any legislative committee of its authority; or (c) with the free exercise by any member of either House of the Legislature of duties or authority as such member or as a member of a legislative committee, commits an offence against this Act . . .” The punishment, Mr. Speaker, is severe—“imprisonment for 2 years or a fine of \$16,800 or both . . .”

Mr. Speaker, section 13 deals with Disturbance of Legislature an offence. And it mirrors the same type in that clause, but the punishments are not quite as severe.

So, Mr. Speaker, clearly, the potential for both of those laws to be broken was there. And yet, this Committee, instead of seeking the truth and justice in that aspect, and before the Committee even finishes

meeting, the Government has secretly paid off people who made complaints, and allowed some of those people responsible for—

[Inaudible interjections]

Hon. Michael J. Scott: Point of order.

The Speaker: Wait, wait, wait, wait, wait, wait! Take your seat. Take your seat, Member.

I was about to address that. I would just . . . I do not know if the term “secretly” is the best term to use. So, I am just going to guide you to maybe rephrase that.

Hon. Michael J. Scott: Mr. Speaker, that was not my point of order.

The Speaker: Point of order?

POINT OF ORDER

[Imputing improper motive and Misleading]

Hon. Michael J. Scott: My point of order is that the former Premier, Mr. Dunkley, is imputing improper motive and is misleading this House.

His Government charged a number of citizens of this country with criminal offences. And so, the law was brought to bear on a number of defendants. It was his Government’s Director of Public Prosecutions [DPP] who resolved to withdraw the charges, Mr. Speaker. And so, the Member cannot impute motive that the law was not applied. But his own Government allowed the charges to be dropped. Why? He knows why.

The Speaker: Continue on.

Hon. Michael H. Dunkley: Mr. Speaker, with regard to your first point, I would say “transparency.”

And the Honourable Member, who is a lawyer himself, would know that governments do not bring charges in court. The DPP does, Mr. Speaker. And that is where it stayed. This Government did not in any way deal with anyone who had charges placed against them, Mr. Speaker.

So, Mr. Speaker, sadly, today many in our community continue to be scarred by that day. And I say, Mr. Speaker, because information I will bring out later, many were used that day like pawns. People broke the law that day and are walking away with it. And, Mr. Speaker, some people made violent threats that day, which we can read in the transcripts of the Joint Select Committee.

And yet, Mr. Speaker, those who instigated this, because obviously, Mr. Speaker, it did not just happen. You know, people did not just drive by Parliament Street or any of the streets around here and say, *Hey, there’s something going on. Let’s make it*

happen. Those who instigated this, those who planned this, those who made threats against the people walked away from this untouched by the arc of justice and live to do a similar thing again, Mr. Speaker.

I hear colleagues refer to other times when public buildings have been blockaded, Mr. Speaker. And this goes back probably for a good year before, to the first event of immigration reform at Cathedral Hall, when a public meeting meant to have an open consultation on steps that could take place and to listen to people was shut down, as a Member of this honourable place has said in another time, by *civil disobedience*. So, rather than have a public meeting, it was shut down. Later on, after that, East Broadway was blocked by people who sat in on East Broadway.

So, Mr. Speaker, we see a trend here that people are allowed to break the law. And it is very concerning. It is a sad day for Bermuda when we see these types of things happening.

Now, Mr. Speaker—

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

The Speaker: Point of order, Deputy.

POINT OF ORDER

[Misleading]

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, the Member is misleading the House. He said people are breaking the law. Peaceful protesting is not breaking the law. That is their basic right. They can do that. Constitution . . . that is their right. They can assemble.

[Inaudible interjections]

The Speaker: Let the Member continue.

Hon. Michael H. Dunkley: Mr. Speaker, I will get [to] that.

The Speaker: Member, just continue in this way.

Hon. Michael H. Dunkley: I will get to that again, Mr. Speaker.

So, Mr. Speaker, on December 4th of last year when I was interviewed by the Joint Select Committee, I left the Committee with papers, some crucial and critical to what I believe are our understanding what took place on that day. I cannot see in my reading of the document where any of those papers were covered in the report. I provided all my phone records, Mr. Speaker. And I explained the calls and the content of those calls, as I did in the House of Assembly, I think probably in February or March of 2017, Mr. Speaker.

I provided this information, Mr. Speaker. If you will allow me, I will read it out and I will share with you.

The Speaker: Okay. You can read and table it if you like.

Hon. Michael H. Dunkley: Mr. Speaker, it explains how to conduct peaceful demonstrations. And it was widely circulated. On December 3rd, I received the first copy of this, and it continued to come to me. Mr. Speaker, I will not go through the whole page, but I will read some pertinent points, which show that it was specific targeting there, Mr. Speaker.

It says, "Clothing and supplies. If you are willing to face aggressive actions by the police and/or regiment, come prepared with the following protective clothing. Bring extras if you can." Bullet point—

[Inaudible interjections]

The Speaker: Ah! Ah! Let—

Hon. Michael H. Dunkley: Bullet point—

The Speaker: Go ahead.

Hon. Michael H. Dunkley: Bullet point—"Jacket with hood to protect against pepper spray tear gas and prevent grabbing of hair. Eye covering: Goggles and sunglasses. Dampened bandanas and scarves to block pepper spray, especially for the nose and mouth. Bottles of water to rinse skin and eyes."

[Inaudible interjections]

Hon. Michael J. Scott: Mr. Speaker. Mr. Speaker.

The Speaker: I gave him permission to read it. I want him to finish it.

Hon. Michael J. Scott: No, Mr. Speaker! Point of privilege. This—

The Speaker: Ah! Take your seat, please.

Hon. Michael J. Scott: Sorry, Mr. Speaker.

The Speaker: I gave him permission. I am just listening to what he is reading. I will take a point afterwards.

Hon. Michael H. Dunkley: "Bottles of water to rinse skin and eyes. Not Aquafina or Dunkley's. Team tactics: If the police numbers and tactics escalate"—

[Inaudible interjections and laughter]

The Speaker: Members, Members!

[Gavel]

Hon. Michael H. Dunkley:—"the two front rows will sit down in tight formation and join hands. If police deploy pepper spray, tie wet bandanas on your nose and mouth. We will have people prepared to treat you.

"Media contacts." They provided media contacts. And then they said, "Any footage of violence against Bermudians should be sent to the following local and to international media."

Mr. Speaker, I will table this.

The Speaker: I let you . . .

[Inaudible interjections]

The Speaker: Members! Members!

I let you read that. And I was hoping you would tie it into context with what happened on December 2nd. And I am waiting to hear the context to tie it into December 2nd.

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

Mr. Speaker, as I said in my comments, this was a memo that was sent around to people on how to have peaceful demonstrations that was forwarded to me after the event.

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

The Speaker: Ah! Ah! Well, wait, wait. Let me finish.

That was circulated, you said, on December 3rd, though.

Hon. Michael H. Dunkley: No, no—

The Speaker: You said it was circulated—

Hon. Michael H. Dunkley: I received a copy on that [date]. Somebody wanted to know if I had seen a copy of it by then, and I had not.

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

POINT OF ORDER

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

This Member has not tabled any proof that this letter came from anyone! It could have come from his computer! We do not know that. He has not yet done anything to say where that letter came from. And he seems to be the only person who has a copy of it.

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

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

The Speaker: Now, he did say, when he got up, he was prepared to ask permission to read it. And he was prepared to table it for us to see it, if need be. And he has now read it, and now let us come to the next portion of it. I was waiting for him to tie it in, and he could table it.

What is your point of order?

POINT OF ORDER

[Imputing improper motives]

Mr. Scott Pearman: My point of order is that the Honourable Member is imputing improper motive to suggest that it could have come from his computer. He is suggesting that he is putting something forward fictitious. That is an improper motive and should not be imputed.

The Speaker: Okay. Thank you.

So, I think the Honourable Member will do as indicated. He will table it so you can see it.

Hon. Michael H. Dunkley: Certainly, I will do so, Mr. Speaker.

Mr. Speaker, I left a copy with the Committee. They already have a copy of this. And I forwarded a copy on to the police at that time, as well, Mr. Speaker.

The Speaker: Okay.

Hon. Michael H. Dunkley: Now, Mr. Speaker, I also provided information on death threats against me, which I will refer to now, and I will table those again, Mr. Speaker. Social media posts with comment, *Dunkley must pay! A gun and a knife. DM for his family and foe, his address and addresses and numbers of his colleagues.*

The next social media post has a picture of me with a gun in my mouth. *Dunkley only has a few weeks to live. He will pay for what he has allowed to happen to our people,* Mr. Speaker.

Mr. Speaker, I say this in the context that, when I went in front of the Joint Select Committee, to be open and to answer their questions, serious information like this was swept under the carpet—swept under the carpet because—

[Inaudible interjections]

Hon. Michael H. Dunkley: Swept under the carpet because there was not even a record—

[Crosstalk]

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

POINT OF ORDER

[Misleading]

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

The Honourable Member is definitely misleading the House because the Joint Select Committee has not swept anything under the carpet. Anything that came before the Joint Select Committee is listed in the appendices. And not everything was put out there so that any and everybody can . . . some things we took sensitively because they are matters of national importance, Mr. Speaker.

The Speaker: Thank—

Mr. Hubert (Kim) E. Swan: And the Honourable Member is wrong.

The Speaker: Thank you. Thank you, Member.

Mr. Hubert (Kim) E. Swan: And in fact, Mr. Speaker, I apologised to someone where we did make a mistake and not include it there.

The Speaker: Thank you, Member.

Whilst you are on your feet, the Member did imply that the information that he has spoken to was shared with your Committee. Was that so?

Mr. Hubert (Kim) E. Swan: I recall, and I said, and I said things are listed in the appendices.

The Speaker: Thank you. Thank you. Thank you. Just a yes or no. Thank you.

Hon. Michael J. Scott: Mr. Speaker, before Mr. Dunkley gets up again, with your leave.

The Speaker: What is your point of order?

Hon. Michael J. Scott: The point of order is that there is a more important point.

The Speaker: That there is what?

Hon. Michael J. Scott: It is called relevance.

[Laughter]

Hon. Michael J. Scott: And it is called relevance.

An Hon. Member: Good one!

POINT OF ORDER

Hon. Michael J. Scott: Ex post facto memos, ex post facto December the 2nd memos have nothing to do with illuminating the causes of a mandate that you gave to that Committee.

The Speaker: Thank you—

Hon. Michael J. Scott: And for the Honourable former Premier to extract from blogs, possibly, *ex post facto* diatribes, has no place in this House or in this debate.

The Speaker: Member, I am sure that a lot—

Hon. Michael J. Scott: Relevance!

The Speaker: A lot of the documentation that was submitted was documentation that was formulated after December 2nd, not only by this Member, but other documents that were . . . If we were to go and check the dates of documentation that was submitted, I am sure they were created after December 2nd.

Hon. Michael J. Scott: As long as they were relevant.

The Speaker: Thank you.

Hon. Michael J. Scott: I mean, it was relevant—

The Speaker: Go ahead.

Hon. Michael H. Dunkley: Mr. Speaker, I take strong exception to the Honourable Member's comments and to the feeling that I get coming from that side of the House about the potential that I could have made up these documents. Do they think that I am crazy enough to go in front of the Joint Select Committee and leave information that I made up? No way!

[Inaudible interjections]

The Speaker: Just speak to the Chair.

Hon. Michael H. Dunkley: Mr. Speaker, I hear somebody say yes!

The Speaker: Just speak to the Chair.

Hon. Michael H. Dunkley: Oh, I am speaking to you.

The Speaker: Speak to the Chair.

Hon. Michael H. Dunkley: And the reason why—

The Speaker: I was trying to give you some leeway that what was submitted was already . . . what you are speaking to was already submitted.

Hon. Michael H. Dunkley: Yes. Already submitted. Yes.

The Speaker: So, the Chairman has verified that he has seen your documents already.

Hon. Michael H. Dunkley: Because it goes both sides, Mr. Speaker. And I am sure that Honourable Members . . . and even the Honourable Premier is aware of it, because I do recall that, once the threats against me became public, the Premier offered a comment of support, which I know that, certainly, my family appreciated. And I appreciated it, as well. Because nobody wants to be in that position, Mr. Speaker.

The Speaker: Mm-hmm.

Hon. Michael H. Dunkley: I have a daughter who works overseas. And when she heard about it . . . I could not even tell her about it. I had not got the information out there. She called and said, *Daddy, what is this? You've got death threats?*

I said, *Look. Just relax. Don't worry. Don't worry.* Families take . . . and, you know, you hear the Honourable Member, *We all get these things.* Yes, and that is the unfortunate part about doing these jobs. But when we get them, do not take yours seriously and disregard somebody else's! We saw how on that day people were put in harm's way. And here we are tonight, we are pointing fingers at 35 different ways in the room. Thirty-five different ways in the room!

And what is going to happen when we come out of here tonight? We will look at recommendations for a Parliamentary Code of Conduct. I agree with that. That is good. We will look at ways, probably, for better security around the House of Assembly. I agree with that. That is good. We know the police have already agreed with the report. That is all good.

But what is going to happen is that the people who were the real instigators behind this thing walk away! And [they] could do it again.

You know, Mr. Speaker, what would happen if next week the PLP brings a Bill—and I am not going to make up a name because it might stick, but brings a Bill—and OBA and supporters block the gate of the House of Assembly. We should be arrested! We should be arrested!

Hon. Derrick V. Burgess, Sr.: They would not arrest you, Dunkley. They would not arrest you.

Hon. Michael H. Dunkley: Because that is not peaceful protest, Mr. Speaker.

Hon. Derrick V. Burgess, Sr.: You would never get arrested.

Hon. Michael H. Dunkley: That is not peaceful protest.

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Diallo V. S. Rabain: I think the Member is misleading the House. Because he is implying that the only people who were against the airport deal who marched on this House were PLP supporters. He cannot substantiate that comment. And he has to withdraw it.

The Speaker: He just said OBA. He said OBA supporters. He did not say any . . . What if OBA supporters did it?

[Inaudible interjections]

Hon. Michael H. Dunkley: Mr. Speaker, I did not say that, so I thank you for that.

But, Mr. Speaker, one of the things that has really concerned me from the very start . . . and I knew it right away in February or March when I was asked for my phone records in this House, that Members of the PLP thought that I had some type of smoking gun. I remember the Honourable Member, Mr. Scott, asked for the phone records of both of the phones I had, because I had a government phone, which, I believe, started out as Digicel, but then it went to OneComms after about a week. And my private phone was OneComms.

The Honourable Member asked for my phone records and brought up a phone number with phone records that I did not . . . It was not my phone. So, I knew from the start they thought that I, as Premier, had a smoking gun. And when they could not attach a smoking gun to me, they tried to go to somebody else, maybe within Cabinet; I do not know. And as hard as they tried, they could not find it.

An Hon. Member: You were falsely accused.

Hon. Michael H. Dunkley: Nada, nada.

An Hon. Member: Just like . . . falsely accused!

Hon. Michael H. Dunkley: So, Mr. Speaker, I hear the Honourable Member over there say, *Just like falsely accused*. And, look. I get [it], in politics, you get accused of a lot of things. You have got to stand and take it. You have got to deal with it. Right, Mr. Speaker? It is the way it goes.

Now, Mr. Speaker, there has been a lot of talk about Captor spray. I think we need to understand very clearly that it was the PLP Government that allowed pepper spray to be something that the police could carry. And once we put something like that, a *weapon*, which somebody said—once we put a weapon like that on an officer, we know that eventually it is

going to be used. And we are going to question the use of it from time to time.

Now, we are arguing about the evidence of whether it was used in the right context or the wrong context. And the Honourable Member from constituency 4, I believe, referred to Officer Dominique Simons, and read some testimony from Officer Simons. And if you will allow me, Mr. Speaker, I just want to follow on because—

The Speaker: Go ahead.

Hon. Michael H. Dunkley: The information that the Honourable Member read showed to the Members of the House and those who would be listening on this Friday night that perhaps it was used in the wrong context. But if you read just a little bit longer, because the Honourable Member stopped with this sentence: (Excuse me, but the writing is a little bit small, Mr. Speaker.) “I asked PC MacNab, who trained me in the use of captor if I was authorised in this situation to use [captor] and he said yes.” That is where the Honourable Member stopped.

So, it goes on from there. “Despite everything, I still hesitated,” said the officer. “And then I saw to my left, about twelve (12) feet away a male use their right hand, place it inside PC 2460 . . . high visibility fluorescent vest and take hold of him. I feared for PC Dyer[s] safety but he was too far away for me to get to him because of the crowd and I knew the only way I could help was to captor. I deployed my captor in a short quick burst and it hit the male on the right side of his face. The male immediately released PC Dyer.”

It goes on. “I reassessed the situation and saw to my right about twelve (12) feet away, that a male had placed both hands inside of PC 2429” (of the high visibility vest again) “. . . and took hold of him. I feared for the [officer’s] safety and deployed my captor in a short quick burst and hit the male in the left side of the face. The male immediately released PC Brassington” (it looks like, with the writing too soft, too small), Mr. Speaker.

That clearly shows that the officer made the onsite decision that, for the safety of his colleagues, that is what he had to do. That is why we arm those officers. We gave them the choice to make that decision in the heat of something very difficult going on, and this officer made that decision.

It goes on, Mr. Speaker, and I continue to quote from it. “Several members of the crowd identified me as one of the officers that deployed captor and began pointing and shouting at me threatening to kill me in various ways. They shouted that I was going to get shot, I was going to get beat up, I was going to be sprayed with baygon and set on fire. A man I know” (and I will not mention his name) “. . . said he was going to throw acid on me and have his sons beat me up.”

The final paragraph I will read, Mr. Speaker, is this: “The whole situation” (and this is Officer Simons) “The whole situation was unreal. I was fearful not only for my safety, but the safety of other police officers. This was not only the first I have used captor but it was the first time ever in my police career were [sic] a situation demanded the deployment of captor. Since this incident, I am constantly looking over my back in case people are trying to attack . . . me.”

Mr. Speaker, I realise the work of the Joint Select Committee was very difficult. But in the context of what this officer has relayed in a police statement given to the Joint Select Committee, it shows the difficult circumstances that our police were put into that day. So, Mr. Speaker, who gave an order in the context of what happened in the heat of a real struggle taking place? [It] is a critical question, which we have heard back and forth on both sides from the Committee and from the Speaker.

Now, Mr. Speaker, I also wondered why the People’s Campaign, who in my view were an agent of the PLP when the OBA was the Government—they are defunct now, Mr. Speaker. They do not seem to have the vim and vigour that they had before. So, I could deduce that they were a—

[Inaudible interjection]

The Speaker: “They were an agent” may be a bit strong. I am trying to decipher it. *They may have been supportive; they may have . . .* But “agent” is a strong word.

Hon. Michael H. Dunkley: A supportive organisation, Mr. Speaker.

They had [been] continually disseminating information, and negative information at times, about the airport project. And the Honourable Chairman of the Joint Select Committee, when he started to give his presentation tonight, he tried to give some clarity about some of the context of what the People’s Campaign said, leading up to the event and in their presentation to the Joint Select Committee.

But I want to know, Mr. Speaker, why the People’s Campaign was only interviewed by the Joint Select Committee in May of 2019. Why did it take so long, and what did they have to say? Well, the Honourable Member gave some further insight tonight to the information that was in the document. But there is information that is in the document I would like to refer to. And at page 36, Mr. Speaker, it outlines the meeting between the Joint Select Committee and the People’s Campaign. And then, in the Annex of the document, on page 70, it gives a critical piece of information in writing.

And I quote, with your permission, Mr. Speaker.

The Speaker: Go ahead.

Hon. Michael H. Dunkley: “Elected Members of Parliament are elected to do the people’s business and if they are not going in the House to do the people’s business the people will probably lock them out [again].”

So, Mr. Speaker, the night before, they are saying that *there is a potential we are going to lock them out if we do not believe you are doing the people’s business*. And they say *lock them out like we did before*, Mr. Speaker. And so, upon hearing that information, I cannot believe that the police did not believe that there was going to be a real challenge up here that day.

Now, what I find interesting about that is that there was a warning it might take place. That is one matter. We have talked about that already. But then, on the other hand, if you look at the Joint Select Committee, compare this to what the Joint Select Committee says on the very first page, it says, “[We] remain interested in understanding how the country arrived at that point on that day.” It goes on, Mr. Speaker, to say, “the Committee’s efforts have uncovered that there are still key stakeholders who have much to answer for as it relates to the decision-making on 2nd December 2016.”

Well, Mr. Speaker, the question I have is, So, what does the Joint Select Committee wish to be done? Because they got some answers they overlooked. There are other people who did not give any answers. So, what do they wish to be done about this?

Now, Mr. Speaker, I want do deal—

[Inaudible interjections]

Hon. Michael H. Dunkley: I hear the Honourable Member say, *Discredit the Committee*. I am not discrediting—

An Hon. Member: Yes, you are!

Hon. Michael H. Dunkley: —the members of the Committee. Because I know the meetings that took place. I read the Annex. I see the countless meetings with all the names listed. And I know, Mr. Speaker, they were not 10-minute meetings. I can be assured that they were not 10-minute meetings. The meetings probably went a lot longer. The day I testified, I was there probably for an hour and a half or longer, and I am sure you were there before me and they were there after me. I am not saying anything about the members of the Committee.

What I am saying, Mr. Speaker, is that I have some challenges with some of the work that came out of the Committee. And that is fair.

An Hon. Member: Like what?

Hon. Michael H. Dunkley: That is a fair play.

Now, Mr. Speaker, there has been a great deal of conversation about Platinum Command. That is another one, Mr. Speaker, of those *smoking guns*. And why do I say that, Mr. Speaker? Because in my view, as Premier at the time, I was not aware of any Platinum Command. In fact, when I read that in the Sheard report, I had to ask the police what that meant. And I was given an explanation by the Senior Command that I am sure the Senior Command gave the same explanation to the Joint Select Committee when they met with them. And so, this smoking gun of looking for a Platinum Command, there certainly was not any Platinum Command that I knew about. But if the Committee thinks there is something in the police of such, those are questions that the Commissioner or the Deputy Commissioner could have asked when they were interviewed. And I would assume that they were asked those questions, Mr. Speaker.

Now, Mr. Speaker, the report, on page 4, does shed a bit of a glimmer of light on what took place when it wrote . . . and this is directly from the report itself, Mr. Speaker. It says, "It cannot be ruled out that some in the crowd may have come to intentionally block . . . the House of Assembly, thereby breaking the law."

You think, Mr. Speaker? If the report said that, I believe that was a distinct possibility. Why do I say that, Mr. Speaker? Because on the day in question, I went into the office sometime just after seven. I typically would get into the Cabinet Office just after seven. And you will recall, Mr. Speaker, I was up here just short of Rock Island. I cannot remember the name of the building, one building after Rock Island, the orange building.

The Speaker: Mm-hmm.

Hon. Michael H. Dunkley: And I still parked down at Cabinet Office. When I walked up the street, there was nobody at the south gate. There was nobody at the gate right down here opposite the Government Administration Building. But there were probably three or four people—three or four people sitting on the wall by the post office, I believe. And so, at that time of the morning it was quiet. But as we know, during the day it ramped up, Mr. Speaker. And it was very clear by the time that the Finance Minister tried to get in, they were not going to allow anybody to get through.

Now, Mr. Speaker—

The Speaker: Ah!

[Gavel]

The Speaker: Just keep . . . Ah! Ah! Ah!

An Hon. Member: Well, maybe I'll wait, Mr. Speaker.

Hon. Michael H. Dunkley: I sat down.

[Inaudible interjections and laughter]

Hon. Michael H. Dunkley: Now, Mr. Speaker—

The Speaker: Continue on. Continue on.

Hon. Michael H. Dunkley: Mr. Speaker, earlier in my comments, I asked questions on why they failed to interview certain people within the PLP. I think that question is important, and I hope the Honourable Member who is chair of the Committee, when he has a chance, an opportunity to wrap-up, will be able to provide some elucidation to that.

Mr. Speaker, I am quite surprised that the current Premier and the Leader of the Opposition at the time was not interviewed. Because I would think that a key player like that would certainly want to say something to the Committee. We all know that there was a robocall that went around. You know, I did not get the call. But colleagues of mine got the voicemail about that. So, Mr. Speaker, if it was an oversight, I think that it is an alarming oversight.

But I do not think it was an oversight, Mr. Speaker, because I think that it was intentional. If the current Premier had gone in front of that Joint Select Committee, he would be under oath. And there would be some interesting information that would come out, Mr. Speaker.

Now, Mr. Speaker, the Premier has not spoken yet, and I am sure he will speak. But it was clear to me from what I heard from people circulating in the community that there was a clear effort to protest and to block the gates at a certain time.

Now, Mr. Speaker, I do not have any challenge—

Hon. Michael J. Scott: Point of order.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Michael J. Scott: These tropes are, yes, misleading the House, and deliberately so. Mr. Speaker, and you would be sensitive to this. Again, when we attended the police station, the radio was seeking to describe the PLP as instigative. This trope will not stand out of the mouth of the former Premier—

The Speaker: Thank you. Thank you.

Hon. Michael J. Scott: —who, as the head of the Government on that day—

The Speaker: Thank you. We have got the gist of it.

Hon. Michael J. Scott: —drove the orders.

The Speaker: We have got the gist. Thank you.

Hon. Michael H. Dunkley: Mr. Speaker, the Honourable Member gets up with ridiculous points of order, and then he sits down and says, you know, a comment that is out of line. Who “drove” the orders? I did not drive any orders. The Honourable Member will have a chance to speak. Now I will move on.

Mr. Speaker, the Joint Select Committee went to great pains to talk about people who refused to be interviewed or were not interviewed. And I think it is a glaring omission that the current Premier was not interviewed. And I look for an answer on the reasons why.

The Joint Select Committee tried to establish who—and they wrote it in capitals in their report. “WHO” encouraged the protesters? And, Mr. Speaker, they gave a free pass to Members in the [former] Opposition who were seen in the crowd that day, as my honourable colleague who started this debate said. So, Mr. Speaker, the report leaves a big void in not dealing with that situation.

Now, on the other hand, Mr. Speaker, let me deal with this.

Hon. Michael J. Scott: Mr. Speaker.

The Speaker: Member. Member.

Hon. Michael J. Scott: Mr. Speaker.

The Speaker: What is your point of order?

POINT OF ORDER
[Standing Order 19 (14)(1)]

Hon. Michael J. Scott: Mr. Speaker, I have been—

The Speaker: Point of order?

Hon. Michael J. Scott: Yes, a point of order, a point of procedure.

The Speaker: A point of who?

Hon. Michael J. Scott: Procedure.

The Speaker: Point or order or point of clarification?

Hon. Michael J. Scott: No, no, no. Point of order, therefore, Mr. Speaker.

Mr. Speaker, Standing Order [19](14)(1) requires the leave of the entire House to alter the speaking timing.

The Speaker: You have got to take your seat. I already⁵ [ruled](#) on it.

Hon. Michael J. Scott: To alter the speaking time—

The Speaker: I ruled on this. You have got to take your seat. Take your seat!

Hon. Michael J. Scott: But, Mr. Speaker, you are meant to hear me!

The Speaker: You want me to stand up? I ruled on this a long time ago.

Do not challenge the Speaker on it now. We are almost finished his length of speech. I think you should take your seat. Seriously, Member.

Take your seat. The Speaker ruled on this some time back.

Continue on.

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

I was moving on to page 5 of the report, and it reads, I quote exactly, Mr. Speaker, “The OBA Government must accept some responsibility for the decision-making.” Well, Mr. Speaker, I disagree with that comment. The OBA Government was elected by the people of Bermuda to govern. It is the right of the democratically elected government and their MPs to enter Parliament to conduct the people’s business, Mr. Speaker. This is fundamental to a strong democracy, and no one, whether it be the People’s Campaign, Move Bermuda or any other collection of people who wish to protest, should be able to arrest democracy.

Mr. Speaker, let me be very clear. Everyone has a right to be heard. Everyone has a right to protest. But no one has a right to block Parliament. Furthermore, Mr. Speaker, as an elected Government of the day, the OBA had every right to enter Parliament, to conduct business. And the Opposition, in the same frame, had every right to attend Parliament and state their views, whatever they may be.

Mr. Speaker, this is a fundamental principal of democracy that was thwarted then. And Bermuda has suffered some serious issues. It could affect our reputation as a vibrant, transparent and accountable jurisdiction with a good legal system and an attractive place to do business. And it could impact confidence in the Island that we love.

Mr. Speaker, earlier this year it became even more intriguing and concerning before the Joint Select Committee had even finished their work, and I alluded to this earlier, when 28 payments were made without explanation. Remember, Mr. Speaker, there were 26 people who complained to the police Complaints Authority, but 28 payments were made. The Minister of National Security had decided to make the payments, Mr. Speaker, without any supporting information and stating that the terms of the payouts were confidential. Well, Mr. Speaker, I find this to be unacceptable, lacking in transparency and accountability.

⁵ See “Speaker’s Ruling” at page 2230

But, Mr. Speaker, I can reveal tonight that a concerned Bermudian submitted a PATI request, and the following information, which I will share with you, Mr. Speaker, was given to me. And if you will allow me, I will read from the document.

"How many payouts were made? Answer: Twenty-eight payouts were made."

Second question, Mr. Speaker: "What was the basis or matrix for deciding how much each protester should receive? Answer: There is no record or document to explain this."

Mr. Speaker, I find that answer quite concerning. [Question three:] "How much was each payout? The specific amount for each payout is attached."

Mr. Speaker, I will not read all 28. But 27 were for \$4,200. And one was for \$48,000, Mr. Speaker.

Question four: "Who specifically were the recipients of the payouts? Answer: The specific names of the individuals who received payouts is regrettably denied on the grounds of personal information, pursuant to section 23 of the Public Access to Information Act 2010.

Mr. Speaker, I believe at the time the Honourable Minister said that the Government decided to make the payouts rather than go to court because it would have been (my words, not the Minister's) more cost-effective. But if it had gone to court, the names would have had to be released in the public domain.

Mr. Speaker, who authorised the payouts?

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Zane J. S. De Silva: The Honourable Member is, I have got to believe, misleading the House. He is talking about, you know, these payouts. Can he tell us where he got this information from?

Hon. Michael H. Dunkley: The Honourable Member, if he listened, would know. It is a PATI request, and I said I would table it. Yes.

The fifth question: "Who authorised the payouts? Information not provided. The Minister of National Security Controller received approval to pay from the Permanent Secretary, Collin Anderson."

The sixth question: "When were the payouts authorised? The Ministry of National Security Controller received approval to pay on the 28th of January, before the Joint Select Committee had finished. And the amounts were paid out on the 12th of February."

The seventh question and the last question: "Which Government department and budget head have the funds come from?" Mr. Speaker, the answer

was, "The funds were paid from the contingency fund of department number 6, the Bermuda Regiment."

Money is taken from the Bermuda Regiment to pay out protesters. The Bermuda Regiment that is short on money for the Coast Guard. And it is hidden in secrecy, Mr. Speaker. Unfortunately, the Honourable Minister is not here today. But I hope there will be an explanation later because I do believe, Mr. Speaker, the Minister wanted to do a Statement and you deferred it, quite rightly so, when the Joint Select Committee was meeting.

So, Mr. Speaker, I have outlined my view of the work of the Joint Select Committee and given some insight on how I felt on the day. And it is sad that there are a lot of key facts that, in my view, have been overlooked by the Joint Select Committee, key people not summoned. And this is a concern. Mr. Speaker, those gaps in the Joint Select Committee work need to be tied up for us to have a more conclusive report.

There is no doubt that this was a dark day in our history. And I believe that there are those who went to great lengths to cause the events to take place, whether it was for personal or political gain. And in doing so, many of our brothers and sisters, as we now know, were put in harm's way.

[Inaudible interjections and laughter]

Hon. Michael H. Dunkley: And that is a deep regret. They will never forget the scars of those days, Mr. Speaker. Mr. Speaker, I will never forget that day. Like them, I have been scarred by that day. I remain very sad and disappointed.

And I hear the Honourable Members chirping over there.

The Speaker: Just speak to the Chair. You do not have to listen to that.

Hon. Michael H. Dunkley: I am speaking to the Chair.

The Speaker: Speak to the Chair.

[Inaudible interjections]

Hon. Michael H. Dunkley: I hear Honourable Members chirping over there.

[Inaudible interjections]

The Speaker: Hey! Hey! Hey! That is all right. Let him speak to the Chair. Come on.

[Inaudible interjections]

The Speaker: Speak to the Chair. Members!

Hon. Michael H. Dunkley: Mr. Speaker, whether the Member wants to hear it or not, I remain sad and very disappointed about that day. However, Mr. Speaker, I have learned from that day as well. I have learned a lot from that day. And it has provided me with a stronger resolve to do whatever I can with the support of colleagues up here to bring us together in spite of our differences over those difficult issues. I have lived, and I have learned, and I will continue to try to work to do the best I can. But it is a day that will never leave my memory. And I wish there were more answers by this Joint Select Committee. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

I recognise the Honourable Member from St. George's, the Honourable Minister Foggo.

You have the floor.

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

You know, Mr. Speaker, I felt compelled to stand to my feet because I have heard many narratives shared here this evening regarding the events on December the 16th [*sic*] and what gave rise to those events . . . I mean [December] 2nd; sorry.

Mr. Speaker, you know, when we talk about democracy, I do not think anyone would argue that the highest form of democracy is when the people take a significant part in that. During that period, we heard from the majority of the people in this Island, I think it was something like about 70 per cent, who responded and said that they did not support a government engaging in a contract that would cost this country hundreds of millions of dollars. And because it seemed that the clarion calls of those persons were being utterly ignored, people engaged in an action that, during our time, had never been seen before.

When many of us arrived at the House of Assembly, we found many persons standing outside. And what I can say is this, and I got up to say this in particular, Mr. Speaker: At no time, because there were suggestions that Parliamentarians broke the law—at no time, Mr. Speaker, and I was outside, did I witness that. I did not see one Parliamentarian break any law or stop anyone from entering onto the grounds of the House of Assembly. On top of that, Mr. Speaker, what I witnessed is people standing around very peaceful in nature. There was no rancour. There were various conversations going on. But at no time was the atmosphere such that one would have to call in a riot squad.

And let me say this. Whoever made that call is responsible for changing the entire atmosphere of that day. People were exercising what they thought were their rights as citizens. It changed the entire atmosphere of that day. Even other police officers, Mr. Speaker, did not know and were not aware that a riot squad had been called out. Those were words that came out of their mouths. And it came out of more

than one officer's mouth that was at the scene at the time.

And so, many of them were just as bewildered and shocked as many of our Bermudian—I will call them citizens, because I am claiming that they will be Bermudian citizens—as many of our citizens were. We were all in disbelief. But when those officers took it upon themselves to start barging at persons, where we had 80-plus-year-old women and the likes standing around talking, that is when I saw some of our Parliamentarians stand in front of those people to protect them, Mr. Speaker!

An Hon. Member: Yes.

Another Hon. Member: That is right!

Hon. Lovitta F. Foggo: There was at no time any attempt on the part of any of us to block persons, Parliamentarians, that is—to block persons from entering the grounds of the House of Assembly. And so, I was shocked at the suggestion that someone would stand on the floor of the House and suggest that we were there breaking the law! Because we were not. And I had to lend my voice to make certain that it is recorded in history what actually took place.

And I can say this. I was proud of those Parliamentarians who felt compelled to stand in front of senior men and women, because many of them—I would dare say the majority of them—were of senior status. Because I witnessed ladies in their 80s falling on the sidewalk. I witnessed them crying. I witnessed them saying that they were hurt. I witnessed people whose eyes were so bloodshot they could not open them—bloodshot from pepper spray being sprayed directly into their eyes and those same such people, and some I know personally, having to go to the doctor.

And I know one such doctor, who made it very clear that there are incidences where people who are pepper-sprayed, especially directly in their eyes, who have been blinded. Not in Bermuda, at least I do not know of any in Bermuda. But those comments were made. And I believe that when officers engage in action like that, where you have some defenceless people, and would very directly spray into a person's face like that when they themselves were not being physically threatened by such persons, it says a whole lot about what some enforcement officers would do.

And let us face it. All of Bermuda, I guess, especially if they looked at TV, would have seen us out front. And I know that I was caught on TV being quite vocal with one of the senior police officers because I was explaining in disbelief what I had witnessed first-hand. And I am saying, *You guys are supposed to be law enforcement agents! You are supposed to help keep peace and order! Yet you are responsible for changing a peaceful situation into something that* (you know, actually, and I think our

people did very well) *could have led into a riotous type situation.*

If those people who were standing around had said, *Forget it! I'm not going to try and control my behaviour. I am going to respond in kind*, and, Mr. Speaker, they did not, not one person that I witnessed [do that]. That is right, not even one.

And so, with all of that, I had, I would say, a former constituent who, I think, was one of the . . . received the worst injuries, who had to be hospitalised and found themselves unemployed for a long period of time. I think they have just recently returned to work not that long ago. Because the injuries they received were so severe that it rendered them in a state where they were not able to perform physically the way they would have had to on their job.

And so, I look at that, and this was a female who was passing by. So, I look at that, and I think, *Here is someone who was just walking by, not even caught up in the melee, if you will, and yet finds herself laid out to the point where an ambulance has to be called to carry her away.* And I weigh that against every action that I can recall of that event. And there was not one that would warrant that type of behaviour and response that people were physically hurt.

And then, if you ask me, to add insult to injury, months later such people finding themselves having to go to court, some of them, to defend themselves because of a situation that was brought on by law enforcement agents, who came and, from where I stood, created the volatile situation.

And how can I put it? I will put it this way. Where persons then come because they are very concerned about how events are turning out, saying, *You know, how is this justice? We are there peacefully engaged. And yet, we are finding ourselves in court to have to defend ourselves, when we were not the aggressors? Something is wrong with this equation.* And that is their sentiment to this day.

And, you know, I think part of the way in which the matter was finally handled, was met with, I guess, if you will, with approval by those aggrieved, I think is a positive situation because I can never, ever think I could go through something like that and *ever* be comfortable having been treated in such a manner by the very people that I would think would be there to provide protection for me.

Mr. Speaker, I stood because I felt, at least for that part of history, which will burn in the minds of those of us who were there to witness it first-hand, I guess until we take our last breath, I think it was incumbent to ensure that this piece of history is portrayed in the manner that it happened, a peaceful protest by persons who begged and pleaded with the Government of the day to hear their call.

It was a Government that claimed that they were responsive to the people. But yet, that Government failed to listen to even one part that said that we do not accept you entering this deal that will keep us

paying for generations later. It is not good for Bermuda. It is not a deal that Bermuda can afford. And given the, I guess, climate of the day, Mr. Speaker, the economic climate in particular, adding up the dollars and cents and trying to project forward, all that could be seen was something that would create a situation that made the burden of trying to improve the economic state that much harder and would make it more difficult for generations going forward.

So, Mr. Speaker, I am glad that we did have this Committee that looked into the investigations. I too am very disappointed with a police commissioner who would refuse to come and at least have his say and take the opportunity—if we are all confused about what led up to that event, take the opportunity to provide details which would answer questions that are still out there today that the people deserve to have an answer to. And the top lawman, if you will, on this Island has taken the position that he does not have to answer to one of the highest bodies in the land. And that is the Legislature.

And everything that I have been taught about the Legislature is that it is sacrosanct. It is supreme. It is of equal stature as the Judiciary. And yet, you are called to come and answer to a Joint Select Committee, where you can set the record straight for the people of Bermuda, who deserve to have an answer, and a question as important as that, that you would see law enforcement officers come and actually attack people for exercising what they saw as their democratic right, refuse to give an answer that is well deserved, does not bode well because that is one of the persons whom one would always expect to have respect for, entities such as the Legislature, for the Judiciary and anybody who is involved in trying to set, if you will, law and order in a community.

And that is what Parliamentarians do. We make law. I have heard that said here today. And personally, for me, I do not understand how someone of that status could even continue to sit in that position. And I will wonder if in other jurisdictions it would be allowed. And so, Mr. Speaker, I hope at least being the voice of those people who stood out here on that day to try and have a government listen to their concerns are at least satisfied that I tried to at least put the record straight in terms of why such a peaceful event became one that could have been even far worse than what it was if the people decided to retaliate in kind.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.
Any other Member wish to speak?
We recognise the Deputy Premier.

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

I appreciate the opportunity to contribute to this debate, for a number of reasons. Many of them

have already been expressed by a number of the Members of Legislature. And I am probably going to speak about a couple of matters around this, Mr. Speaker—my own personal experiences on the day, and insights into the report that were given and submitted to this House by the Committee.

I, of course, was one of the Parliamentarians who was present on the scene that day. And as has already been reflected by a colleague already, attended the area where the Sessions House exists and found a considerable number of people gathered particularly around the entrances to the Sessions House.

Now, in light of the developments of that morning, and I do not know if it is reflected in the report, but the Progressive Labour Party, as I was the Deputy Leader of the Opposition at the time, had made a decision that we would not—in the spirit of labour and trade unionism that we are wedded to and have made a commitment to support and follow, that we would not break the gathering of those persons who had assembled, which we felt was freely and within their right to assemble around the grounds that day. We made the decision of conscience that we were not going to enter the House.

Irrespective of whatever decisions were made, and I do recall that morning hearing that the House was not going to meet, but it was kind of vague, it was kind of fuzzy. It was not clear that this was confirmed. It did kind of get confirmed later. But we had decided that, irrespective of what happened in the day, we were not going to enter.

So, we then continued to be with the people gathered, talking with them, showing support. We understood why they were there. They were expressing their displeasure with the decision of the then-Government to move forth with the Airport Bill, of which most of us knew little about at the time because, certainly, there had been no opportunity to see any documents related to the airport arrangement at that time. The Bill was coming, and it was clear that the Government was determined to have it passed. And the people were gathered there to show their displeasure with that.

So, we were there, standing with the persons gathered. And at some point during the morning or later that morning, we witnessed a procession of the police in a very interesting way that my honourable colleague from constituency 36 has gestured in back of me, in a quiet way that you would not have heard, Mr. Speaker, of course, as aggressive.

And I believe that is a fair characterisation of how they were postured, how they were performing, how they were moving towards those persons gathered on the Parliament Street side of the Sessions House, which immediately brought concern to all of us there, because up to that point, people were pretty much gathered in a spirit of camaraderie and support and friendship and solidarity. And those were the feelings that I felt there that morning, and I am sure others

who were there as well felt the same. And I think even, what, they even said they were passing around boxes of chicken.

An Hon. Member: Cake.

Hon. Walter H. Roban: Cake. That is what was going on in front of the House that morning. So, people were not there with batons and all types of symbolism that might suggest aggression was in their minds, as some people in this House have intimated. And I must say I am not going to spend too much time responding, Mr. Speaker, to some of the remarks made by Members on both sides of the House. But I cannot stand on my feet and not address the issue of being painted a criminal.

[Inaudible interjections]

Hon. Walter H. Roban: There is no way I can leave that one alone. There is some other stuff I can leave alone, Mr. Speaker. But being characterised as a criminal is something I cannot *not* respond to. I think that is extremely entertaining and hypocritical, and somewhat rich, coming from the Member who had the indignity, the *indignity* and the indignation to table a Bill that brought this country to a point of social unrest and did it with such pride and such arrogance, despite the fact that it was clear that the public were not happy with the Bill. And that was in March earlier that year.

So, clearly, we already had it clear as to how that Member, Honourable Member, who is no longer in the House, in constituency 7, made a characterisation after the December 2nd incident and had to apologise to this House, because he basically stated . . . not basically. He did state that a member who was injured that day deserved it.

So, I had to take the comments of which, one, characterised myself and others, Honourable Members of this House, as criminals, from that Member, who took pleasure with tabling a Bill that was tantamount to breaking a sacred promise that a Government had made to its own people, and did it with pleasure.

An Hon. Member: That is what they do!

Hon. Walter H. Roban: [He] is going to characterise Members on this side, who actually, as has been characterised by the Member for constituency 3 as of standing in defence of the people who were assembled in front of the gate . . . we went and locked arms in defence to protect them from the marauding police officers, who seemed to be hell-bent, Mr. Speaker, on dispelling those people from the gates.

And as I note in the report, it talks about a certain tactic as described by the—

[Inaudible interjection]

Hon. Walter H. Roban: Yes, described by the person who did the examination, Mr. Shead, I believe it is, from the UK, that this tactic is supposed to be a tactic of protection and defence, and like defence of people to shield them from possible danger. So, here we are, the police using a tactic that is supposed to be used to protect people as a tactic to dispel and assault people. I mean, that in itself is some of the ingredients of the disorganisation and mockery of good law and order that we saw that day. And certainly, decisions had to be made around that.

But I just wanted to make the point that, you know, it is utter hypocrisy that Members of this side of this House would be called criminal or referred to as criminals by our behaviour that day, one.

Two, coming from a Member who himself basically told one of my colleagues that he deserved to be assaulted that day and then [had] to apologise for it. And three, the same Honourable Member, who is responsible for tabling a Bill that brought one of the highest levels of social unrest in 30 years in this country, and his 30 minutes of speech was nothing but crocodile tears, to me, based on all those facts about his behaviour, the Honourable Member's behaviour around December 2nd and in this House.

But I will move on from there and go back to my experiences on that day. As I said, Mr. Speaker, a number of my colleagues and I, standing outside the House, saw a dramatic change in the whole climate of that morning from one that represented something very different to what it was transformed into in the space of a few minutes, from a situation where people felt that they were being attacked. From being one that was a camaraderie of a fraternal gathering in people standing up for their rights in free assembly, it turned into a situation where they were being assaulted by the police. And a number of us who are Parliamentarians running to stand between them and the police in defence, and locking arms with them to protect them. So, this was a very dramatic morning because of that transformation, Mr. Speaker, for myself and for many of our colleagues. And it was never the same after that.

I myself did not get involved with what went on on the Reid Street side where a number of my colleagues, including the now-Whip, I believe even MP Weeks, and I believe maybe even the then Leader of the Opposition, now Premier, experienced the assault of Captor—i.e., pepper spray. I did not get into that, because those of us who were, some of us who were on the Parliamentary Street side, having gone through that experience, were engaging with the authorities who, after the police had withdrawn, engaged with some of the senior officers there to try and find out from them what—and excuse my language—*What the hell just happened here?*

Mr. Speaker, I apologise for using that word in this way in the House.

The Speaker: Thank you for the apology.

Hon. Walter H. Roban: That describes how we felt at that moment.

An Hon. Member: Absolutely.

Hon. Walter H. Roban: And as you will be aware, although I was the Shadow Minister for National Security, you and the Shadow Attorney General attended to the police station moments after that to get some clarifications from the then police commissioner. And those are some of the rush of events that went on that morning. But from that moment of what happened, for all of us, it just changed everything. And we were never the same from that day. I was with the Honourable Member David Burt. We both were shaken and angered and shocked by what we had witnessed and experienced.

An Hon. Member: It could have been avoided.

Hon. Walter H. Roban: Yes! It could have been avoided. And as we . . . well, that is a very good question, Honourable Premier, as he says to me in an undertone, *How? Why? How could it have been?* And that is a very important question to ask, because that day and the way it unravelled, of which I myself did not experience, and Members like the Honourable Member who sits for constituency 11 was on the Reid Street side, amongst others, and what they went through was captured in film, of which I only saw later and which clearly was submitted as part of the testimony to the Committee. It was unreal.

And it is interesting that certain people made references to 1977 during this discussion, Mr. Speaker. And I think, you know, I was only 11 at the time when that happened. But at the same time, I remember the atmosphere of that particular period of time around 1977, in particular. And I cannot speak to any parallels, because frankly, I do not believe it is fair to parallel the two times of history, other than they were significant moments where certain negative and transformative events happened that changed the country. That is about all that is equal, Mr. Speaker.

But I think some of the key details of those times and rationales around those times, compared to December 2nd, are somewhat different. And perhaps from the standpoint of personal perceptions, people may have some parallels. But I do not think you can compare them both. They were two different times. The significance, the history is there. But when you dig down, these were two different moments of history. But December 2nd must stand on its own.

And I must say, if I can now kind of move, Mr. Speaker, to looking at some of the recommendations

and insights that I found in the report. And I am not going to do much. I will do as much as I can with the time I have. But I do not doubt that the Members who follow me, Mr. Speaker, are going to give as an effective treatment as I could ever give, as some have already done prior. So, I will touch on some of the interesting insights that I saw in the recommendations.

What I can say, and I will be jumping around a bit, Mr. Speaker, some of the interesting things that I saw . . . For instance, I think there are a couple of things that I think have to be said, that there are two institutions of this country that people, I think, were looking for some—perhaps looking for some support from, or at least clarity, because the fact that we had to convene a Joint Select Committee may actually be shown as a failure of democracy as much as it has been a formation of a part of democracy. Because there were some structures within the Government structure that I think perhaps people would have hoped would have been a lot more of assistance with aiding the public, with understanding some of the dimensions of what happened

One of them is the Police Complaints Authority, which I think, based on the findings in this document, it should either be reformed or disbanded altogether. I think it was tested by this process, and it failed abysmally.

One thing I believe about democracy, Mr. Speaker, is that one way to show whether democracy is aiding in the wider public interest is when it is tested. You know, most of the time, democracy goes on and does what it has to do with fulfilling a certain process of governance and human activity, and engagement between the public and the authorities, and certain agents of the legal process, whether it be the Judiciary, whether it be the Executive, whether it be the Legislature, whether it be the Administration of Government. But where democracy truly tests itself is when it is put into a crisis. That is the real test of democracy over other systems that we, thankfully, in this country in recent times have not been subjected to.

Some of the mechanisms of democracy in this country failed around December 2nd, Mr. Speaker. There would be like the Police Complaints Authority failed. I would argue even that the Human Rights Commission failed, because the Human Rights Commission, in my view—I am expressing this—should have opined on what happened that day and looked at whether people's rights were violated, based on the incidences and an objective review of what happened. And their standing, certainly from a legal standpoint, would give them an absolute right to do that. They were silent. I do not recall hearing anything from the Human Rights Commission.

I did hear word from another public/private body, the Centre for Justice, that opined. And what they said is a matter of public record. But I think that where certain mechanisms of government were available and could have acted, they acted insufficiently to

the gravity of what was December 2nd. And those are some of the failures, because sometimes democracy does fail. But its attribute is that it can recover, it can amend, it can review and it can make change and adjustments to aid in strengthening the processes upon which it is built on. And that is where this Committee report, Mr. Speaker, is a part of that component of democracy that can aid in the adjustment and amendments and refinement of where processes have failed.

We have other mechanisms, such as the Royal Commission and other types of commissions that do that, as well. When they are applied properly, they can aid in strengthening democracy.

But we saw a failure, and I believe that the failure of other government structures in the governance process . . . and we have other failures that clearly happened. And they happened right within the centre of government in this. And I do believe that this report reveals some of that failure in the actions of people who have responsibility in the government, as well. But this Committee is playing a crucial role in its report in bringing perhaps potential repair, adjustment, review, contemplation and, hopefully, reflection and some way that some people in this process can find a way to heal in some ways.

I am not saying it is going to be perfect, but I commend the members who made themselves available to participate in this Committee to aid in a repair to our democratic system, because the systems failed the public on that day. Seniors and defenceless people found themselves subject to persecution and the power of the state. And when I say "state," I am talking about the police service and even decision-making. It is clear that certain decisions within the government mechanism contributed to what happened, Mr. Speaker.

If you go to the page where I think it talks about, on page 27, it talks about a sequence of events, Mr. Speaker, about the House of Assembly and the decisions around the cancellation of the House of Assembly, and then the resumption of the House of Assembly. It is very apparent to me, based on what is in this document on these few pages, Mr. Speaker, that the decisions of the former Speaker, and there seems to be quite a revelation here between 9:54, about ten o'clock, and about 12:30 that certain people were talking, whether it be with Government House, between Government House, between the Premier, the former Premier. It is listed here. There were conversations, Mr. Speaker. Those conversations, based on what is printed here, seem to have led to a change of decision by the Speaker.

That change of decision, Mr. Speaker, if that had not happened we would not have had the incident that has been the subject of this report. And understand something, Mr. Speaker. Let us compartmentalise this a little bit, Mr. Speaker. You can compartmentalise December 2nd into some clear pieces.

An Hon. Member: No point of order!

Hon. Walter H. Roban: The piece where the actual—there was the assembly of the people. There was, you know, their interest or their actions to assemble around the House. That certainly did not bring about any potential or threat. Right? That did not bring about any threat. They are gathering in front of the House. Their assembly, their behaviour during those hours of that morning, that did not bring about a threat. Right? Eating chicken from around the block, this did not bring about [a] threat.

You know, members of the clergy were coming around, talking to people, trying to contribute to a good feeling around there. That did not bring about the threat, Mr. Speaker. The threat was precipitated by decisions made by key members of our governance process, Mr. Speaker! The former Speaker of the House, discussions with the Premier and his offices, perhaps Members of Cabinet whom we have yet to hear from, the police service—that is what brought about the actions of which made December 2nd the disgrace that it is!

An Hon. Member: Yes!

Hon. Walter H. Roban: It is not the actions of the people, in principle. It is the reaction by the police to their assembly that brought about the crisis that we have had to address in this paper and the failure of some proponents of government. That is what has brought about the failure and the tragedies that we are addressing here, Mr. Speaker. You can compartmentalise and break it down. And this report allows you to do that.

And those of us who were there, not sitting up in the House of Assembly having tea and crumpets, perhaps . . . I do not know what they were doing here; I was not in here. But I was down there on the streets with the people, as many of my colleagues were. That is where we were. So, our recollection of the day is built around the events that happened on that street, on Reid Street, on Court Street and—(I am sorry) Reid Street and Parliament Street, in particular.

So, Mr. Speaker, the blame, if you want to place blame somewhere, the report gives you an indication of where you can point it if you wish to do that. But that is not, potentially or arguably, the process upon which we, at least as Members of the Legislature, are desiring to exercise, ultimately. But the public is going to want more answers because the report is . . . and I am not criticising the members of the Commission, because it is very clear from what they have articulated that they had difficulty getting to the truth, And if you are digging for gold and you keep digging, and somebody is telling you the gold is there, but it is not there, it is not really your fault if you do not find it, Mr. Speaker.

It is very clear that the members of this Committee—and I made my own submission to the Committee, and I will apologise to them now because I took real long to do it. I had been requested months and months earlier by the chairman and other others to do it. But I made my submission eventually.

And I am glad that I was able to do so, because it did help me out a little bit by, after all this time, putting some of what I experienced on paper and refining it and thinking about it, and reflecting. And it did help me a little bit about it.

I still have a lot of, I think, anger about what happened that day because I believe that there was a lot of betrayal on that day to our people from the standpoint of the Government's willingness to make the same mistake they had made earlier in the year with trying to railroad legislation through without—clearly, with the people's noted rejection and anger about it, which manifested with another terrible incident which shook our democracy, just as May of 2016 had done. One would have thought that there would have been a learning from the earlier part of the year to not want to duplicate it at the end of the year. But clearly, somebody else had something in mind.

And it is certainly clear, Mr. Speaker, that irrespective of what some people would like to say, that Members of the Government deliberately went down this path. And as we see, there are some suggestions of certain tactics that the police were recommending to use. We know, certainly from a couple of things as well from this, Mr. Speaker, there was clear . . .

And I do not for the minute, Mr. Speaker, believe that the tactics used by the former Premier to lawyer-up and get all this sort of—and some of his activities around . . . relating to the . . . were like somehow in good spirit. I do not believe it. But that is my opinion. I do not believe it! I do not believe his questioning whether the Motion was properly passed and some of the tactics thereafter were of good—were in good faith. I do not believe it! And the lawyering-up and having a lawyer question the very validity of members on the Committee . . .

And the Police Commissioner, Mr. Corbishley, who was not even here when all this happened, and his behaviour and some of the leadership of the police around this—I am sorry. That was clear obstruction of justice!

So, Mr. Speaker, this report has laid out some clear facts. But it also leaves some gaping questions to be answered about the conduct of Members of Government, conduct of members in other branches of our government structure, of certain mechanisms of democracy that we should be able to rely on to ensure justice for our people. We need to use this as a tool to re-examine and to repair and bring healing to our country around December 2nd so that it does not happen again.

Thank you, Mr. Speaker.

An Hon. Member: Hear, hear!

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

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

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

Mr. Speaker, I am mindful of the fact that the Committee, when it was struck, said that part of the things that it wanted to do was to look at things in terms of why things happened, bringing some closure, findings, recommendations, et cetera. It is on that basis that I have risen today, because I believe that there are some recommendations that should happen. And I think that there are some things that we as Bermudians need to look carefully at.

Mr. Speaker, in my humble opinion, the landscape in Bermuda has changed. We have to understand that in Bermuda we have started to do things differently. Because if you remember, a while back, the public would call their MPs and express their concerns about things that were happening. But the House would go on. Their MPs would take it under consideration. They would come up here, and they would talk about it. And then, we would make a conscious decision to try and change.

At that point in time, it then started to change so that people would then come to the House for an all-night vigil, but the point was made. But there was no confrontation, and the House went on.

Over time, the immigration occupation of the House changed that in terms of the rules of engagement. All of a sudden, you have the scenario of a rules of engagement, that the House was here and the people had a way of making sure that their message was firmly put in our face so that we understand, or at least we were aware of, what they were saying.

Now, Mr. Speaker, I think what I am concerned about is that there seems to be some difference of opinion as to how one makes your point known. Because I have heard people talk about civil disobedience. Now, to me, in the Bermuda context, I am not aware of what I call "civil disobedience." In the American context, I am clear about civil disobedience, and I am clear about how far it might or might not go.

But in Bermuda, I always believed that people would . . . I am not saying that they did not stand in front of gates. And I am not saying that they did not turn and make sure people understood that they were very much unhappy. But there seems to be a fine line, especially when we are talking about the House of Assembly, that we need to understand how far one can go to make the point that you are not happy about something that is being discussed up here or you are not happy about a decision that is being made.

And I say that because, to me, what happened on December 1st and December 2nd, and of course, I am now looking at it in hindsight and I am looking at it in terms of things that are drawn to our attention in terms of information that is being shared. And I am saying this because, whether you like it or not, in Bermuda people know things that have happened but they do not always stand up and acknowledge it. So, you are left knowing that this occurred, but you just cannot put your finger on it and say, *That occurred*. But you know it happened. And then you have people who try and convince you that it never happened.

But I am saying that I am certain that, if it has been said that robocalls went out, then they went out. Because I know that they go out for many other reasons, to tell people about things that are happening. And if robocalls went out that suggested to people that December 2nd, they could come to the House and bring something to cover their eyes, then that would worry me.

And the reason I say that would worry me is because it meant that now, instead of having what I believed—a situation where if something happened, then it evolved. But this would suggest that it was not that a confrontation was anticipated; it would have the suggestion that a confrontation was now encouraged.

Now, that, to me—

Mr. Christopher Famous: Point of order, Mr. Speaker.

The Speaker: What is your point of order?

POINT OF ORDER

[Misleading]

Mr. Christopher Famous: The Honourable Member is trying to conflate things.

An Hon. Member: Misleading the House.

Mr. Christopher Famous: Misleading the House by conflation. Can I elaborate, Mr. Speaker?

The Speaker: Real quickly.

Mr. Christopher Famous: Honourable Member Dunkley said a robocall went out. Then he said, on December 3rd, he got some WhatsApp. Those are two separate things. Honourable Member from 19 is trying to say the robocall went out to say, *Cover your eyes*.

Hon. Michael H. Dunkley: I didn't say WhatsApp.

The Speaker: He got an email. He got an email.

Hon. Jeanne J. Atherden: Mr. Speaker, I will continue with what I was saying.

The Speaker: Just try and keep it factual.

Hon. Jeanne J. Atherden: What I am worried about now, and as I prefaced it from the beginning, there are things that people know happened in Bermuda. And then, when you try and tie it down, nobody will acknowledge it—because they will not acknowledge, and therefore, you have to then conclude that it did not happen.

The Speaker: The only thing I am going to comment on about that is that I hear what MP Dunkley stated in the email, and how to dress and how to come prepared because of what was said in the email. As someone who saw what was taking place that day, I do not think anybody came dressed in that manner. So, I do not know how effective that email was. So, I would not put a lot of credence in that email, because it said to come dressed in hoodies and be ready to cover and be prepared. None of those seniors who got sprayed were prepared for that that day.

Hon. Jeanne J. Atherden: The point I want to make, Mr. Speaker, though, is that I have heard . . . I have heard someone indicate that civil disobedience is acceptable. And I am saying that when you start to have someone say that civil disobedience is acceptable, then we have to start to examine that in the Bermuda context. And I am saying that because someone said this to me, that it is acceptable. And all I was trying to show was that we started off where you would stand up and you would talk to your MP, and you would let him know that you are unhappy. And then afterwards, you have the all-night vigil. Then, after that, you had where the people are up here on the House of Assembly.

But when you start to get to a situation where people believe that standing and stopping the House of Assembly from actually sitting is acceptable, then we are starting to create a problem. And as the report said, a point was made that if you come to the House—if you come to the House and you are preventing the Parliamentarians being able to come in . . . and I wrote this down specifically. “The Committee considered at length the pros and cons of the involvement of Parliamentarians in emotive causes that lead to civil disobedience; however, it was determined that the involvement was not dissimilar to what had transpired historically in both Bermuda and overseas.”

And I take the point that, as Bermudians, we need to examine this whole question of civil disobedience and how far it should go. Because I do not think anybody ever wants to see another incident like what happened on December 2nd. And unless you start to examine where the line stops between exercising your right to say that you do not agree with something and going up and breaking the law, and then suffering the consequences . . . because if people do not realise that there are consequences, then you can have

somebody misleading them into realising that the consequences could be more far-reaching than they imagined.

And I say that, Mr. Speaker, because the other side of that is the fact that when you have a situation that you had 26 people who were summoned to court, and then you end up having their fines paid and then having a nondisclosure agreement, that creates all sorts of concerns, concerns about whether people understand that these are precedents that we have to look carefully at and make sure they never happen again.

And that is not just about the police. That is not just talking about the rules. It is also talking about how far does one normally go to get the attention of the Legislators? Because whether [or not] you like it, I know that the current Government believes that they have their mandate and everything will be fine. But times change, and people get unhappy. And you can always have someone who decides that they have found a method in which to manipulate people, and therefore they might choose to do it again for whatever reason. So, the shoe could be on the other foot for a similar government.

And all I saying is that, for Bermudians, we cannot afford to have people having this, because it damages the society that we live in. It damages the relationship. And you never get to go back again and be able to reconstruct or re-create the level of trust that we had with each other, the level of trust that you had in the police to be able to achieve law and order. And what really concerns me, Mr. Speaker, is the fact that I worry that you will have people deciding to make a decision as to whether—which laws will they uphold.

And I say that because I do not know whether you also remember that, down East Broadway, before that, a couple of days before that there were people down there standing out. And they were protesting. And nothing happened to them. The traffic was diverted to go around them. So, effectively, that was a tacit support. So, I worry, because law and order require us to have it apply equally and the law to be upheld. You do not want someone turning around and saying, *I will uphold it for you, but not for you* (because you might be on the wrong side of it).

So, Mr. Speaker, I am pleased that the Committee has come up with some recommendations. I am pleased to hear that the police have decided that they were going to take into consideration some of the recommendations. And I assume that they are working on it.

And I am also concerned—and, Mr. Speaker, if you can allow me for one minute, I think I just pulled the recommendation up here. I was also concerned that some of the recommendations here in terms of updating the Public Order Act “to include protests, marches and demonstrations, counter-demonstrations . . .,” that those things, “public and private meetings,” It is important to have that happen because if we do

not change the laws to reflect on things that have happened, we run the risk of our being not prepared and having something else result which is not going to be good for the country.

With respect to Parliamentarians, we ourselves, perhaps we have to start looking at how we carry ourselves in this House. And maybe we have to start setting an example a little bit more, because . . . I am sorry, Mr. Speaker. Sometimes, our decorum really goes down, and calling things back and forth across the House is really saying that we are not respecting each other.

So, Mr. Speaker, I am conscious that, going forward, the Committee is hoping that we will change the Parliamentary process, that the police will do something. But I also believe that we have to have this whole discussion as to, in the Bermuda context, what is the definition of “civil disobedience” so that everybody in Bermuda understands the fine line between exercising your right and then breaking the law. And if we also have, where the police have things set up where you make sure that you have the proper barricades and everything, then hopefully we will never have this again. Because I believe that nobody really benefited from it, and we all came away having suffered.

Thank you, Mr. Speaker.

An Hon. Member: Bang-bang.

The Speaker: Thank you, Honourable Member.
Does any other Member wish to speak?

An Hon. Member: Bang-bang.

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

Mr. Christopher Famous: Mr. Speaker. Mr. Speaker.

The Speaker: Yes.

Mr. Christopher Famous: Every time I walk through those gates, every single time I walk through those gates, I think of what happened that day. Let me start with a quote, if possible, Mr. Speaker.

The Speaker: Yes.

Mr. Christopher Famous: “What transpired in Bermuda last Friday was disheartening to see and unacceptable. Let me be very clear, I don’t condone the violence that occurred against our citizens and was deeply troubled by what occurred.” Let me repeat: “I don’t condone the violence that occurred against our citizens and was deeply troubled by what occurred”—Premier Michael Dunkley, December 4th, 2016.

Moving on, Mr. Speaker, another quote: “According to the *Royal Gazette* of Saturday February 4, 2017, this was the premier’s reply: ‘Michael Dunkley has told MPs that he first became aware of the deployment of helmeted police against protesters on December 2 when he saw images of them on social media.’” He is saying that he only knew about it after the fact.

Let us move on, Mr. Speaker. As per the *Royal Gazette*, Saturday, February 11, 2017, “Michael Dunkley has said he was in phone contact with the Commissioner of Police during the protests of December 2.” Let me repeat. “Michael Dunkley has said he was in phone contact with the Commissioner of Police during the protests of December 2. Speaking in the House of Assembly, the Premier said that he had six separate phone conversations with the Commissioner on the day of protests against the proposed airport redevelopment project.” Six times, Mr. Speaker!

“Responding to parliamentary questions by [Opposition Leader] David Burt . . . the Premier said the first phone conversation with the Commissioner . . . took place at 8.29am, with subsequent calls at 10.15am, 11.06am, 11.45am, 1.12pm and 5.55pm.”

Let us bear in mind, Mr. Speaker, by the Premier, the then Premier’s own admission, he spoke to the police commissioner at 1:12 pm. At approximately 1:20 pm, the riot squad appeared on Parliament Street, where the violence against Bermudians occurred. So, how can someone who just spoke to the police commissioner say the first time he knew about it was after the fact?

Let me move on, Mr. Speaker. Mr. Speaker, that day, let me tell you something. My grandpa always taught me. *If you cannot move fast, move early.*

An Hon. Member: That is right.

Mr. Christopher Famous: I am not a sprinter; I am a marathon runner. I was out here outside the Government Administration Building at 7:00 am that day. There were probably five people standing outside these gates, five at most.

[Inaudible interjections]

Mr. Christopher Famous: The only . . . Mr. Speaker, I have a camera. I take pictures. The only OBA MPs who came at that time, any time between then and 10:00, was then Minister Bob Richards, who got turned around, and then MP Kenny Bascome, who I told him, *I think today might not be the day you are going inside.*

Mr. Speaker, let me quote, read from some things, because I thank the Committee that did that hard work. And it supplemented some things that I had written about prior. If you will allow me to read this, please, Mr. Speaker.

The Speaker: Continue.

Mr. Christopher Famous: Mr. Speaker, the then Police Commissioner said something that stood out to me. During a press conference on December 2nd, he stated, “Once it was announced that the House would sit today, police initiated positive action to open a path to the House. Officers approached the protestors that were blocking access, warned them that they were committing offences, and instructed them to desist. Immediately the crowd surged and some of the protestors assaulted the officers. Some officers deployed incapacitant spray in a proportionate response to disperse the crowd and to create a safe separation.”

Total and unadulterated lies! Want me to tell you why these are lies, Mr. Speaker? I wrote something in reply in *Bernews*. I was fully expecting the police commissioner to come and try to arrest me for saying I am calling him a liar. There was not one response from that police commissioner.

Mr. Speaker, more recently, the commissioner made this statement: “As a result, a second group of officers was deployed to arrest those who continued to block the gates.” Mr. Speaker, that day, all right, I happened to be walking across the police station at 12:30 pm. I saw a white van come across. No big deal. But when I see a white van with guys with helmets on them like, *What is this, a rugby team?* Mr. Speaker, here is a picture I took, myself, with a timestamp of riot squad police officers coming out of that van at 12:30 pm.

Let me move on, Mr. Speaker. At 12:45, I crossed from where we used to call Kitchen Corner when I was out there. And there were BPSU [Bermuda Public Service Union] members, mostly females, walking across the street with umbrellas, peaceful women. Then came the first set of police officers commanded by Inspector Mark Clarke, who just stood in front of everybody, no problems. Nobody had any problems. Then, all of a sudden, we see the riot squad come around the corner. They did not stop and ask anybody to move. They did not say, *You are unlawfully gathered*. They just barrelled into the crowd.

Imagine, Mr. Speaker, you have people standing up against an iron gate, and you have 20 officers come in and barrel against you. What is going to be the result? Mr. Speaker, those officers had on shields, had helmets but clear shields. If anyone has ever seen the face of hate, it was that day. Those officers were determined to push us into the gate! Not separate us—push us into the gate. If a gate cannot move and you are pushing against me, what is going to happen? The only thing is going to happen, I am going to get hurt or I am going to push back.

The crowd pushed back. Not one person fought the police. They did that for about five minutes. When that did not work, they went around the corner.

Let me tell you something, Mr. Speaker. I would die for my family. I would *die* for my family. I

was standing on the street with then not Senator, but my cousin, Jason Hayward, just standing up, saying, *What are these people doing?* Mr. Speaker, they came and tried to snatch my cousin, who did nothing to the police. They tried to . . . imagine somebody trying to snatch your son, somebody with a helmet on, with a baton, trying to snatch your son. Your first instinct is to snatch your own son to keep him from getting snatched.

Mr. Speaker, I hear people talking about, *Well, I watched it from the balcony. Well, I watched it from social media*. Mr. Speaker, let me tell you how I watched it. I watched it from a police officer with his hands around my neck, strangling me because I am trying to save my cousin! So, I do not want to hear nothing from nobody. That is a double negative. I am going to say it again. I do not want to hear anything from anybody about we were there planning to get inside this place. We were merely standing there, along with elderly people and women. And the police attacked us! I will go to my death saying that. They attacked us! We had nothing to do, we had no offence against the police.

I want anybody who is listening to me to understand what it means to have somebody, a police officer, with his hands around your neck. Right?

Mr. Speaker, it did not end there. I do not know who has ever been pepper-sprayed, but it is something you would never forget. One minute you are standing there; the next minute somebody has got their hands around your neck. The next minute after that, you could hardly see. You are about to faint. I looked around me, and I saw people on the ground. I saw people crying, grown men, big men, men bigger than—big men crying.

[Inaudible interjections and laughter]

Mr. Christopher Famous: Mr. Speaker, what happened that day happened in such a fast moment that I do not even think the reporters understood what happened, because at one point, ZBM reporter, Gary Moreno, was next to me. Next minute, he was getting pepper-sprayed.

Mr. Speaker, I am going to speak from a human point of view. Bermudians, by all accounts, are the most conservative, passive people in this country or probably in this world. We will put up with a lot. And all we wanted was to see those documents. We want to see the details of that deal. The then Minister of Finance, Mr. Bob Richards, promised to let the then Shadow Finance Minister, Honourable David Burt, see those things. He said that on Shirley Dill’s show. Two days later he says, *You’re not going to see this*. We the people want to see those documents. The Honourable Member from [constituency] 19 spoke about, *This is unlawful*, and *this is that*. Well, when you have a government refusing to give you documents that

have got taxpayers' money [involved], what is moral? What is moral?

So, I am going to say this again. At 11:12 pm [*sic*], the then Premier Michael Dunkley had a conversation with the then police commissioner. Eight minutes later, the riot squad came and attacked Bermudians. They came. They were prepared from 12:00 pm.

Mr. Speaker, I watched the video that MP Tinee Furbert played, where Officer Brian MacNab . . . Let me repeat that for the public record. Officer Brian MacNab walked peacefully down there; no one was attacking him, and ordered three to four officers to take out their [Captor] spray. No one was attacking any police officer. Our backs were against the wall. The pepper spray came from behind us—not in our face, from behind us.

An Hon. Member: *Spray them all!*

Mr. Christopher Famous: *Spray them all, one by one!*

I want to know, how can the police commissioner, who was not in Bermuda, he has never been here before, could say, *Well, you know, there was no organised thing*. The officer is on video saying it!

How much time do I have left, Mr. Speaker?

[*Inaudible interjection*]

Mr. Christopher Famous: Fifteen minutes? Wow. Can I give my minutes to somebody else?

An Hon. Member: Yes, you can!

[*Inaudible interjections*]

Mr. Christopher Famous: Mr. Speaker, let me repeat something from earlier, [what] my colleague, Mr. Jamahl Simmons, said. Here is the thing. There used to be a gentleman who sat right next to me, his name was Jeff Baron. At one point, he was the National Security Minister. When they asked him what he knew about this incident, he said he knew nothing about it because he was at a funeral. Hmm. That is interesting, because that funeral ended at 12:30, before 12:30. It was a funeral for Sergeant Whorms, from the Regiment. Why do I know it ended? Because I was walking up Court Street, and the Bermuda Regiment was marching him towards Augustus at 12:30, before I saw the police and the riot squad. So, that funeral was over. So, for the then Minister to say, *I knew nothing about it because I was at a funeral*—no. Your alibi does not stick.

Let me repeat what he said: "As it relates to the operations on Friday, I wish to advise that as Minister I was not consulted, nor informed of the tactical options discussed and decided upon by the Bermuda Police Service or anyone else on Friday." That is what

National Security Minister Jeff Baron said on December 5, 2016. Fast-forward to December 1st, [2017] the [Official Hansard Report](#) records will show the following: "The Member, Mr. Speaker, is misleading the House. At no point did I ever say that I did not . . . that I was not aware of the police operation at all. Completely misleading"—MP Jeff Baron [page 777]

So, let us see, Mr. Speaker. We have a Premier who made a call at 1:12, or there was some call at 1:12 pm. Then eight minutes later, the riot squad comes around. We have a National Security Minister who one year says he knew nothing about it, and less than a year later, he says, *Oh, I knew all about it*. Sounds like conflict of interest. Sounds like somebody is not telling the truth, or a few people are not telling the truth.

But let us move on, Mr. Speaker. Another former Premier says, "I can remember. I said, I've had enough. I am not staying in this cooped-up room here like this here. I walked around the block, coming around Marketplace here only to walk into members who had just been pepper-sprayed. I was like, Oh, my goodness! What have we done? What have we done?"

Let me repeat: "I walked around the block, coming around Marketplace [and] walk into members who had just been pepper-sprayed. I was like, Oh, my goodness! What have we done? What have we done?"—former Premier Craig Cannonier.

He did not say, *What have they done?* or, *What happened?* He said, *What have we done? What have we done?* Those are his words.

Mr. Speaker, let me summarise. The former Minister of National Security stated he knew nothing about police operations. One year later, he said he knows about it. Another former Premier says, *What have we done? What have we done?* The former Premier says, *This was violence against Bermuda*. One year later, he refused to speak on the December 1st Motion about that same violence against Bermuda.

Mr. Speaker, that morning I dropped my mother off outside of here. Right? My children's mother was outside of here. My aunts were outside of this building. My sister-in-law was outside this building. After the incident took place on the south side, I walked around the entire perimeter of this thing, looking for my mother. I found my mother crying not because she got pepper-sprayed, but because she witnessed people her own age being attacked, beaten by the police. I ask any sane person, Is that . . . every time you look at that airport, ask yourself, Was it worth it? Was it worth it to see our people on the ground crying?

I am a grown man, Mr. Speaker. I try not to cry. But I am going to end how I started. Every time I come through those gates, I think about seeing wom-

⁶ [Bernews](#), 9 February 2018

en on the ground crying because of an airport—an airport!

[Member became emotional]

Mr. Christopher Famous: I blame this man from constituency 10 for everything that happened that day. I blame him. Mr. Speaker, they had the right, they had the ability to call off the House sitting that day. They insisted the House sit that day. And everything that happened is because they insisted the House sit.

Mr. Speaker, I am taking my seat. I know why I was elected—to represent people so they do not be on the ground no more because of these people. I can't . . .

The Speaker: Thank you, Honourable Member.

Hon. Michael J. Scott: I am not standing to speak. I am standing for that Member.

[Desk thumping]

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Member from constituency 16. Honourable Member Weeks, you have the floor.

Mr. Michael A. Weeks: Thank you, Mr. Speaker.

I rise this evening, Mr. Speaker, on the events of December 2nd, 2016. Actually, Mr. Speaker, I have been off Island, and I decided to come back early when I found that we would be debating this Motion today. So, I got in this afternoon.

Mr. Speaker, if I could paraphrase the words of Winston Churchill when he said, *That day will go down in infamy*.

The Speaker: Mm-hmm.

Mr. Michael A. Weeks: Mr. Speaker, what is eerily ironic to me is that December 2nd, 2016, was actually the 39th anniversary, if I did my math right, of the hanging of Erskine “Buck” Burrows. One person whom I knew pretty well actually taught my cousin and me how to ride a Mobylette, his famous black Mobylette with red trim. And the hanging also of his friend, fellow Black Beret, Mr. Larry Tacklyn.

Mr. Speaker, before I go any further, I would like to take this opportunity to congratulate and commend the Chairman of the Joint Select Committee, my colleague and our colleague, Mr. Kim Swan, and his other members on the Committee. I know it was not easy, Mr. Speaker, to get through all the painstaking evidence and looking at the videos and hearing the stories, much like what my colleague experienced who just took his seat. And I definitely feel for him because that particular day, Mr. Speaker, must have

been, by the grace of God . . . My mother is one of those people who always went to every, every event, every march, every sit-in in her life. That day, because she is now—she was then 92. That day, Mr. Speaker, I believe must have been first day that she was not around to see such heinous acts.

Mr. Speaker, I was there that day. As my colleague from [constituency] 15 alluded to, I was there with Mr. and Mrs. Bermuda. I was there with many of my colleagues. We were there to stand with our Bermudians in peaceful protest of our giving away our airport to foreigners, Mr. Speaker. Some say that the life of an airport is about 30 to 35 years. And I think that is just about the length of the contract that we have given to foreigners.

While I was sitting down, reading the report, Mr. Speaker, memories of that day came flooding back because on that day I remember while I was here among my colleagues and the people, protesters, walking up and down Parliament Street, in particular, meeting and greeting. Everybody is in a jovial mood, but a firm mood, a committed mood, that they were there to protest the giving away of our airport. And just by showing [up in] those numbers was to show the then OBA Government, Mr. Speaker, not that we were going to be violent with the numbers, but we were serious about protesting, protesting the contract.

Some of the protesters whom I talked to were not even against the renovation of the airport or the building of a new one. They simply had issues with the contract itself. So, that was their reason for being there, Mr. Speaker. Never once did the conversations that I was having up until 1:00 pm involve any malice, any thoughts of violence, any bandanas or water or whatever else that I have heard Members on the opposite side say that they came prepared [with]. The people whom I saw, they only came with what they normally came with—umbrellas, because the rain may come. I saw some water because people get thirsty. And like one of my colleagues said, they even passed around some chicken. That does not sound like people getting ready for violence or revolution, Mr. Speaker.

But as the day went on, and I was, I found myself down by the south west gate, and I heard a sound, Mr. Speaker, that old familiar sound of the click-clacking of boots, because I was one of those past soldiers in the Regiment, under the Honourable Colonel. So, when I was there and I heard the click-clack of boots.

[Inaudible interjection and laughter]

Mr. Michael A. Weeks: I never went to the brig, Mr. Speaker. I always followed my orders.

But, Mr. Speaker, on a serious note, as I stood at that southwest gate with other people protesters, and you are going to hear me say it over and

over, because up until the time when Inspector Mark Clarke spoke to us there, soon after we heard the click-clack of the boots. Mr. Speaker, I had a chill, a chill go through me because I did not know what that meant. The click-clacking of the boots coming down, everybody in cadence at a time when we were standing there, and they are coming right to us.

And I am here, Mr. Speaker, on my feet. And I will say that when the protesters decided to go arm-in-arm, I was one of them, Mr. Speaker. And I tell you what, and I make no apology for it. When I was elected to serve in this Honourable House, I was elected to serve at the request of people. And if I think the issue is just, I will serve *for*, and if the need be, *with* those people who are standing up for what is right in Bermuda, Mr. Speaker.

So, as we are standing arm-in-arm, I got a tap on my shoulder just before the click-clacking came right up on us. My colleague, MP from [constituency] 21, MP Rolfe Commissiong, touched me on my shoulder. And he said, *Look, brother. We have got to protect this lady.* So, I turned toward him. And he was standing next to a senior, who actually is legally blind. So, as we were putting our arms, locking our arms, there was a dual purpose, Mr. Speaker. We had to stand with resolve with those other peaceful protesters. But it was our duty to protect that senior and other seniors who were there. So, if those who were looking from the balconies of this Parliament, they could come to any kind of conclusion. But I, for one, was standing in front of that gate, doing what my mother would have expected me to do, and protect that vulnerable senior who was there, among others, Mr. Speaker, among others.

[Inaudible interjections]

Mr. Michael A. Weeks: Yes, yes. Yes, my brother, he would have blessed us.

So, Mr. Speaker, if you could see what I am saying. But then the cadence of boots came quicker. I felt that mayhem was about to erupt, Mr. Speaker. That group of police did not come to talk to us. And especially since Inspector Clarke already had said what he had to say—no. But, Mr. Speaker, during that time, I remember being pushed to and fro, to and fro. And I consider myself a pretty firm guy. And when we were locked arm-in-arm and trying to keep the police away from us, it was a dual purpose. My colleague and I, with these peaceful protesters, were to keep the police away, [and] make sure that we were protecting those seniors who were behind us.

And I was one of those people whom you may have heard on the tape, shouting at the police, telling them to stop what they were doing, Mr. Speaker. And there were some things that I said that you may feel was unparliamentary, Mr. Speaker. But in the heat of the moment, you are trying, to no avail, to admonish those officers, telling them that it was unnecessary.

Stop! We have seniors who are there. They kept coming, and we had to show resolve by standing there.

But while there, Mr. Speaker, just as suddenly as they came, they backed off. I thought they had given up and they were going to retreat. But sadly, Mr. Speaker, the worst was yet to come. And they left us from the south west gate, and they started to march southward. And they were going around to the gate on Reid Street, the southern gate on Reid Street. And somebody in the crowd said, *Hey! They are going to the other gate!* So, I was one of those who hurried round to the other side to stay in unison and stay committed to the cause.

An Hon. Member: Solidarity.

Mr. Michael A. Weeks: Solidarity, Mr. Speaker, for truth.

But what I encountered, Mr. Speaker, even to this day, as I stand here, it boils my blood. It angers me, Mr. Speaker, at the level of injustice and total disregard that I felt was shown to our people. But ironically, Mr. Speaker, at the Reid Street entrance, I stood with a former MP, former MP Glenn Blakeney. And we were shouting at the police, especially those who were behind the wall, Mr. Speaker, looking down at those of us on Reid Street. Some of my colleagues, because of where their vantage point was, who spoke of pepper spray coming from behind them . . . I was one of those protesters looking up at the police who were behind the wall. And I saw pepper spray coming from that direction.

But MP Blakeney said, after we were trying to get them to stop what they were doing, and again speaking a little unparliamentary, Mr. Speaker, MP Blakeney said (former MP Blakeney said), *Mike, I'm going around to the radio station so I can tell this country what is happening here right now.*

But before I go any further, Mr. Speaker, those of us who know history, we understand that the pepper spray was only the tool of now, in 2016.

The Speaker: Mm-hmm.

Mr. Michael A. Weeks: I had to stop and imagine what my forebears went through and the tools of their day. The tools of their day were water hoses, nooses, whips, batons, dogs, and the like.

The Speaker: Yes. Yes.

Mr. Michael A. Weeks: So, protest has been going on for quite some time, Mr. Speaker. And we have to be clear that this pepper spray was only simply a tool of now. I am sure that our fore-parents, my mama could tell me some stories of what happened in the 1960s and earlier, how they were treated.

But, Mr. Speaker, I was not one who was sprayed directly. But given that it is a gas, I was af-

fectured by it, the burning, the irritation. And I remember the anger that came with it. Up until this point, I have not really had the opportunity to tell my story publicly. But when I was at the Reid Street gate, like I said, Mr. Speaker, we saw some police officers behind the wall, looking down on us.

And I saw one in particular, Mr. Speaker, intentionally using his pepper spray on us without reservation or hesitation. Mr. Speaker, there was one officer in particular who was behind the wall pepper-spraying with . . . he was not just spraying the pepper spray in the air; he was spraying it at particular people. This particular officer, this one particular officer, because our eyes met, he was a white officer. Now, the significance of why I am pointing out his skin colour I am going to explain shortly while I am talking. But he stood above that wall, and he was spraying the protesters as if he were spraying roaches. You know, he was picking out people and reaching over the wall and just spraying, spraying people.

And he did not spray me because he probably recognised who I was. But he and I looked, our eyes locked. And when I said, *What are you doing, man?* And again, my language with him was unparliamentary.

But once all of this happened, Mr. Speaker, and a few days later when I was trying to peel back those events, because a part of me was . . . a part of me was in disbelief. I said, *Well, that stuff could not have happened yesterday or a couple of days earlier!* But that is a very unfortunate event, Mr. Speaker. But when I saw the pictures in the newspaper, that brought back a flood of emotion. When I saw the passion of my now-colleague with the President of the BPSU, that picture there said it all. Well, it was pepper-spraying that you could tell, the irritation on my colleague's face. The only things that were missing were dogs and batons. It was such a familiar picture.

Mr. Speaker, but in the newspaper, one of the pictures I saw was the mother of a dear friend of mine. And soon, hopefully, he is going to be a colleague. Because if you recall, Mr. Speaker, he narrowly lost to the then Premier in 2017. That is my good friend, Dr. Ernest Peets. Mr. Speaker, the picture of his mama sitting on the sidewalk in pain and tears, having to go to the hospital, still sits with me today. So, again, Mr. Speaker, I feel the passion of my colleague from [constituency] 11, because much like the emotion that welled up in him just now, I have been there, Bah. Been there.

So, when I was sitting down looking at the report, I meticulously looked through the report, looking for the statement of this one particular officer. And I have yet to come across it. And I looked back and forth. I said, *Well, yeah, I was there.* And if anybody should have had a statement, it should have been this guy right here, who I saw doing things as if he was exterminating vermin. So, I looked to and fro, high and low. So, if I overlooked it and the Chairman of the JSC

[Joint Select Committee] can correct me, then I stand to be corrected, Mr. Speaker.

But when I was reading the report, I came across the recommendations on pages 44 to 50 . . . And again, I was looking to see if some of these officers, Mr. Speaker, were going to be sanctioned for being so heavy-handed, in particular, again, the officer whom I had referenced in my discussion. I even wonder if he is still in Bermý.

[Inaudible interjection]

Mr. Michael A. Weeks: Some say he got promoted. Wow.

But, Mr. Speaker, that entire experience made me reflective of a movie that I saw a few years before that fateful day. And if you would indulge me, Mr. Speaker, and perhaps my colleagues and those in the listening land—

The Speaker: Continue on.

Mr. Michael A. Weeks: I want to ask you to close your eyes for a moment and listen to what I have to say.

As you sit there, Mr. Speaker, with your eyes closed—

The Speaker: Hmm. Go ahead.

Mr. Michael A. Weeks: Let us think of the crowd that day, that crowd that was walking up and down Parliament Street in peaceful protest, some young, some burly men. But like has been mentioned already, most of them were seniors who understood what it means to protest peacefully. And they were talking. They were only there to protest the giving away of our airport because they understand what that means.

Then, Mr. Speaker, as you continue to sit with your eyes closed, you hear the ominous click-clack, click-clack, marching in cadence, the sound growing louder and louder as they approach the peaceful protesters at the south west gate. Then, Mr. Speaker, let us imagine that all of those protesters, those bystanders, are seniors who have endured struggle all these years, those who were pepper-sprayed and trampled. Imagine, Mr. Speaker and colleagues and those listening, if those protesters were white.

You can open your eyes now.

The Speaker: Mm-hmm. Hmm.

Mr. Michael A. Weeks: Would that scenario have had the Governor calling for a Commission of Inquiry, immediately?

[Inaudible interjection]

Mr. Michael A. Weeks: Yes. You are right, the click-clack of handcuffs.

Would that scenario, Mr. Speaker, have had the Governor calling for some resignations of the hierarchy of the Bermuda Police Service, not after some inquiry, but immediately? Would that scenario, Mr. Speaker, have had the Governor, without hesitation, calling for that police officer whom I have referenced, in particular, who proceeded to spray the crowd as if he was exterminating roaches, Mr. Speaker—would he have been facing prosecution? Not after some report or some investigation. He would have been facing prosecution immediately!

So, as I close, Mr. Speaker, throughout the report, there appears to be a lack of clarity, a lack of clarity as to who actually authorised the use of force and the pepper spray! Yes, we have a report. Yes, we have recommendations. But how far do these recommendations go? How far are they going?

So, as they say, before I take my seat, Mr. Speaker, as they say in that movie (as you see, I like watching movies), but in this particular movie, a different one, *A Few Good Men*, there is a scene in there when the lawyer says, *Who ordered the code red?* Let us not play, Mr. Speaker. You know, we are going back and forth as to investigations and reports. And we had almost 1,000 eyes out there. We know what happened. Who must ultimately be responsible for such a reprehensible course, Mr. Speaker, of action? And I believe [this] will go down in the archives of this country, Mr. Speaker. And it is so reminiscent of a time past, Mr. Speaker, that we hoped was actually behind us.

But that, Mr. Speaker, is where I was talking about, all it is is a different tool. But the history in Bermuda otherwise remains the same. Rather than the baton or the water hose or the dogs, we are facing now pepper spray. And I do not want us to get caught up in, *Oh, we got pepper-sprayed.* What we need to be talking about, a crime of abuse was committed against peaceful protesters in our country. And two years later, no one has yet [been] called to account for it. So, I hope this report, once we vote on it, is going to recommend that somebody has to answer for it, Mr. Speaker. Someone has to answer for it. Otherwise, this report will be archived and put on a shelf.

Not diminishing the hard work and the effort that was put in by our chairman and his Committee, but somebody has to answer for it, Mr. Speaker. Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

No other?

We recognise the Honourable Member from constituency 1. Honourable Member.

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

The Speaker: Good evening.

Mrs. Renee Ming: Mr. Speaker, December 2nd, 2016, is a day that I know for sure I will never forget. I am sure that many Bermudians will remember the events of that day.

But, Mr. Speaker, to get to December 2nd, 2016, I think you have to look back over and see where we were as a country at that time. Because that did not start in one day. So, Mr. Speaker, I would like to . . . because we have heard a lot of quotes here today. And one of them that I would like to say is, “Those who fail to learn from history are doomed to repeat it.”

The Speaker: Hmm.

Mrs. Renee Ming: And not one of my favourite people, but I do like to read his things, and that is Sir Winston Churchill. And it goes on to say that, “We must always look forward, but we have to understand our history in order to not repeat the mistakes of the past. I have seen too many instances where people continue to pursue wrong courses of action because they do not take the time to think critically about what has happened in the past.”

I think the message that I would like to take from that is we do not take the time to think critically. So, Mr. Speaker, we are here tonight to discuss the report from the Joint Select Committee. First of all, I would like to take the opportunity to thank the Committee members and the Chair, who hails from St. George’s, for their hard work and deliberation. Because I am sure that this was an emotional roller coaster for them to go through. I am sure that coming up against the roadblocks and the challenges was not easy for them to deal with. So, Mr. Speaker, I thank them for the tenacity to keep ploughing on and present us with a report in here today.

Mr. Speaker, during the time of 2016, I had the pleasure of sitting in the Senate. And I joined the Senate on December 27th, 2012. And what a ride I can say that the Senate was! I know that I sat in as an Opposition Senator at that time. There were some serious things that were going on at the time. And one of them was the fact that we were seeing lots of protest. And, Mr. Speaker, if you will allow me a minute, I just want to read what Bermudians were experiencing and going through at the time. These were some of the protests between 2013 and 2017:

- March 2013, term limit demonstration;
- November 2013, Lamb Foggo protest;
- January 2014, beginning of the petition against the decision not to have a gaming referendum;
- May 2014, Jetgate;

- May 2014, scholarship reduction sit-in;
- June 2014, People's Campaign calls for review of banks;
- July 2014, Commission of Inquiry of Land Grabs, march on Government House;
- July 2014, PRC to status loophole;
- October 2014, SAGE protest at Pier 6;
- October 2014, unions reject Public [Bodies] Reform Act;
- January 2015, Furlough Day protest;
- January 2015, musicians join protest;
- March 2015, Senate protest the Bermuda Immigration and Protection Act, PRCs right to purchase land;
- June 2015, mammogram protest;
- July 2015, pit bull ban protest;
- December 2015, police march on Cabinet;
- February 2016, protest against the closure of Gilbert Institute;
- March 2016, East Broadway protest;
- March 2016, Pathway to Status protest;
- March 2016, Enda Matthie hunger strike;
- April 2016, Fix Our Schools protest;
- November 2016, T. N. Tatem protest;
- December 2016, Reverend Tweed work permit denial protest;
- December 2016, airport redevelopment plan protest.

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

Mrs. Renee Ming: So, Mr. Deputy Speaker, when you see this here you can see that we were in the state of protest, some of them unprecedented. Now, the question is, Why were we there? And how did we get to December 2nd? Well, I am sure like tonight as we are sitting around here, we have listened to many who have given their opinion on what they think happened on that day. My opinion is that December 2nd, 2016, was bound to happen. When you can sit here and you can read, and I can read all of these protests to you, Mr. Deputy Speaker, it was just a matter of time. And the escalation was growing and growing and growing. And it is unfortunate that at that time there was no one listening.

And so, we found ourselves in a space. Because then you actually take these numbers, and as I explained to you before that I am a numbers person, that would almost equate to Bermudians protesting every other month.

Now, you have heard from many of our colleagues today that we are generally very docile and do not like the whole pile of fuss. So, how do we go from being those persons to people they have spoken about, to people who have to protest just to be heard? Sad, Mr. Deputy Speaker. Sad, Mr. Deputy Speaker, I, too, was actually on Parliament Street on Decem-

ber 2nd. And it is funny, my colleague mentioned hearing the sound of the boots, because that is the one thing I can tell you I will never forget about that day, was hearing those boots clacking down the street from the Bermuda Police Service riot police.

Mr. Deputy Speaker, I often wondered, because I know I heard one of my colleagues say that, you know, cooler heads should prevail. And I can tell you this. I wondered, you know, on that day. I said, *I wonder what the Government are doing. Like, what are they thinking on a day like today?* Like, you know, I mean, definitely they did not come out and engage the crowd and maybe even sort of use whatever goodwill they had to try and diffuse the situation. And I wondered, I said, *What, are they sitting up somewhere, you know, just talking about what to do?* And now, based on this report, I guess that is what happened.

So, in some regard, I was extremely disappointed that they did not come out and engage because they were—*were*—the elected representatives. And we should never be afraid to face the people whom we represent: the good, the bad and the ugly.

Mr. Deputy Speaker, when you think about some of the after-effects of that day on December 2nd, 2016, it is funny because . . . Let me declare my interest now. I am married to a member of the Bermuda Police Service, for those of you who did not know.

[Inaudible interjections]

Mrs. Renee Ming: And I know that I have had conversations with his colleagues. And there are some police officers who, to them, December 2nd, 2016, was the worst day of their policing careers. And some of these persons, Mr. Deputy Speaker, are police officers who are career police officers. And they will tell you that December 2nd, 2016, was *the worst day* of their policing career.

Mr. Deputy Speaker, I cannot imagine how it felt, especially for police officers, to watch, in some cases, family [and] friends being treated that way. I know for sure that there was one young lady police officer, whom I was standing around actually having a conversation with, who later went on to have to run into the crowd because her son was there with her mom. So, her son, and he was there because T. N. Tatem had closed early for the day, and her mom was at the protest. And he was pushed and shoved around. And she had to witness that. But the effects of the after-effects of that were that she was later charged with whatever they charged her with, and she was fired.

An Hon. Member: What?

Mrs. Renee Ming: So, I guess she will never, ever forget December 2nd, 2016, either. Ask her how she feels about it.

Mr. Deputy Speaker, notwithstanding the fact that people were out there protesting, the route taken by the riot police was Court Street onto Church Street, left at Parliament Street. There were protesters along the entire route. What was so interesting about the electronic entrance? Because there were other entrances that could have been used for access. But for whatever reason, the main gate was determined to be the access point.

You will have to make me understand why people, who had their arms interlocked, were aggressive. Mr. Deputy Speaker, I would just like to use this time to sort of look at some of the things that actually came out of the report. It is funny because one of the pages, on page 27 (and you can follow if you want), but listening to the former Speaker say that he, in his testimony, he “regretted.” It makes you stop and wonder, so why did he do this? Even on that same page, the former Minister for National Security, he says—if you allow me to read, Mr. Deputy Speaker.

“Further, Mr. Baron noted that with regard to the strategy and tactics used by the BPS [Bermuda Police Service], he could not see the logic of trying to ‘gain entry’ into the HOA [House of Assembly] where the occupants were not in harm’s way.”

Mr. Deputy Speaker, there are so many things in this report. One of them is, if you go on page 31, there is talk that they wanted to create a bubble. It was a tactic called a “bubble.” And this was apparently where you surround and you sort of do something. But if you go and you read further in the statement from some of the actual police officers, that is even more interesting. Because on page 83, the police officer Kenton Trott, he says, and if you will allow me to read it, “As the PSU Team attempted to move to the right, they were prevented from doing so as the crowd of protesters had effectively created a bubble around them.” So, lo and behold. The tactic that was going to be used by police officers was actually used on them.

[Inaudible interjections]

Mrs. Renee Ming: So, Mr. Deputy Speaker, there is also mention on page 82, where—and I am sorry I am reading like this. It is just that the copies are not very good. “Once the officers engaged the crowd, the crowd started to push back . . .” Well, what type of engagement happened? Aggressive? I do not know. What engagement was needed for a crowd that was blocking a gate? And the question is, another question I hear is that, “the crowd started to push back.” So, you are pushed back because you were pushed. So, who pushed first? Because if the crowd pushed back, that means that someone had to push first.

So, Mr. Deputy Speaker, there were other officers who, on page 88, and this was Mr. Mark Clarke. And he said, “All persons, if not most, in the front row had their arms interlocked with the persons standing beside them.” So that means they are stand-

ing like that, we know what “interlocked” means. Yes? So, again, you wonder on the aggression. The police officers, even in some of these statements that were released here . . . there is one from a Marina Jn Pierre, where she speaks that she noted the large crowd of 200 officers *[sic]*. And she said, “We were outnumbered by far and our goal was unachievable.” “We were outnumbered by far and our goal was unachievable.”

So, we knew this. Why did we proceed with the tactic that was there?

Mr. Deputy Speaker, on page 94, there is another statement. And the officer, and I know this officer personally. He has been around for some time, like my husband. He said, “The noise of the crowd increased as we approached.” The *noise* of the crowd, not the actions, not the aggression—the noise. So, the question that I would have here is, Should the tactics deployed [have] been used, considering the fact that we are talking about noise now, not aggression? And remember again, we have already said that they were massively outnumbered.

Again, there is another statement from a gentleman, Cole, and he says the same thing, that “Police were totally outnumbered” (on page 97) “and attempting to achieve an unachievable task based on the number of protesters.” This is all in the report. And this is what the officers were saying. So, as they were being tasked with going in, they knew what that outcome was going to be. If you go in, you just go any further and read what these officers—the noise, the shouting and the gesturing towards them—it does make you wonder. And maybe I am not even wondering. Maybe I am just speaking out loud, Mr. Deputy Speaker. Who actually was the aggressor?

I can tell you this here. I stood there on that day, and I watched. I watched in disbelief. I could not believe what I saw. The clacking of the boots, and then they just pushed into the crowd, a crowd that was diverse in terms of men, women, seniors, middle-aged and children.

December 2nd, 2016, will never be forgotten. And for some of us who are witnesses, it will *never* be forgotten. And we have December 2nd, 1977, to reflect on, as well. And as we move forward as a country, our real goal should be to not have the events of December 2nd repeated. Because we can sit around and say, *We have to move forward, we have to move forward.* Well, we have to critically analyse our history so that we do not make those mistakes again, Mr. Deputy Speaker.

Mr. Deputy Speaker, there is one other one that I thought was an interesting statement, and that came from a member of the public. Because I spent some time reading the statements, because I wanted to understand what the public thought. And this was a gentleman who worked at the quarry. And he expressed that he thought that it was a bit over the top

and that he was actually scared of the police officers when they came.

Mr. Dornielle Farrel, and if you actually read his statement, it actually speaks to what the public perception was on that day and with the actions of the Bermuda Police Service. He speaks to the fact that he thought that police brought the aggression.

And then, an interesting statement was that of Dominique Simons—no. My colleague over there mentioned that the one statement you might have looked for was that of Mr. Brian MacNab. Now, there is no statement in the report. But Dominique speaks to Brian MacNab in his statement. He says, “I returned to my post.” (And this is on page 108.) “PC MacNab said we need to do something.” Okay? This is in the Dominique Simons one. “PC MacNab said we need to do something.” So, what was this that needed to be done? That is a very critical question.

Because on page 109, that same officer says that he watched PC MacNab deploy his Captor. And he said, “I continued to assess the situation and still felt that captor was the best course of action. Despite my feelings I still hesitated to deploy captor. I asked P[C] MacNab who trained me in the use of captor if I was authorized in this situation to use captor and he said yes. Despite everything I still hesitated.” So, he hesitated. And he says that he hesitated, maybe a good bit, but he proceeded to use his captor spray.

And then, what is interesting, and my colleague already spoke about this is that there is no statement from PC MacNab with these other statements. But there is mention in the statement of this officer.

We also know, from pages 131 and 133, bless his heart, that “Throughout the remainder of the morning” (and this is from MP Kenneth Bascome) “we were in constant discussions, trying to devise a way to gain entry into the House of Assembly.” So, there were *constant discussions*.

And, Mr. Deputy Speaker, in my opinion, somewhere along the way, common sense should have prevailed. I am not going to find the page right now, because I do not want to tussle through. But someone actually says, *It was a no-win situation*. And when we stop and we really look back at it today and through the eyes of this report, because this report answers a lot of the questions that some of us may not have known at the time. If it was a no-win situation, somewhere along the way, some common sense, some level-headedness should have prevailed. It is disappointing to see that it did not.

On page [134], like I said to you, Ms. Suzann [Roberts-]Holshouser, who then was an MP, she says—and I thought this was interesting, that they “remained in the office discussing what had taken place. Sometime before 1pm . . . We decided that we would still sit for the session.” Well, that has already been spoken about—“We decided.” Okay? So, based on these statements that we see here, we have a

crowd who had generally been peaceful up unto that point. They are interlocking arms. And then, all of a sudden, we hear about aggressive behaviours and manners, but they are not clearly described to me in this report.

Mr. Deputy Speaker, we could learn so much from this. I think that in listening even to the comments that came from the former Speaker of the House of Assembly, I think he believed that it would not end well. There was a gentleman here, I want to say he was Chris [Shead,] he was here to advise us with regard to America’s Cup, a security detail. He did not believe that it would end well. And what is unfortunate is that, with all of that, we still proceeded and we did not end well.

We are . . . and I do not care. We can sit here and talk about everything else surrounding it. But we are marred by this. And in modern-day language, this is called “unprecedented civil unrest.” Not just a protest. *Unprecedented civil unrest*. And the unfortunate thing was that in the years of 2013 to 2017, that is what Bermuda became known for, unprecedented civil unrest. And the question that we can ask ourselves as we read this report and we think about all the protests, December 2nd included, is how and why did we get there? We could say we had a Government who cared. (I was being facetious.)

But because from every bad situation has to come something good. And so, with reports like this that have given us some information, reports like this that have given us recommendations, and knowing that the Police Service have already willingly accepted their recommendations, there are lots of recommendations that have come out of this report, I think that we can prevent any further December 2nd.

And what it does, maybe it tells us that there should be more dialogue. There should be more communication before we reach these escalated levels.

So, Mr. Deputy Speaker, I found it, actually. It is on page 32, where there was—it was a no-win situation. And it says, “The Committee had the opportunity to view videos from the body cameras of seven Officers. One video demonstrated that the situation was a no-win one from the start.” So.

I think that this may have been MP Richards, earlier, who said when he woke up that morning, he just had that funny feeling. Well, I think when I woke up that morning, I can tell you the truth, I sort of wondered how that day, or how this day, was going to go. Definitely not what I would have wanted to see or what I would have even hoped for. But, Mr. Deputy Speaker, again, like I said, it is one of those [times] where we have a report. We are critically analysing what our history is. And I am hopeful that the Members who were actively involved and were decision-makers at the time can take from this [lessons] to ensure that we no longer have [any more days like December 2nd].

And, Mr. Deputy Speaker, with that, I will take my seat. Thank you.

The Deputy Speaker: Thank you, Honourable Member.

Are there any further speakers?

There appear to be none . . .

The Chair recognises the Honourable “Lord” Whip, Lawrence Scott.

Mr. Scott, you have the floor.

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

Mr. Deputy Speaker, from what I hear being said about this report, the now-Opposition would like you to, or have you, believe that participating in civil disobedience is something that is wrong. It is something that is sinful. It is something that they want you to believe that no good comes out of standing up for yourself. They want you to believe that you are a law-breaker. You are a criminal if you participate in civil disobedience.

But, Mr. Deputy Speaker, this community has participated in civil disobedience several times in our history, numerous times in our history. And I will say that they have participated in peaceful protests. And do you know what one product of civil disobedience is, Mr. Deputy Speaker? Cup Match! Remember, the community said, *We are not going back to work*. That is civil disobedience right there.

[Inaudible interjection]

Mr. W. Lawrence Scott: But it was against the law at the time! So, does that mean that we are all law-breakers now because—when we go to celebrate Cup Match and watch Somerset win the Cup? Right?

Now, Mr. Deputy Speaker, another example of civil disobedience, or another product of civil disobedience are the Gombey. Remember, the ruling class did not allow for the common folk to participate or dance. So, therefore, they had to wear masks to protect their identity. Does that mean that every time we have a Gombey troupe dancing that they are law-breakers? Is that not something that positively contributes to our society, to our country? It is part of who we are now, Mr. Deputy Speaker.

Now, when I read the report, there are three common denominators. Everything, all roads lead back to three common denominators. One is the airport deal. Two is the police in riot gear. And three is the pepper spray. Now, Mr. Deputy Speaker, had the Dunkley Administration properly procured the airport redevelopment contract through an RFP, through the creation of an Airport Authority first to then sort of put together the proposal so that it could be open and transparent, you would not have had anybody standing outside of Parliament. So, if you did not have anybody standing outside of the House of Assembly, you

would not have had the riot police march down Parliament Street at one o'clock, which escalated everything.

Now, Mr. Deputy Speaker, it is interesting, that time of one o'clock, if Members in this House, members of the community, members in the policing fraternity all say that people started gathering from 8:00 am. So, that would suggest that, from 8:00 am to 1:00 pm, it was peaceful. It was a peaceful protest. It was, I guess, at its worst, civil disobedience. But we have seen what comes out of it—Gombey and Cup Match, Mr. Deputy Speaker.

So, therefore, I mean, it was even . . . it was so peaceful that the police were intermingling with those members of the community who were out there, having conversations, sharing a bucket of chicken. So, therefore, had the riot police not shown up, and then the police tried to de-escalate the situation by further escalating the situation with the use of pepper spray, nobody would have been harmed. Nothing would have escalated any further.

So, those three decisions—riot police, pepper spray and the airport deal—those three decisions had unintended consequences, Mr. Deputy Speaker. And consequences that pushed our country, our community back 30 years. Mr. Deputy Speaker, because of those three decisions, one small consequence is that nobody can fly—you cannot fly a Canadian flag within the vicinity of the airport right now.

But you know what else? On a more, on a grander scale, a national scale, those three decisions have hindered the police's ability to deal with antisocial behaviour. Even today, there was a video circulating that was trying to promote violence against the police and members of the judicial system. I do not support that. I do not condone that in any sense of the word. But I am pretty sure that some way, somehow, one could attribute those sentiments, those members' feelings towards the police and the judicial system back to December 2nd, some way, somehow, Mr. Deputy Speaker.

It also hinders the police's ability to deal with gang violence. Because, remember, Mr. Deputy Speaker, the Honourable Member who was former Minister of National Security, former Premier, the Dunkley Administration, their mantra was, *If you see something, say something*. Who is going to trust the police, to say something to them, when they see something after the same people they believed were there to protect and serve them attacked and harmed them? Mr. Deputy Speaker, asking the community to trust the police now, after those three decisions, is like having your pet dog with rabies. You cannot trust it. You do not know when it is going to turn on you. It is like the end of *Old Yeller*.

So, Mr. Deputy Speaker, those who say the law is the law and you must follow it at all costs have one of two things in common. Either they are direct descendants of the Forty Thieves who used Parlia-

ment to protect their interests, or they are individuals who have never had to fight the status quo to protect their rights, because the system always protected them and the quality of life that they were used to.

So, Mr. Deputy Speaker, imagine being at the edge of a dock. And you look over, and in the water you see two individuals. Both of them are drowning, but you can only save one of them. And because you can only save one, you do so. You save that one. And when the police come, you show them the person whom you saved, and they say, *Okay, that's nice. But we're going to arrest you for the murder of the person whom you didn't save*—the person whom you could not save. That is the principle. That is what is going on right now. That is what the Opposition wants you to believe, by saying that anybody who stood outside there . . .

And [then] they start talking about the now-Members of the Government who were standing out there to protect their constituents, Mr. Deputy Speaker. We were there, yes. We do not deny it. We say it proudly because, you know what we were doing when we were there? We were not just saying that we are MPs. We did not just have two letters behind the end of our names. We were living it. We lived, we physically embodied the constitutional duty that we signed on for to protect and serve. And we make no apologies for that, Mr. Deputy Speaker. We were here to protect the rights and the well-being of the people who put us here to do just that.

But the Opposition wants to tell you or wants people to think that this is wrong, that this is not what we are supposed to do, which makes me wonder if they have a warped sense of leadership. But I think that, Mr. Deputy Speaker, that has already been proven through their actions with the airport deal. The airport deal, which led to riot police marching down Parliament Street, which led to police using pepper spray on their people, [without that deal] none of that would have been necessary.

So, Mr. Deputy Speaker, I know Members have asked and said, and the report has indicated, that we need to know who ordered the pepper spray to be used. No, we do not. Mr. Deputy Speaker, we do not need to know who ordered the riot police. Do you why, Mr. Deputy Speaker? The reason we do not need to know those two things is because we know who struck and passed the airport deal. That was the Dunkley Administration. Take that Bill, take that bad deal out of . . . and, Mr. Deputy Speaker, I can say that it is a bad deal because I have seen it. I have read it multiple times.

And I declare my interest in multiple ways. I am the Chairman of the Airport of Bermuda Airport Authority, who is mandated to oversee Skyport and ensure and protect the Bermudian interests at all times, which means that I have to be well-versed in that airport deal and the project agreement. And also, I declare my interest because I was also pepper-

sprayed by the police, doing my duty protecting and serving those who put me in this Honourable House.

So, Mr. Deputy Speaker, I am not going to be long.

[Inaudible interjection]

Mr. W. Lawrence Scott: No, I am not going to be any longer. Because, Mr. Deputy Speaker, as I said, we know who came up with the airport deal. The people were against it. Seventy-five per cent of this population were against it. And they were making themselves known through civil disobedience, which is part of our culture. And to say not to participate in civil disobedience, not to participate in standing up for your rights, not to participate in the democratic process is like saying, don't fly a kite on Good Friday. Don't go and support Somerset on Cup Match.

The Deputy Speaker: Well . . . That is okay.

[Laughter]

Mr. W. Lawrence Scott: That is like saying, don't put butter on your gingerbread, on warm gingerbread, yes. Right?

The Deputy Speaker: Who does that? What are you . . .? Oh, my dear.

Mr. W. Lawrence Scott: So, Mr. Deputy Speaker, the thing is that all roads lead back to the Dunkley Administration. They were responsible for this because they were trying to push a bad deal on the country, which the country did not want. They were not listening to their people. They were not listening to their voters. And one thing my father taught me very early in life—[if] you do not hear it, you will feel. And the Honourable Member who just took her seat listed the numerous, the voluminous list of times that people have protested against that Government.

And so, therefore, we have now learned our lessons. We have a report that provides recommendations that I believe that we should support, because even the police support the report and its recommendations.

The only person or only people who do not support that report and its recommendations sit on the other side of this House. And that in itself is telling.

Thank you very much, Mr. Deputy Speaker.

The Deputy Speaker: Thank you.

Are there any further speakers?

There appear to be none.

Ah . . .

Hon. Michael J. Scott: Mr. Deputy Speaker, thank you. Good evening.

The Deputy Speaker: Yes.

Hon. Michael J. Scott: Mr. Deputy Speaker, this has been an interesting and important exercise that we have engaged in when the Chairman of this Joint Select Committee appointed by Speaker Lister, an important experiment in the exercise of power by a Committee of the House, shaped into an inquiry to investigate an important matter.

It has been found wanting in a number of features—it is pallid, in its findings, alas, only three findings for an event, Mr. Deputy Speaker, that was as significant as the incidents that took place on December the 2nd. It ought to have been more fulsome. It ought to have been more significant. Three pallid findings. But there is a reason for it.

And I want to thank Mr. Chairman, who was leading me as a Committee member until I was removed from that Committee. I want to thank him and Mr. Tyrrell and Mrs. Furbert and Mr. Simmons, who later joined, and the Members of the Opposition, Mr. Smith. I want to thank them for engaging in this experiment, which should have been more consequential than it has proven to be. But there is a reason why it has proven inconsequential.

And I heard the former Premier, who has now left the room. I am glad that he stayed. I think he wants to understand or learn about this matter as much as the rest of us. I was about to congratulate him for staying in here and hearing us. He asked the interesting question . . . no, he posed the particular statement, Mr. Deputy Speaker, *Not much came out of the report*. It was his complaint. Well, he only need look in the mirror. He himself need only look in the mirror to get the answer or reason for this outcome. After all, he was the head of the ruling political party during this incident.

I am grateful to the Honourable Member, Mrs. Renee Ming, for reminding this House and the public about the embattlement of the Dunkley Government from 2013 until that fateful day in December.

I do not think the Honourable Member, Mr. Dunkley, was happy about December the 2nd and this report. It is interesting the way he said that, and pretty typical of a person who is the leader or the Premier. He said, *I had no difficulty going before the Committee, but I was not going to give an account*. And it is clear he had no intention of giving an account of himself, when in fact, he was the primary mover, in my view.

May I tell you something? I want to keep returning to this thing. He was the primary mover. After all, he was the leader of the ruling Government at the time. But he had no intention of giving an account of his actions. Because he was the Premier, his ego would prevent him from doing it. And after all, I think he resents the things that took place, Mr. Deputy Speaker, because on the altar of December the 2nd, his premiership burned and frazzled and frizzled.

[Laughter]

Hon. Michael J. Scott: And so, I think he resents, in part—

An Hon. Member: It was an eight-month forest fire.

Hon. Michael J. Scott: Yes, it was.

He resents these events. But as the Honourable Member, Mrs. Ming, reminded us, early December the 2nd was a culmination. But it is remarkable to have listened to that litany of challenges and protests that that Government, his Government, faced. It was a plebiscite on his leadership, his executive skills, his political skills, his political leadership. And it culminated with what clearly, by the next year, resulted in his political relevance being ended.

When, and I was grateful to the Speaker Lister for appointing me to this Committee. He knew that my role in this Committee, as an experienced attorney, would bring some value to it. And I want to keep returning to this. My principal focus was to examine, forensically, the cause of the change that the Deputy Speaker so perfectly put when he made his speech, the change from that peaceful, somewhat cloudy, overcast day, the change of that peaceful, agreeable day to the presence of the helmeted, aggressive phalanx of police officers. And then that finally resulted in people being harmed.

What was the reason for that change? And I was determined, Mr. Deputy Speaker, to use my best skills, both in forensics and in questioning and in cross-examination, but mostly, Mr. Deputy Speaker, in process, to get to that answer. And I believe that was the end of my . . . that marked my death knell for that Committee, because in that Committee, Senator Simmons knew of my intention and watched my intention, Chairman Swan. And I watched his mood change often. I recommended the format of the Chilcot Iraq report as our model. The protocols to be followed, the experts whom we should seek to put in place to inform these inquiries. And I believe that this ended my time on that Committee because I believe that it was reported back to Mr. Dunkley and whoever else makes these decisions . . . clearly, Mr. Dunkley. I need pull no punches. It was Mr. Dunkley who engaged Alan Dunch, who wrote to the Committee, calling for my removal.

Why this fear? They were determined to kibosh the effectiveness of this Committee. And frankly, they were victorious. They won! Thank God today in this House, and he wondered why Mr. Premier was not questioned, and he wondered why PLP Members were not called to that Committee. Well, he heard us today. And I commend my colleagues for elucidating the facts. Just the way that Michael Weeks, the Honourable Member, recounted the facts. Particularly, Mr. Famous, with emotions, recounted the facts. These were wounds now that were reopened in this House

this evening. And I am glad of it. We have had a better experience in assessing the causative basis for peace, with citizens of this country who are upstanding, to chaos.

And it has to do with the time, as Ms. [Roberts-]Holshouser has now given evidence, and Mr. Bascome has given testimony, linking what? They were called to the Cabinet Office. They went to the Cabinet Office, met with Mr. Dunkley. Shortly, the Speaker was contacted. And what, lo and behold, a Speaker who had resolved, exercising the privileges of the Speaker and the privileges of a Member of this House, to do something very civilised, having assessed the situation. *There will be no House*. There was a change. And somebody caused that change to happen. The political class of this country caused it to change.

And now, I would have happily gone through, had I remained on that Committee, and demonstrated it by putting the right questions, calling the right forensic analysis into play. But Mr. Dunkley was determined not to give an account of himself. He was above that. It was [beneath] him to give him an account for his actions. He had no intention of doing it. I quickly called him up and settled the PATI request myself, to begin the forensic exercise, because I knew that there were communications that day. And it became clear what his communications on the telephone were.

Mr. Deputy Speaker, this was a devastating day for the country. And as my colleague, the Honourable Member, Mr. Weeks, has said, we need to ensure that someone is held to account for the people who were harmed by incapacitant spray. Someone in the political class of the OBA has to be held to account. When I helped craft, with the Premier, the Motion itself, it ended with the words, *And where the findings point, or reveal, causative blame, that that person be held to account*. Mr. Dunkley and whoever else, Mr. Moniz, resolved that that was not happening. I can just see it happening and being said! They resolved that that was not happening.

And the lawyer, Mr. Dunch, who was also the lawyer to the police, who was also the lawyer who shaped the behaviour of Commissioner Corbishley, turning up, I know he was advised, raised operational policing excuse as your reason for not answering questions. Mr. Dunkley, the reason not much came out of this report is because of your policy action to block it, to block it. And so let it be written, so let it be done. And that is what has happened.

The report, in that sense, has suffered. But it will live in the memory of everyone in this side of the House, and Members of the Government on that side of the House. Because we were present, it will never die in our memories. And I concur with Mr. Weeks that we are not there yet because of the perfidious lack of cooperation with this Committee. We are not there with assigning blame.

When I go into a criminal court, Mr. Deputy Speaker, before a jury, that exercise is about one thing only—assigning blame. As defence counsel, I try and assign the blame back towards the prosecution so that I get my client vindicated. The police are trying to assign blame to my client by calling evidence to say he or she is to blame for the offence. That was what a criminal exercise is about. And this was an incident. This was an incident in which members of this society were harmed physically. So, that is an offence. It was a criminal offence that day. And it need not have been, as many of my colleagues have said, if it had been managed better.

The Honourable Deputy Opposition Leader, I heard her speech. And she said . . . part of her speech focused on the fact that the police, on the evidence, were not prepared. May I say, Ms. Scott, the police in this country and on that day were well prepared. But something changed their tactic. When I went with the Speaker of the House, Mr. Lister, over to [then Police] Commissioner DeSilva's office, so appalled was I too, Mrs. Ming, so appalled was I about what I was witnessing, I asked the Premier, the then Opposition Leader, for permission. And he directed both Mr. Lister and me to go to speak to the commissioner. He said this. He said, *Mr. Scott, this was not what I needed, or not what I wanted to see happen*.

When Ms. Ming talked of the worst day in the careers of police officers, I believe that Michael DeSilva, the then Commissioner, shared that view. But he said, *The decision of politicians put me in this position*. Now, that is exhibit 3, or B, indicative of there being political direction that caused, as the Deputy Speaker asked in this House, or said that he asked that day, what that very hot place that you are not going to, Mr. Deputy Speaker, *What the . . . happened?* was the question that was posed in his mind, from the peace and tranquillity and camaraderie of Members of the Opposition and our citizens to booted, shielded, helmeted police officers marching onto us? It was a politically directed decision. And that was what this Committee was meant to clearly establish, clearly establish. So, it is left to speculation now.

I promised that I would not be long. I promised that I would not be long, Mr. Deputy Speaker. But I commend the experiment faithfully engaged in, faithfully engaged in and led by Chairman Swan. But, typical Bermuda Pollyanna, you know, the Committee's expression of power and its powers and its statutory powers did not work out the way they ought to have. We are watching right now the Democrats, all of those committee, the judicial committee looking at the issues of Trump's interference in the election.

The Deputy Speaker: Yes.

Hon. Michael J. Scott: And we are watching yet another experiment there. But, you know, I chose the Chilcot Iraq committee deliberately because I watched

it play itself out in Britain as an effective inquiry with a mandate to determine the subject of that particular cause of action, why Britain committed to resources and political resources to weapons of mass destruction and joining America. And it worked well. It worked well. And therefore, I sought out the Chilcot committee inquiry as a model, because that is what I wanted to see happen with this important event in our country.

There are ways (to Mr. Chairman Swan) that the deployment of powers of a legislative, a parliamentary Committee can and ought to work and bring the results contained in the Motion establishing the Committee. And it will never work, Mr. Deputy Speaker, if there is this kind of deliberate, crafty blocking by key players.

Now, another matter—remarkably, the leader of the political class at the time, Mr. Dunkley, *remarkably* . . . I mean, the gentleman from constituency 10 asks these *ridiculous* questions. Why did it take so long to interview the people's committee or David Burt? Does he not know that if you are making an investigation into the causes of the change from peace to chaos, you go consequentially, sequentially and chronologically? So, you are not going to ask Mr. David Burt, the then Opposition Leader. What could he bring to the equation? We want to know what you, Mr. Dunkley, directed as the Leader of the Government of the day. That is what we want to know. You should have been the first witness to set the scene and sequentially go along and find out why we had what we had on December the 2nd.

Artless, diversion questions that he is putting, just the way Trump does, when he is mostly loaded with all of the information. He was leading the Government of the day. His Attorney General and he were locked together. And we have heard significant evidence that you have linked together the Speaker's decision. And Mr. Lister, then Member Mr. Lister and I came up and spoke with the Speaker that day. He was clear. He was not going to have the House convened.

Something clearly happened. Something clearly happened. Directions were given from the political class of the day. That is where the focus and spotlight of this Committee had to laser its attention, and it began with the Attorney General, then Attorney General Moniz, [and] the Leader of the day, Mr. Finance Minister, Mr. Richards. What did you discuss? How did this happen? What directions did you give to Government House, Mrs. Ferson, to the Commissioner of Police, who so lamented, in his evidence to me or his comments to me, the political classes of the day caused him to take steps he would have never dreamed of happening?

They handled Pathways to Status with brilliance. The Commissioner of Police knew how to handle December the 2nd because they had had a dry run outside on these grounds, and they know. They know, with some hard experience, that you simply keep

peace and manage and let peaceable [people] exercise their constitutional right of protest.

I have said enough.

The Deputy Speaker: Thank you.

Hon. Michael J. Scott: This entire event has been an experiment.

[Laughter]

Hon. Michael J. Scott: The work of the Committee is to be glorified. But it is also to be put in its correct and truthful context that it was not helped, it was not assisted. And this is the reason why we have three findings, no ability to assign blame. And I will only wish and call for a continuation of this exercise, because the people who suffered that day, who were harmed that day, that caused Mr. Famous to shed tears today must be called to account.

The Deputy Speaker: Thank you, Honourable Member.

Are there any further speakers?

The Chair recognises the Honourable Member Zane De Silva.

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

Mr. Deputy Speaker, you know what is most disappointing about today? They have been debating this now for several hours.

The Deputy Speaker: Yes.

Hon. Zane J. S. De Silva: But what was really disappointing for me today is that I heard several Members on the other side talk about our people who were protesting that day. You know, I heard words like "political pawns" and "people are being used" for this protest. This was very, very disappointing indeed. We heard about the breaking of laws and things like that. We heard about payouts for people who got pepper-sprayed. And it leaves one wondering as to what the mind-set is of a few Members who sit on the other side.

We heard the Honourable Member Sylvan Richards talk about how he was here at 6:45 in the morning. I tell you what. Why did he do that? The question I ask is, Has he been here at 6:45 any morning since? Why was he here at 6:45 in the morning? Those are the types of questions, Mr. Deputy Speaker, that I would like to see answered.

But I think one of the most important things I heard tonight was from the Honourable Member from St. George's, MP Renee Ming. Because one of the words I have written down, Mr. Deputy Speaker, was *culmination*. And the Honourable Member Renee Ming read off, I do not know, what seemed like pages,

pages of protests. And I am not going to say 50, but it was probably close to it. But I tell you what, when you think about it, Mr. Deputy Speaker, the other thing she said . . . and I think everybody in this House must have known it was coming. Because since December 2012, there was a culmination of just protest, angst, anger, protest, angst, anger. It is what seemed like it was week after week after week. It was like a bubble building. And it was going to burst. It was just a matter of time.

And I think what happened is the people—and I think it was the Honourable Member, I will tell you who it was, it was the Honourable Member Dunkley who says, *You know, what's with the People's Campaign? Where are they now? Why were they formed?* He even called them, I think, an arm of the PLP, an agent of the PLP. Really? People's Campaign was formed because they had had enough. You remember? Enough! Enough is enough. And they had had enough. The people of the country had had enough. They had enough of that OBA Government. And it was just a matter of time.

And if nothing else highlights the people's frustration, it was the election in 2017 when this PLP Government were returned to Government on a two-to-one margin. The people had had enough.

Mr. Deputy Speaker, you had two Members of the OBA Government who resigned, the late Honourable Shawn Crockwell, and the former Attorney General, Mark Pettingill. And I think their speeches, the night they resigned and thereafter, that told a story. And they sat amongst the ranks. They sat in Cabinet, in OBA Cabinet. And some of the speeches they made I think will go down in history in this place, especially Shawn Crockwell's. And we all know what speech that was.

And I tell you what, Mr. Deputy Speaker. Before Shawn Crockwell passed, he and I became pretty good friends, yes, six months before he died. And he told me some stories. And I can tell you, and I think one of the Honourable Members tonight, I think it was Mr. Rolfe Commissiong. I mean, I am saying *tonight*; it was several hours ago. [Honourable Member Commissiong] talked about when two young black men were murdered on the weekend and the OBA had caucus on a Tuesday, and not one word was mentioned—not one word was mentioned, not one. Jamahl [Simmons], yes, Minister Jamahl talked about it. But it is true.

And Shawn Crockwell said, *You know what?* He said, *Everything had been building up inside that room with him.* And he saw the way they operated. And I am not saying everybody, but certain Members in that OBA Government only had one operating way, just one. And when I had those one-on-one talks with those two individuals, and I hear them telling me, revealing, you know, people like Trevor Moniz, the Honourable Member, talking about, *Well, look. Ask them up there on the hill.* And Shawn Crockwell saying,

Hey, but my sister is up there! My sister is up on that hill! They do not care. They did not care. Because you are not their family. Exactly.

Mr. Deputy Speaker, I do not know if it is unfortunate or fortunate that I was not here that day. I remember watching the events on my phone in Miami Airport, heading back home. I tell you what, Mr. Deputy Speaker. The advantage I had was I was able to watch from like a bird's eye view. And when I saw all my colleagues on this side amongst the people, and I tell you what, I did not see anything that indicated to me that there was violence going on, getting ready to happen. But I will tell you what. What shocked the living daylight out of me, Mr. Deputy Speaker, was when I saw that riot squad walking down the street.

What would you do, Mr. Deputy Speaker? What would anybody do if you are standing . . . and I think the Honourable Member Chris Famous said it earlier. He said you are standing there and you are being pushed. You are being grabbed around your neck! What do you want people to do if you have someone marching towards you, shields, helmets, batons, marching towards you? What would you think? I said to myself, *There is going to be bloodshed today.* I really did. From where I sat, I said, *Mercy. There is going to be bloodshed today.* And thank God, because it was close. It was close. I mean, I remember the pictures that were sent out earlier today. That was very, very close, very, very close.

But what was disappointing is what seemed to me, especially the Honourable Member Dunkley seemed to read out reports, some of the reports by some of the police, talking about, *Oh, well, I saw, you know, one of my colleagues getting gripped and, you know, someone sprayed some pepper spray on somebody so that they could release his fellow officer.* He seemed to be more concerned with the officers than the people.

An Hon. Member: Yes.

Hon. Zane J. S. De Silva: More concerned with the officers than the people! He did! He talked about it at length.

[Inaudible interjections]

Hon. Zane J. S. De Silva: In fact, I stood right there, right there next to you, Mr. Deputy Speaker, and looked at him as he spoke. And I could not believe it! But you have some of our senior citizens who were sprayed falling down in the street. Not one word, not one mention! Not any sympathy for our people who got pepper-sprayed, but said that, *Oh.* And then he quoted one of the officers talking about, they are looking over their shoulder. How the heck do you think a lot of our people who got pepper-sprayed feel? What about them looking over their shoulder?

I tell you what, Mr. Deputy Speaker. I did not have pepper spray sprayed on me. But in the Regiment, you probably remember this. Back in the day, they used to put us in a room and put teargas in there. And I can only imagine . . . now, that was pretty bad back in the day. That is what they used to do to us so that we could experience it. I do not know what the similarities are, but I would think that pepper spray has got to be just as bad—if not worse.

I found it to be a sad day when I hear certain Members on the other side, and it seemed to me that their sympathy was not for the people of this country, but it was for the police officers. And, look. Do not get me wrong.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Pardon?

[Inaudible interjection]

Hon. Zane J. S. De Silva: Well, you did not let me finish there, Pokey. Okay?

The thing is, as I was about to say, do not get me wrong, Mr. Deputy Speaker. I have a lot of respect for a lot of police officers. A lot of them are my friends. But when I hear the former Premier of this country talk about example after example after example, worrying about like how the policemen felt, that is okay. He can talk about that. Anybody could talk about that. But you have got to say—you have got to say something about having some sympathy for the people who were pepper-sprayed! Not one single word, not one.

An Hon. Member: None.

Hon. Zane J. S. De Silva: None for the people of this country. I find it a serious affront to the people of this country, a former Premier did not have anything to say about the people who were pepper-sprayed, and then had the nerve to talk about, you know, *Where is the People's Campaign now?* The People's Campaign are not about now probably because you have got a PLP Government that they know care for the people of this country and we are not afraid to stand with our people of this country. And someone said earlier, "whether it is good, bad or ugly". Because, you know, we will have our people who are not going to be happy with us sometimes. But the difference is that we are willing to face them and talk to them, and sit down and say, *Look. Let us work this out.* I am not saying we will not ever have any protests against us, you know.

But I will tell you what we will not do. You will not have a repeat of this PLP Government like what you saw with the OBA Government. I am never going to sneak in this House at four o'clock in the morning, five-thirty in the morning under the cloak of darkness to get in here so I do not have to face my people. No, sir.

So, Mr. Deputy Speaker, my hope, my hope is that—and you have heard many people say it today—this event, hopefully, will never be repeated again. And we hope lessons have been learned. And the lessons I hope have been learned are that . . . and they will be documented, which start at Government House and go down to the Commissioner of Police. It is. . . [there are] ways and means of how to deal with our people. And from what I saw that day, Mr. Deputy Speaker, I just thank God that I was not here because, you know, I can be a little short-fused. Lord knows what would have happened if I had been here.

I mean, I saw the pictures of my colleague, MP Famous—to me, it is a historic picture—trying to pull Jason Hayward, you know. It looked like he was just trying to protect him, to me. You know, but that is what . . . I think what MP Famous did, any one of us would do on this side. And from what I heard from former Premier Dunkley today, I could never see him doing that. I would have thought I would have heard a little bit from him today. Not one. Uh-uh.

So, my hope, Mr. Deputy Speaker, is that lessons have been learned. Lessons have been learned.

And then, Mr. Deputy Speaker, we had, I think, the Honourable Member Sylvan Richards seemed to have an issue with the payouts that were given to people who were pepper-sprayed.

[Inaudible interjections]

An Hon. Member: That was the former Premier.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Was it the former Premier again?

An Hon. Member: Yes.

Hon. Zane J. S. De Silva: Wow. So, you had the former Premier of the country who seemed to be more concerned with the police and them getting some kind of harm. He seemed to be more concerned [about the police] than about the folks who were pepper-sprayed; several had to go to the hospital. And, quite frankly, I do not know how the payouts were distributed, Mr. Deputy Speaker. But I tell you what. I would venture to say that it was not enough. But he seemed to have an issue with that.

And then, he will sit up at the end of the day and say, *Well, listen. Let us all work together.* And I think, yes, he seemed to finish off his speech by wanting to sing *Kumbaya* with all my brothers and sisters. Really? Seriously?

So, Mr. Deputy Speaker, I just hope that lessons have been learned at the top so that we do not have a repeat of this again, ever again. Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you. Thank you.

The Chair recognises the Honourable Premier, Mr. David Burt. Mr. Premier, you have the floor.

Hon. E. David Burt: Good evening, Mr. Deputy Speaker.

An Hon. Member: Or good morning.

Hon. E. David Burt: Good morning, yes. It is not about the evening. It is the morning time.

Mr. Deputy Speaker, I want to start my remarks this evening by thanking the Committee. And clearly, they spent a lot of time doing a lot of work to make sure that we could have the report that we have in front of us today. And the report itself has a number of recommendations, which we need to be minded of when we look at the actual Motion, which has been laid by the Honourable Member, of which we are debating today.

And it asks that this Honourable House supports the report, together with the findings, the recommendations and sanctions of the Parliamentary Joint Select Committee, as contained in the report. And there are a few recommendations here that certainly need to be supported and certainly need to be actioned very quickly.

However, Mr. Deputy Speaker, I was a Member of . . . sorry, I was a chairman of a parliamentary committee, an important parliamentary committee, the Public Accounts Committee. And I recognise that for committee reports to be effective they should be unanimous in their opinions. And I understand that in order to build consensus, you may not be able to include everything which you want to include. But, Mr. Deputy Speaker, I actually do not believe this report goes far enough. And that is not necessarily the fault of the Committee. That is just the nature of the consensus and bipartisan product, and you want to have a report that is as forceful as possible, but you have consensus.

But it is also very clear, Mr. Deputy Speaker, that the Members of this Joint Select Committee worked under incredibly difficult conditions, with persons who, in no way, shape or form, wanted to cooperate. And I am just going to cut to the chase of what the overall synopsis of my remarks will be, Mr. Deputy Speaker. These were actions of violence which were perpetrated against Bermuda, and there is an attempt to cover up the persons who are responsible. That is my view. And until this Parliament and/or the Government, the people's representatives are given information to the contrary, that will remain my view, Mr. Deputy Speaker.

Because there cannot be a way that a committee, a Joint Select Committee of both Houses of Legislature, formed out of the Parliament Act, with full investigative powers is denied access to critical documents in order to do their work. It cannot be, Mr.

Deputy Speaker. And the only thing that it could be is a desire to cover up the truth, plain and simple.

Now, there were great contributions from Members this evening or throughout the debate. And there has been a significant amount of research, clearly, and passion that have gone into some of the comments. And, Mr. Deputy Speaker, when MP Tinee Furbert played that audio, it became real to us again. And I know, Mr. Deputy Speaker, that you were out there on the streets with me. And none of us will ever forget that day. None of us will forget the pain, none of us will forget the trauma. None of us will forget how shocked and surprised we were that we were witnessing this in 2016 in Bermuda. None of us will forget what we saw on that particular day. And that video brought it all back.

And you could see from the passionate speech of the Honourable Member for constituency 10 [*sic*], MP Chris Famous, the emotional scars that—

[Inaudible interjections]

Hon. E. David Burt: [Constituency] 11, sorry . . . that many of us still wear. And it is difficult to talk about that day without becoming emotional. And it is difficult to watch the videos of that day without becoming emotional, hearing the audio, remembering the old women on the side of the road screaming, holding their eyes because they had been deliberately sprayed by pepper spray when they were no threat to the police at all. That is what took place that day.

And we were denied the truth because of an active attempt, it seems, to conceal and cover up the facts and to keep them from a Parliamentary Committee, which was empanelled by these Houses, both Houses to investigate and try to bring an end to this chapter. That is the great disappointment. Because the report speaks to members who were called and were happy to finally have the opportunity and chance to tell their story, contrasted completely by a Bermuda Police Service that felt no need whatsoever to cooperate. Shocking, Mr. Deputy Speaker, but not surprising.

And Members have said it before, but I want to make sure that I make it crystal clear to the members of the public who may still be watching or the people who will listen to this speech in the coming days. The Members of the then Opposition, now governing, Progressive Labour Party, that day we stood between the police and protesters. I remember distinctly standing next to this gentleman right here and others around, maybe you, as well, Mr. Deputy Speaker, as we watched in shock of members of the Bermuda Police Service dressed in what can be termed as riot gear, marching towards the crowd. And we made the instinctive action to place ourselves between the people and the police, because we thought that they would think twice before attacking Members of Parliament. Clearly, clearly, that was not the case.

And now, Mr. Deputy Speaker, we hear the talk from the former Premier, who, and I am not going to talk about the rules, that [he] was given extra time to speak. And although I do not believe that was—

[Inaudible interjection]

Hon. E. David Burt: Yes. Although I do not believe that this was in keeping with Standing Orders, I might be happy because he gave himself extra time to show the members of the public that he has no remorse and does not care about anything that happened on that particular day, Mr. Deputy Speaker! None whatsoever.

And it is almost as though if we forget the wickedness that was on display that day, the malice, the cold-heartedness, the view and thought that *I do not care if the people whom I am supposed to represent are standing there. I am perfectly fine with police to go in and use violence against them.* That is what we got! And nothing in his extra presentation today, Mr. Deputy Speaker, makes us think any different or that any lessons were learned by him.

And today, I am sure, during motion to adjourn, you will hear that Honourable Member take to his feet and talk about the fact that the Opposition has a role. You are right. The Opposition does have a role. And let us not forget what was taking place that day, or supposed to take place that day, Mr. Deputy Speaker. We were supposed to come here and bless a deal to privatise our airport for 30 years, without having a view of the contract, without even knowing what we were signing up to. And the protest was for transparency. The protest was, *Give us the information.* The Public Accounts Committee was denied information. And this House was denied the information, Mr. Deputy Speaker.

So, when we hear these talks of transparency and need for it, nonsense! Because that day would have been a dark day had the House sat, but it was a darker day because of what took place.

Now, I am going to move to the Commissioner of Police because inside of the communications, and I am very grateful to the Honourable Member from constituency 4, MP Tinee Furbert, who during her presentation tabled some supplementary information, which, of course, was very useful. And in the tone and exchange between the Commissioner and the Committee, I cannot term it as anything else than absolute arrogance and disdain for the work of Parliament. Some of the interactions and things of which I read were shocking.

And one of the things which I thought was particularly interesting was this. And this was written on the 8th of January 2019, of which he said, and I quote: “For the avoidance of doubt, may I also remind you that all members of the Bermuda Police Service have a statutory obligation under section 6 of the Police Act to obey all lawful orders given to them by myself. And your proceedings in any way cannot vitiate

that obligation.” What he is saying is, *I don’t care if you want him to talk. I’m going to tell him that he’s not going to say anything, so the coverup can remain in place.*

[Inaudible interjections]

Hon. E. David Burt: Sounds like another Act, Mr. Deputy Speaker, that we need to change. Because if the Parliament is asking for information, it cannot be for the Police Commissioner to say, *No, you cannot have it.*

Now, here is what is interesting. And it gets more interesting from the communications from the Commissioner of Police as we see the interactions that continue, because there is another piece of correspondence on the 8th of January. And he wants to follow on from a letter that was sent. So, it is the same thing. And this was in response, Mr. Deputy Speaker, to a question that was asked by the Committee. The question that was asked said, At what point was Bermuda’s Police Service’s seven-points operational plan slated to be used on the 2nd of December changed to a three-point plan? What precipitated the change? What points were omitted and why? And who decided on the change?

Now, Mr. Deputy Speaker, this question came from [paragraph] 3.9 of the National Police Centre Operation or Police Officers Review, NPoCC report, as they say. And here from the Commissioner of Police, just about two years after that report was done, for the first time ever, in 2019, he writes, “No such change occurred. The suggestion made to this effect in paragraph 3.9 of the Shead review is erroneous.”

So, Mr. [Deputy] Speaker, let us be clear. The entire time that this report was there, relied on by the Police Complaints Authority, relied on by the former Police Commissioner, quoted by others, never once was that particular thing called into question except for when questions were asked about how these things came about. All of a sudden, the new Police Commissioner says, *Oh, they were wrong in what they wrote there. There was no change.*

He must think that we are fools, not paying attention. And I am happy that the Members of the Opposition who were a part of the Committee signed on to the strong comments from the Committee towards the Police Commissioner and the lack and sharing of information. I am happy, at least, that we could have bipartisan support from both Chambers to say that it is not right to deny the Parliament information. And this is what is interesting, because I am quite certain that that person who came in from UK had access to documents that we did not have. And that is why they wrote what they wrote! Because they were given all the information. So, we do not get to see it, and the new Police Commissioner says, *No, what they wrote isn’t true.* As I said, Mr. [Deputy] Speaker, coverup.

And there is something that, it was on the wall at West Pembroke School, and I remember. *If you tell the truth, you don't have to remember what you said.* And it seems as though if that this report exposes a number of Members of the Opposition who were caught making false statements. It was clear that the Honourable former Attorney General misled the Committee. That is there is black and white, signed on by his own Members.

And it is interesting that the Honourable Member for [constituency] 10, who was sitting in his seat all the time, but probably does not want to face the fire right now that he was willing to dish out when he spoke, said that he did not speak to the police, and then changed it that he did not have tactical discussions with the police. And then we get the information from his own MPs that they were there discussing how they were going to gain access to the Parliament Building. And yet, he even thinks that he has the moral authority to stand up, Mr. Deputy Speaker, and speak on this particular issue.

Now, MP Christopher Famous said that at 1:12 pm, the Premier and the then Police Commissioner spoke. And the Honourable Member from 36 said, and complimented the police, on the work which they did during the Pathways to Status protest, because much to the chagrin of the former Attorney General, which caused the former late Minister of Tourism to resign from the Cabinet, because we all know that they wanted more aggressive action against the protesters. Well, that more aggressive action manifested itself on December 2nd.

And I could imagine how that conversation at 1:12 went. And I am just going to hypothesise the way it went, Mr. Deputy Speaker. It probably went like this. Picked up the phone call, *Hello, Mr. Premier. This is the Police Commissioner. We are just calling to confirm that you still wish the House to sit, because the special unit has been assembled. And it is likely that there may be some people injured or hurt during this. And are you sure that you wish the House to proceed today? Or do you wish to reconsider your decision?* And we know what the answer from the former Premier was. *Yes, we do. Too bad if the people I serve get hurt.* That, Mr. Deputy Speaker, is not the moral authority that you can have when you are running a country.

And to think, Mr. Deputy Speaker, of the trauma that was inflicted that day, to think of the memories that will be etched in people's minds forever, to think of the people who lost their jobs, who were hurt, who were injured, to think that you could lead a country and not care if your people get hurt! And to listen earlier today to not a shred of remorse, not to sit here and to justify the use of force, taking minor statements and one lines from certain police officers . . .

Let me tell you something, Mr. Deputy Speaker. I was at that southern gate. And I saw the people

who were against a locked gate. You cannot tell me that police officers felt that they were in danger behind the locked gate. The excerpts which were read by the former Premier were from police officers who were outside of the gate, not inside of the Parliament grounds. The people who were inside of the Parliament grounds were . . . someone gave an order, and they took out the Captor spray. I believe there was a bag. And they started spraying people indiscriminately. So, if Captor spray is supposed to be used only if a police officer feels they are in danger, how could you feel that you are in danger if you are behind a closed gate?

We know what it was. It was the attempt to break up the crowd to secure access, by use of force. So, whether it is pepper spray, or whether it is rubber bullets, or whether it is fire hoses, it is all the same.

Politicians have the responsibility to lead. Politicians have the responsibility to not put the police in that situation. Politicians have the ability to say, *You know what? Maybe we should try to come to a political solution and/or a compromise.* Talk, understand, get us to a place where at least we can understand how we can move forward. But that was not in the minds of the former Government. And that, Mr. Deputy Speaker, is why they are the former Government.

Mr. Deputy Speaker, how much time do I have left?

[Inaudible interjection]

Hon. E. David Burt: Nine minutes? Thank you, sir.

And I just want to read a quote from this report. And, remember, this report is a bipartisan report, signed off by Members of the One Bermuda Alliance as well. And in the place where it says, "THE ONE BERMUDA ALLIANCE GOVERNMENT," in the Executive Summary, on page 5, it says, and I quote, "The OBA Government must accept some responsibility for the decision-making. It appears that Members of the Cabinet, determined to have the already oft-delayed debate on the airport redevelopment bill occur that day, influenced the Speaker to change his mind to have it debated at 1:00 p.m., thereby contributing to the climate of confusion that took place."

I say again, "must accept some responsibility for the decision-making." Did we hear any when the former Premier spoke, Mr. Deputy Speaker? Not a dicky bird. All it was was condemnation upon persons who wanted transparency from their Government, who was about to give away their airport for a no-bid contract for 30 years and where nobody saw the contract. Plain and simple.

So, now, Mr. [Deputy] Speaker, last week I heard the Honourable Member, former Premier, talk a little bit about 50 reasons why you cannot vote for the PLP again. And in one of the reasons, he had the temerity to refer to a settlement to persons who challenged the Police Complaints Authority report and had

a judicial review, which clearly affirmed this report was not good! Clearly! A report that did not even interview the very people who had the complaints. If he thinks that this is a reason to not support the Government, then I suggest that he have a conversation with some of the persons who were impacted by the events of that day, the people who lost their jobs, the people who had to wear neck braces, the people who were in hospital. I advise he have a conversation with them and think about what is right and what is just.

The only reason that they were in that position, Mr. [Deputy] Speaker, is because of his decision-making. And I and this Government and this party have no problem defending our decision to be fair and to be just, because we were there and we saw the pain.

Now, I need to go to the final place, because there is this question that still is not answered. Who was the Platinum Commander? Because it is referred to in this United Kingdom report, it is referred to a number of times in that report. And every time the question was asked of the new Police Commissioner, it was duck-and-weave. However, what is interesting . . .

What is interesting is that there was, however, testimony from the former Deputy Police Commissioner, Paul Wright. And I am going to read from some of that, if you will allow me, Mr. Deputy Speaker. He said, and I quote, "To conclude," (now, this is the Deputy Commissioner) "I was not part of the Gold or Platinum team and gave no directives, guidance or advice save for voicing my support of the Commissioner's comment to the Gold Commander regarding the need to be prepared for a deadline associated with the reconvening at [1:00 pm]" (Sorry. It says 13:00 hours, but I will make it simple.) "the 2nd of December 2016." So, in this he says he was not part of it, but he supported the Commissioner's directive that the Gold Commander be ready to execute the plans at one o'clock.

Mr. Wright was also asked questions. And in his responses to questions, these are from the Minutes, it says, "With leave from the Chairman, Mr. Wright read aloud section 3.9 from the NPoCC report," which, of course, the current Police Commissioner said is erroneous, but the former Deputy Commissioner, who was actually there at the time, let us be known, read from it and in no way, shape or form told that Committee that it was erroneous. So, I am not entirely certain, Mr. Deputy Speaker, how the Deputy Commissioner can read a quote from the report and not have any qualms with it, but the new Commissioner, who was not there, can say that it was erroneous.

But let me continue. Let me continue. The quote then goes, Mr. Deputy Speaker, "When asked about this thing, he says he was not directly involved with the events on December 2nd. He was aware during previous joint exercises between the Bermuda

Police Service and other organisations, such as the EMO, the term Platinum Command was used." It goes on to say, "The term was coined to refer to a group of accountable people who were not Gold Command and who did not instruct Gold Command," (except that it refers to Platinum Command in the NPoCC report)" but who needed to be kept informed of significant local events because they might be called upon to comment on them, especially if there was a matter of international import." It goes on to say, "While there was nothing written in any manual about Platinum Command, on occasion Government House might call meetings of certain heads and refer to those meetings as Platinum meetings."

So, again, who was the Platinum Command? The Committee wanted to find the answer. And the Committee was denied on finding the answer. But rest assured, Mr. Deputy Speaker, this issue is not dead. Because we did not get elected to this House to vote for a Committee to investigate under the Parliament Act and the laws of this land for them to be denied the truth, for them to spend countless times, 49 meetings, I think, and to then come to a place and point where they cannot tell this Parliament, who voted for them, the answers. And when you hear a former Speaker of this House say that, apparently (because it is his decision if the House sits or not), if the House does sit, he is not going to sit in the Chair . . . A lot of us know the former Speaker and know that he can be quite stubborn. [I am] just going to read between the lines on that one.

No one knows who this mystery Platinum Commander is. But I think that the people who are pepper-sprayed that day deserve to know who the Platinum Commander was. So, all I will say, Mr. Deputy Speaker, in closing out this particular debate, is that I and the Members of this Government who were there on that day will never forget. We will never allow for history to be whitewashed. And we will continue to try to find the people who were responsible, who this inquiry were blocked from getting to the truth. As I said at the beginning, it is my thought and opinion that this is a very elaborate coverup, and somebody does not want to know the truth of what happened this day. And it is our responsibility to continue to search for that truth on behalf of all of those persons who will forever remember the trauma which they experienced in December 2nd.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you.

[Desk thumping]

The Deputy Speaker: Honourable Member, Mr. Pearman.

Mr. Scott Pearman: Thank you, Mr. Deputy Speaker. It is already getting very late, so I hope the House

does not mind if I keep you a little bit longer. I am not going to be 20 minutes.

This has been a very interesting debate, Mr. Deputy Speaker. I remind the House that I was not an MP on the 2nd of December 2016, nor was I in the previous OBA Government. So, permit me for a moment some observations, which I hope and intend to be fair ones, or at least reasonably fair—we are in Parliament—but slightly fair. And if it is possible, try for a moment to set aside your predetermined conclusions, politically motivated or otherwise, because we all have stories to tell about the 2nd of December. We all have our personal truths. Those personal truths are often based on perspective. And cliché though it may be, it is nonetheless true that one man's freedom fighter is another man's terrorist. One man's righteous protester is another person's criminal activist blocking the democratic institution of our Island.

This is not a light switch. There is not an on or off answer. And respectfully, it has been slightly disappointing that I have heard very few speak tonight who have had anything close to a balanced perspective. And that is disappointing.

My personal truths may not be any more or less valuable than anyone else's. And I accept that. I accept that I am coming to this question with perspective. But it would be nice if more of us tried to do that, I suggest. My personal truth for the 2nd of December began the night before on the 1st of December. My wife and I came home to our house to find on our phone answering machine the melodic voice of the former Leader of the Opposition, now the Premier, David Burt, on my machine, telling me what I should do the next day on December 2nd. So, there were robocalls. I know that because I heard it. It was the Premier's voice. I know that, because I heard it.

And so, when Ms. Atherden said earlier that this had happened, and she was challenged about that, well, I heard what I heard.

So, then, the 2nd of December. I think we can all agree that this was a deeply, deeply tragic day for all Bermudians. And I mean *all* Bermudians. And I was called "Pokey" for interjecting to the Minister. But just as there were people out there who did not deserve to be pepper-sprayed, there were police out there who were also Bermudians and deserve the respect of this Parliamentary body, as well. They are all Bermudians. (Well, I hear some chirping, *Not all*.)

Because what happened on the 2nd of December . . . it was called "unreal." It was called "disturbing." And I agree with many of the sentiments that have been said. And what happened on December 2nd is not the Bermuda that we would all wish for. And that is deeply distressing for us all, because it is the Bermuda that we found ourselves in. As I say, one police officer was quoted as saying it was completely unreal. And we understand that. And some people in this Chamber were there. It was completely unreal. And I

will echo the words of MP Foggo, Minister Foggo, "We were all in disbelief."

Disbelief and unreal because we like to think that Bermudians are better than that, *all* Bermudians. So, we have perspective. And then we have blame. And my honourable and learned friend talked about how he acts as defence counsel and seeks to attribute blame and pin the blame here and here.

Well, the fact is that this report reasonably and fairly points out that blame goes in a number of directions. And where does blame take us? Where does it take us? Because there is enough to go around. Despite what some of the speakers in this House have said, there are very few halos in relation to the 2nd of December—very few. As I said, we all have perspectives. Some of us will and have said that this was a peaceful protest visited with a response by a police [service] that was disproportionate to the circumstances, some of those who rightly say that they will not believe that they were doing anything wrong. Some of those who say that they might accept that they were doing something criminal, but say it is okay because it was justified.

But just as you hold to that perspective, please try to understand another perspective, which is that some people will say, *Who was it who put these people in harm's way?* They will say, *You don't block a democratic institution for an airport.* They will say that actions have consequences. And they will say that this is to be expected if you break the law. *[Inaudible interjections]*

Mr. Scott Pearman: So, we have competing arguments on both sides. And may I also say, Mr. Deputy Speaker, that there are some people who will recognise the validity of both of these arguments, because it is not an either/or. It is not a light switch. You are not always right. You do not have a halo. You are not always wrong, either. It was a deeply, deeply tragic day. And the events must be regretted for a long time to come.

The probability is that the people will see this from the perspective that they wish to. And that perspective was probably formed on the very day itself. And that perspective, for most Bermudians, is unlikely to have changed since that day, and it is unlikely to change by reason of this report. What do we know about this report? Well, that there are a number of ways to point the finger of blame. What should we learn from this report? That pointing the finger of blame does us very little good at all.

So, looking forward, after the tragic, unreal event, here is one thing I hope, upon which we can all agree. And that is that this must never happen again.

Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you.

Any further speakers?

Mr. Swan, you have 15 minutes.

[Laughter]

The Deputy Speaker: You may continue.

Mr. Hubert (Kim) E. Swan: I will not use that much time.

The Deputy Speaker: Thank you, so much.

[Laughter]

Mr. Hubert (Kim) E. Swan: Mr. Deputy Speaker, we have had a full debate here today. And the former Premier Dunkley, from constituency 10, said not much came out of this report.

In the report, there is a quote: "Truth crushed to earth will rise again." That is a very important quote, Mr. Deputy Speaker, because in many respects, great attempts have been made to keep the truth suppressed. I just want to share with the House, Mr. Deputy Speaker, that in February of 2018, in the *Royal Gazette*, on February the 7th, my wife's birthday, Mr. Dunkley is quoted as saying that, he would "'be more than willing' to appear before the committee and that a January 30 letter from Mr[.] Swan had requested a statement of his actions at the time to the protest."

And that article related to the Honourable Member going in the public to divulge that the Committee needed to be . . . the motion needed to have gone to the Senate. And from that point on, the Committee appreciated that there were going to be attempts to play this out in the public domain rather than allow the Committee, duly constituted Committee by the House of Assembly, the opportunity to look at the facts, the information in the same way that the peer review had done so.

I stated that this Committee was confronted with challenges, legal challenges, for at least nine of the months of 2018, at least nine of them. The same person who got up here and said this morning that they would be willing to participate, had this sent to the Committee through a lawyer. The lawyer expressed serious concerns over the current composition of the PJSC [Parliamentary Joint Select Committee], and more particularly, the appointment of yourself (being me) and Michael Scott, MP, as members. (I am sharing the communique that the lawyer had written to the Honourable Speaker.) And I called this morning, and I reiterated that that Honourable Member has disrespected this House in a way that is most egregious. And I had recommended, and it is also part of this report that, based on this, that the Rules and Privileges Committee needs to review that.

But it goes on in March. It says, "In those circumstances, based upon the advice, Mr. Dunkley is not prepared at this time to, in any way, participate in the current proceedings of the Joint Select Committee, and he reserves all rights as may arise once the Speaker has responded to the concerns that we have

raised." Now, here we have a Member of this House going outside of this House to tell this . . .

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

Mr. Hubert (Kim) E. Swan: Good evening, Mr. Speaker.

To tell this Committee what they are doing!

Throughout the months, we got the similar line thrown back at us. That was in March. In April and May, the same lines were coming right along up until September, from writing on behalf of the Bermuda Police Service now. Now, up until this point, Mr. Speaker, the lawyer represented Mr. Dunkley, represented former Commissioner DeSilva and other members unknown. Very important. So, we have a real joined-up effort going after this duly constituted Committee.

And I would invite anyone out there, if they do not think that that Honourable Member did not know what he was doing, let me say that not too long before, a Commission of Inquiry was struck by the former Premier, and Members were paid enormously per day. They were paid a lot of money to be there. And I was even asked, *Were you paid?* You know what answer I sent back was? Forty-nine meetings times zero! Because zero is a sum. And, Mr. Speaker, that is the travesty.

In conclusion, Mr. Speaker, we have to ask this question: Up until ten o'clock in the morning of December 2nd, when the Speaker did not have a quorum in this Honourable House, proceedings were called off for the day. And the records show that the police stood down.

In the report, it lays out another period between 10:00 am and 1:00 pm, when heaven and earth were moved to reverse that decision. Heaven and earth! Calls were made from numerous persons, zeroing in. Any former cricketer would have said, *Man, they are bowling to me! They have got Randy Horton coming at me from one end, and Griffins is coming at me from another end. And they have got 22 slips in there, both teams around.* That is the type of pressure that was made to bear to execute what persons are here today defending, because what you heard from the Government, the former Government, is a total unwillingness to appreciate that, had ten o'clock remained as is, we would not be having this debate today.

Unprepared! And I have heard persons speak in leadership and say, *Don't worry. The buck stops here.* Unwilling to shoulder any responsibility! And I think, Mr. Speaker, the people of Bermuda know that anyone whose tag line in the public domain is, *If you know something, say something*, now know that if you know something, say nothing! And it was only because of statements from other sources that should have been in the domain of your duly constituted Committee.

And I am certain that there is a great deal of information more that could not be examined, which is why, in conclusion, recommendation number 1 calls for a furtherance, calls for forensic analysis, because there is cause for it! This Committee asked for two extensions. Just like a David-like Committee with just a slingshot going up against the Goliaths with all the resources. The people would know that if they were going to constitute a Commission of Inquiry, they would allocate all of the resources and the blogs would say, *Go after them!* Oh, my gosh, and you know it!

[Inaudible interjections]

Mr. Hubert (Kim) E. Swan: It is an unfair world that we have grown up in. It is an unfair world that we live in. And we have experienced some of that through this exercise. And I sincerely call that recommendation number 1 be acted on. Go no further than that. Any duly constituted Committee of this Honourable House, today, tomorrow, future Parliamentarians, the Youth Parliamentarians 20–30 years from now, like I sat and would have been sitting there in 1981 and 1982 and 1983 and 1984, need to know that if they are here, that they are shown respect and the precedent that was set in this process by a former leader of this country, who should be acting as a statesman, cannot be allowed to be used in the future in that manner.

And that is why, when the Member says, was trying to berate the fact that I went to great pain to point out the difficulties that we faced, because that was all part of their plan! Because we were only afforded three to six months. And had we been caught a year ago with nothing, and then in the summer and the House collapsed, we would have been out there drifting! Thankfully, this little country boy did hang around here and learned something from both sides of the House!

I happen to come from Southampton West. I am surprised the lights have not gone off. But my good friend might have taught me one or two things. He is probably saying, *Well, my bye, you are something.* Yes. Yes, I grew up around those byes up in the country up in Southampton. I grew up around pigs and around sheep and around horses. So, sometimes, Mr. Speaker, we know when it smells. But this House deserves far more respect than was demonstrated to us by what we had to endure.

And I want to thank the Honourable Members who served on the Committee, all of them, from Mr. Andrew Simons, from Ms. Robyn Swan, from the Honourable Member Michael Scott and all the current members who served, who, as one member put it, were prepared to look at the balls and strikes. But there are a lot of documents that we still have not had an opportunity to look at. And they need to be.

Thank you, Mr. Speaker.

I move that this report be accepted, Mr. Speaker.

The Speaker: Are Members in support of that?

Some Hon. Members: Yes.

The Speaker: Any opposed?

None.

[Motion carried: The House supported the report of the Parliamentary Joint Select Committee Examining the Events of the December 2nd 2016 Incident at the House of Assembly, Bermuda, together with findings, recommendations and sanctions contained in the report.]

The Speaker: We now move on. That brings us to the close of the Orders of the Day. So, we can do the third readings for the items that were dealt with earlier today.

We will go back to the first item that was dealt with in the name of the Minister of Finance.

Minister of Finance, do you want to do your third reading for the Public Service Superannuation Amendment Act 2019?

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Public Service Superannuation Amendment Act 2019 be now read the third time by its title only.

The Speaker: Any objections?

None.

Proceed.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT 2019

Hon. Curtis L. Dickinson: I move that the Bill be now read the third time by its title only and passed.

The Speaker: It has passed.

[Motion carried: The Public Service Superannuation Amendment Act 2019 was read a third time and passed.]

The Speaker: Now, the Minister of Labour and Community, would you like to do your third reading?

BILL**THIRD READING****EMPLOYMENT (WAGE COMMISSION) ACT 2019**

Hon. Lovitta F. Foggo: Yes. Thank you, Mr. Speaker.
Mr. Speaker, I move that the Bill entitled the Employment (Wage Commission) Act 2019 be now read for the third time by its title only.

The Speaker: Any objections?
None.

Hon. Lovitta F. Foggo: Mr. Speaker, I move that the Bill now be read.

The Speaker: Thank you. Go on.

[Laughter and inaudible interjections]

The Speaker: That is fine.
There is no objection.
It has passed.

[Motion carried: The Employment (Wage Commission) Act 2019 was read a third time and passed.]

The Speaker: The next is the Minister of Finance again.

SUSPENSION OF STANDING ORDER 21

Hon. Curtis L. Dickinson: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Fund Administration Provider Business Act 2019 be now read the third time by its title only.

The Speaker: Any objections to its being read a third time?
None.
Proceed.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****FUND ADMINISTRATION PROVIDER BUSINESS ACT 2019**

Hon. Curtis L. Dickinson: I move that the Bill be now read a third time by its title only and passed.

[Laughter and inaudible interjections]

The Speaker: See what happens when you stay too late?

Any objections to that?
No objections.

[Motion carried: The Fund Administration Provider Business Act 2019 was read a third time and passed.]

The Speaker: We go to the Minister of Health.
Minister of Health.

SUSPENSION OF STANDING ORDER 21

Hon. Kim N. Wilson: I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Dental Practitioners Amendment (No. 2) Act 2019 be now read the third time by its title only.

The Speaker: Any objections to that?
No. Proceed.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****DENTAL PRACTITIONERS AMENDMENT (NO. 2) ACT 2019**

Hon. Kim N. Wilson: I move that the Bill be now read a third time by its title only and passed.

The Speaker: No objections?
It is now passed.

[Motion carried: The Dental Practitioners Amendment (No. 2) Act 2019 was read a third time and passed.]

The Speaker: And Minister of Finance. (No, no. We did not do that one. That is right.)
Premier, would you like to rise to your feet and send us all home, right?

ADJOURNMENT

Hon. E. David Burt: I do not know, Mr. Speaker. I think some of my Members would like to speak.

So, Mr. Speaker, I move that this Honourable House do now adjourn until Friday, the 26th of January—

The Speaker: January? Yes, we can accept that. I will accept that.

[Laughter]

Hon. E. David Burt: July.

The Speaker: No. I will take January.

Hon. E. David Burt: Oh, trust me. I am tired.
Friday, the 26th of July at 10:00 am.

The Speaker: Minister, are you on your feet for a reason? Would you like for me to acknowledge you?

Hon. Diallo V. S. Rabain: Yes, I would. If it pleases you, Mr. Speaker.

The Speaker: Well, you should not have put it that way. You should not have put it that way. You may be in trouble now.

[Laughter]

An Hon. Member: Sit down there, Minister.

[Inaudible interjection]

The Speaker: Thank you, Colonel. I like the Colonel's response.

Continue on.

MINISTER OF EDUCATION COMMITTED TO SEEING CHANGE THROUGH TO THE END

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

Mr. Speaker, I am approached on the street by people who will greet me and often say, *Man, Education, it's a hard portfolio*.

An Hon. Member: Yes, it is.

Hon. Diallo V. S. Rabain: Or, *I feel for you, bro. Good luck with Education*. And, Mr. Speaker, I certainly understand why they say that.

You see, Mr. Speaker, when I review the last 27 years, dating back to 1993, there have been 19 Ministers of Education. That is an average of a new Minister every one year, five months, Mr. Speaker. This is an appalling record. So, I understand why people say what they say when they run into me. So, with all previous Ministers averaging less than 18 months, I am mindful that my two-year anniversary in this position was just yesterday, Mr. Speaker.

[Inaudible interjections and laughter]

The Speaker: It is not a farewell speech, is it?

[Laughter]

Hon. Diallo V. S. Rabain: Mr. Speaker, I tell people who approach me that being the Minister of Education is the best job that I have ever had. My Ministry helps shape the very future of our Island home, Mr. Speaker. It is an awesome responsibility that I am humbled

to have been assigned, and I try to reflect on that every single day.

Mr. Speaker, the position of Minister of Education is of such importance to this Island and the hopes and dreams of our people that the lack of consistency in this position is no less than frustrating, to say the least. Mr. Speaker, when I look back on the last four Ministers before me during the OBA term of Government, it is filled with unfulfilled promises. Mr. Speaker, Minister number one introduced a very well-written and thought-out report titled, in 2013, the "Inclusive and Special Education, Getting It Right for Every Child, [A Discussion Paper]." This was a brilliant paper, Mr. Speaker, that unfortunately went nowhere because that Minister was replaced, and the budget that was assigned to implement those changes was cut.

Mr. Speaker, Minister number two introduced a middle school transformation plan, a plan that was supposed to identify what was wrong with our middle school system and fix it. But, Mr. Speaker, sadly, another report that was left on the shelf to do pretty much nothing, as that Minister was moved to concentrate on the America's Cup and eventually replaced.

And then, we had Minister number three, Mr. Speaker. He introduced the School Report and floated the idea of school closures and consolidation. Unfortunately, he stepped back from that stance, stating, and I quote, "I will not close schools, and the consideration of such, should not happen until an education strategy is developed that will form a blueprint for the direction of the Bermuda Public School System." That Minister was replaced before he could even start that process.

Mr. Speaker, Minister number four was not in place long enough to introduce any meaningful proposed policies.

So, Mr. Speaker, until we understand and appreciate the importance of this position, we will continue to see false starts and reports done that remain unused. I, for one, am grateful that the Progressive Labour Party has seen the importance of this position and are committed to making it stable and, by extension, making it effective.

So, Mr. Speaker, I lay this marker down now, today, that I will be the longest-serving Education Minister in Bermuda.

An Hon. Member: All right!

Hon. Diallo V. S. Rabain: However, to do that, Mr. Speaker, I must not shy away from the necessary decisions that need to be made in order to transform our education system into one that we can all be proud of and can be seen as the first choice for our children. At the same time, the Government has realised that the change necessary will not be accepted by all, and we must always remain focused on what is best for our children and not what may upset the few.

So, Mr. Speaker, it is no secret our system is in need of an overhaul. It is no secret that our population is shrinking and we need to look at how we operate in order to provide the best for our children. We are all aware of the greater accountability needed in both the Department of Education and the education staff who are within our schools. And lastly, Mr. Speaker, we are mindful of the state of our infrastructure and know what changes need to be made there, as well.

Mr. Speaker, at the Ministry and at the Department of Education, we are very much aware of these hard, cold facts and what the figures tell us. But we need to work very hard to get everybody to also understand what we are truly facing.

Mr. Speaker, the fact is that our enrolment is declining, mostly due to birth rate and emigration and not, contrary to word on the street, the exponential increased enrolment in private schools. Because we know this, this presents us with an opportunity for us to take a look at how we operate and devise a better way to make use of our resources.

Mr. Speaker, our planning team has been tasked to look at what we want from a 21st century curriculum. Paramount to this is the identification of what administrators and teachers, including accountability and the process to assess their effectiveness, [say] is needed to drive their curricula. And most importantly, what the profile of a student who passes through the Bermuda Public School System should look like when finished.

Mr. Speaker, we have been diligently working to achieve these goals. And the commissioner and her planning team have presented on several occasions to update the Cabinet as to where we are in the process. Once we have—and only *when* we have—that plan organised and finalised, the next steps are to look at our buildings to ensure that they are fit for purpose and decide what needs to be done with them to get them into a state of readiness.

All of this, Mr. Speaker, will involve very difficult conversations, difficult conversations around school buildings and their continued, or discontinued, usage. Class sizes—staffing skill sets and staffing levels that will be required. However, when we have these conversations, the number-one priority must always remain, and that is of our students and their success.

Mr. Speaker, as Minister, I am committed to see this change through to the end. I am mindful that some decisions will not be popular. I am cognisant that some people will not be able to see the big picture through their own personal fears. This is expected, but will not scare me and will not scare my team from the task at hand. Consultation is key. It will form a huge part of the transformation of our school system, Mr. Speaker, and the phasing out of middle schools in favour of a two-tiered system of primary and high school.

Mr. Speaker, we have a huge task on our hands. However, this task is much too important for petty partisan politics rife with personal attacks. As the African proverb goes, *When elephants fight, it is the grass that suffers*. In this case, it is when we adults continue to bicker and squabble, only our children and our future will suffer. Education is too big for us not to find common ground to move forward. We all realise there is a problem. So, let us sit down. Let us talk so we can solve this problem.

Mr. Speaker, we the adults need to move past our fears of losing control of classrooms, losing the schools we attended decades ago, fears of one political party being viewed over the other and, most importantly, the refusal to embrace change for the simple fact of being contrary. I am pleading to all of us to get on board. There are exciting things coming for our children's futures.

We need to be ready to put our collective shoulder to the wheel and push in the same direction. Our children's future, and by extension, our country's future will suffer if we do not. To be clear, Mr. Speaker, I asked to be the Minister of Education. I have a vision for education, and I will finish the job. To quote Minister Caines, *I am on the wall, and I will not come down until my job is done*.

Mr. Speaker, I believe in public education. I believe that if given the appropriate training and tools, anyone within our team, at the Department of Education, and the educators and teachers in our schools, can deliver. At this stage, we must move in unison, keeping that one and only goal in mind, Mr. Speaker. And that is how to make this system work better for our children. If we can do that, Bermuda will have a public school system that other countries will be clamouring to emulate, Mr. Speaker. Thank you.

[Desk thumping]

The Speaker: Thank you, Member.

Minister, you rose pretty quickly that time. Your left foot must be all healed up now, eh?

Minister Burch, you have the floor.

Lt. Col. Hon. David A. Burch: Just about, Mr. Speaker.

The Speaker: Good.

SANDYS 360 PATI REQUEST—MINISTERIAL STATEMENT

Lt. Col. Hon. David A. Burch: Mr. Speaker, I would like to talk about deceit, deception and dishonesty.

The Speaker: All D's tonight?

Lt. Col. Hon. David A. Burch: All D's tonight, Mr. Speaker.

Let me start, Mr. Speaker, by quoting from the editorial, actually, of the 11th of July in the rag. And the first comment in it, Mr. Speaker, and I quote, is . . . well, the title of it is “Right to know is here to stay.” And the first paragraph, first sentence, Mr. Speaker, is:

“If it wasn’t already obvious, Friday’s session of Parliament made the Progressive Labour Party’s distaste for public access to information, and, let’s face it, accountability, abundantly clear. Despite being the party that tabled and passed the legislation in July 2010, the PLP doesn’t much like being told to comply with its own sunshine law.”

Talk about the kettle calling the pot black.

[Inaudible interjection]

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

The Speaker: Yes.

Lt. Col. Hon. David A. Burch:—basically the editorial is a full-fledged frontal assault—

[Inaudible interjection]

Lt. Col. Hon. David A. Burch:—oh, yes—on me for the statement that I made on the 5th of July. I would like to just try and address a couple of things in it, Mr. Speaker. And I am going to quote one other aspect of this and that is the third or fourth paragraph and it refers to my comment of calling the Commissioner by her last name . . . sorry, “by the last name of her husband, Fabian Minors, a former One Bermuda Alliance election candidate, was a clumsy, cheap and misogynistic potshot, which is unlikely to have rattled the former global human rights lawyer too much.”

Well, let me just say I do not intend to rattle her, but I will say it is probably the first time in history that the *Royal Gazette* has ever—ever—suggested and revealed that that is who she is. And my point in doing it, Mr. Speaker, is that we have had a history in this country that if it was . . . if she was married to a PLP, somebody who ran for us in 1963, every time—every time—they would have mentioned her name they would have revealed that she was connected to the PLP.

And so, Mr. Speaker, I do not have anything against the woman, but what I do . . . and the Member for . . . Trevor Moniz, whatever constituency he is from, accused me of hiding something on the 5th of July, Mr. Speaker, and asked a question. It was followed up by the former Premier of this country that accused us of the same thing.

Mr. Speaker, I have a couple of messages for the rag. One is: Read the law. Read the law. And in particular I am referring to the Public Access to Information Act, and neither does that say that we must simply and always follow what she orders. That is not

what laws say, Mr. Speaker. What it does . . . there are mechanisms in it for us to be able to challenge it. And it is fascinating to me that the rag will try to teach us how to be Parliamentarians when they struggle with journalism.

Mr. Speaker, the Public Access to Information Act is a 29-page document. Just 29, Mr. Speaker. And in this document, starting on page 13 and for 8 pages following, and 117 paragraphs, to be exact, it talks about actions that one can take in order to have Public Access to Information documents refused. Just 117, Mr. Speaker. And so it is not Burch doing something to attack or to just be difficult. There are rules, and we are following those, Mr. Speaker, so nothing to hide.

Mr. Speaker, I also took advantage of looking in the 2018 report from the Office of the Information Commissioner. And do you know what I found, Mr. Speaker?

An Hon. Member: What did you find?

[Laughter and inaudible interjections]

Lt. Col. Hon. David A. Burch: Just a few things, bye.

An Hon. Member: Like what?

Lt. Col. Hon. David A. Burch: Well, to begin with, on page . . . I have got too many flags in here, but on page . . . they are not numbered. The pages are not numbered, oh dear. Actually they are numbered . . . every other page is numbered, so I will guess that 30 comes before 31.

But Mr. Speaker, on page 30 it lists the total PATI requests. And it lists new requests and it lists requests carried over from the prior year. And it starts in 2015, Mr. Speaker, so that would mean that we were where? Not on this side of the House. And it gives us four years of statistics and in every single case they are in the hundreds.

[I am] laying the groundwork, Mr. Speaker.

[Inaudible interjection]

Lt. Col. Hon. David A. Burch: Yes, the requests for PATI . . . PATI requests are in the hundreds. Yes.

Now if you turn to page 32 (which is not numbered) it lists the “Reasons for Refusal in Initial Decisions.” Did you hear what? For refusal, Mr. Speaker. I am not going to list them because it is almost . . . it is three-quarters of the page. I am just going to give you the totals at the bottom.

So in 2015 there were 62 requests refused—not us! In 2016, Mr. Speaker, there were 114 requests refused—not us! In 2017 there were 93 requests refused—not us, Mr. Speaker! (At least not all of us.) And in 2018, [there were] 96 requests refused—us, Mr. Speaker.

And so there is a pattern here of having reasons to reject requests from the Information Commissioner—nothing personal, nothing untoward, nothing underhanded. It is a matter of looking at what is requested and deciding that, perhaps, that should not be in the public domain. Not a dicky bird, Mr. Speaker.

[Inaudible interjections]

Lt. Col. Hon. David A. Burch: Not a dicky bird from them about any of those requests.

Then, Mr. Speaker, we come to another editorial on the 12th of July.

Hon. E. David Burt: Another one?

Lt. Col. Hon. David A. Burch: Yes. And printed below it a letter to the editor agreeing with what the editorial said on the 10th of July.

Hon. E. David Burt: Imagine that.

Lt. Col. Hon. David A. Burch: So let us deal with the editorial first, Mr. Speaker.

So it starts with Bermuda's Public Access to Information . . . Well, the title is "Stick to your guns, Ms. [Commissioner]." And it says:

"Bermuda's public access to information regime faces its biggest challenge since it was passed into law nine years ago."

And it refers to, of course, the Sandys 360 situation and the decision that I made, based on legal advice, Mr. Speaker, that the report that I was informed was commissioned by the trustees, by KPMG, should not be released because it was not a report that was either commissioned or owned by us.

Mr. Speaker, this editorial then goes on in paragraph 3 to write and to state, and I quote: "The Bermuda experience is similar" (to something they talked about earlier in the United Kingdom.) But it also says, "It is fair to note that the One Bermuda Alliance government first refused to release the KPMG report."

Did you hear what I said? "First refused to release the KPMG report, requested by this newspaper in December 2015, on the basis that the Government had not commissioned it, [and] so had no right to release it."

An Hon. Member: No, tell me it is not so.

Lt. Col. Hon. David A. Burch: So, Mr. Speaker, I am . . . you know I come from further up in Somerset than you. But I can understand that five . . . four years ago, the same people that are accusing me of all manner of sins did exactly the same thing for exactly the same reason.

Deceit, deception and dishonesty.

[Inaudible interjections]

Lt. Col. Hon. David A. Burch: Mr. Speaker, the editorial goes on to say . . . and it goes on . . . it goes on forever, and it talks about something about what the Honourable Member Mr. Trevor Moniz said and Craig Cannonier, that "Colonel Burch went on to say that the OBA supported the decision, which it did. He appeared to suggest also that since both parties supported the decision, there was no need for further disclosure."

Do not assume, Mr. Speaker. You know what they say about people who do that.

An Hon. Member: That is right.

Lt. Col. Hon. David A. Burch: You know exactly what they say. You struggle with journalism, so do not assume what people are meaning. I was crystal clear in my decisions about what I was saying about this whole situation.

Then it goes on to speculate, and I quote again, Mr. Speaker: "Sandys 360 was apparently started with good intentions—to be a community centre in the West End—but failed."

Mr. Speaker, I can tell you it was started with good intentions to be a community centre in the West End and if they had more than one reporter, they would know that it was successful in being a community centre in the West End, for a short period.

Mr. Speaker, the editorial ends with, "For these reasons" (and a whole bunch of reasons) "this newspaper urges [the Commissioner] to ensure her order is enforced. The future of public access to information and the ability to hold governments in the sunshine of public scrutiny may depend on it."

Mr. Speaker, what I guess I can say is what that statement amounts to, in parliamentary language, is "Bravo Sierra."

[Laughter]

Lt. Col. Hon. David A. Burch: Mr. Speaker, the former Premier has a letter to the editor under that supporting all of this and saying that we are never going to be in favour of transparency and we are never going to be in favour of Public Access to Information and that fact is that, even though we passed the law, they were the only ones who brought forward the regulations.

Again, education, Mr. Speaker, every time that I am aware of . . . not every time, that is an exaggeration, but in most cases, Bills are tabled and passed in this House and they are followed some time later with regulations.

Mr. Speaker, I was not a Member of this House when it was passed under the former Government, but I would suspect and I could almost guarantee that the Opposition supported the passage of that legislation and we still support it today.

Mr. Speaker, now here is where the deceit, deception and dishonesty really come to the fore. Now let me just say for the record, everybody, I think, knows, even though they try to say something different, I do not buy this newspaper—ever. I read them, though. And people save them for me. And I am usually a week behind because I do not have to read fiction on the day it is published.

In this case though I am ahead, I am still a week behind, but people have pointed out to me things that are current. And in this case this is a front page article, it starts on the front page, dated the 18th of July—so yesterday, Mr. Speaker. And I had to photocopy it and bring it because this is Exhibit A for the three things that I am talking about—deceit, dishonesty, and deception.

Mr. Speaker, and it is written by what they call the Investigations Editor of the *Royal Gazette*. Well, for the record, Mr. Speaker, if you are going to be an investigative anything—

An Hon. Member: You might want to investigate.

Lt. Col. Hon. David A. Burch: —you actually might want to investigate. But you . . . and it does not . . . one does not consider investigation sitting in your office or in your house and sending emails to every Minister in Government or filing PATI requests. That is not investigative reporting, Mr. Speaker. And especially, if you are going to do that, then how about telling the truth in your investigations? Let us start there. And this is not me, Mr. Speaker, this is in their newspaper.

So, Mr. Speaker, the heading of this article is amazingly . . . 18th of July, on the front page, *Moniz confirms he commissioned Sandys 360 report*.

An Hon. Member: What? No!

Another Hon. Member: Yes, that was the front page.

Lt. Col. Hon. David A. Burch: Moniz confirms he commissioned the Sandys 360 report.

So my question is, Mr. Speaker, what was the debate and discussion in this House on the 5th of July about me hiding something? Why? I am just asking.

And it says, it goes on further to say, Mr. Speaker: “Trevor Moniz, now a One Bermuda Alliance backbencher, explained that he asked for the independent review from professional services firm KPMG in 2013 because he was ‘under pressure’ from high-ranking civil servants to release more public funds for the now-closed Sandys 360.”

Well, I am curious, Mr. Speaker, “under pressure from senior public servants”—a Minister of the Government, and especially that one, who is supposed to know the law and says I do not?

Okay, we will go farther, Mr. Speaker. How much time have I got left because I really want to cover all the highlighted pieces—

The Speaker: Three minutes.

Lt. Col. Hon. David A. Burch: —in this article.

The Speaker: You have got three minutes.

Lt. Col. Hon. David A. Burch: Three minutes?

The Speaker: Three minutes.

Lt. Col. Hon. David A. Burch: Okay, let me go fast.

Mr. Speaker, so my point is this . . . anyway it goes on to say the former Premier, when he passed the regulations, said that he was going to carry out these things and so . . . and the next Premier and the Minister of Public Works is quoted in this article as well.

Mr. Cannonier says, “When I became the public works minister in 2015, the report had already been commissioned. I’m almost sure that it did come out under me.”

Mr. Speaker, so my point is this: They and they have tried to vilify Burch and accuse me of all manner of sins when the fact of the matter remains that they knew all along, they apparently commissioned the report—I will go and ask now in the Ministry—and if, in fact, it was commissioned by the Ministry of Public Works I will release the damn thing.

The advice I got was that we did not do this, but this is saying they did it. But I would ask the question, why did you not release the report?

An Hon. Member: Exactly!

[Desk thumping]

Lt. Col. Hon. David A. Burch: Why did you not release the report? And it is worse than that, why would you stand up in this House and accuse me of all of manner of sins and all sorts of things when you knew full well you commissioned the report, you obviously paid for it, I guess, now. I have got to go check that, too, because I was advised that, you know, it was paid for by the trustees. I will go and check all of that, Mr. Speaker.

And so what it means is that—

Hon. E. David Burt: Someone was lying somewhere.

Lt. Col. Hon. David A. Burch: Yes, it does, and it was not me.

An Hon. Member: You need to check your facts first.

Lt. Col. Hon. David A. Burch: *I should check my facts first.* Really?

Okay, first of all, you need to be learned-up again and again and again. Why don’t you when you go down to [the] Music Box get your people to start

telling the truth? Get them to start telling the truth. I will check my facts, but I have to rely on the civil servants that give advice to Ministers mate'o. It is not my job to go and look and find out whether the former Government commissioned a report and refused to give it, and lied to the people of Bermuda to say that, you know, *Oh, no, Burch is being unreasonable.*

Check my facts, Mr. Speaker? The fact of the matter is that it is all crumbling around them . . . it is all crumbling around them.

The Speaker: Thirty seconds.

Lt. Col. Hon. David A. Burch: How many?

The Speaker: Thirty seconds.

Lt. Col. Hon. David A. Burch: Thirty seconds. I am going to use up every one of them.

Mr. Speaker, this Government is committed to transparency, this Government is committed to Public Access to Information, but we are not going to roll over and aid and abet an organisation and an entity that is too lazy to do proper investigative reporting and report on what is going on in this country, and we are not going to sit idly by and allow the Opposition to lie—boldfaced lies—on the floor of this House about what this Government has not done.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, thank you.

I did not see anybody else . . . Mr. Famous are you on your feet to leave or to speak?

TWO YEARS—PLP HIGHS AND LOWS

Mr. Christopher Famous: I am going to leave—

The Speaker: You are going to leave? We are right behind you.

Mr. Christopher Famous: —but not quite yet.
Mr. Speaker—

The Speaker: Yes.

Mr. Christopher Famous: —last week we had an impromptu karaoke, somebody thought they were Paul Simon. I give it to them, they sounded kind of all right.

An Hon. Member: No, they did not.

Mr. Christopher Famous: I said “kinda.”

[Inaudible interjection]

Mr. Christopher Famous: Okay. But how about a little Bob Marley? I want you all to sing the chorus with me—*See de 'ypocrites, dem a . . . See de 'ypocrites, dema—*

An Hon. Member: I do not know that one.

Mr. Christopher Famous: You do not know the *Hypocrites* song? Okay.

[Laughter]

Mr. Christopher Famous: All right.

Mr. Speaker, I am not here to talk about certain people or . . . Right!

[Inaudible interjection]

Mr. Christopher Famous: I am not here to talk about the OBA because, frankly, they are irrelevant, they really are. And we need to remember that they are irrelevant.

What I am here to talk about is us and the people of this country.

Mr. Speaker, let me quote someone, “feel the needs of others more than your own”—Emperor Haile Selassie.

For four and half years, Mr. Speaker, the people of Bermuda were under the gun—as we heard, 27 protests. People do not just up and protest for no reason. We are docile people, too docile, but we protested because we were under the gun, for different reasons—Lamb Foggo, term limits, what else?

An Hon. Member: Furlough days.

Mr. Christopher Famous: Furlough days—

An Hon. Member: Mammograms.

Mr. Christopher Famous: —killing off the dog, Hershey—all different.

[Inaudible interjection]

Mr. Christopher Famous: Bras . . . bras . . . you saw OBA supporters go down to Cabinet and lay out Cabinet with bras because they felt under the gun—literally—for their health when the OBA was trying to limit mammograms to one per every two years.

So for four years, Mr. Speaker, I was given a task by the former Leader, the Honourable Marc Bean, to be the party organiser for Central, at first, then eventually for the whole party. My job was to make sure that we went around the Island and knocked on every single door . . . well, maybe not some Somerset doors, but we knocked on all the doors that we could. Because we knew we had to talk directly with the people. Not stuff on Twitter, not little

stuff on Facebook, we had to look eye to eye with the people so we could hear what they need, we could hear their pain, and they can see our sincerity. That is what door-to-door canvassing is about. It is not about, *Oh, let me just get your vote*. It is about connecting with the people.

Mr. Speaker, yesterday . . . well, the dates are kind of blurred now. On July 18th this year, it made two years. That morning I woke up, looked outside, I saw the rain and I said, *Oh, Lord! It's a wrap now*, because our people do not come out in the rain. I went to the polling station—my first time ever. The first people that were there were people from Devon Springs. I will never forget the Daniels family—Mr. Daniels, his wife, and his teenage daughter (her first time voting). They said to me, *Famous, we are here because we believe in what you guys are doing*. And I said, *I am thanking you for being here*, and I thought maybe they would be the first and only three voting that day.

Mr. Speaker, by eight o'clock that morning there was a line of people with umbrellas standing in the rain, a mixture of Bermudians. Some were there for political change and some were there to try to save the status quo, but they were all there. And as we know, Mr. Speaker, the rain stopped. But then the sun came out, so it was actually worse than the rain because it was humid. Throughout that day, Mr. Speaker, 35,000 Bermudians voted across this Island—a record number—the highest turnout of voters we have ever seen in our political history. They did not come out simply because, *Well, I saw a nice ad on Facebook*. They felt the need for change. They saw the events of December 2nd; they were up here during the events of Pathways to Status. And for others, they wanted to keep the momentum of what they thought was economic growth, but it was just artificial because it was America's Cup.

Mr. Speaker, for the last two years we have had highs and lows. Some of the highs that I am personally very proud about are scholarships for hundreds of Bermudians to go up to the Bermuda College to retool. People who did not think they could ever go back to college now have their bachelor's degree; people who never thought they would have a technical skill, now have that; young people who were in high school, dual enrolment, they are going off to the university, they already have their associates' degree.

Repurposing the Regiment. Mr. Speaker, I was in St. Lucia a few weeks ago and there was a Colonel there from the Barbadian Regiment . . . Defence Force, sorry. And he said, *Hey, Bermuda was the star of the event in St. Lucia. We want them down there for every event*. I was proud of that.

I was also proud that we were the only overseas territory that stood up to the United Kingdom Foreign Affairs Committee when they wanted to make suggestions to impose some neocolonialism on us. We stood up to them and other overseas territories look up to us for that.

The work of Chairman Renee Ming for legislation for management of sex offenders.

The work of . . . I want to say "Bishop" Burgess, Deputy Speaker, all the work he has done for seniors. Seniors' charter last week, we kept our . . . under the most arduous circumstances we kept our promise about keeping a pension for seniors in relation to the cost of living every year. We have now talked about moving the age of retirement up.

Just this week we have turned what some deemed as a white elephant into a new hotel. I found it interesting, the same person who condemned the Grand Atlantic under the OBA was sending out praises for what we did. Again, *See de 'ypocrites*, right in here, Mr. Speaker.

We have had some lows. We have had increasing costs of groceries because we have some people around here who have no scruples. But we cannot control that because it is a free market economy. We have our people screaming at us, *Why you ain't in controlling, why you ain't putting legislation in to make the grocery price be this?* It is a free market economy, we cannot do that. So we are going to take the licks.

We are seeing the contraction of IB because of external forces and the negative effect that it has on our economy. We are not oblivious to that. When we go to the grocery stores, we pay the same price as everybody else. When IB contracts, it hurts all of us, we are not oblivious to that, contrary to some peoples' opinions.

Mr. Speaker, we have more work to do, as the Honourable Diallo Rabain said, he is going to be the longest Education Minister. How long is long? I do not know, but he says he is going to be the longest. He is going past one year and five months, so he has beaten the average. We have work to do in education reform. A school in my district, a school I went to, is suffering from low enrolment. How do I walk around to my people and say, *Listen, we might have to think differently?* I am going to take some licks for it. But I have to think about the bigger picture, as everybody in here with a school that is under the gun because of low enrolment or possibly because of that "M" word, we have to rethink that, we have to support our colleague.

This isn't his plan. This is our plan. This is Plan 2022, correct? This is a collective plan, collective responsibility. I am talking to my colleagues on that side, Backbenchers and Ministers.

We have our challenges. We have our different perspectives. We have our different personalities. But when we come up here, we are what? One people.

[Inaudible interjection]

Mr. Christopher Famous: Because we have to fight for the people who were outside of this gate December 2nd.

I got a little emotional earlier. Why? Because those people who were on the ground, those people who were crying . . . they believed in us. They do not believe in them. That was obvious. Now, am I saying we are perfect? No. Am I saying that the Backbench knows everything? No. Am I saying that the Cabinet knows everything? No. We have to work together. Sometimes we even have to think, *Well, maybe the OBA, some of them, have some kind of fair ideas.* We have to be objective. Are we going to swallow the bait from it? No, we are not. But we are going to be critical thinkers because our people are depending on us.

You see, when you get black people, let's be real. When you get black people standing in the rain to vote for you, you don't take that for granted. When you get black people standing in the humidity, you don't take that for granted. There are going to be different opinions. There is no way we are only going to have one mind-set up here. But what I am imploring all of us [to do] is go back to this from Emperor Haile Selassie. "Feel the needs of others more than your own."

Tomorrow some of us are going to the County Games. But tomorrow, guess what? The Premier and I are going to be out in the heat knocking on doors. Right Premier?

Right.

Because we have to feel what our people feel. We do not want our people to feel that we are out of touch. When they are suffering, we have to show them that we are suffering too, and we are going to do what we can to alleviate that suffering.

So, Mr. Speaker, again, I say to my colleagues, do not waste . . . at times you have to attack them; but do not waste overt time with these people. We have our people, the people of Bermuda—all colours, all persuasions, all Cup Match—

The Speaker: Red and blue.

Mr. Christopher Famous: Yes. You get it.

—to concern ourselves with. Lick them when we have to lick them, but let's keep moving. We have a lot of work to do. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

No further speakers?
Minister De Silva.

POLICE INVESTIGATIONS INTO DR. EWART BROWN

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker. I have a couple of things I wanted to talk about tonight, or this morning.

One of them is this full-page ad that was in the paper this week. It was a full page, Mr. Speaker. And on the bottom of it it says, "From friends of justice." And it talks about for the past eight years the Bermuda Police Service has been investigating former Premier Dr. Ewart Brown, and it goes on to make some statements.

Now, Mr. Speaker, you will know there was a court case earlier this year, and last year, and there was a ruling in the court case. And in that ruling the judge said the police could send some files. And it was just under 100 files that they could send away to an overseas expert to view them, to see what he could find. My understanding, Mr. Speaker, is that this expert could not find anything, and he has asked for more. When does it stop?

We, on this side of the House, have been talking about this for eight years. When is it going to stop? I think the Honourable Minister of National Security was asked a question last week and we ran out of time. But, I think he dropped a figure before he finished . . . I think he was up to \$5 million. I do not know where—

The Speaker: Well, he is going to answer his questions next week.

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

So, the thing is, Mr. Speaker, when does it stop? When is it going to stop? When are we going to stop burning up the taxpayers' dollars and leave Dr. Brown alone?

It was cedar beams, it was corruption, it was lord knows what else they could not find, they grabbed his practice, they broke down his doors, they raided his premises. What are they going to do next? You know, I think what he should do is go down and urinate down on Front Street somewhere so they could book him for something maybe they could justify. Maybe that would stop them. They could say, *Well we got him for something.*

REASONS PLP SUPPORTERS WILL NOT LEAVE THE PLP

Hon. Zane J. S. De Silva: Now, Mr. Speaker, last week the Honourable Member, former Premier of this country . . . I think he even tried to sing a song. He talked about the singer Paul Simon, "50 Ways to Leave Your Lover." Then he went on to talk about the two-year anniversary of the PLP Government. And he stated there are 50 reasons for the PLP supporters to leave the PLP. Humph!

Now, Mr. Speaker, I have a good friend of mine. Her name is Esme Williams. She called me this week and she said, *Zane, you ought to go on YouTube and google William McDowell, because he sings a song too. He is a gospel singer.*

And, Mr. Speaker, he did write that song some time ago too. And it went something like this—I'm not going to sing it.

The Speaker: Well, you got the microphone.

Hon. Zane J. S. De Silva: And it goes like this:

I won't go back, Can't go back, to the way it used to be.

I won't go back, Can't go back, to the way it used to be

Now, I am not going to comment on former Premier Dunkley's Fifty Reasons to Leave the PLP. But I am going to talk about a few of them.

He said there was "A large contract for Inter-Island Communications for propaganda to be put out."

Really?

Now, there is a contract with Island Communications, and that contract may go up to \$200,000, Mr. Speaker. But it only goes up to \$200,000. If the Government only uses \$50,000, that is what they will get paid. If it goes to \$100[000] that is what they will get paid.

But, Mr. Speaker, he did not tell us about some of the other contracts. Now, let's talk about real propaganda communications contract, an actual spend under the OBA Government. From January 2013, after they got voted in, for the first six months under the OBA Government, the *Royal Gazette* was paid \$158,000. Not up to, they were paid \$158,000. And during that same period, Island Communications was paid about \$7,000.

He also said "A Minister resigns then is reinstated after a large payment is made to a former Premier's business."

Really?

Well, we all know that we had a former OBA Premier resign too, after which a sizeable loan was made. And that former Premier was reinstated.

Now, Mr. Speaker, let me go back to William McDowell and his song, "I Won't Go Back." The Honourable Member Dunkley stated reasons why the PLP supporters should leave the PLP. Now, let me talk about why the PLP supporters are going to stay:

- The PLP were voted in because of the years of neglect and bad governance and bad leadership by the OBA.
- Under the OBA 2,000 jobs were lost, after they promised 2,000 jobs would be gained.
- The country's debt doubled under their leadership.
- \$100 million was spent on America's Cup while our buses, our schools and our infrastructure crumbled and were neglected.
- Bermudians were marginalised in our own country.
- The Honourable Minister of Education gave us some statistics earlier, but I am going to give you another one. We had four OBA Min-

isters in four years. We had mould in schools, a slashed budget, our teachers under-resourced. And remember, they were called "mischievous."

- Our seniors were told that dollars don't grow on trees; they just don't grow on trees.
- They turned our people's water off up in Dockyard. You remember when their Public Works Minister, Trevor Moniz, turned off the water up in Dockyard. I know that this Minister of Public Works, Colonel David Burch, would never do . . . would never even think of such a thing. Would not even enter his mind.
- They were going to shut down Lamb-Foggo Clinic.
- Former Attorney General was accessing former Premier's emails and bank accounts. How did he do that? Was it legal?
- And I just outlined, we spent millions of dollars on a lawsuit against Dr. Brown.
- And as Brother Famous talked about just now, the mammograms down on the Cabinet offices, when they were going to cut the mammograms out for our ladies.
- We had no money for civil servants. But we found \$100 million for the America's Cup.
- You remember that Bob Richards borrowed \$800 million and he said it was going to last three years. And the business community said what a great move it was.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Oh, he would last the entire term. That is correct. Would last the entire term—\$800 million.

[Inaudible interjection]

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

And in 18 months it was gone.

I am just reminding Honourable Members why the PLP supporters will stay with us, because it seems to me that the Honourable former Premier, Dunkley, has forgotten why he is on that side of the aisle.

We had furlough days. Do you remember when our people were camping on Cabinet grounds? Camping, down on the honourable Cabinet grounds, Mr. Speaker.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Sure it did.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Now, Mr. Speaker, let's talk about why our supporters will not leave. This is what the PLP have done over the last two years, and

please remember that when we took over there was much work for Ministers to do. There was a lot of work. And you know, Mr. Speaker, that when a Minister comes in to a new Ministry, not to mention the fact that if it's a new Minister, period, the work that needs to be done just to find his feet, just to find his or her feet. So two years ain't a lot of time. But let's look at some of the things we have done, Mr. Speaker.

- We have our first balanced budget in 16 years.
- We suspended the Sinking Fund contributions rather than borrow (hear me!) \$67 million, saving about \$3 million to \$4 million a year of interest, if I remember correctly, Mr. Finance Minister.
- We have given the public sector workers, Mr. Premier, their first pay rise in years.
- We lowered the payroll taxes for workers to its lowest level in 23 years.

An Hon. Member: Yes.

Hon. Zane J. S. De Silva: Lowest level in 23 years. Lowest payroll taxes for our workers.

[Desk thumping]

Hon. Zane J. S. De Silva: That is what we have done.

- We have invested in education, training and social services.
- In two years we have increased taxes by only \$60 million. Some people may say \$60 million is a lot. But in four years under the OBA Government they hiked taxes by \$185 million—\$185 million!
- The PLP Government gave \$300,000 to Bermuda College students and, guess what? A high percentage of them graduated just not too long ago. Do you know what else we have done, Mr. Speaker? Five hundred and fifty-seven students have been assisted since we took over the Government—557!
- We have also given 91 scholarships during these two years.

Think about the help we have given to our people. And the Honourable Member, former Premier, Dunkley, wants to talk about why the PLP supporters are going to leave? This is why they are going to stay.

- We gave a \$400,000 increase to National Stadium. Hopefully this will bring more international success, like our senior football team has done recently.
- We increased pensions for our seniors, and will do so every year whilst we are in Government. After our seniors for many years did not have a raise. So thank you for pushing for that, MP Burgess.

- We decriminalised cannabis under seven grams to stop making criminals out of our young black men, therefore increasing opportunities for them to travel overseas and pursue careers. And it does not give them a lifetime of punishment.

You see, Mr. Speaker? MP Dunkley would have you think that the PLP supporters are going to leave us. Well, those are just some of the things that we have done in two years. Some of the things we have done in two years. I just want our PLP supporters and the people of the country to realise one thing. They are they past and we are the future. Thank you.

The Speaker: Thank you, Minister.

Any other Member wish to speak?

We stand adjourned until next Friday, the 26th of July at 10:00 am. Members, have a good weekend.

[Gavel]

[At 2:45 am (Saturday, 20 July 2019), the House stood adjourned until 10:00 am, Friday, 26 July 2019.]