



2022/2023 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT

29 September 2023

Sitting number 24 of the 2022/2023 Session
(pages 1823-1920)

Hon. Dennis P. Lister, Jr., Speaker

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**BERMUDA HOUSE OF ASSEMBLY
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29 SEPTEMBER 2023
10:02 AM**

Sitting Number 24 of the 2022/2023 Session

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

The Speaker: Good morning, Members.
The Clerk will lead us in prayer this morning.

PRAYERS

[Prayers read by Mr. Clark Somner, Acting Clerk]

The Speaker: Members, the House is now in session.

[Gavel]

CONFIRMATION OF MINUTES

[Minutes of 22 September 2023]

The Speaker: Members, the Minutes from the 22nd of September have been circulated.

Are there any amendments required?

There are none.

The Minutes will be confirmed as printed.

[Minutes of 22 September 2023 confirmed]

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

APOLOGIES

The Speaker: Members, the following Members have indicated that they will be absent today: Minister Wayne Furbert, Minister Diallo Rabain, MP [Dennis] Lister [III], MP Swan. And the Opposition Leader is also included. He is just not well this morning, so we wish him a speedy recovery. He will be out today as well. And I should have included Michael Dunkley as well. MP Dunkley is also on the list. Those Members are all off Island; it is the Opposition Leader who is sick. But the other Members are all off Island, some on government business or personal matters.

MESSAGES FROM THE SENATE

The Speaker: There are none.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

The Speaker: There are nine papers this morning. I believe the first is in the name of the Premier/Minister of Finance.
Premier.

Hon. E. David Burt: Good morning, Mr. Speaker. How are you this morning?

The Speaker: Good morning. I am good, thank you.

BERMUDA CASINO GAMING COMMISSION 2018 ANNUAL REPORT

BERMUDA CASINO GAMING COMMISSION AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2018

BERMUDA CASINO GAMING COMMISSION 2019 ANNUAL REPORT

BERMUDA CASINO GAMING COMMISSION AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2019

BERMUDA CASINO GAMING COMMISSION 2020 ANNUAL REPORT

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

I have the honour to attach and submit for the information of the Honourable House of Assembly the 2018 Report for the Bermuda Casino Gaming Commission; the Audited Financial Statements for the Bermuda Casino Gaming Commission for the year ended 31 March 2018; the 2019 Report of the Bermuda Casino Gaming Commission; the Audited Financial Statements for the Bermuda Casino Gaming Commission for the year ended 31 March 2019; and the 2020 Annual Report for the Bermuda Casino Gaming Commission.

The Speaker: Thank you.

Members, the next Papers and Communications this morning would be in the name of Madam Attorney General.

Madam Attorney General.

Hon. Kathy Lynn Simmons: Good morning, Mr. Speaker.

The Speaker: Good morning.

LEGAL AID ANNUAL REPORT 2023

Hon. Kathy Lynn Simmons: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Legal Aid Annual Report 2023.

The Speaker: Thank you.

The next paper this morning is in the name of the Minister of Economy and Labour.
Minister Hayward.

Hon. Jason Hayward: Good morning, Mr. Speaker.

The Speaker: Good morning.

DEPARTMENT OF FINANCIAL ASSISTANCE— ANNUAL REPORT FINANCIAL YEAR 2022/23

Hon. Jason Hayward: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the 2022/23 Annual Report for the Department of Financial Assistance.

The Speaker: Yes. And the next.

BERMUDA ECONOMIC DEVELOPMENT CORPORATION—PROPOSED EXPANSION OF THE NORTH EAST HAMILTON EEZ TO SOUTH EAST HAMILTON, APRIL 2023

Hon. Jason Hayward: Mr. Speaker, I have the honour to attach and submit for the information of this Honourable House the Bermuda Economic Development Corporation's proposed report for the expansion of the North East Hamilton EEZ [economic empowerment zone] to South East Hamilton.

The Speaker: Thank you.

Members, that is the end of the Papers and Communications for today.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

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

Premier, would you like to present your Statement?

And, Members, I did indicate *eight* in that the earlier Order Paper may have had (I think) ten items, but those items have been removed. So, there are just eight items this morning.

Hon. E. David Burt: Good morning, Mr. Speaker. I do note that Members are handing out items. They are coming right now.

The Speaker: Yes.

Hon. E. David Burt: I will stand by, Mr. Speaker.

The Speaker: Yes. Make sure the Opposition get theirs so we can get started. Yes.

[Inaudible interjections and laughter]

[Pause]

The Speaker: Okay.

UPDATE ON TAX REFORM COMMISSION

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

Mr. Speaker, I rise today to provide this Honourable House and the public with an update on the significant progress made thus far on the efforts to substantially [reform Bermuda's tax system](#). Mr. Speaker, Honourable Members will recall that in the Progressive Labour Party's 2020 Election Platform, the Government committed to forming a new tax reform commission to conduct a further review of Bermuda's system of taxation and revenue collection.

In December 2020 this Honourable House passed the Tax Reform Commission Amendment Act to establish a new commission to make recommendations on tax reform to the Government. However, in October 2021 a global agreement was reached to make material changes to the global tax system. In particular it was agreed that a minimum tax would be imposed on large multi-national enterprises on a jurisdictional basis. Under the framework, which was agreed by almost 150 countries, such entities would be subject to a 15 per cent tax rate, which we applied to the profits in every jurisdiction in which they had a corporate footprint.

Mr. Speaker, tax transparency and tax compliance are fundamental principles upon which Bermuda has built its reputation as a premier international financial centre. It was recognised that this global minimum tax requirement would primarily impact companies in our international business sector. Therefore, consistent with Bermuda's approach to changes that affect the international business sector, it was determined that it would be prudent to get input from tax experts, from industry and from other sources. Thus, in January the Government empanelled an international tax working group consisting of lawyers, accountants and others

with corporate tax expertise to examine the best way to implement the new global minimum tax in Bermuda.

Mr. Speaker, this working group completed the first phase of their work in July of this year and provided their recommendations to the Government. Having assessed the input provided by the working group in August, the Government of Bermuda issued a consultation paper on the proposed new corporate income tax regime and launched the initial consultation period for the proposed changes.

Mr. Speaker, the feedback from that consultation has been very informative and has greatly assisted the Government in developing the corporate income tax proposal. It is now intended that a second, more comprehensive consultation paper will be issued in the next two weeks, allowing the Government to continue this critical work to meet the international commitment that Bermuda made in 2021.

Mr. Speaker, the work of the new Tax Reform Commission is intricately linked with the work being done to develop the Bermuda corporate income tax regime. Therefore, while the consultation development of the global minimum tax framework continues, the Government has also progressed its work to empanel the new Tax Reform Commission. The goal of this new commission will be to review our existing system of domestic taxation to ensure that it is in line with the requirements of the global minimum tax while also examining what other changes to our local taxes are needed to ensure that Bermuda's economy remains competitive.

Mr. Speaker, the new commission will be a highly qualified and diverse team representing all aspects of Bermuda's economy. Similar to the last Tax Reform Commission, the makeup of the seven members of the commission will be as follows:

- a chair of the commission;
- Progressive Labour Party representative;
- One Bermuda Alliance representative;
- Bermuda Trade Union Congress representative;
- local business representative appointed by the Chamber of Commerce;
- an international business representative; and
- one general member.

Mr. Speaker, I am pleased to advise Honourable Members that Mr. Darren Johnston has agreed to chair this important commission. Although more information will be provided when the members of the commission are gazetted, Mr. Johnston is the former CEO of PricewaterhouseCoopers, Caribbean Region Ltd., and is currently the Chief Operating Officer of Orbis Investment Management Ltd. Mr. Johnston is ably qualified to lead this important body, and I wish to thank him for agreeing to undertake a task that will have a significant impact on Bermuda's future.

Mr. Speaker, I must also express my gratitude for the commitment of our international tax working

group, who have continued to provide support throughout this process. The information currently being developed by this body will provide a robust and well-developed foundation for the work to be done by the tax reform commission.

Mr. Speaker, Honourable Members and the public should again be reminded that the development of a new corporate income tax regime of the nature and scope being undertaken for Bermuda is exceptionally complex. Therefore, to ensure the required focus is adequately maintained, critical work necessary to develop key aspects of the framework will be advanced at the appropriate stage by the Tax Reform Commission. The Tax Reform Commission is expected to begin reviewing the domestic tax framework in light of the proposed corporate income tax in November 2023 with the aim of delivering its recommendations by mid-2024.

Mr. Speaker, the new global tax regime may present an opportunity to increase government revenues. However, as I have said before, the Government's policy aim is not to use these new global minimum tax revenues to significantly increase overall government revenue. This change in global taxation should allow for the reduction of existing taxes that by their very nature increase the cost of living and the cost of doing business. For example, additional revenues will likely allow for the reduction or possible elimination of some existing government taxes and customs duties.

Mr. Speaker, this Government aims to be as transparent and collaborative as possible throughout this tax reform process, evidenced by the extensive consultation on implementing a corporate income tax regime to meet international standards. This approach will continue throughout the tax reform process that the Tax Reform Commission will undertake.

Mr. Speaker, in closing, I would like to thank all of the stakeholders who have been involved throughout this process thus far. Your input has greatly assisted the development of the proposals.

Finally, Mr. Speaker, I wish to encourage all members of the public and the business community to participate in this process as we start our journey toward the most fundamental tax reform in Bermuda's modern history. Mr. Speaker, this historic opportunity for change will allow Bermuda to implement meaningful reforms that will significantly reduce the cost of living and the cost of doing business, leading to future economic prosperity and economic security for Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Premier.

Members, the next Statement this morning is in the name of the Deputy Premier.

Deputy.

SUBMARINE CABLE INITIATIVE, GOOGLE AND NUVEM

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

Mr. Speaker, I am pleased to rise today to speak about our new relationship with Google. Honourable Members will be aware of [Google's announcement of the Nuvem](#) (the Portuguese word for "cloud") cable, a trans-Atlantic cable connecting the US with Portugal (actually, via the Azores) with dual branches landing in Bermuda at Devonshire Bay and Annie's Bay in St. David's.

Mr. Speaker, it was actually four years ago when I tabled the Bill that subsequently became the Submarine Communications Cables Act 2020. At a high level, this legislation does the following:

- provides for the establishment of a submarine fibre optic cable corridor with landing points at Devonshire Bay and Annie's Bay;
- sets out the framework for the licensing and regulation of such cables;
- provides submarine cable operators with certainty of the process with decisions within 60 to 75 days of submission of application;
- introduces the concept of transit cables and local cables; and
- outlines the penalties and consequences of contraventions within the submarine cable corridor.

Mr. Speaker, Bermuda is currently served by five cables, three of which are ageing, one has been upgraded and one is in the process of being upgraded. The current cables currently have significant spare capacity to serve Bermuda's market. Four of the five cables land in the US, and one in Latin America. The current submarine cable corridor was designed to provide the flexibility to land five additional cables into Bermuda. The cable corridor was designed to attract new cables to Bermuda as part of the strategy to build out Bermuda as a digital Atlantic hub using transit opportunities to leverage Bermuda's strategic location in the Atlantic. This coupled with a favourable and certain legislative framework encouraged operators to *land and expand*.

Mr. Speaker, the Bermuda Business Development Agency has been promoting and liaising with those target companies focusing on the Atlantic digital hub and the other services Bermuda can offer to the submarine cable industry generally. The target submarine cable operators in today's market for cable builds are the large data/network providers, those being Google, Facebook (known as Meta), Microsoft, Amazon, et cetera.

Mr. Speaker, over the past few months my office and the office of the Minister of Public Works, the Honourable David Burch, and the Bermuda Land Development Corporation [BLDC] have been in direct contact with Google and their team, leading up to this announcement. The importance of this trusted relationship was reinforced with a meeting in New York this month by myself and Google's Global Head of Government Affairs, Mr. Karan Bhatia. Strict confidentiality measures were put in place prior to the announcement

to manage the flow of information. This was critical to Bermuda and formed part of that trusted relationship.

Mr. Speaker, it is intended that the cable will be built and laid over the coming two years with a ready-for-service date in 2026. Marine route surveys in Bermuda will begin later this year along with the required permitting and licensing application. Acquisition of land and the construction of the landing points and landing station to be built will be required. Significantly, Google has announced this first cable with a plan to grow out an additional new cable every two to three years thereafter. A significant cable landing station is planned to be built to enable multiple cable landings.

This is more than a cable landing just passing through Bermuda; it will provide a backbone for a wider strategy of a digital port with all of the requirements for supporting data and digital infrastructure. Mr. Speaker, the landing of this cable and subsequent ones will deliver on the Government's commitment and strategy outlined in our economic strategy document [recently released], which of course is led by the Ministry of Economy and Labour. In particular, it will

- establish Bermuda as the mid-Atlantic hub and would provide reduced latency in communications with Europe and the Americas. This will also be a new route for Bermuda with direct connectivity to Europe;
- act as a magnet drawing other players in the communication industry, whether laying their own cables or leasing from Google;
- provide redundancy for cables currently serving Bermuda; and
- be a 25- to 40-year commitment for Bermuda from Google.

The Speaker: Mm-hmm.

Hon. Walter H. Roban: Mr. Speaker, there are a number of other benefits to Bermuda with the landing of the Nuvem cable, including the following:

- The building of a large cable landing station requiring a footprint generating significant economic spinoff benefits, including (1) a cash injection for the purchase of freehold land from the government, subject to approval of the legislature, (2) a new investment in physical plant and infrastructure which will provide jobs for Bermudians and Bermuda companies in the construction and maintenance of the plant, and (3) employment for around 10 to 20 direct positions needed on an ongoing basis for the cable landing station. This will likely also generate the ripple effects of jobs in other areas with the technology hub created.
- Creating the infrastructure which supports (1) a technology hub for FinTech, and (2) increased satellite earth stations. Communication satellite earth stations are already either set up in

Bermuda or showing increased interest in placing additional earth stations in Bermuda.

- Increasing investment in renewable energy. The cable landing station will need between 600 kilowatts and 3 megawatts per atom of electricity over time as the cables ramp up. Providing access to Google's significant resource and support, including (1) training opportunities for Bermudians by giving them access to Google's training platform, (2) providing support and advice for other sustainability projects and marine-related initiatives, including providing technology for monitoring and enforcement, and (3) supporting Bermuda's education initiatives and community development opportunities.

Mr. Speaker, we welcome Google's proposed investment in Bermuda and look forward to a long and productive relationship with them. Mr. Speaker, finally, I would be remiss if I did not recognise the ongoing efforts of Ms. Fiona Beck, formerly of the Bermuda Business Development Agency and now a consultant with Google. Ms. Beck was invaluable in the development of the Submarine Communications [Cables] Act 2020, and she has been instrumental in establishing Google's relationship with Bermuda.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

Members, the next Statement this morning is in the name of the Attorney General.

Madam Attorney General.

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

INTENTION TO MAKE EXPUNGEMENT OF CONVICTIONS (CRIMINAL RECORDS) REGULATIONS 2023

Hon. Kathy Lynn Simmons: Mr. Speaker, Honourable Members, I rise today pleased to inform this Honourable House that the Expungement of Convictions (Criminal Records) Regulations 2023 [the Regulations] have been drafted and approved by Cabinet. They will come into effect further to negative resolution procedure authorised by section 10 of the [Expungement of Convictions Act 2020](#) (which we will refer to as the Expungement Act) as soon as the government's digital publication system is restored.

Members may recall, Mr. Speaker, that prior to its passage in December 2017, the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 removed criminal sanctions in relation to the possession of cannabis where the amount is less than or equal to a statutory threshold of 7 grams. Simply put, the enactment provided that it was no longer a criminal offence for persons to be in possession of up to 7 grams of cannabis for personal use. By so doing, this Govern-

ment turned the page on almost half a century of criminal prosecution for possession of this amount of marijuana.

Mr. Speaker, it may also be recalled that subsequent passage of the Expungement Act in March 2021 made provision for removing the identical cannabis possession conviction from the criminal records of those convicted for possession of up to 7 grams before decriminalisation took place. These new provisions per the Expungement Act allowed a person with conviction for a *relevant offence*, being possession of 7 grams of cannabis or less as provided in the Schedule, to apply to the Minister of Legal Affairs and Constitutional Reform for an Expungement Order in accordance with criteria outlined in the Act.

Mr. Speaker, it may be further recalled that section 8 of the Expungement Act provides that once an expungement order is obtained, the convicted person will be treated as if they never committed the expunged offence. This includes the record reflecting that they have never been charged, prosecuted, convicted nor sentenced for that offence. It is worth emphasising, Mr. Speaker, that Bermuda has never enacted such decriminalisation measures before. They represent unprecedented steps in keeping with this Government's commitment to pursuing the policy of social justice.

Mr. Speaker, although persons seeking expungement have been able to do so in person or online since March of 2021 when the Expungement Act became operational, unfortunately since then an obstacle arose. Let me digress here to say that whereas some applicants have not been successful, indeed a number of Expungement Orders have already been made. As it stands to date, approximately 40 of the 51 applications made under the Expungement Act had not been able to be processed. This was due to the amount of cannabis for which applicants were convicted not being explicitly stated on their BPS [Bermuda Police Service] criminal records. (This means their police criminal records.) Therefore, on the face of those records it cannot be discerned definitively that applicants meet the 7 grams or less amount criteria for making an Expungement Order. Making this determination is of course necessary for such orders to be made.

Mr. Speaker, prior to these regulations, all options to overcome this impasse had been exhausted. It was only after extensive collaboration between Ministry technical staff and the Bermuda Police Service that the solution presented by these Regulations was devised. Combing through criminal records provided by the BPS further to expungement applications as well as other criminal records provided for the purpose allowed for a determination of the amount of cannabis to be made. As a result, this information in turn allowed for a *deeming provision* to be devised where the amount of cannabis is not stated on applicants' criminal records. These Regulations therefore provide that for expungement applications, the amount of cannabis for possession convictions when not stated on the record shall be

taken to be less than or equal to 7 grams for purposes of making Expungement Orders under the Act if the following apply:

- a) the cannabis possession conviction was prior to December 20, 2017;
- b) the expungement applicant's BPS criminal record does not specify the amount of cannabis for which the applicant was convicted; and
- c) the penalty upon conviction did not exceed \$1,000 or 12 months conditional discharge.

Mr. Speaker, in the course of addressing this issue, another important corresponding issue arose. As the law stood it was subject to interpretation as to whether increased penalty zone (i.e., additional element) fines related to the expunged possession convictions were also expunged. It stands to reason that they would be, as otherwise the fine would stand alone on the record in the absence of the conviction that it resulted from. This would in turn leave evidence of the conviction on the record, contrary to the spirit of the expungement policy. These Regulations therefore made necessary provision for the avoidance of doubt. They clarify that any *additional element* fines per the sentence of possession of less than 7 grams of cannabis will be expunged along with the expunged possession conviction. This achieves the overall objective of the Expungement Act in the first instance to wipe the record clean as to the targeted conviction.

Mr. Speaker, the opportunity was also seized to make provision to delete the word "simple" from the Schedule of the Expungement Act, to synchronise its language with that of the Misuse of Drugs Act 1972 to which it relates. Although the word "simple" is often used to reference cannabis possession convictions for small amounts, the term did not exist in legislation prior.

Mr. Speaker, this marks the culmination of hard work on the part of Ministry staff and crucial assistance from the Bermuda Police Service to craft the blanket policy to make the *7 gram or less* presumption where necessary as captured by these Regulations. The opportunity is now afforded to process the outstanding Expungement Act applications. That process is now aggressively underway and will be completed when the Regulations are published and come into effect. It is therefore anticipated that if applicants have not received a decision already, they will receive it soon. Applications continue to trickle in from time to time, and it is further anticipated that a much shorter timeline will hold for any future applications.

Mr. Speaker, contending with reversing punitive measures of the past to move forward in a more just way is never easy. It is always more feasible to strive to simply straighten up and fly right irrespective of damage inflicted in the past, as was done by this Government's 2017 decriminalisation of possession of 7 grams or less of cannabis by amending the Misuse of Drugs Act 1972. However, the Expungement of Convictions Act 2020 is an unprecedented correctional step

beyond that. Its implementation has also been a monumental task involving many stakeholders working in earnest to avail applicants of what to some will be a fresh start now permitted by law.

The setbacks to date did not diminish those efforts nor derail determination to see this through to the end. These Regulations are made with the assurance that what the law permits will continue to be made available to applicants to the extent feasible, sparing no efforts.

I am pleased to have granted the orders that have been made to date and look forward to any future applications. [I offer] my sincere appreciation for the patience of those applicants who have not yet received a final outcome due to the obstacles outlined. I look forward to your patience being rewarded in the near future. I also take this opportunity to thank the Commissioner of Police and his staff for their assistance, as well as the tireless efforts of our Permanent Secretary, the Policy Analyst as project manager and other Ministry staff whose persistence has made the intended benefits to the public of these measures possible.

Thank you, Mr. Speaker.

The Speaker: Thank you, Madam Attorney General. [INAUDIBLE]

Hon. Kathy Lynn Simmons: Okay. Thank you.

The Speaker: Members, the next Statement this morning is in the name of the Minister of National Security. Minister Weeks.

UPDATE ON BERMUDA INTERNATIONAL AIRPORT FIREFIGHTERS

Hon. Michael A. Weeks: Good morning, Mr. Speaker. Good morning, colleagues.

Mr. Speaker, since my last Statement to this Honourable House on this matter, I am pleased to report that our 23 local recruit firefighters who travelled to Newcastle, UK, on the 5th of August 2023 for six weeks to receive specialist training successfully completed their foundational training course qualifying them as [air-craft rescue firefighters](#).

Mr. Speaker, you may recall my previous Statement when I stated that the Newcastle International Fire Training Academy is a world-class aircraft rescue firefighting training facility with highly qualified instructors. I had the opportunity to visit the facility recently and learn how this training academy prepares trainee firefighters, and I was very impressed with the training products they offered. I also spent time on a first-hand tour of the life-size mock-up simulator of a commercial aircraft, and after learning more about the specific requirements of the aviation industry I submit that our recruits were trained to the highest standards and are on par with any jurisdiction.

I met and spoke with the recruits asking them about their experiences, and they expressed that they had received excellent training and were keen to return to Bermuda to put that training to good use. They had clearly enjoyed their training, and the morale was exceedingly high amongst them, Mr. Speaker. Our new firefighters worked extremely hard to qualify as [aircraft] rescue firefighters. Each one of them was taught how to work as a member of a cohesive team under hostile conditions. Additionally, they were individually assessed for evidence of assimilation of core aerodrome knowledge, specifically those relevant areas of the Civil Aviation Authority's (CAA) Publications such as CAP 168, CAP 1168, CAP 699 and the Air Navigation Order ANO 2016. In addition, they were required to demonstrate competence in the following core skills, namely,

1. chemistry of combustion (including hydraulics);
2. aircraft engines;
3. aircraft undercarriages;
4. aircraft construction;
5. aviation fuels;
6. freight (including dangerous goods);
7. military aircraft;
8. helicopters;
9. fire appliances;
10. complex rescue equipment;
11. firefighting equipment and media; and
12. tactics and techniques of firefighting.

Each firefighter would be required to undergo a specialised driving course enabling them to drive and operate the sophisticated fire vehicles used for aircraft crash fire and rescue. This includes how to drive, position and deploy the relevant resources depending on the incident type, of which there are many. They would later undertake a one-week self-contained breathing apparatus course where they would learn about the operation of the equipment, using it in smoke-filled environments. This would also be carried out in confined space and under extreme heat and humidity with internal fires being present. At the end of these specialist weeks, further assessments were conducted including a written exam, an oral exam and a practical assessment.

Mr. Speaker, each recruit received a certificate of competence in accordance with CAP 699 (Standards for the Competence of Rescue and Firefighting Service personnel, developed by the UK Civil Authority). Additionally, each of them received a certificate of completion of their foundational recruits' course from the Bermuda Fire & Rescue Service. Mr. Speaker, this milestone is significant as it represents the end phase of the Bermuda Fire & Rescue Service's emergency plan to rapidly expand and build the extra workforce capacity required to meet the new minimum staffing levels mandated by the Aerodrome Regulators. The amount of resource energy and time expended by the Bermuda Fire & Rescue Service to reach this stage was nothing short of extraordinary because of the timings of similar recruitment drives taking place in our wider Ministry.

Mr. Speaker, I met with the Chief Fire Officer and his management team this week and expressed my pleasure with the progress to date. It is in this connection that I am pleased to inform this Honourable House and the public that our newly trained fire officers will replace the overseas consultant [firefighters] on the 1st of October 2023.

[Desk thumping]

Hon. Michael A. Weeks: Thank you. Thank you, colleagues.

Mr. Speaker, I would be remiss if I did not acknowledge the role our consultant firefighters fulfilled during the most challenging period of this project. Last year when the Aerodrome Audit Report featured prominently in the public sphere, the Bermuda Fire & Rescue Service with the support of the Government developed a plan in coordination with a Canadian-based fire protection service provider which resulted in a surge of overseas consultant firefighters who answered the call to serve in Bermuda for the past year. Mr. Speaker, yesterday I met with the consultant firefighters and expressed this Government's deepest appreciation for their willingness to leave the comfort of familiar surroundings and very quickly acclimate to living and working in Bermuda. Our consultants provided excellent service on behalf of the Bermuda Fire & Rescue Service, and I wish for the record to reflect our deepest gratitude for that. As previously mentioned, they will fulfil their contracts until they are officially replaced on the 1st of October 2023.

Mr. Speaker, we are committed to ensuring that there are sufficient resources at the airport to maintain operations. We are also committed to recruiting and retaining Bermudians in the service in general. This essential service provides a challenging and rewarding career, and I encourage people to apply and join. Mr. Speaker, in closing I wish to point out that this is another example of this Government—a *promise made and a promise kept*. Mr. Speaker, I hasten to thank the women and men throughout the Bermuda Fire & Rescue Service for their continued outstanding service to this country without which our lifeline at the airport would not be able to function and operate.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, the next Statement this morning is in the name of the Minister of Works.

Minister Burch.

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

The Speaker: Good morning.

AFFORDABLE HOUSING PROGRESS

Lt. Col. Hon. David A. Burch: *To provide accessibility to adequate and [affordable housing](#) and to promote independent living to enhance the quality of life in Bermuda.* Mr. Speaker, that is the mandate of the Bermuda Housing Corporation [BHC], the vehicle the Government has to address the housing challenges we face in Bermuda. I am pleased to provide an update on the progress we have made so far this year in increasing the housing stock and to also provide a look forward to the additional units coming online.

First, Mr. Speaker, I invite Honourable Members to recall the Ministerial Statements I made in October and December 2022 and again in March 2023, all of which detailed the works of the Residential Rental Unit Renovation Programme and the works that are part of the Economic Stimulus Programme under the BHC. Together these programmes will see an additional 77 affordable rental units added to the BHC stock and made available to Bermudians.

Additionally, the BHC utilises the proven Rent Geared to Income (RGI) based scheme which is capped at 35 per cent of the total household income—25 per cent for rent and 10 per cent for mandatory savings. This system allows for low- and middle-income families to afford a quality standard of living as well as save a portion of their household income toward ultimately improving their housing condition. Simply [stated], if the total household income is \$4,000 a month, then the rent is \$1,000 while \$400 will be the mandatory savings. New clients are assessed regularly for their suitability to participate in the programme that can be expanded using the Bermuda Housing Corporation-owned stock of housing. Client status is generally reviewed annually at lease renewal or at the clients' request when their household income situation changes.

Mr. Speaker, in the March Statement of this year, I announced that there will be an additional 42 affordable rental units added within the Government's 2023/24 fiscal year. As of today, that number stands at

- three units in Sandys—one 3-bedroom/1 bath and two 2-bedroom/1 bath;
- two units in Smiths—one 2-bedroom/1 bath and one 1-bedroom/1 bath;
- one unit in St. David's—one 4-bedroom/2 bath;
- eight units in Paget—eight studio units; and
- one unit in St. George's—one 3-bedroom/2 bath.

The aforementioned 15 units are either occupied or in the process of being allocated. The eight units in Paget are part of the Harmony Club complex which is undergoing renovation of all of the units to ultimately create a 52-unit complex. It is being done in phases as there are some tenants currently in place. These tenants will be moved into the new units as they are completed, so the increase of 20 additional units will come into effect at the end of the exercise. Demolition work has already begun on the next 12 units as we await planning approvals.

A new 5-bedroom, 5-bath rooming house in Somerset is set to open next week. Based on the current demand, this will be used to house women in need. This cottage was formerly a two-apartment family home. As we proceed through the remainder of this fiscal year:

- five units are set to be completed by December 2023; and
- 13 units are under construction and expected to come online in the first quarter of 2024.

There are currently 22 units that are awaiting planning permission which are expected to be completed within the next fiscal year. Mr. Speaker this means that of the previously mentioned 77 new affordable rental units, 20 have been completed, 40 are in various stages of completion and 17 are in the pre-planning stages. Mr. Speaker, we are making steady progress, but recognise that there is still more work to be done. I cannot emphasise this enough, Mr. Speaker. The Government intends to see the completion of all of these housing projects to honour our pledge to address the housing shortage.

We will work through the current plans as we develop other ways to increase the housing inventory such as expanding the private sector rental programme. This programme involves the Bermuda Housing Corporation [BHC] renting private sector units and being responsible for the unit and the tenant placed there. The BHC will guarantee the rent and the return of the unit in the condition it was rented. The corporation has a price point that is below market value but reasonable considering the aforementioned guarantees.

Mr. Speaker, I would like to thank the Bermuda Housing Corporation Board, ably led by MP Christopher Famous; BHC Management, ably led by Mr. Paul Martin; and the BHC staff for the hard work they do every day to further deliver on the BHC mandate of providing affordable housing for Bermudians.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

Members, the next Statement this morning is in the name of the Minister of Economy and Labour.

Minister Hayward.

DEPARTMENT OF FINANCIAL ASSISTANCE ANNUAL REPORT 2022/23

Hon. Jason Hayward: Mr. Speaker and Honourable Members, I rise today to lay the [2022/23 Annual Report of the Department of Financial Assistance](#) in accordance with section 3(4) of the Financial Assistance Act 2001. Mr. Speaker, the Annual Report highlights that there were:

- i. reduced numbers of persons on financial assistance;

- ii. a reduction in overall financial pay-outs;
- iii. reduced numbers of legitimate client complaints from the prior year; and
- iv. reduced numbers of review board appeals from the prior year.

Mr. Speaker, the report illustrates a five-year performance trend for the department. It remains that the categories from highest participants to lowest are pensioners (1,023), disabled (758), earnings low (162) and able-bodied unemployed (151). This has been the trend year over year. During 2022/23 the average number of persons on financial assistance was 2,095 persons, compared to 2,226 during the previous year. This decrease was mainly due to a decrease in the number of eligible persons in the able-bodied unemployed and earnings-low categories, as more persons secured employment opportunities post COVID-19.

Mr. Speaker, the highest expenditures continued to be rent (\$13.77 million), nursing homes (\$6.94 million), food (\$6.14 million) and insurance (\$5.96 million). Total expenditure in financial assistance payouts decreased by approximately \$1.4 million in 2022/23 when compared with the previous year. Total expenditure for the Child Day Care Allowance programme decreased by 12 per cent in 2022/23 to total \$1.17 million.

Mr. Speaker, in order to remain compliant with relevant laws and supporting policies, the Department of Financial Assistance continues to implement and manage key functions to enhance current business systems. These include the following:

- Fraud and Investigations. At the end of the reporting period, there were 41 cases under investigation with a total value of \$328,000 as a result of the non-disclosure of facts, misrepresentation of facts or wilful abuse of the Financial Assistance Programme and the Child Day-care Allowance Programme. From this total, 26 cases with a value of \$290,000 were referred to the Attorney General's Chambers for legal resolution, while 15 cases that totalled \$3,000 remain under the remit of Financial Assistance investigative officers for repayment.
- Compliance and Transaction Monitoring. A risk management framework was developed to ensure all actions and transactions are performed by all officers in compliance with the department's legislation. Additionally, 83,710 transactions were monitored and scrutinised on the Financial Assistance Department's system software during the 2022/23 reporting period.

Mr. Speaker, phase 1 of the Financial Assistance reform continued during this period. Amendments were drafted and approved for section 6A of the Financial Assistance Regulations 2004 to allow recipients who had reached their seven-year term to remain on the programme for life. However, such persons would receive only awards related to food, health insurance and room rates.

Further amendments to legislation in the fiscal year 2023/24 will provide increased allowances and benefits to both Department of Financial Assistance clients and Child Day Care Allowance. This is in keeping with the Ministry's commitment to support those most vulnerable in maintaining a minimum standard of living.

Mr. Speaker, the Ministry would like to take this opportunity to thank the Department of Financial Assistance team as well as all other partners who collaborated to support the work that is being carried out. The goal of the Ministry continues to be one that charts a new course by making financial assistance a more well-structured, effective and efficient system that places emphasis on transforming those who [it has] been determined have a need.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, the next Statement is also in the name of the same Minister.

Minister, would you like to do your second Statement?

ESTABLISHING THE SOUTH EAST HAMILTON ECONOMIC EMPOWERMENT ZONE

Hon. Jason Hayward: Mr. Speaker and Honourable Members, today I will be laying before this Honourable House a report proposing the establishment of an [economic empowerment zone \[EEZ\] in South East Hamilton](#). Mr. Speaker, the report was prepared by the Bermuda Economic Development Corporation [BEDC], which has made substantial strides in creating productive partnerships in both the public and private sectors to establish the three economic empowerment zones: the North East Hamilton Economic Empowerment Zone, the St. George's Economic Empowerment Zone and the Somerset Economic Empowerment Zone.

The first EEZ was established in North East Hamilton in June 2007. Two additional EEZs, in Somerset and St. George's, were established in March 2011. The initiative continues to meet the Government's goal of empowering businesses and residents in these designated areas. Mr. Speaker, the PLP's 2020 Election Platform and 2020 Throne Speech included a goal to transform the City of Hamilton into a liveable city by fostering the development of apartment buildings and other developments in unused and underused sites. In line with Bermuda's Economic Recovery Plan, the 2021 Throne Speech indicated that the boundaries of the North East Hamilton Economic Empowerment Zone would be extended.

Mr. Speaker, given the success of the three established EEZs, the Government is committed to empowering additional communities to succeed economically, socially and physically. The report before the House today proposes to establish a new economic empowerment zone in South East Hamilton. Regarding

this new proposed EEZ, the Bermuda Economic Development Corporation has carried out extensive consultation with stakeholders and businesses in South East Hamilton. Additionally, the City of Hamilton Plan 2023 Consultative Draft and related documents recognise that South East Hamilton warrants investment and has good development potential.

As the gateway to the city, South East Hamilton plays an important role by providing key commuter routes into and out of Hamilton. It also plays a key role in Bermuda's economy as it hosts the container docks. However, the full economic and development potential of eastern Hamilton, both north and south, has not yet been fully realised compared to the central and western areas of the city. The designation as an EEZ provides access to economic development tools to help this area fully realise its potential.

The BEDC conducted a survey of the area, including current land use, business needs and an assessment of existing infrastructure in the area. Respondents to BEDC's survey were in strong agreement that there should be more economic investment in the area, citing such reasons as the need for investing in building refurbishment, underdevelopment, the need for support of the many small businesses in the area, as well as the need to encourage more entrepreneurship in the area. The research also concluded that there is a need for increased investment opportunities in the area to benefit the efficiency of the EEZ. [This is] combined with [the fact that] pedestrian linkages to the North East Hamilton EEZ and vehicular access in and out of the city characterise the potential for the proposed South Hamilton EEZ to be a well-connected district in which to live, work and play.

Mr. Speaker, it is important to highlight that the designation as an EEZ allows immediate access to a variety of incentives and products for qualifying businesses, property owners, developers and investors that meet the criteria and show need for support. Currently, specific EEZ [incentives] available are as follows:

- i. BEDC EEZ payroll tax concession;
- ii. BEDC EEZ Customs duty deferment;
- iii. reduced land tax;
- iv. reduced application fees on products;
- v. preferential interest rates on funding; and
- vi. approved residential schemes.

In closing, Mr. Speaker, this Government is serious about encouraging a viable, reputable business environment, as well as the development and economic regeneration within the city, both north and south. To this end the Ministry of Economy and Labour will continue to make economic empowerment an imperative by creating sound, progressive policies that support investment, regeneration and growth. The creation of the South East Hamilton Economic Empowerment Zone is a tangible example of this commitment.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Members, the final Statement this morning is in the name of the Minister of Social Development and Seniors.

Minister Furbert, would you like to present your Statement?

Hon. Tinee Furbert: Good morning, Mr. Speaker.

The Speaker: Good morning.

A NATIONAL SENIORS STRATEGY FOR BERMUDA

Hon. Tinee Furbert: Mr. Speaker, I rise this morning to share with my honourable colleagues the collaborative work that has been planned by the Ministry of Social Development and Seniors and the Bermuda Health Council to develop a National Seniors Strategy for Bermuda. Mr. Speaker, a [National Seniors Strategy](#) is simply defined as *a framework that outlines comprehensive, coordinated and cost-effective actions for addressing the changing needs of Bermuda's ageing population*.

This Honourable House may recall that the people of Bermuda were promised a National Seniors Strategy that would include a strategy for dementia and a prevention plan for senior abuse—two areas of great concern that our seniors face today. Mr. Speaker, progress toward developing a sustainable National Seniors Strategy has taken the Ministry of Social Development and Seniors longer than anticipated. It was critical to involve people in the development of the strategy who understood the unique landscape of our growing senior population in Bermuda.

Additionally, Mr. Speaker, several reports had been carved in the past specifying goals and action items to enhance the overall well-being of Bermuda's seniors. These included the draft 2018 National Ageing Well Strategy and the 2020 Ageing Well Committee Work Plan. Therefore, it was imperative not to reinvent the wheel or insert duplication of effort. Much of the foundational work needed to build upon for the development of a national seniors strategy had already been done. An updated structured implementation path of execution is now required.

Mr. Speaker, it is within this context that the draft 2018 National Ageing Well Strategy will be used as the foundation to develop a National Seniors Strategy for Bermuda. The strategy maps out nine pillars, or goals, to coordinate comprehensive strategic actions across the government, the third sector and the community to meet the needs of Bermuda's ageing population. These are as follows:

- i. Comprehensive Planning and Accountability;
- ii. Strategic Work Development and Education;
- iii. Employment and Financial Security for Older Adults and Family Caregivers;
- iv. Healthy Ageing;
- v. Ageing at Home;

- vi. Quality Long-Term Care;
- vii. Accessible Transportation;
- viii. Safety and Security for Older Adults; and
- ix. Intergenerational and Inclusive Communities.

Mr. Speaker, a coordinated and collaborative approach must be undertaken by different government ministries and departments to execute these nine goals and address the needs of Bermuda's ageing population. Therefore, the broader structure of the National Seniors Strategy will have two major components as follows:

1. a cross-sector/government ageing framework that sets out a theoretical framework inclusive of pillars, best practices, initiatives currently underway and aspirations; and
2. a three-year operational work plan for the Ministry of Social Development and Seniors comprising goals, objectives and action tasks that will align with and support the National Seniors Strategy framework.

Mr. Speaker, a National Seniors Strategy project team has been formed comprising officers employed in the Ministry of Social Development and Seniors and the Bermuda Health Council who have vast experience and subject matter expertise in the health care discipline. As a partner, the Health Council, a quango of the Ministry of Health, is bringing expertise in understanding the impacts of ageing on population health and the social determinants of health that impact ageing well and a person's quality of life.

Mr. Speaker, let me take the opportunity now to share members of this team. They are as follows:

- Programme Lead, Keeona Belboda, Manager of Ageing & Disability Services in the Ministry of Social Development and Seniors, who has expertise in senior care and persons with disabilities;
- Programme Lead, Eshe Coleman, Programme Manager of the Bermuda Health Council with expertise in health strategy and policy;
- Sarah D'Alessio, Programme Manager of Ageing & Disability Services with expertise in policy and research, senior case management and dementia;
- Elizabeth Kast of the Bermuda Health Council who is a Health Care Specialist in health care policy analysis, population-based projections and quality improvement strategies;
- Wendy Dill of the Bermuda Health Council, a Health Care Analyst and expert in legal and health care policy analysis, fraud and abuse;
- Fiona Douglas, Researcher in the Bermuda Health Council who has experience in stakeholder training and engagement, evaluation, research and strategic planning; and
- Ms. JaMae Smith of the Bermuda Health Council who is a specialist in long-term care and adult day care facilities and will serve in the role of Programme Advisor.

Mr. Speaker, the project team will be interfacing with other stakeholders in this area—government leadership, programme staff, community organisations, seniors, advisory bodies and other subject matter experts. With the team's collaborative-work approach, it is anticipated that the delivery of the National Seniors Strategy will take roughly six months.

Mr. Speaker, a National Seniors Strategy Project Plan was designed in June this year, which includes the framework supporting the development of a National Seniors Strategy. The Ministry of Social Development and Seniors and the Bermuda Health Council held a collaborative kick-off meeting in August to finalise the project plan. The core elements of the project plan cover a review of literature and past documents ensuring the capture of best practices, stakeholder consultation and interviews, facilitated discussions with entities associated with the ageing and wellness of our seniors, capture of information and feedback for analysis, and the delivery of strategic action items for execution of the strategy.

Mr. Speaker, this is the start of an exciting and meaningful work that lies ahead. Our ultimate vision is to create an environment that encourages and protects the ability of Bermuda's seniors to age with dignity and one that provides support for families who devote their time and resources toward the care of their senior loved ones.

Mr. Speaker, in closing I extend my sincere thanks to the National Seniors Strategy project team, who have expressed a hearty level of enthusiasm and commitment to the development of Bermuda's first National Seniors Strategy. I would also like to extend a sincere thanks to all persons in our community who have expressed a special interest in seniors and those who provide goods and services specifically for seniors. We look forward to the synergistic work ahead with all key stakeholder agencies and groups whose vision also aligns with implementing and establishing the very best environment to meet the needs of Bermuda's ageing population and ensure that they age gracefully.

Thank you, Mr. Speaker.

The Speaker: Thank you.

[Inaudible interjection]

The Speaker: If you comment again, you will be out this door. Do you understand me? You are not here to be heard, you are here to be seen, and that is *only*. Thank you.

For the public listening, that comment was to members in the Gallery. [Those in the] Gallery are quite welcome to sit in and observe the proceedings of the House *only* in a position where they can be seen and not heard. If they want to be heard, they need to be elsewhere.

[Inaudible interjection]

The Speaker: This is not a conversation for you! This is a comment for the clarity of those listening on the radio.

Thank you.
Members . . . I forgot where I was.

[Laughter]

The Speaker: Members, this brings us to a conclusion of the Statements for this morning. We will now move on to the next item on the Order Paper.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: Ministers, there are Members who have questions for you. We would like to put those questions at this time. The first questions this morning are on the Statement by the Deputy Premier in reference to the submarine cable.

Minister, MP Jackson would like to put a question to you.

MP Jackson.

QUESTION 1: SUBMARINE CABLE INITIATIVE, GOOGLE AND NUVEM

Ms. Susan E. Jackson: Thank you, Mr. Speaker, and good morning, Minister. I do also want to share my appreciation and thanks for the work of all of those involved, in particular Fiona Beck for her work in developing this relationship with Google.

But my question is, What if anything has been done to prepare the Bermuda infrastructure? In particular, when I heard the Minister speak to the demand on electricity to provide the service for this landing station, it immediately came to my attention that there may be certain demands on our infrastructure. Has that been considered and how any mitigation might be done to make sure that we accommodate those needs?

The Speaker: Thank you.
Minister.

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

Google is a private company, so I am certain that those matters with what their needs are as a private company will be worked out with the local utility and certainly with whomever they desire to have services from. But obviously there will be a regulatory process associated with some of their presence here. And the Government will work with Google and the regulators to make sure that those services and whatever is needed to be in place will be in place.

The Speaker: Supplementary or a new question?

Ms. Susan E. Jackson: Supplementary, Mr. Speaker.

The Speaker: Yes. Go right ahead.

SUPPLEMENTARY

Ms. Susan E. Jackson: Yes. This is just a benign question, but is there any indication that with the construction of the landing station that Google as a private entity would come up with their own environmentally sustainable electric generation? That they could come with their own, whether it is some form of solar, wind, et cetera?

The Speaker: Minister, Deputy Premier.

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

That is a great question. The answer is yes. They are actually committed to sustainable and renewable energy and operating a sustainable operation and environment. And they have spoken to us about Bermuda's own commitment to renewable energy and wish to support those. And, yes, they will look to have solar or other types of technology that support renewable generation as part of the future facility.

The Speaker: Thank you.

Second supplementary or new question?

Ms. Susan E. Jackson: I have a new question, Mr. Speaker.

The Speaker: Go ahead.

QUESTION 2: SUBMARINE CABLE INITIATIVE, GOOGLE AND NUVEM

Ms. Susan E. Jackson: Yes. My second question is around the cable landing station itself. And certainly, we can wait, but I thought I would ask if a particular location or area in Bermuda has been identified for the cable landing station?

The Speaker: Deputy Premier.

Hon. Walter H. Roban: As my Statement mentioned, Mr. Speaker, Annie's Bay and Devonshire Bay are the two major landing areas. The actual area in the water where the cables come up is the existing . . . those are existing areas. And that is where the cable will come from. There is discussion with the Ministry of Public Works as to a possible site option for the facility, but those are in early discussions, and I do not want to prejudice any discussions or details that may be between Google and the Bermuda Government on those matters.

The Speaker: Thank you.

Supplementary or new question?

Ms. Susan E. Jackson: Supplementary, Mr. Speaker.

The Speaker: Yes.

SUPPLEMENTARIES

Ms. Susan E. Jackson: Yes. So, I am aware of that landing area. (Thank you very much for that, Minister.) And I would suspect then that through planning or any other government processes that the area residents would be made aware of any changes in that neighbourhood. If the Minister could just confirm.

The Speaker: Minister.

Hon. Walter H. Roban: Yes. That is the law.

The Speaker: Okay.
Second supplementary or new question?

Ms. Susan E. Jackson: It is a supplementary.

The Speaker: Go ahead.

Ms. Susan E. Jackson: And my other question is, As we embark on this significant cable landing station, will the Government be entertaining or negotiating any forms of concessions and the like as far as the financial contribution to the Bermuda Government?

The Speaker: Minister.

Hon. Walter H. Roban: I think I outlined a list of benefits that the presence of Google will bring to the country. They have already expressed an interest in providing support in job creation, training, education and other services that Google may already be providing to the Bermuda Government entities such as the Education Ministry as well. So, there will be things that they have already offered to be supportive of our community in different ways that they can provide.

The Speaker: Third question?

Ms. Susan E. Jackson: No, Mr. Speaker.

The Speaker: Thank you.

Ms. Susan E. Jackson: And it sounds like a great deal. Congratulations to the Minister! Thank you.

Some Hon. Members: All right! All right! All right!

[Desk thumping and cheers]

The Speaker: Deputy, you also have questions from MP Pearman.

MP Pearman, would you like to put your question?

QUESTION 1: SUBMARINE CABLE INITIATIVE, GOOGLE AND NUVEM

Mr. Scott Pearman: Yes. Thank you, Mr. Speaker. And let me join with MP Susan Jackson and the Minister himself in thanking Ms. Beck in her efforts, Ms. Beck, Fiona Beck, formerly of the BDA.

Yes, Mr. Minister, Honourable Minister, my question is in relation to the middle of page 2 of your Statement, where you state and I quote—with your leave, Mr. Speaker?

The Speaker: Yes.

Mr. Scott Pearman: “Bermuda is currently served by five cables, three of which are ageing, one has been upgraded and one is in the process of being upgraded. The current cables currently have significant spare capacity to serve Bermuda’s market.”

Minister, this is obviously good news. In relation to the other five cables, are you able to give some detail as to how old are these and who owns them, et cetera? Thank you.

The Speaker: Minister.

Hon. Walter H. Roban: I can happily, I will happily provide details about that. There are different owners of those cables. They are not the subject of my Statement; it is just the Google initiative. But I am happy to provide that information to the Honourable Member. But actually, it is quite available online as well. So, the Member can actually go online. But I will work to get it to him because all information about the cables that come into Bermuda, who owns them, how old they are . . . any member of the public can look it up online. But I will endeavour to still get the Honourable Member that information.

The Speaker: It is in the public domain. Thank you.
Supplementary or new question?

Mr. Scott Pearman: Yes, supplementary. Thank you.

The Speaker: Go ahead.

SUPPLEMENTARIES

Mr. Scott Pearman: In respect of their age, you have mentioned in your Statement to the House that one has been upgraded and one is in the process of being upgraded. How about the other three? Do you know anything about whether they are also being upgraded if they are ageing?

The Speaker: Minister.

Hon. Walter H. Roban: All I can say is that all of the cables are ageing, and their age is . . . the life of those

cables is typically 20 to 25 years. But they are all of a different age. But again, I will endeavour to get that information for the Honourable Member, but I will remind him that that is all public information as well. It can be garnered online by a decent search as well.

The Speaker: Appreciate that.
Second supplementary?

Mr. Scott Pearman: Still a supplementary on this point, yes.

The Speaker: Yes. Second supplementary, second supplementary.

Mr. Scott Pearman: Thank you, Honourable Minister.
In relation to the statement that they have significant spare capacity, what steps are being taken by the Ministry to try to develop and harness that capacity for Bermuda's benefit? Thank you.

The Speaker: Minister.

Hon. Walter H. Roban: Mr. Speaker, those are all privately operated cables. And they service the local telecommunications community as well as the international community. So, Bermuda, by virtue of being an international centre, is benefiting from the presence of those cables and has done for many decades. The wonderful thing with Google's presence is that it will create even greater capacity for what those companies that are here are already doing. And just as an add-on, Google is not competing with those companies at all. If anything, [Google's] presence will allow those companies to do even more business, particularly for the local market I am referring to. Google is not providing any services to our local market. Thank you.

The Speaker: Okay. Good.
Second question?

Mr. Scott Pearman: Yes, thank you. Second question.

The Speaker: Okay.

QUESTION 2: SUBMARINE CABLE INITIATIVE, GOOGLE AND NUVEM

Mr. Scott Pearman: So, in terms of capacity, is the Minister comfortable with the existing amount of capacity? Would you like to see capacity expanded and would you like to see capacity filled? Thanks.

The Speaker: Minister.

Hon. Walter H. Roban: As my Statement says, the current existing providers provide substantial capacity. The presence of Google will allow those companies and their business to have greater capacity. So that will

complement the local business and local environment just by that presence alone.

The Speaker: Mm-hmm.
Supplementary?

Mr. Scott Pearman: No further questions. Thank you, Mr. Speaker. Thank you, Honourable Minister.

The Speaker: Oh, no further questions. Thank you. Thank you, Minister. Thank you, Members.

The next Statement that has questions this morning is the Statement from the Minister of Works regarding affordable housing.

Opposition Whip, would you like to put your questions to the Minister?

QUESTION 1: AFFORDABLE HOUSING PROGRESS

Mr. L. Craig Cannonier: Yes. Yes. Just one question.

On page 2, the Minister mentions about the currently 22 units that are awaiting Planning permission. And considering the dire need which has sparked this great initiative, this good initiative I should say, is Planning giving any priority on helping expedite this process so that, of course, we can get jobs going and the like with the construction?

The Speaker: Minister.

Lt. Col. Hon. David A. Burch: Mr. Speaker, the short answer is yes. The Housing Corporation have reached out to the Permanent Secretary, who is in consultation with Planning to see if we cannot accelerate the process. But I will state that at this stage of the game it is not delaying any progress because we are fully engaged with the work that has already been approved and will be ready to go once planning permission is granted. In the case of Harmony, there is a significant amount of demolition that needs to be done in the main building. Previously there were hotel rooms all over the place. So, we have basically gutted the building, and that work can go on whilst we are waiting on planning permission. So once the permission comes, the actual construction can automatically begin.

The Speaker: Supplementary?

Mr. L. Craig Cannonier: No, thank you.

The Speaker: Thank you. Okay.

Minister, that is the end of questions on that Statement.

The next Statement that has questions this morning is the Statement from the Minister of Social Development and Seniors.

Opposition Whip.

QUESTION 1: A NATIONAL SENIORS STRATEGY FOR BERMUDA

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

On page 2, the Honourable Minister with this, also another great initiative, mentioned that the progress toward developing this strategy going forward took a little more time than anticipated. And I guess I am assuming that when she says at the end of the paragraph, "It was critical to involve people in the development of the strategy . . .," this must mean that there were maybe particular groups that she needed to speak with concerning this strategy, understanding that she would have already had an outline.

So, the question I have is, What were some of those unique groups or individuals that she mentioned, people whom she included in this process?

The Speaker: Minister.

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

Critical persons—just making sure that we can have people in our community who were on board with getting this particular project done. That was most important to the Ministry. And then also making sure that we can stay within a particular budget also to make sure that we can get this project done. So those were some critical points. So, we are very thankful for, you know, Health Council coming to the table to be able to assist in this aspect.

The Speaker: Thank you.
Supplementary?

SUPPLEMENTARY

Mr. L. Craig Cannonier: Supplementary.

Considering then that this has taken place, what would [the Honourable Minister] consider a realistic time then that we have a strategy in place?

The Speaker: Minister.

Hon. Tinee Furbert: Mr. Speaker, that answer is in the paper.

Mr. L. Craig Cannonier: Yes.

The Speaker: Okay.

Supplementary? You are fine. Thank you, Members.

Madam Attorney General, I went down the page and overlooked the question that was for you as well. Madam Attorney General, MP Jackson has a question for you.

MP.

QUESTION 1: INTENTION TO MAKE EXPUNGEMENT OF CONVICTIONS (CRIMINAL RECORDS) REGULATIONS 2023

Ms. Susan E. Jackson: Yes. Thank you. And I just got the additional page, so one of my questions has already been answered.

But I would like to ask the Minister if she may be able to give us some indication of how those folks who have fallen into this unfortunate situation, which dates back many years . . . how are we notifying? How are people becoming aware that they can make application to have their record expunged based on the circumstances of this?

The Speaker: Okay.
Minister.

Hon. Kathy Lynn Simmons: Mr. Speaker, at the time that we actually brought this legislation into operation, it was widely advertised and publicised. We have had consistent inquiries to the Ministry in terms of the provisions for eligibility and requirements for the application process. It is an ongoing process, and I have no doubt that public awareness has lasted based on the interaction that we have had in the Ministry with members of the public.

The Speaker: Okay.
Supplementary?

Ms. Susan E. Jackson: Second question.

The Speaker: Second question.

QUESTION 2: INTENTION TO MAKE EXPUNGEMENT OF CONVICTIONS (CRIMINAL RECORDS) REGULATIONS 2023

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

My second question is the horrible thorn in our side. And that is, What if anything is being done, or has the US relaxed and taken this whole stop list issue away? And how are we handling that relationship?

The Speaker: That was not in your Statement, was it?

Hon. Kathy Lynn Simmons: Yes. It was not in my Statement.

But I am happy to say that as per the previous Statements made on this subject matter, that is entirely outside of our control. I have encouraged people to make their individual applications, which are dealt with on the facts that are presented to the US Consul. And it was always made clear from the outset that they are separate and distinct processes.

The Speaker: Thank you.
Supplementary?

Ms. Susan E. Jackson: No further questions, Mr. Speaker. Thank you.

The Speaker: Members, this brings us to a close of the Question Period for today. We will now move on.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: Would any Member wish to speak to that?

No Member?

Oh, Premier. You have your three minutes.

Hon. E. David Burt: Good morning and thank you, Mr. Speaker.

Mr. Speaker, I rise today and will associate all Honourable Members to offer condolences to the family of the late Mr. Gerald Harvey.

The Speaker: You are associating yourself with last week because you were absent.

Hon. E. David Burt: Oh, it was done last week?

The Speaker: Yes. You were absent last week.

Hon. E. David Burt: My sincere apologies, Mr. Speaker.

The Speaker: No problem. Yes.

Hon. E. David Burt: Many would know that today would have been Mr. Harvey's 100th birthday today.

The Speaker: Correct.

Hon. E. David Burt: And as many in the House would have I am sure mentioned last week, he was a pillar of the community and a man who fought against segregation. He was part of the Progressive Group. When I attended his viewing, I remarked to his family that in an era of (affectionately known as) *keyboard warriors*, he was a real warrior who put himself on the front line and stood up for what was right at that time. And I wanted to make sure that I was associated with those remarks.

Mr. Speaker, as I was not in the House last Friday, I would also like to be associated with condolences that were offered in the House last week to a former Member of this House, the Honourable Neletha Butterfield, on the untimely passing of her son, Mr. Kirk Butterfield. I want to make sure that I am recorded as associated with those.

Finally, Mr. Speaker, I would like to rise to give condolences to the family of a late constituent of mine, Mr. Edric Trott, who sadly passed away in August. Many will remember him as a well-known taxi operator of T1412. He was a true ambassador to Bermuda.

[Inaudible interjection]

Hon. E. David Burt: A wonderful resident, citizen, always able to assist. And I know that his wife, Carolyn, and his entire extended family will miss him.

Thank you, Mr. Speaker.

The Speaker: Thank you, Premier.

Does any other Member wish to—
Government Whip, Mr. Tyrrell.

Mr. Neville. S. Tyrrell: Thank you, Mr. Speaker. Good morning, colleagues.

First on a sad note, let me ask if condolences can be sent to three families in my constituency who have had deaths in the family very recently. The first one was Mr. James Hughes of Pearman Hill. Mr. Hughes was a taxi driver himself as well and had a very large family and supporters, I would say, as well. And I ask that condolences be sent to his wife, Freda.

Also, Mr. Willis Smith of Lusher Lane, a young man who had some challenges in life. But he tried to live the best life that he could. And I am sure his family will certainly be missing him as well.

And finally, on obituaries, Mr. Cecil Hendrickson, a young man in my constituency whom I had some footballing experiences with from Khyber Heights Road, so I would ask that condolences be sent to his family as well, as he will be missed.

On a brighter note, Mr. Speaker, I would like congratulations to be sent to the First Church of God under the direction of Bishop Dr. Vernon Lambe. They have been running programmes which are known as the college students sponsorship programmes since 1976. And the reason I am mentioning it is because I had the privilege of seeing four of those candidates just recently, who are doing very well in their college and university programmes. And I would certainly like to mention them because one of them is one of my constituents:

- Mr. Andre Mussenden, who is actually attending Bournemouth University;
- Noah Powell, my constituent, attending the North Carolina A&T State University;
- Xavier Ramsey, attending Mount Allison University; and
- T'aja Williams, studying dance at George Mason University.

Mr. Speaker, I certainly ask that these congratulations go out because it just shows that we do have some very promising young Bermudians. And I just wanted to make sure that something good is said about them at this point. Thank you very much, Mr. Speaker.

The Speaker: Thank you, Government Whip, Mr. Tyrrell.

Deputy Premier, would you like your three minutes?

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

The Speaker: Go right ahead.

Hon. Walter H. Roban: Thank you very much.

I would just like to give a couple of comments and congratulatory remarks, one for the First Church of God on North Shore, which had a very good education service to celebrate the young persons going back to school and bring some attention to them and their potential.

But also to give a congratulatory message and recognition for the Heard Chapel on Glebe Road, which celebrated its 115th anniversary last Sunday. I am associating, of course, my neighbour, MP and Minister Michael Weeks.

[Inaudible interjection]

The Speaker: I'm just sorting out something. .

Hon. Walter H. Roban: Yes. Just want to associate Minister MP Weeks with that same remark.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

Any other Member?

Minister Furbert, you have your three minutes.

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

Mr. Speaker, I would like to give condolences to the family of Shanell Ball, who has recently passed. I would like to associate the Premier. Shanell and I served as majorettes in the Warwick majorette group, and so I do want to send condolences to her family on her recent passing.

As well as Takisha Rogers, who was the wife of Robby Rogers. I would also like to associate the Premier with those condolences, remarks. People may know Takisha and Robby from Bermuda Sign Printers.

The Speaker: Mm-hmm.

Hon. Tinee Furbert: And, you know, they worked together, did an excellent job serving the community in that capacity. I want to send condolences to Robby and Takisha's children as well.

Mr. Speaker, I also would like to give congratulatory remarks to Ms. Yushae DeSilva Andrade who won a Gold Medal for Bermuda in the World Boccia Tournament. So a big congratulations for Yushae. This is her first Gold Medal. I would like to associate Minister Weeks and MP Susan Jackson for this major award that Yushae has won for us as a country.

And, Mr. Speaker, this weekend I had the opportunity to attend a Celebrate Recovery conference that was put on by Rickeesha Binns. This was a vision. I would like to also associate MP Renee Ming with this.

This was a vision by Rickeesha Binns to provide educational tools to our church community to help in the fight of addiction and recovery for persons in our community.

And she did a spectacular job bringing in persons who will help to train clergy and persons who work with our various church ministries and communities by making sure that they have access to tools and proper training to serve our community of persons who may be experiencing hardships through addiction [with] the ultimate aim of recovery. So I want to say a big congratulations to her for following through with that vision and mission. Particularly it helps us as a community in Bermuda to make sure that we have persons who are serving in this capacity.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Would any other Member . . . MP Famous, you have your three minutes.

Mr. Christopher Famous: Mr. Speaker, good morning. Good morning to colleagues and the people of Bermuda.

Mr. Speaker, I rise to give condolences to the people of the Commonwealth of the Bahamas on the passing of one of their beloved Ministers, Minister of Social Services, Mr. Obediah Wilchcombe. I want to associate the Deputy Speaker and others.

The Speaker: Yes, yes.

Mr. Christopher Famous: He was well loved on whatever sides of the aisles because he was truly a people's person in the Commonwealth of the Bahamas.

Mr. Speaker, I want to give condolences to my BELCO family on the passing of Master Mechanic "Toe" [Gladwin Anthony] Dill.

The Speaker: Yes.

Mr. Christopher Famous: Others will be associated.

The Speaker: Yes.

Mr. Christopher Famous: I want to give condolences to my Woolridge family on the passing of Mr. "Butchie" Hendrickson.

I want to give condolences to the family of Paget Service Station and Somerset cricketer Mr. Dion Stovell on the passing of his father, [George Robert] Gladston Stovell.

Mr. Speaker, I want to give condolences to the Burgess family of Sousa Estate on the passing of Sensei Malcolm Burgess.

And last, Mr. Speaker, I want to give congratulations—I am sure the whole House will join me on this—on the Bermuda Women's Football Team on their two victories this week over the Dominican Republic, a

country of 11 million people, and St. Vincent and the Grenadines, a country of a few hundred thousand.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Member.

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

Minister Weeks, you have your three minutes.

Hon. Michael A. Weeks: Thank you, Mr. Speaker.

I would like to be associated with the remarks for Anthony “Toe” Dill. He was a family member of mine, and he was sick for a while. But his passing was still sudden, and it has been taken hard by the family. So, I just wanted to be associated with that.

And I want to be associated with the remarks for Butch Hendrickson. I have known him pretty well all of my life, and condolences go out from me and my family to the Hendrickson and Whitehead family.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a comment?

MP Caesar, you have your three minutes.

Ms. Crystal Caesar: Good morning. Thank you, Mr. Speaker.

The Speaker: Good morning.

Ms. Crystal Caesar: Mr. Speaker, I come with heavy heart to bring condolences for three families today, the first being Ms. Juneann Lambert, who was laid to rest in August, a member of the Mount Zion AME Church. I knew Ms. Lambert or have known Ms. Lambert from when I was young. Her daughter Renee and I danced together for the better of maybe 15–20 years. But Aunt Junie, Ms. Lambert, or Ms. *Lambere*, as I affectionately named her, was a very kind woman, a very fashionable woman, as we heard very much during her homegoing service. She was very much loved. And she leaves to mourn her husband, Elwood; her children, Renee and Blake; her son-in-law, Antoine; daughter-in-law, Sasha; grandchildren Tao and Daryn [Fox]; and of course her extended family and friends. She was very much loved and will be missed.

In addition, I bring a heavy, heavy heart for one of my constituents. She met her untimely passing. Her name was Shanell Ball. And she was laid to rest last week, standing room only in her church when I visited. Obviously, she was very well loved, very well known and a member of the administrative staff of the Bermuda Fire & Rescue Service and had a wonderful tribute from them there, and many others. She held my feet to the fire when I was canvassing. But we always, always had a great chat, and she will be missed.

The Speaker: Your remarks are associated with earlier remarks that were given today.

Ms. Crystal Caesar: Thank you, thank you.

The Speaker: Yes.

Ms. Crystal Caesar: Also Mr. Clyde William Richardson from Monkey Hole Lane in Southampton, another of my constituents whom I loved to have chats with. He would always tell me, *Oh, I don't have much to say*. But I was always there longer than I think he intended. But it was always a great visit. He was always quite pleasant. He was always challenging. He will be missed. And again, I extend my condolences to his family, and in particular my contemporary, Alicia Russell. Thank you.

The Speaker: Okay. Thank you.

Any other Member?

MP Simmons-Wade.

Mrs. Ianthia Simmons-Wade: Good morning, everyone.

First of all, I would like to wish Happy Birthday to Hilda Gibbons who is one of my constituents. She turned 90 years old. And I encourage Members of the House to acknowledge our seniors and for those special birthdays. There is not very much that many seniors have to look forward to. But I can tell you they certainly appreciate when you recognise them in the House.

I would like to also give my condolences to the family of Dale Russell. He was a legend on the soccer field overseas as well as in Bermuda. When I looked [him] up I saw he played in the United States, he played in other southern Caribbean countries. So he truly was a legend internationally and locally. So, condolences to his family.

I also want to associate myself with the Women's Soccer Team, who is captained by my niece, Eva Frazzoni. It was quite exciting to be there with about 1,000 people cheering for them when they played in Bermuda last week.

I would also like to give condolences to another constituent, Floyd Jennings, and his wife, Sonia, and his son, Shannon, another taxi driver as well. (And let's see, who else do I have?)

[Pause]

Mrs. Ianthia Simmons-Wade: Yes. Sorry, Mr. Speaker. I have quite a few people. But anyway, thank you very much.

The Speaker: Thank you.

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

There are none.

Before we move on, I would just like to associate myself with some of the comments that were given,

and mainly to the condolences that were expressed to the Lambert family on the passing of Juneann Lambert, whom I have known my entire life as Aunt Juneann, practically.

I would like to be associated with the remarks also to the Richardson family on the passing of Mr. Clyde Richardson, whom I have known as a strong figure in the West End and in his church community in Adventist Church in Sandys.

And with the remarks for Anthony “Toe” Dill. I know Mr. Dill mainly because of his connection to the Somerset community through his wife. And I would just like to be associated with those remarks.

Thank you, Members.

ANNOUNCEMENT BY THE SPEAKER

ACTING SERGEANT-AT-ARMS

The Speaker: Before I move on to the next item on the Order Paper, earlier during the comments reference was made to Mr. Ming who assisted in a matter. And I forgot to acknowledge this morning under the Announcements that the Acting Sergeant-at-Arms today is Mr. Raoul Ming.

[Desk thumping]

The Speaker: I am just so familiar with seeing him around here that I forgot to acknowledge that part.

But, Mr. Ming, we appreciate your assistance today while the Sergeant-at-Arms is absent.

With that, we will move on.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

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

The Speaker: There are none.

INTRODUCTION OF BILLS

The Speaker: There are none.

NOTICE OF MOTIONS

The Speaker: There are none.

ORDERS OF THE DAY

The Speaker: The first item on the Order Paper is the second reading of the Distilleries Licensing Act 2023. And it is in the name of the Minister of Tourism and Cabinet Office.

Minister Campbell, you have the floor.

Hon. Vance Campbell: Good morning, Mr. Speaker.

The Speaker: Good morning.

Hon. Vance Campbell: Mr. Speaker, I move that the Bill entitled the Distilleries Licensing Act 2023 be now read the second time.

The Speaker: Are there any objections?

There are none.

Continue, Minister.

BILL

SECOND READING

DISTILLERIES LICENSING ACT 2023

Hon. Vance Campbell: Mr. Speaker, I rise today to present the Bill entitled the Distilleries Licensing Act 2023. The purpose of the Bill is to

1. establish an industry for the distillation of spirits in Bermuda;
2. create a licensing regime for the operation of a distillery; and
3. create a framework to enable the sale and supply of locally distilled spirits.

Mr. Speaker, on July 21, 2023, this Bill was first introduced to the Honourable Members of this House. The creation of local distilling furthers this Government's aim to provide opportunities for local entrepreneurs to participate in a new industry sector. Currently, Mr. Speaker, the Spirits Act 1890 prohibits distillation and the purchase and sale of low wines and spirits and requires that the production of alcohol by local businesses take place outside of Bermuda. Mr. Speaker, the Bill seeks to repeal the Spirits Act 1890 and the Immature Spirits Restriction Act 1921. And while doing so, a legislative framework is being proposed by the Bill which will provide for a new industry in Bermuda.

Mr. Speaker, alcoholic beverages are divided into three categories: wine, beer and spirits. Wines are produced through the process of fermentation. Beers are brewed and then fermented. Spirits are first fermented and then distilled. And, Mr. Speaker, it should be noted that this Bill does not apply to breweries.

As a matter of interest, Mr. Speaker, distilled liquor is an alcoholic liquor such as brandy, whiskey, gin and rum obtained by distillation from wine or other fermented fruit juice or plant juice. Further, Mr.

Speaker, distillation is a widely used method of separating and purifying liquid mixtures based on differences in their boiling points. It is an essential process in various industries such as chemical manufacturing, petroleum refining and the production of alcoholic beverages. The principle behind the distillation is that different substances have different boiling points. In a mixture of liquids, each component will evaporate and condense back into a liquid at its specific boiling point. By carefully controlling the temperature and pressure, it is possible to separate different components of a mixture and collect them individually.

It is important to note, Mr. Speaker, that distillation is not always a perfect separation process. Some components may have similar boiling points, making complete separation difficult. In such cases, additional purification techniques may be necessary such as multiple distillations or the use of additives. Mr. Speaker, the component with the lowest boiling point will vaporise first and condense at the highest point in an apparatus. This fraction, known as the *heads*, contains the most volatile substances and is typically separated and discarded. The main component, also called the *heart*, or *distillate*, condenses at a moderate, more controlled temperature and is collected as the desired product. Finally, Mr. Speaker, the components with higher boiling points, known as the *tails*, remain in the still and are typically discharged or recycled. Additionally, Mr. Speaker, it is known that if the head and tail are not properly separated from the heart, then this can cause people to fall ill.

The process of distilling spirits involves a tremendous amount of heat to produce ethanol alcohol. This exercise is dangerous and a fire hazard, not to mention it also creates an unpleasant smell. Distilling is unfriendly to the environment, and the unwanted by-products of this process must be disposed of in a manner that will eliminate or reduce the risk of harm to the environment and residents. This is not an industry that can be set up in any part of a house or a neighbourhood. Only individuals, Mr. Speaker, who are experienced in distillation will be granted a licence.

Mr. Speaker, there are two types of licences granted under this Bill—a distillery licence for the small-scale production of distilled spirits that includes the sale and supply of such distilled spirits; and a commercial distillery licence for the large-scale production of distilled spirits, including the sale and supply of such distilled spirits. Mr. Speaker, a distiller may also apply for an export licence, which includes an application fee.

Mr. Speaker, this may appear to be a huge amount of information. But it is being offered to inform the public of the requirements and considerations necessary to participate in this new industry. Mr. Speaker, this new Act will provide for the creation of a new industry sector in Bermuda that will undoubtedly create employment opportunities and promote business expansion. The new legislation will permit oversight of local distilleries and include rules and regulations governing

the criteria for the physical plant, health and safety, operations, sale of products and fees associated with a going concern.

Mr. Speaker, research has shown that the distilling industry in the United States is a multibillion dollar industry. Total sales and revenue, market share, investment options and employment in this sector are rapidly on the rise and forecasted to continue to trend upward. Additionally, Mr. Speaker, Barbados boasts about the increasing benefits and job creation from the implementation of the distillery industry there. Finally, Mr. Speaker, it is important to note that there are no clauses included in this Bill that would prohibit Bermudians from continuing to make the ever-popular Rum Swizzle.

[Laughter]

Hon. Vance Campbell: And, Mr. Speaker, I will repeat that. I will repeat that.

[Inaudible interjections]

Hon. Vance Campbell: There are no clauses included in this Bill that would prohibit Bermudians from continuing to make the ever-popular Rum Swizzle.

[Desk thumping]

Hon. Vance Campbell: Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

Mr. L. Craig Cannonier: Thank you, Mr. Speaker, and good afternoon, colleagues. Oh! It is still morning?

The Speaker: Opposition Whip, you have the floor; I did not acknowledge you. Go ahead.

[Laughter]

Mr. L. Craig Cannonier: Yes. I guess I was looking for just a little more information. We will get into some of the questions in the clauses I guess then, so we can get a little more information. But the creation of a new industry in Bermuda is good. This is very much welcomed by us. Although what we are looking for to understand a little more of are the actual mechanics of it and how this is actually going to work. Meaning, is this a labour-intensive industry? Is it more mechanised now? So hopefully after we speak then maybe the Minister can give us a review of some of the questions I will ask at this particular time. But creating a new industry certainly for Bermudians to be able to participate in is something that we encourage.

I do believe that after listening to the Minister and taking a look at some of the sustainability-type issues that he mentioned—the smell and byproducts—it would be very interesting to find out whether or not a sustainability review will be done on the byproduct and what can be done, used maybe as recycling, whether or not farmers can in fact participate in this by providing sugar, growing sugar cane. This would aid in providing a product that is already on the Island, a raw product or ingredient that is already on the Island.

We do understand that this requires a lot of water. And water is certainly important to us and whether or not this is going to impact on the water wells that we do have and the consumption thereof and whether or not we are able to sustain that. There was not anything necessarily said about sustainability in that.

Are we looking for these distilleries to provide opportunities of again looking locally? And whether or not there will be, when it comes to electricity and the likes, whether they will be looking at sustainability there in other resources that might allow this to be affordable. I just do not know. I believe that this may be driven by some other local companies in Bermuda. So, it is a good thing. But the details as to a review of whether or not this will actually work in Bermuda, we would like to hear a little more from the Minister and some of the homework that he has done on this particular industry.

As I mentioned before, it has been difficult to get warehousing, to get manufacturing in Bermuda because of our labour costs. And I really do not have a clue, but I will say this here. Interestingly enough, when the Bill actually came up, we were contacted—or I should say I was contacted by a Canadian distiller of vodka who was looking for an opportunity to sell his vodka in Bermuda. And so fortunately, and I thank the Minister for bringing this industry to us that we were going to pass a Bill, I was able to say, *Well, listen. We're about to pass a Bill allowing distilling in Bermuda for vodka.*

And again, I do not know all of the details, but it would be nice to be able to maybe entertain the idea of coming to Bermuda. And therein ensued a conversation that continued. I even had a conference call with him yesterday just to look at the aspect of whether or not they could potentially look at the opportunities of Bermuda, establishing their business here, of course a low-tax jurisdiction that could take . . . If they moved their headquarters here it would be wonderful if they could be able to do that.

So, I did not hear much about whether or not this will be restricted to Bermudians or if Bermudians can participate in a partnership with other distilleries abroad. I would assume so, so that they can get financing and support from other distilleries abroad for any particular product. But again, it boils down to scale and whether or not it is actually sustainable in Bermuda.

It is a good idea that we have this here, and we will get into some of the questions of the smaller distilleries and the larger ones in the clauses. And then of

course the opportunity of being able to export and whether or not the Minister believes that this is an opportunity and whether or not he has done enough homework into understanding again how other industries in Bermuda can participate in this. Again, I do not know all of the details of distilling, but I do know that it is going to require sugar for sure. And with that sugar, can we and our farmers . . . and whether or not the Minister has discussed with the farmers as he has been looking at this particular distilleries Bill, whether or not he has actually looked at talking to some of the farmers and other industries that could possibly take advantage of this.

I know that additionally this will be a great initiative for any local distillery to be able to use it as a tourism product, to do tours and the like, of a local product that is actually made and distilled here. Certainly, when we travel, you know, when we are looking for rum and vodkas, we go to other islands and we consume or buy these distilled products. So, I believe that this is a good thing. And it will spark interest, and it will spark opportunity. The sustainability part, again I keep going back to that, is whether or not there has been a feasibility [study] as to whether or not there is a model that will actually work. I assume what is happening here is that we are bringing a new industry to the Island, and we are going to allow for the private sector to determine whether or not this is feasible, sustainable. And we will let the locals, the private sector determine the future of where we go with this particular product, distillery, industry and whether or not it is actually feasible for Bermuda.

So, I think what I will be looking at to get some more answers when we go forward as far as the clauses are concerned, I recognise that there are two classes of licences. And it would be nice to be able to get a description of that, actually what those two classifications mean when we start talking about distilling and their production of a particular product. So, a small production, what does that mean? Can you actually do that in your home? Or the case, I know that there are stringent requirements as I just briefly heard from the Minister that it can be quite dangerous, this particular industry. So, we want to ensure that as we present this to Bermuda that we can answer all of these questions, and the opportunities, quite frankly, that will arise out of it.

It seemed as if, and I will again, as I said, in the clauses get to it, but there seemed to be that we were losing some opportunity from duty on this particular industry. And I will ask specific questions, as I said already, about the different products that will come out of a distillery and whether or not we are taking full advantage of the opportunity when it comes to duty.

I am hoping that as we go through the clauses that the Minister will be able to give probably a bit more substantive answers outside of the overview that he has given. I will say that this is great to see. It will prove itself as it is put out there that you can get a licence. As

to whether or not the land mass—I do not even know what land mass is required for something like this here. So, it would be good to hear from the Minister on that as well. Considering a small size and a large size, what kind of land mass are we talking about?

It talks about also, the Bill mentions about there may be opportunity for the Minister, when a licence is being granted, to say that it cannot be in a particular area. We need to understand, well, what are these prohibited areas for something like this? Is it similar to other things like schools and the likes, churches? I do not know. But what will be the criterion that the Minister would actually use to decide whether or not this is a good area for a distillery? So if we can get some more information about land mass that would be required for small and large . . . I notice that there is nothing in between that, per se.

But I think that it is great. I think it is a great opportunity for us to work with those abroad to get investment into the country, to get locals involved in this particular industry. Now, I do not know if there are any restrictions or with the restrictions that we already have when it comes to local ownership of distilling, whether or not we will be allowing that? Or does it fit under the same ruling, that 60/40 rule, per se? And if you want otherwise, you would have to apply for that. With a new industry, what are some of the incentives that Government is looking at to try and encourage it to come to Bermuda?

We do have local companies, the Goslings and the likes, who may be interested in this. And it would be nice to hear whether or not the Minister in his homework—some of the conversation that he had with these industries, these headquarters that are here (they obviously are distilling abroad, not in Bermuda) as to some of the challenges that they are having. I recall a conversation many years ago with some of the larger companies, the Goslings in particular. And they were at one particular time considering maybe they want to move their headquarters out of Bermuda. So it is nice to see that they are still here. But what are we doing to incentivise to help this particular industry to get up and running as quickly as possible? Because it is an opportunity. And I would hate for us to squander the opportunity without actually looking at how we can incentivise it to get it here and to get Bermudians involved in this particular industry.

Maybe one other of my Members may want to speak to this particular Bill. But I do have a lot of questions during clause time, so I will save those comments for then. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

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

MP De Silva.

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

Mr. Speaker, I am happy to make a contribution to this Bill today. And I would just like to say and echo some of the things that the Minister said, there is a business expansion, employment opportunities for our people and entrepreneurship possibilities. We know that Goslings have long been the face on certain products in this country, and now overseas in a big way as I am sure you are aware, Mr. Speaker. So, Goslings have done well. They have had a lot of time to do well because they have been in business for a long, long time in this country. I had the pleasure of being in the same class with Malcolm Gosling, Jr., for several years at Saltus together. So, I know Malcolm quite well. And certainly, we would trade conversations over the years, even though we are long since parted from being schoolmates.

So, I just wanted to say that the Honourable Member Cannonier who just took his seat talked about the viability and sustainability, which I think is a very valid concern. But I would like to say that when we on this side bring legislation and we change legislation, what we like to do is provide opportunities and provide framework for our people. And I think this is one of those pieces of legislation that does just that. And whilst I hear the Honourable Member Cannonier talk about—and he said it several times—he is worried about sustainability. And of course, that is up to the individual. It is up to a company.

And I am glad the Honourable Member Cannonier talked about overseas possibilities with these companies looking at Bermuda. And I hope they do. And I think I heard the Honourable Member correctly when he said he spoke to somebody just yesterday or the day before, right? . . . And he says that he did. I would certainly encourage the Honourable Member to get them to reach out to the Minister. And I am sure that the Minister might be able to have a conversation with the Honourable Member and be happy to maybe introduce that particular company to any Bermudian who might be interested in starting a business.

So, I am very happy for this legislation. I think it will [be successful], if someone makes a positive move in this direction. I think Members might be familiar with young Chris Furbert, Jr., who produces our 9 Parishes, right? And it has become very popular in Bermuda. And here is a young man who still, as far as I know, produces the 9 Parishes product out of his home. And I think he has done well. And you see more and more. As Goslings have done over many years, 9 Parishes is starting to pop up in different places. So I think that, like Chris Furbert, Jr., there are other Chris Furbert, Jrs., out there who will look at this legislation and say, *Well, maybe this is an opportunity for me!*, which jumps into the tourism product.

I think 9 Parishes, the label itself gives a very unique and a Bermudian touch to it. So, I think that between Gosling's Black Seal and Chris Furbert, Jr.'s, 9 Parishes, those are good examples. One is at the very, very top and has been very, very successful over

the decades. And I think that young Chris Furbert has certainly had some success in producing his product. So I think this is great, and I will, just before I take my seat, emphasise the fact that the Progressive Labour Party will continue to try to provide frameworks and opportunities. We open up the avenues for people to look at going into their own business, and this is just one of them.

So, thank you, Minister. I look forward to this legislation being passed and let us see what comes of it after that. Thank you.

The Speaker: Thank you, MP.

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

There are none.

Minister, would you like to take the floor?

Hon. Vance Campbell: Thank you, Mr. Speaker.

There were quite a few questions posed and suggestions made. So, I am going to address as many of them as I can in a quick summary. There was a question of, Is this process labour intensive? Or is it mechanised? Well, obviously the still is the key part of this industry. That is the process, the entity, the machinery that converts and separates those liquids, and the end product ends up being a distilled spirit. So there are jobs at every stage of that. You know, you have the person who has to have the experience of distilling. As I said in my brief, it is not a simple process. It involves a great deal of heat. There is a byproduct of alcohol, and there are byproducts that are not environmentally friendly. And if the distillation process is not done properly, people can get sick from drinking the *heart*.

So, there are jobs in that entire process as well as from a distribution and a merchandising perspective, whether that is distributing around the Island externally, because we said in our brief that there would be opportunities for applying for an export licence. So, there are jobs at every stage of this process.

There was a lot of talk of sustainability. So, when we sit down and we meet with someone on something like this here where we are bringing a new industry or a new entity within an existing industry, we always talk about sustainability, renewable energies. Can you do it a different way? Can it be done where it is more environmentally friendly? So this is something that we have discussed, and I know the Economic Development Department discussed that with people. What about renewable energy as opposed to the fossil fuels? So, these are things that are going on in different areas of government as far as sustainability and whether or not an individual or an entity can sustain itself in the industry. Well, that is a decision for them once they look at their prospects of getting into it.

Whilst we have not had conversations with farmers, we have had conversations with entities that are interested in this industry. And interestingly enough, they have suggested that we get the farmers

involved. You know, they would prefer to buy whatever product they can from our local farmers. And so that is there for local farmers if they wish to jump in and take that up. It is an opportunity to produce products for a specific industry, a new industry, for Bermuda. And that, I believe, answers another question that was asked: Can other industries participate? Well, you have your farmers who can produce some of the raw materials. You have your exporters who can ship it off the Island. And so those are two industries that come readily to mind. The truckers get involved in moving it about the Island. So, there are other industries that are participating.

[Also] the question was raised about, How much space does this take? How much acreage or land or whatever? Well, we will have fire inspectors, the usual authorities, environmental inspections, health and safety, planning. All of these things will be involved. All of these departments will still be involved in the licensing process. And that licensing process will fall under the Licensing Authority. So, all of those processes will be followed and assessed to determine where and if a still operation can occur at any particular location. And it is all about safety.

There was a question about, Are we losing some opportunities on duty? I am not sure what was meant by that. But I can get clarification later on. There are incentives already in place in this industry. When it comes to farmers, there is a 5 per cent ad valorem duty on any specified good or ingredients for commercial manufacturing. And this includes the farmers as well. Local farmers enjoy 100 per cent duty relief under Tariff CPC 4215 for goods for local commercial production and retail packaging. So, if they want to get involved in producing on a greater scale sugar cane or some other product that will factor in to this new industry, there are already provisions for that to happen. And "incentive" was the word mentioned as well. Glass bottles—you will need bottles to put the end product in. So, glass bottles are duty free under Tariff code 7010.900. So, there are already provisions in place that this industry can take advantage of to help it get off the ground and to keep it sustained from a cost perspective.

I will also address the types of licences. And we must keep in mind when we think of the types of licences that we are looking to scale them for Bermuda. You know, we know it is a billion-dollar industry in the United States, but again we have put in provisions that we are looking at which will distinguish between one licence versus the other. (And if you will just give me a second to get to my notes, I will explain how we will determine this.)

So, the output of a still can vary depending on several factors including its design and the efficiency of the distillation process. So, for purposes of this Act, a small scale licence will apply where the combined total output per batch of all of the stills used in the operation is 150 litres or less. So that is from one run in the whole

still operation. That will be considered a small scale licence operation.

So, a commercial licence will apply where the combined total output per batch of all of the stills used in the operation is more than 150 litres. So those are the guidelines that will be used to distinguish between the two licences.

So, with that, Mr. Speaker, I think I have addressed in general terms many of the questions or issues raised so far. And with that, Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you, Minister.

Deputy, the House is going to move to Committee.

House in Committee at 12:12

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

COMMITTEE ON BILL

DISTILLERIES LICENSING ACT 2023

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Distilleries Licensing Act 2023](#).

Minister Campbell, you have the floor.

Hon. Vance Campbell: Thank you, Mr. Chairman.

Mr. Chairman, I would like to move clauses 1 through 6.

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, clause 1 provides the citation of the Bill.

Clause 2 provides for the interpretation of terms used in the Bill.

Clause 3 provides that the Minister may issue guidance for the purposes of the Act and that such guidance shall be taken into account when assessing compliance with the provisions of this Act.

Mr. Chairman, clause 4 provides that the Minister may, by order subject to the negative resolution procedure, prohibit an area or place specified in the order from containing or being used as a distillery and no licence shall be issued for such area or place.

Clause 5 provides the functions of the liquor licensing authority.

Clause 6 provides that the Minister may give general policy directions to the liquor licensing authority which relate to the performance of its functions, and the liquor licensing authority shall give effect to such directions.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 1 through 6?

MP Cannonier, you have the floor.

Mr. L. Craig Cannonier: Yes. Thank you very much, Mr. Deputy.

Let me just get to the proper page here.

The Chairman: Mm-hmm.

Mr. L. Craig Cannonier: On clause 4 at page 4 we talk about “prohibited area or place” at the very bottom. “The Minister, after consultation with the licensing authority, may, by order, prohibit an area from containing . . .” And I guess I wanted to get a little more understanding as to what might be some of those prohibited places that the Minister would say we should not put a distillery there, small or large. Understanding also that there are 150 litres, you might be able to do that in the home, per se, for a small distillery.

The Chairman: Are there any further speakers?
Minister.

Hon. Vance Campbell: Mr. Chairman, as I stated in my brief, this process involves a great deal of heat. One of the byproducts is alcohol. There is a smell attached. So working with the appropriate authorities, fire, health, the environmental, looking at the environmental impacts, taking all of that into consideration and the recommendations and looking at the area, whether it is a neighbourhood, if it an open space, if it is industrial already, these are the things that we will take into consideration, the liquor licensing authority will take into consideration when determining whether a licence should be issued.

The Chairman: Any further speakers?

Mr. L. Craig Cannonier: Yes, Mr. Chairman.

I am still confused as to . . . I think the question is, obviously we have areas that we would prefer nothing to happen, schools or whatever the case may be. You are talking about heat and the like, but you are not giving us . . . what is the guideline that the Minister has?

The Chairman: I think the Minister is saying to you that what is approved by the authorities—the fire department, environmental—that is basically the answer he gave you.

Mr. L. Craig Cannonier: Okay. All right.
Next?

The Chairman: Yes.

Mr. L. Craig Cannonier: Okay, under “Functions of licensing authority” and “Licensing” at the very bottom of page 5, “Types of licence.” We did speak briefly about small and large-scale . . .

[Inaudible interjection]

The Chairman: Clause 5. You are talking about clause 5, yes?

Mr. L. Craig Cannonier: Yes. Yes, yes, yes.

The Chairman: Yes. Mm-hmm.

Mr. L. Craig Cannonier: Large and small scale. And I was looking for a definition, and you mentioned the 150 litres for a small scale-type operation. Do you have an idea of what that space would take up to do something like that with a distillery, considering all of the mechanisms that have to be put in place? You know, heat and all of that as you mentioned. Is there like a footprint that you believe it would take?

Hon. Vance Campbell: Mr. Chairman, again, the process that a person would have to go through, an inspection of where they are looking to have their distillery, all of that comes into play whether it is a small scale or commercial licence. So, these are the things that will be taken into account. And recommendations will be made. *No, this is not a good place*, based on all of the information and everything I have said already whether or not this is a spot where the liquor licensing authority will recommend and approve a licence for. I do not know how to say it any more clearly.

Mr. L. Craig Cannonier: Thank you.

The Chairman: Thank you, Minister.
Any further speakers?
That is it, Mr. Cannonier?

Mr. L. Craig Cannonier: Yes.

The Chairman: Minister, do you want to approve clauses 1 through 6?

[Pause]

Hon. Vance Campbell: Yes. Mr. Chairman, I move that clauses 1 through 6 be approved.

The Chairman: It has been moved that clauses 1 through 6 be approved. Are there any objections to that?

There appear to be none.
Approved.

[Motion carried: Clauses 1 through 6 passed.]

The Chairman: Minister, continue.

Hon. Vance Campbell: Thank you, Mr. Chairman.
Mr. Chairman, I move clauses 7 through 15.

The Chairman: Continue.

Hon. Vance Campbell: Clause 7 provides that the Minister shall publish in the *Gazette* annually the name of every licensed distillery.

Clause 8 provides the types of licence that may be granted by the liquor licensing authority under the Bill, which include a distillery licence and a commercial distillery licence. It also provides a list of persons who are disqualified from obtaining a licence.

Clause 9 provides the requirements for applying for the grant or renewal of a licence.

Clause 10 provides that the licensing authority shall provide a written notice of its decision to grant or refuse to grant a licence.

Clause 11 specifies the information to be contained in a licence.

Clause 12 provides the terms and conditions applicable to each licence.

Clause 13 provides that the duration of a licence is one year, subject to the revocation or suspension of a licence.

Clause 14 provides that a licence must be displayed in a prominent place of a distillery.

And clause 15 provides that a licence may be renewed annually, on application.

The Chairman: Thank you, Minister.

Are there speakers to clauses 7 through 15?
MP Cannonier, you have the floor.

Mr. L. Craig Cannonier: Thank you again, [Mr. Chairman].

Yes. Clause 8(4) where it speaks to, "The following persons shall be disqualified from applying for and obtaining a licence . . ." Much of this is all pretty easy to decipher. But 8(4)(d), where it says, "any person serving in Her [sic] Majesty's Forces in Bermuda or any member of the Bermuda Police Service." I was wondering why we included the Bermuda Police Service as a prohibited group.

The Chairman: Minister.

Hon. Vance Campbell: Mr. Chairman, in our consultation and our meetings with Chambers, we were advised that these are standard clauses in these types of Bills.

The Chairman: Thank you.
MP Cannonier, any further [questions]?

Mr. L. Craig Cannonier: Just as a clarification on that. When [the Honourable Minister] says "standard," because this is a new industry, what other industry are you referring to that might be a standard when you say that? Standard? This is a new industry.

The Chairman: MP, you have got the police service. They are the enforcers of the law. You cannot have the

enforcers of the law policing themselves. I think that is pretty common.

Mr. L. Craig Cannonier: Yes, but they can go into business in just about anything here. A policeman right now can open up a business—

The Chairman: Minister.

Mr. L. Craig Cannonier: —taxi service or—

The Chairman: Mm-hmm. Correct.

Hon. Vance Campbell: Just waiting for my technical [people].

The Chairman: Okay.

[Pause]

Hon. Vance Campbell: Mr. Chairman, this is the same prohibition that is in the Liquor Licensing Act 1974.

The Chairman: Okay.

Mr. L. Craig Cannonier: Okay. All right.

The Chairman: Any further speakers to clauses 7 through 15?

There appear to be none.

Minister, do you want to move clauses 7 through 15?

Hon. Vance Campbell: Mr. Chairman, I move that clauses 7 through 15 be approved.

The Chairman: It has been moved that clauses 7 through 15 be approved.

Are there any objections to that?

There appear to be none.

Clauses 7 through 15 are approved.

[Motion carried: Clauses 7 to 15 passed.]

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, I move clauses 16 through 24.

The Chairman: Continue.

Hon. Vance Campbell: Mr. Chairman, clause 16 provides that the liquor licensing authority may revoke a licence at any time in specified circumstances.

Clause 17 provides that a licence may be suspended or varied at the request of the distiller or if the distiller has contravened a term or condition of a licence or contravened the Bill or any regulations made under the Bill.

Clause 18 provides that the liquor licensing authority must give written notice of the reasons for the revocation, suspension or variation to a distiller and give the distiller the chance to object within seven days of the notice. It also provides that such objection will be considered by the liquor licensing authority when making its decision to revoke, suspend or vary a licence.

Clause 19 provides that the liquor licensing authority may transfer or refuse to transfer a licence on application by the distiller.

Clause 20 provides that a distiller may surrender a licence by giving notice in writing to the liquor licensing authority with the surrender taking effect on the date approved by the authority.

Clause 21 provides that a distiller must notify the authority of a lost or destroyed licence and pay the prescribed fee for a replacement licence.

Clause 22 provides that a distiller must notify the liquor licensing authority, in writing, of a change in address and creates an offence for failing to do so.

Clause 23 provides that a distiller may have a distillery warehouse approved by the liquor licensing authority for the secure storage of distilled spirits and creates an offence where distilled spirits are stored at a place other than a distillery warehouse.

Clause 24 provides that an applicant or distiller aggrieved by a decision of the licensing authority may appeal to the Magistrates' Court within 14 days of being notified of the decision.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 16 through 24?

MP Cannonier, you have the floor.

Mr. L. Craig Cannonier: Just as a clarification for myself, if I wanted to refer to a Schedule that goes to one of these clauses, do I have to wait until the end to go through the Schedule or can I do it under . . . I just have a question on the Schedule that refers to renewing of a licence.

The Chairman: Well, go ahead. Continue. Go ahead.

Mr. L. Craig Cannonier: Yes? Okay. Thank you very much.

So, if you are going to renew a licence, what I was trying to understand a little better is, Why is the renewal fee for a commercial licence discounted by 50 per cent, when the small scale licence remains the same?

[Pause]

Hon. Vance Campbell: That is Schedule 1 that you are referring to?

Mr. L. Craig Cannonier: My apologies.

The Chairman: Page 22.

Mr. L. Craig Cannonier: Yes, yes. Page 22.

The Chairman: Yes.

Mr. L. Craig Cannonier: Yes. My apologies.

[Pause]

Hon. Vance Campbell: Okay. We set the initial application fees for the licence at what we thought was reasonable for the distillery licence. It was higher in the first instance, the initial licence, because that would involve a more intensive process because it is a commercial distillery. So that fee is higher to begin with. And upon renewal, as part of that process, there would be the incentive of not having the high fee every year upon renewal. So, it is an incentive put in there. And discounted fees on renewal are consistent with other laws that we have.

The Chairman: Thank you, Minister.
MP Cannonier.

Mr. L. Craig Cannonier: Just so I can be clear. Yes, I just want to be clear on this. So, for the commercial licence, we will discount the renewal at 50 per cent. But for the small scale, it will remain the same, just period, as always? I just want to be clear that is what you are saying.

Hon. Vance Campbell: That is correct.

Mr. L. Craig Cannonier: Okay.

Hon. Vance Campbell: And in setting that initial fee, we thought it was reasonable.

The Chairman: Anything further, Mr. Cannonier, MP?

Mr. L. Craig Cannonier: No, thank you. Thank you, sir.

The Chairman: Are there any further speakers to clauses 16 through 24?

There appear to be none.
Minister, do you want to move?

Hon. Vance Campbell: Mr. Chairman, I move that clauses 16 through 24 be approved.

The Chairman: It has been moved that clauses 16 to 24 be approved.

Are there any objections to that?
There appear to be none.
Clauses 16 through 24 are approved.

[Motion carried: Clauses 16 through 24 passed.]

The Chairman: Minister, before you go any further, can I call on the Deputy Premier to take us to lunch?

[Crosstalk]

Hon. Walter H. Roban: Thank you, Mr. Chairman.
I do move that we adjourn for lunch until 2:00 pm.

The Chairman: We are adjourned for lunch, and we will see you all at 2:00 pm when we will continue the debate. Thank you.

Proceedings suspended at 12:28 pm

Proceedings resumed at 2:01 pm

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

The Chairman: We will resume on the Bill [entitled] the Distilleries Licensing Act 2023. Minister Campbell has the floor.

Thank you.

COMMITTEE ON BILL

DISTILLERIES LICENSING ACT 2023

[Continuation thereon]

Hon. Vance Campbell: Thank you, Mr. Chairman.
Mr. Chairman, I would like to move clauses 25 through 34.

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, clause 25 provides that stills can only be used by a licensed distiller in a distillery only and makes it an offence for persons to use stills or to sell a still without a licence.

Clause 26 provides for the responsibility of a distiller and makes it an offence for a distiller's failure to contravene this provision.

Clause 27 provides for the import of spirits.

Clause 29 provides restrictions on the release of immature spirits by the Customs Department and makes it an offence for any person to procure or to attempt to procure the delivery of immature spirits or failure to comply with any condition imposed by the Collector of Customs.

Clause 30 . . . and what I will do here . . . you may note that there is no clause 28. That will be rectified in the final drafting of the Bill. This was due to an error.

Clause 30 provides that inspectors appointed by the Minister under section 43A of the Liquor Licence Act 1974 may act as inspectors under this Act and shall have the same duties as provided in section 43B of the Liquor Licence Act 1974.

Clause 31 provides that police officers shall assist in relation to the enforcement of the Act and gives the police the same powers as inspectors under this Act.

Clause 32 gives a police officer the power to enter a distillery with no licence for the purpose of preventing or detecting the commission of any offence against this Act. It also creates an offence for a distiller, his servant or agent to unreasonably delay admitting a police officer to the premises or for failing to admit a police officer.

Clause 33 provides for a magistrate to issue a search warrant to a police officer if the magistrate, on information or evidence upon oath, that a distilled spirit is being unlawfully stored or kept for sale at an unlicensed premises. It also provides that a police officer can seize distilled spirits found in an unlicensed premises or place not approved as a distiller's warehouse.

Clause 34 makes it an offence for any person to obstruct a police officer who interrupts while in the execution of any duty imposed or power conferred under the Bill.

The Chairman: Thank you, Minister.

Any speakers to clauses 25 through 34?

No further speakers. Minister, do you want to move clauses 25 through 34 for approval.

Hon. Vance Campbell: Yes, Mr. Chairman, I would like to move that . . . what is it?

The Chairman: [Clause] 25.

Hon. Vance Campbell: —clauses 25 through 34 be approved.

The Chairman: It has been moved that clauses 25 through 34 be approved. Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Clauses 25 through 34 passed.]

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, I would like to move clauses 35 through 43.

The Chairman: Continue.

Hon. Vance Campbell: Clause 35 provides for the seizure and forfeiture of any spirits produced or distilled contrary to the provisions of the Bill, which will be destroyed or disposed of in a manner as directed by the Authority.

Clause 36 provides that a magistrate may issue a warrant to an officer if satisfied there are reasonable grounds to suspect that a person is unlawfully keeping or depositing in any house or place any still,

vessel, utensil, spirits or materials for the production of spirits.

Clause 37 creates an offence for any person to distil spirits, have or use a still, sell or supply distilled spirits otherwise than in accordance with their licence.

Clause 38 creates an offence for any person to remove spirits from a distillery.

Clause 39 creates an offence for any person to buy, remove or receive any wort, low wines, or spirits that they know have been made or brewed in contravention of this Act.

Clause 40 creates an offence for a person to sell or attempt to sell any spirits otherwise than in a distillery.

Clause 41 creates an offence for a person to knowingly sell or deliver, or for a person to cause to be sold or delivered any spirits [so] that they may be unlawfully retailed or consumed.

Clause 42 creates an offence for a person to knowingly receive, buy or procure spirits from a person who is not licensed to sell spirits.

Clause 43 creates an offence for a person knowingly to receive, buy or have in their possession any spirits made or distilled in contravention of this Act.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 35 through 43?

There appear to be none. Minister, you can move those clauses.

Hon. Vance Campbell: Mr. Chairman, I move clauses 35 through 43 be approved.

The Chairman: It has been moved that clauses 35 through 43 be approved.

Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Clauses 35 through 43 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 44 through 60.

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, clause 44 provides the meaning of terms used in Part 7.

Clause 45 provides for a ticket summons to be issued for offences specified in Schedule 2.

Clause 46 provides that the form of ticket will be as prescribed in regulations.

Clause 47 provides for the issuance of a ticket where an inspector has reasonable cause to believe an offence is being committed.

Clause 48 provides for the delivery of a summons.

Clause 49 provides for the payment out of court of a specified penalty.

Clause 50 provides for the information part of a ticket.

Clause 51 provides the circumstances in which the court is able to impose a penalty authorised by law.

Clause 52 provides for the record of conviction.

Clause 53 provides that the Minister may make regulations to prescribe the form of ticket.

Clause 54 provides that the Minister must review the Act within two years of it coming into operation and submit a report to the Legislature.

Clause 55 provides that the Minister may, after consulting with the licensing authority, make regulations subject to the negative resolution procedure.

Clause 56 repeals the Spirits Act 1890 and the Immature Spirits Restriction Act 1921.

Clause 57 provides consequential amendments to the Liquor Licence Act 1974 and the Revenue Act 1898.

Clause 58 provides a savings that nothing in the Bill will interfere with the supply of rectified spirits of wine for the purpose of making medicine or to any person entitled to carry on the business of a chemist and druggist in Bermuda.

Clause 59 provides a transitional period of three months for a person who is distilling spirits for sale or supply prior to the commencement of this Act, to apply for the relevant licence.

And the final clause, clause 60, provides for the commencement of the Act.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 44 through 60?

MP Cannonier, you have the floor.

Hon. L. Craig Cannonier: Yes, just one question. In consideration on Schedule 2 for the offences and penalties, I recognise when we license, a larger company can relicense for less (50 per cent). These fines here, I am assuming, are both for small . . . they are the same for the small and the large distilleries? The fines? The offences?

Hon. Vance Campbell: Mr. Chairman, that is correct.

The Chairman: Are there any further speakers?

There appear to be none. Minister, do you want to move clauses 44 through 60?

Hon. Vance Campbell: Mr. Chairman, I move clauses 44 through 60 be approved.

The Chairman: It has been moved that clauses 44 through 60 be approved.

Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Clauses 44 through 60 passed.]

The Chairman: You want to move the preamble?

Hon. Vance Campbell: Mr. [Chairman], I move Schedules 1 and 2 be approved.

The Chairman: Yes. It has been moved that Schedules 1 and 2 be approved. Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Schedules 1 and 2 passed.]

Hon. Vance Campbell: 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. That is approved.

Hon. Vance Campbell: 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.

Hon. Vance Campbell: Thank you, Mr. Chairman.

The Chairman: Thank you, Minister and MP Cannonier.

[Motion carried: The Distilleries Licensing Act 2023 was considered by a Committee of the whole House and passed without amendments.]

House resumed at 2:11 pm

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

REPORT OF COMMITTEE

DISTILLERIES LICENSING ACT 2023

The Speaker: Good afternoon, Members.

Are there any objections to the Bill entitled Distilleries Licensing Act 2023 being reported to the House as printed?

There are none. The Bill has been reported to the House.

Members, this brings us to a close on that debate. We will now move on to the following debate on trade marks and, Mr. Premier . . . are we—oh?

[Crosstalk]

The Speaker: All three? Yes, that is the clarification.

Hon. Vance Campbell: Mr. Speaker, we are going to do all three.

The Speaker: Okay, good.
Members . . . Mr Pearman?

Mr. Scott Pearman: Yes, thank you, Mr. Speaker. Per our discussion before, I am very happy to consent to all three being done together. The Minister and I discussed it and we agree.
Thank you.

The Speaker: Thank you.
Members, what we are going to do is move all three of the following matters into one matter because they all relate around the same topic. So, when the Minister rises to his feet now he will move all three of the trade mark Bills. Thank you.
Minister.

Hon. Vance Campbell: Thank you, Mr. Speaker.
Mr. Speaker, I move that the Bill entitled the Trade Marks Act 2023 be now read the second time.

The Speaker: Are there any objections?
There are none.
Continue, Minister.

Hon. Vance Campbell: Mr. Speaker, I move that the Bill entitled Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 be now read the second time.

The Speaker: Continue.

Hon. Vance Campbell: And, Mr. Speaker, I move that the House do now take under consideration the Order entitled Government Fees (Trade Marks) Regulations 2023 proposed to be made by the Minister responsible for Finance (and I am acting on his behalf) in exercise of the powers conferred by section 2 of the Government Fees Act 1965.

The Speaker: Yes, continue.

BILL

SECOND READING

TRADE MARKS ACT 2023

Hon. Vance Campbell: Mr. Speaker, today I am presenting to this Honourable House the Trade Marks Act 2023. This Bill will repeal and replace the Trade Marks Act 1974 and, together with the Government Fees (Trade Marks) Regulations 2023, will provide necessary updates to our trade marks framework.

Mr. Speaker, Members of this Honourable House will be aware that modernising the legislation

governing intellectual property rights was featured in the [2022 Throne Speech](#). The Government is working towards this effort which includes updating the laws governing trade marks, patents, registered designs and copyrights. Replacing the current outdated trade marks law is the first part of this comprehensive initiative.

Mr. Speaker, this Bill will reposition Bermuda's trade mark legislation to be more consistent with global industry standards and practises and make us more competitive in the global market. Trade mark protection is an important part of any intellectual property regime since trade marks are used to designate an owner's goods or services.

Mr. Speaker, by its nature a trade mark is considered an intangible asset that can become a valuable part of a business by helping to establish brand recognition. A trade mark is essentially a recognisable sign that may consist of words, colours, numbers, a logo, symbol or other design that is used to distinguish the goods or services of one party from those of another. Trade marks can be used to tell people the origin or expected quality of goods or services or to indicate membership in a particular association. Trade marks may be registered or unregistered. However, registration of a trade mark results in the conveyance and protection by law of specified property rights in the registered mark. This includes the right to exclusive use of the registered trade mark and the right to prevent others from using the same mark without permission.

Mr. Speaker, trade mark registrations are usually categorised under the primary international system for classification known as the Nice Classification (NCL) system. This system is currently in effect in Bermuda pursuant to the Trade Marks and Service Marks Regulations 1993. Trade mark registrations are effective for specified periods of time and unlike some other intellectual property protections can be renewed in perpetuity through established procedures.

Mr. Speaker, the owner of a registered trade mark has access to certain remedies that are prescribed by law in cases where the owner's rights have been infringed by other persons. Infringement typically occurs when a registered trade mark or a sign that is quite similar to the registered trade mark is used in a trade or business in a way that is unauthorised. Given the importance of trade marks to the reputation and prosperity of businesses, whether local or international, it is extremely important for Bermuda to modernise its framework for trade mark protection. As I stated earlier, this Bill will replace our existing trade marks law which was first enacted nearly half a century ago.

Mr. Speaker, this Bill contains new and revised features and processes that will align Bermuda's legislative approach with contemporary standards and practises. Key changes in this Bill are as follows:

1. The definition of the term "trade mark" is being updated to provide more clarity as to what qualifies as a trade mark under the Act and to incorporate marks used to distinguish services. By contrast, the

definition in the 1974 Act focuses on the use of a trade mark in respect of goods only and includes a Schedule to the Act that modified various provisions of the law in respect of service marks.

2. The registration and renewal periods for trade marks registered in Bermuda are being changed to 10 years each to be consistent with global practises. This is a departure from the 7- and 14-year registration and renewal periods contained in the 1974 Act and will result in more frequent renewals and realisation of revenue fees for renewal every 10 years as opposed to every 14 years.
3. New categories of trade marks are being introduced in the legislation that were not previously included in the 1974 Act. This includes collective marks and certification marks. Collective marks are used to distinguish the goods or services of members of an association which is the owner of the mark from the goods or services of other undertakings. Certification marks include that particular goods or services are certified by the owner of the mark in respect of things like place of origin, materials used or mode of manufacture of goods, performance of services, quality, accuracy or other characteristics.
4. Licensing rights are included which will give the owner of a trade mark additional flexibility to convey licences to others to use a registered trade mark. A licence may be general or limited and may include exclusive rights of use that are granted to an exclusive licensee. While the 1974 Act provides for registered users, which are in effect licensees, there is no mention of a licensee in the Act which is a more globally recognised concept in today's trade mark practises.
5. There will be a single undivided Register for local trade marks as opposed to the two-tiered approach taken under the current legislation which divides the Register into parts A and B. The 1974 Act also includes different requirements for registration in those respective parts.
6. The Bill also includes additional rights, processes and flexibility along with provisions that create greater legal certainty and clarity for users of the legislation. This includes:
 - a. clarifying the authority of the Registrar to make changes to the Register as needed following changes to the international classification list for trade marks;
 - b. additional flexibility for the parties to disputes regarding the trade mark to mutually agree to refer the matter to a referee; and
 - c. removal of the requirement for trade mark owners to associate multiple register marks or pending applications in cases where the owner seeks to register an identical or similar mark in an identical or similar class of good or services. This is an outdated and costly practise which has been

shown to be a deterrent to registration of trade marks in Bermuda.

Mr. Speaker, the new Act will provide more detail regarding actions that constitute infringement of a registered trade mark and the rights and remedies following any infringement. This Bill establishes new offences and statutory penalties for an infringement as well as additional authority for the Registrar and the Collector of Customs to take steps to guard against the importation and sale of counterfeit goods in Bermuda.

Mr. Speaker, this Bill will not only modernise our local framework but will also help ensure that Bermuda can meet certain requirements set out by the Paris Convention for the Protection of Industrial Property and the protocol relating to the Madrid Agreement concerning international registration or marks. These international treaties (more commonly referred to as the Paris Convention and the Madrid Protocol) are used to facilitate the registration and protection of trade marks across various jurisdictions to which the treaties extend.

While the Paris Convention outlines requirements for the protection of various types of intellectual property, the Madrid Protocol pertains only to trade marks and is the legal scheme under which trade marks can be registered internationally and protected in multiple countries via a streamlined application process. The Madrid Protocol is regarded as an effective and efficient system for maximising trade mark protection in today's global market. However, to gain access to the Madrid Protocol, a country must first accede to the Paris Convention.

Mr. Speaker, this Trade Marks Bill addresses only one category of the intellectual property protections outlined by the Paris Convention. Other requirements of the Paris Convention deal with patents, registered designs and trade secrets. Therefore, the Government will continue its efforts to modernise Bermuda's intellectual property laws to reach full compliance with the Paris Convention following enactment of this Bill. Work is currently in progress on updating the Patents and Designs Act 1930.

Once we have completed our legislative updates, the Government will make a request to the UK Government for extension of the Paris Convention and Madrid Protocol treaties to Bermuda. Such extension will ensure that the Bermuda Government can facilitate international registrations of trade marks and other intellectual property rights via applications filed in Bermuda or in respect of Bermuda.

Mr. Speaker, it is clear that the Government must ensure that internal staff members have the requisite knowledge, skills and abilities to implement this new trade marks legislation. We also want to ensure that there is sufficient legal clarity and case law that can be used by the courts and other authorised parties to determine disputes regarding trade marks.

To that end, Mr. Speaker, the Government is continuing its practise of using the intellectual property

laws enacted in the United Kingdom as a model for Bermuda's legislation, including the Bill we are currently debating. This approach is supplemented by the ongoing collaboration and partnership between the department of Registry General and the UK's Intellectual Property Office. Members of staff at the Registry General are currently attending training sessions facilitated by the UK IP Office and have access to the use of practice manuals and other guidance materials published by that office. Likewise, the Registrar and the courts of Bermuda will benefit from legal precedent established in the United Kingdom when considering trade mark disputes in Bermuda.

Mr. Speaker, I would like to thank the representatives of the UK IP Office for their assistance thus far and for their ongoing efforts as we continue with implementation of this legislation and other modernisation projects. This Bill is also the culmination of efforts amongst various people and departments in Bermuda including the Ministry for Tourism and the Cabinet Office, department of Registry General, Economic Development Department, Attorney General's Chambers and various members of the private sector.

I would like to thank all those responsible for their efforts in completing this legislation and helping to make Bermuda's intellectual property regime more competitive. We are certainly grateful for all your hard work.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

MP Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Speaker, and thank you to the Honourable Minister Vance Campbell who presented the brief. Let me also echo his thanks for all the hard work that clearly went into these two Bills and Regulations.

The first Bill alone is 89 pages, and I had the pleasure of reading it. I say that firmly with tongue in cheek. It was a slog, and I am sure that everyone sitting here for the Ministry or the various departments have put a lot of effort into it. So, thank you for that.

Mr. Speaker, I think it always helps us . . . and I will not be too long on this because we have a very full Order Paper today. But I think it always helps us to sort of step back and ask what we are doing because there are people listening and we are making laws. So, what in the world is a trade mark? I was going to say that a trade mark is the Nike swoosh, because I thought that that was probably the easiest way to convey to somebody what a trade mark was. But since we had such wonderful news today about Google and since we are so grateful for Google's newfound presence, I think I will use the Google "G" instead as an example of a trade mark. The blue box with a little lowercase "g"

which about 5, possibly 7, maybe even 10 years ago Google revamped.

So, they had this wonderful trade mark, the little lowercase "g." But they changed it to a capital "G" with a bunch of different colours. So that is what a trade mark is. It is a mark that a producer puts either on its goods or on its services, which is where we get the notion of a service mark, to say *This is mine* so that when people are consumers and they come along and they are buying the good or they are buying the service, they say, *Oh, okay, there is the mark. I understand this is who made it; this is who I hold accountable*, and it gives an element of reliability.

And if you permit me a very quick digression, Mr. Speaker—

The Speaker: Mm-hmm.

Mr. Scott Pearman: Professor Google told me that this whole concept actually goes all the way back to Roman times when people made swords. If you were a great sword maker you wanted people to know that that was a great, reliable sword so you would put your mark on your sword and that is where it goes back to. In terms of British law, in 1266 they had a law passed in England to make you put a mark on your bread so that when you were selling your bread you knew whose bread it was. Anyway, that was a quick historical digression.

Moving up through the ages, in terms of British law, trade mark law all came in around 1850 and every so often we see a progression and an updating of the laws, and that is exactly what is happening here in Bermuda. Our previous Act on trade marks is 1974. And I think everybody can agree that that was quite some time ago. I was just born. So perhaps it is about appropriate time to update our laws. In effect, as the Minister rightly said, Minister Campbell rightly said, what we are doing is we are importing pretty much wholesale (with some tweaks) the UK position as set out in, I think . . . well, I am not sure the year—1994 I think—but it might be somewhere in the 1990s was the UK Act that is now being brought in here.

Also, Mr. Speaker, a couple more quick points. I would also like to say that this is yet another example . . . people do not believe me when I am out canvassing and they say all we do is throw stones at each other, and I say no, no. Ninety per cent of the law that gets passed by Bermuda's Parliament is passed with bipartisan support. We are both on the same page. We see the Bill; we support the Bill as the Opposition. Yes, we may have some words of warning or caution or some slight nuances, but generally we are on the same page. And what are we on the page for, to do?

We are on the page to overhaul our laws, which is usually a good thing, and to bring Bermuda's laws up to date. And it is also, as the Minister pointed out, very useful when we do adopt UK legislation because there is precedent. And what [does] precedent mean? It means that when lawyers go off to argue about things

you do not have to pay lawyers as much money because the law has already been decided for us in a court somewhere else. You just look at the case and see what was decided. So, it is very useful to effectively import wholesale the UK legislation. And so, I think it is a very sensible move, even if it is referring to arcane things like Nike swooshes and Google G's.

What I would now do, very briefly again, Mr. Speaker, is just make two observations in relation to the Bill itself, and by the Bill, I mean the first Bill, the Trade Marks Bill, the long Bill. So, I have one observation about that and then I have a second observation on the second Bill.

My observation on the first Bill is this: my understanding from those in the industry, and it is a pretty specialised industry, [is that] we do not have a lot of intellectual property lawyers in Bermuda. We have some, but we do not have a lot. And I took the liberty of speaking to one or two. My understanding is that whilst we are updating our laws, and whilst this is a very good thing, this Bill will impose administrative burdens. And I am looking across the room at the people who will have to deal with those burdens—the Patents Office, et cetera, the Intellectual Property department, the Registrar General, I think that is Mr. [Aubrey] Pennyman . . . it is still Mr. Pennyman, I think. This is not just a matter of changing the law. There will be administrative burdens.

You will probably require greater support. I understand anecdotally that there is some training coming in. I do not know if that training relates to this, but please do not underestimate, I am afraid, the burden that will happen here. I say that because in the UK all of this is digitised. Now being digitised may or may not be a good thing as we learned earlier this week or last week. But in the UK all of this is digitised, and all of this is free. If I want to go online and look for a mark, a service mark or a product mark in the UK, a trade mark, you know, that is all there and it is all free and people who produce, the producers, the ones who have the marks, are encouraged to have them on the sites to protect them. And people who want to go and check are encouraged to go and check. So, there is very little fee involved. I think there are some updating fees, but it is really pretty fee-less—and it is not paper based.

Conversely here, we are still very much paper based. And that is not a criticism; that is just how it works. But we also have fees attached. And so, I am not sure whether this is going to be a huge boon. I hope it is. I am glad it is being advanced. I am glad it is being brought into force. But just a word of warning, you know. Please do appreciate that there will need to be at budget time some consideration of these departments and the extra burden that they will have to bear as a result of this.

So that was my word of warning in relation to the first Bill. In relation to the second Bill, I actually have a question, and it is my only question and I think it is

better to deal with it now rather than in Committee. I did alert—

Hon. Vance Campbell: Mr. Speaker, if I may—

The Speaker: Yes.

Hon. Vance Campbell: I do have some comments—

The Speaker: A point of order? Or—

Hon. Vance Campbell: —on the other two Bills that I can present that may—

Mr. Scott Pearman: Sure. I will sit down.

The Speaker: Yes, you could have done them all at one time, but you do have an additional one that you want to do before you get to Committee.

Hon. Vance Campbell: That is correct.

The Speaker: Okay. Mr. Pearman, will you yield?

Mr. Scott Pearman: I yield.

The Speaker: We will let Mr. Pearman yield so he can finish his comments after. Okay.

Hon. Vance Campbell: I am new to this process, so—

The Speaker: That is why—

Hon. Vance Campbell: I will take that responsibility—

The Speaker: —I am being considerate today. How is that?

Hon. Vance Campbell: If I may, Mr. Speaker, I would like to present some comments on the Bill entitled Trade Marks and Service Marks Regulations Amendment and Validation Act 2023.

BILL

SECOND READING

TRADE MARKS AND SERVICE MARKS REGULATIONS AMENDMENT AND VALIDATION ACT 2023

Hon. Vance Campbell: This Bill seeks to amend the [Government Fees] (Trade Marks and Service Marks) Regulations 1993, the Principal Regulations, to insert new 7th and 8th Schedules to provide for the 11th and 12th editions of the Nice Classification of good and services. It is intended that the 7th Schedule will take retroactive effect as of the 1st of January 2017 and the 8th

Schedule will take retroactive effect from the 1st of January 2023. This Bill will also validate actions taken by the department of the Registry General with respect to trade mark applications and registrations referencing classifications that will be included in those Schedules.

Mr. Speaker, the international Nice Classification of goods and services for the purposes of the registration of marks was established by an agreement, the Nice Agreement, concluded at the Nice Diplomatic Conference in June 1957 with two revisions.

Mr. Speaker, the purpose of the Nice Classification is to provide a proper system for the registration of marks. Such registration is an internationally accepted method of protecting intellectual property rights. The use of the Nice Classification by national trade mark offices allows the filing of applications with reference to an internationally recognised classification system. The preparation of applications is thereby greatly simplified since the goods and services that apply to a given mark will be classified in the same way in all countries that have adopted the classification system. The Nice Classification details an alphabetical list of goods in 34 classes and services in 11 classes.

Mr. Speaker, in order to keep the Nice Classification up to date, it is continuously revised by the World Intellectual Property Organization (WIPO) and a new edition is published every five years. The [Government Fees] (Trade Marks and Service Marks) Regulations 1993 currently operates under the 6th Schedule which references the 10th edition which has been in force since the 1st of January 2012.

Mr. Speaker, modifications to bring in the Nice Classification in line with changes in marketing and manufacturing trends are the responsibility of WIPO Nice Classification committee of experts (the "Committee") in Geneva, Switzerland. The 11th edition of the Nice Classification initially came into effect on the 1st of January 2017. However, it has not yet been enacted into law in Bermuda and that appears to be an oversight and we are looking to correct that in this Bill.

Mr. Speaker, to this end it is necessary to adopt new Schedules 7 and 8 which will contain the 11th and 12th editions of the Nice Classification to ensure that there is no gap in coverage for trade marks currently registered in Bermuda. New goods and services were introduced under the 11th edition and trade marks proprietors filed applications and had their trade marks registered under the impression that the 11th edition was operational in Bermuda and that any goods or services applied for in their application would be rightfully protected in Bermuda for the period the 11th edition was in effect.

Also, the 12th edition came into effect the 1st of January 2023 and any trade mark applications filed and trade marks registered since that date will need to be validated. Thus, both the 7th and 8th Schedules will need to be approved retroactively. This will ensure that the actions taken by the department of Registry General in reliance upon the 11th and 12th editions can be

validated without interruption to the rights and benefits of [the] trade mark owners.

In closing on this one, Mr. Speaker, the introduction of the Nice Classification 12th edition of trade marks and service marks will ensure that Bermuda continues to maintain its competitive position in the local and international trade and service arenas. Meanwhile, retroactive enactment of the 11th edition will ensure that current registrations remain unaffected and legally valid from the effective date of the registration.

I will then move on to the last brief, Mr. Speaker.

DRAFT REGULATIONS

GOVERNMENT FEES (TRADE MARKS) REGULATIONS 2023

Hon. Vance Campbell: Mr. Speaker, in conjunction with . . . this goes in conjunction with the Trade Marks Act 2023, I present the Government Fees (Trade Marks) Regulations 2023. These regulations will revoke and replace the Government Fees (Trade Marks and Service Marks) Regulations 1993.

Mr. Speaker, modernisation of the legislative framework governing intellectual property rights is in progress. In addition to enacting a new Trade Marks Act, we must also enact updated fee regulations that correspond with the new law. These regulations will achieve that objective. The new fee regulations maintain the same overall content of the 1993 regulations and provide for matters of interpretation, a schedule of fees that will apply, the method by which the fees may be paid, and payment of fees collected into the Consolidated Fund.

Mr. Speaker, despite some of the major differences between the Trade Marks Act 2023 and the existing trade marks law, many of the services currently provided by the department of Registry General to the public will continue to be provided under the updated framework. This includes services such as examining and publishing applications for registration, providing access for searches of the Registry, performing various administrative tasks, hearing Opposition matters and resolving certain issues related to applications filed with the Registrar. Honourable Members will recall that the trade mark fees were one of the few sets of fees that were increased by the Legislature during the most recent budget session.

Accordingly, Mr. Speaker, many of the fees currently in effect will continue to apply in respect of the same services and functions of the Registrar in the updated framework.

Mr. Speaker, the proposed fee regulations also include fees for new or updated features, rights and services. In particular, the fees related to international registrations, applications for registration that relate to more than one classification, proceedings for the declaration of invalidity and late renewals of registrations

are all examples of fees that are being introduced for the first time in Bermuda. To ensure consistency in the new fee regulations, the existing fees were used as a baseline for new fees that relate to similar or enhanced functionality. For example, the new fee for the Registrar to examine an international trade mark application is equivalent to the fee for applying to register a domestic trade mark in Bermuda. The fees for filing or amending certain documents related to collective and certification marks are equivalent to fees for filing certain other documents or performance by the Registrar of various administrative functions.

Mr. Speaker, we know that we cannot introduce new legislation and new services related to trade marks without ensuring that the government is properly compensated. Trade mark registrations and related services are revenue-producing activities for the government and the updates we are making to our trade marks legislation present opportunities for increased registrations and related services and thereby increase government revenues.

Mr. Speaker, we are not yet sure of the amount of revenue increase to expect, but the department of Registry General has been advised by the UK IP Office that UK trade mark registrations increased when new legislation was introduced there. The Registry General will continue to report annually on revenues collected for trade marks and other intellectual property. So we will certainly look to monitor the difference in revenues collected as we move forward with updating our intellectual property laws.

In closing, for the second time, Mr. Speaker, I would like to thank the team that worked on these proposed fee regulations for their effort on this project.

The Speaker: And that covers all three?

Hon. Vance Campbell: It covers all—

The Speaker: Good.

Hon. Vance Campbell: That is correct, Mr. Speaker.

The Speaker: You had yielded to Mr. Pearman because you had not done the other two, so Mr. Pearman—

Hon. Vance Campbell: I understood.

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

I am not going to go back. I am just going to pick up where I left off when I yielded to the Honourable Minister and at that point in time I was just coming on to the second Bill which is the Trade Marks and Service Marks Regulations Amendment and Validation Act [2023]. I have no comments on the third, the Regulations.

I just had a question, which he actually . . . his subsequent brief helped to answer the why. So, as I

understand it, what is happening is there were some advancements by reason of the Nice Classification, i.e., there are new goods and services that came on board that we had not reflected in the case of the 11th edition changes since 2017, and in the case of the 12th edition changes since 2023. And so, what we are doing is we are, as he said, ensuring that there is no gap in coverage.

Now from a protection standpoint, trade mark protection standpoint, this makes perfect sense and I understand that. But there is always another side to the coin, and I just want to ensure that if we are to retrospectively legislate, which is always a dangerous thing to do, that there is not (on the other side of the protection coin) a prejudice side by doing this and effectively going back and applying backwards to 2017. I would just like to ensure that we are not going to be retrospectively applying greater fees or anything that people had not anticipated. It is just a question of protection. So that would be my one question and make sure . . . and I see, sorry, I did not actually formally say hello to Mr. Pennyman, the Registrar General, who is in the Chamber today. I mentioned earlier, but I usually see his name at the bottom of letters as opposed to in person. But he is in the Chamber, and I see he is nodding.

Just on the basis that the Minister and the Government and the civil servants are all confident that no one will suffer prejudice by six years of retrospective legislation and that really all we are doing is protecting the trade mark or service mark holder by recognising and plugging a gap, then we would support that.

Thank you, Mr. Speaker, and as I said, nothing to say on the Regulations and indeed nothing to say on Committee if the Minister wants to take that at speed, he can.

The Speaker: Thank you.

Does any other Member wish to make a contribution?

Deputy Premier.

Hon. Walter H. Roban: Yes, thank you, Mr. Speaker. I just wish to make some brief comments on this area too for the public's awareness. The Registrar General sits under the Minister of Home Affairs and they play the more administrative role for this body of legislation. Whereas the Minister for the Cabinet Office they are the policy and overall Minister of responsibility for the area.

I would just like to make a few comments. Certainly, I have some history with some of this legislation when all responsibilities were under the Ministry, and I am mindful that this has been work done over quite a bit of time and has taken great care and attention to be done to update, which is a primary body of legislation for trade marks and service marks and ensuring that Bermuda would stay up to date and certainly achieve alignment with the Nice Classification and Paris Conventions has been something that a lot of work has

been done. And I am very pleased to see that the Minister has brought all of this finally here so that this process of modernisation being that are . . . can actually go on since our main legislation has been in place since 1974. That is quite a bit of time.

For an area that has actually experienced quite a bit of change, as the Honourable Member who just sat down spoke of the history, but also with technology and with the expansion of global commercial activity, this has all become a lot more important. In 1974, it was a very different place. Since then, so much has changed around business activity, international business activity, and the value of the protection of these marks, of this area. It is very important. And Bermuda has, for a long time, had a framework but it also has needed to be modernised.

So, it is very good that we have gotten to this point. It was good to hear the comments of the Honourable Member who just sat down as to where this is and since we are taking much of our legislative reference from the UK, where it is. Of course, technology plays such a role in most things and as the Honourable Member said there can be two sides to it. Our process still remains certainly paper driven. But I expect over time we will also modernise our technological tools to make this process not only easier but more in line with international practice. And I can say, and I am sure the Minister will agree that Bermuda has always endeavoured to keep pace of international best practice in this area. We have not desired to be an outlier but at the same time we do want to always distinguish ourselves as a jurisdiction of competence in these areas, in all areas.

This is an effort to ensure that this continues. I look forward to seeing what the Registrar and the other related agencies and certainly the Minister for the Cabinet Office will recommend that we do on the technology side to support what the Registry General does in its work of administering these pieces of legislation. Certainly, the Ministry of Home Affairs stands ready to work with the Minister of the Cabinet Office to do what-ever is needed.

We do want to ensure that we are competitive and has been stated there is a small cadre of specialists, lawyers and others in this space in Bermuda. They do work very closely with the Government agencies to do the work that their clients actually require. Thankfully there are not, you know, hundreds and hundreds of lawyers we are trying to deal with. There is a small cadre of very competent people who work in this space that we will continue to try and work positively with to make sure that we stay competitive.

I appreciate some of the concerns that were raised about the administration and the bureaucracy. This is not new to the Government as you would know, Mr. Speaker. We have the Registrar of Companies that has had to go through a similar evolution with its role and responsibility. We have seen the same thing happen with the BMA [Bermuda Monetary Authority] as

well. As the global pressures and responsibilities in certain areas increase, we have to increase our administration, our oversight and our regulations in these spaces. That is understood and as I said the Ministry of Home Affairs stands ready to work with the Minister of the Cabinet Office to respond to any of these needs as they arise.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

Does any other Member wish to make a contribution? None other.

Minister, do you want to give a wrap up before we go to Committee?

Hon. Vance Campbell: Mr. Speaker, I just want to address one thing for Hansard. The Honourable Member who spoke on behalf of the Opposition . . . and I am grateful for their support on this very important piece of legislation, or pieces of legislation. I want to confirm for Hansard that there will be no impact on fees. Registrations have already occurred, and prior fees paid and so no one will be impacted or prejudiced (was the term used by the Honourable Member). I just wanted to confirm that for Hansard before going to Committee.

The Speaker: Okay. Thank you. And when you are in Committee you can do the clauses for all three [*sic*] individual Bills.

Hon. Vance Campbell: Okay.

The Speaker: When we move—

Hon. Vance Campbell: Just a question, Mr. Speaker.

The Speaker: Go ahead.

Hon. Vance Campbell: On the Regulations, I do not think they normally go to Committee.

The Speaker: Yes. The Regulations will be out, but the other two. So, deal with all your clauses, all the business can be done in Committee and when you come back you move the preambles for the two so we can just do everything at one time. Okay?

Hon. Vance Campbell: Okay.

The Speaker: Deputy.

Hon. Vance Campbell: So, again, Mr. Speaker, I would like to move that the Bill entitled Distilleries . . . I am sorry, wrong paper . . . Trade Marks Act 2023 be committed along with the Bill entitled Trade Marks and Service Marks Regulations Amendment and Validation Act 2023.

The Speaker: Correct. Yes.

Deputy.

House in Committee at 2:50 pm

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

COMMITTEE ON BILL

TRADE MARKS ACT 2023

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Trade Marks Act 2023](#).

Minister Campbell, you have the floor.

Hon. Vance Campbell: Thank you, Mr. Chairman. Just getting organised here because—

[Laughter]

Hon. Vance Campbell: —there is a lot of paperwork in front of me.

The Chairman: Oh, yes.

Hon. Vance Campbell: So, give me a second if you do not mind.

The Chairman: Yes, sir.

[Pause]

Hon. Vance Campbell: Mr. Chairman, this is in relation to the Trade Marks Act 2023. I would like to move clauses 1 through 12.

The Chairman: Continue, Minister.

Hon. Vance Campbell: Clause 1 provides the citation for the Bill.

Clause 2 sets out the definitions used in the Bill.

Clause 3 provides the definition of the term “trade mark” for the purposes of the Bill. The term also refers to a collective mark or a certification mark.

Clause 4 provides for a registered trade mark to be a property right with the rights and remedies provided by this Bill.

Clause 5 sets out the grounds pursuant to which the registration of a trade mark will be refused. This includes signs that do not satisfy the definition of trade mark, trade marks with no distinctive character, trade marks that consist exclusively of signs that serve to designate the type of service offered or trade marks that consist exclusively of customary signs in the current language or established practices of the trade.

Clause 6 prohibits the registration of a trade mark that consist of the flag, seal or Arms of Bermuda, the Arms or emblem of any city or town, public authority

or public institution. A trade mark containing a representation of the Royal arms, Royal crown, et cetera, may be registered if the Registrar is satisfied that the requisite consent of His Majesty or the relevant member of the Royal family has been given.

Clause 7 prohibits the registration of a trade mark if there are relative grounds for refusal of registration. Relative grounds for refusal include a likelihood of confusion with an earlier trade mark, that the trade mark is identical with an earlier trade mark, that there are laws that protect the trade mark in the course of a trade, protection of designations of origin or geographical indications and protection by copyright law.

Clause 8 provides the Registrar with the authority to refuse an application with respect to some of the goods and services.

Clause 9 defines “earlier trade mark” for the purposes of the Bill.

Clause 10 provides for raising the relative grounds in opposition proceedings in the case of non-use. In opposition proceedings, the Registrar shall not refuse to register a trade mark due to an earlier trade mark unless the use conditions are met.

Clause 11 empowers the Registrar not to refuse registration of a trade mark based on any relative ground for refusal of registration under clause 7 where there is honest concurrent use of the later trade mark unless objection on such relative ground is raised in opposition proceedings.

Clause 12 provides for regulations that require that relative grounds for refusal of registration are raised in opposition proceedings.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 1 through 12?

There appear to be none.

Minister, you want to move those clauses?

Hon. Vance Campbell: Yes, Mr. Chairman, I move clauses 1 through 12 be approved.

The Chairman: It has been moved that clauses 1 through 12 be approved.

Are there any objections to that?

There appear to be none. Clauses 1 through 12 are approved.

[Motion carried: Clauses 1 through 12 passed.]

The Chairman: Continue, Minister.

Hon. Vance Campbell: Thank you, Mr. Chairman. I now move clauses 13 through 24.

The Chairman: Continue.

Hon. Vance Campbell: Clause 13 establishes that the proprietor of a registered trade mark has an exclusive

right of usage conferred by the registration of the trade mark.

Clause 14 describes what it means to infringe a registered trade mark for the purposes of this Bill.

Clause 15 prohibits the registration of a trade mark in the name of an agent or representative of the proprietor of the trade mark without the proprietor's consent or other justification.

Clause 16 provides the scenarios where a registered trade mark would not be infringed.

Clause 17 entitles the proprietor of a trade mark to prohibit the use of a sign only to the extent that the registration of the trade mark is not liable to be revoked on the basis of non-use when an action for infringement is brought.

Clause 18 provides for the exhaustion of rights conferred by a registered trade mark. The provision entitles the proprietor of a registered trade mark to oppose further dealings in the goods where legitimate reasons exist.

Clause 19 empowers the applicant for a trade mark or the proprietor of a trade mark to issue a disclaimer or limitation on a trade mark or on any specified element of the trade mark.

Clause 20 provides the proprietor of a trade mark with an actionable right over the infringement of a registered trade mark.

Clause 21 empowers the Supreme Court of Bermuda to make an order of erasure where a person is found to have infringed a registered trade mark on a sign.

Clause 22 empowers the Supreme Court of Bermuda to make an order to deliver infringing goods, material or articles to the proprietor of the registered trade mark.

Clause 23 defines "infringing goods," "infringing material" and "infringing articles" for the purposes of the Bill.

Clause 24 provides that an application for an order under clause 22 (order for the delivery up of infringing goods, material or articles) may not be made after the end of the period of six years, except where the proprietor is under a disability or is prevented by fraud or concealment of facts entitling him to apply for an order.

The Chairman: Thank you, Minister.

Are [there] any speakers to clauses 13 through 24?

There appear to be none.

Minister, do you want to move clauses—

Hon. Vance Campbell: Mr. Chairman, I move that clauses 13 through 24 be approved.

The Chairman: It has been moved that clauses 13 through 24 be approved. Are there any objections to that?

There appear to be none. Approved.

[Motion carried: Clauses 13 through 24 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 25 through 40.

The Chairman: Continue, Minister.

Hon. Vance Campbell: Mr. Chairman, clause 25 empowers the Supreme Court of Bermuda to make an order to destroy or forfeit infringing goods, material or articles.

Clause 26 defines a threat of infringement proceedings in a communication for the purpose of the Bill.

Clause 27 defines an actionable threat of infringement proceedings made by a person aggrieved by the threat for the purposes of the Bill.

Clause 28 defines a permitted communication made with respect to an actionable threat of infringement proceedings for the purposes of the Bill.

Clause 29 provides the remedies and defences in respect of an actionable threat where proceedings are brought against the person who made the threat.

Clause 30 prohibits proceedings against a professional adviser in respect of an actionable threat if conditions are met.

Clause 31 provides that a registered trade mark is personal property.

Clause 32 provides for co-ownership of a registered trade mark.

Clause 33 provides the power to transmit the right of ownership of a registered trade mark by assignment, testamentary disposition or operation of law in the same way as other personal or moveable property.

Clause 34 prescribes particular transactions to be entered into the register by a person entitled to an interest in a registered trade mark or any other person claiming to be affected by such a transaction.

Clause 35 prohibits entering the notice of a trust in the register.

Clause 36 applies clauses 31 to 35 and 37 to 40 in relation to an application for the registration of a trade mark.

Clause 37 provides for a licence to use a registered trade mark to be general or limited.

Clause 38 defines "exclusive licence" for the purposes of the Bill.

Clause 39 prohibits a licensee from issuing proceedings for an infringement of the registered trade mark without the consent of the proprietor.

Clause 40 grants a licensee with an exclusive licence with the same rights and remedies as an assignee.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 25 through 40?

There appear to be none.

Minister.

Hon. Vance Campbell: Mr. Chairman, I move clauses 25 through 40 be approved.

The Chairman: It has been moved that clauses 25 through 40 be approved. Are there any objections?
There appear to be none. Approved.

[Motion carried: Clauses 25 through 40 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 41 through 55.

The Chairman: Continue.

Hon. Vance Campbell: Clause 41 provides for an application for registration of a trade mark to be made to the Registrar.

Clause 42 prescribed the date of filing an application for registration of a trade mark to be the date on which all documents, information and payment have been furnished to the Registrar.

Clause 43 prescribes that goods and services will be classified in accordance with the Nice Classification.

Clause 44 provides the person who has filed an application for protection of a trade mark in a Convention country with a right to priority for some or all of the same goods or services in Bermuda.

Clause 45 provides for regulations that confer a right to priority on a person who has filed an application in any country in which the United Kingdom has entered into a treaty, convention, arrangement or engagement for reciprocal protection of trade marks that has been extended to Bermuda.

Clause 46 requires the Registrar to examine whether an application for registration satisfies the requirements of this Bill.

Clause 47 provides the Registrar with the power to publish the application when an application for registration has been accepted.

Clause 48 empowers an applicant for the registration of a trade mark to withdraw the application or to restrict the goods or services covered by the application. Regulations may make provisions for the publication of any amendment that affects the representation of the trade mark or objections.

Clause 49 empowers the Registrar to register a trade mark subject to payment of a prescribed fee within three months from the notice by the Registrar to the applicant of the pending registration.

Clause 50 authorises the Minister to issue regulations for the division or merger of a registration or an application for registration.

Clause 51 defines the duration of the registration of a trade mark for a period of 10 years from the date of the registration and is subject to renewal periods of 10 years.

Clause 52 provides for the renewal of the registration of a trade mark subject to payment of the prescribed renewal fee. Regulations may make provision for the Registrar to inform the proprietor of the date of expiry and the manner of the renewal.

Clause 53 prohibits the alteration of a trade mark in the register during the registration or renewal period.

Clause 54 provides for the surrender of a registered trade mark. Regulations may make provision for the manner and effect of a surrender and for the protection of the interests of other persons with a right in the registered trade mark.

Clause 55 provides the grounds and procedure for the revocation of the registration of a trade mark.

The Chairman: Are there any speakers to clauses 41 through 55? There appear to be none.
Minister.

Hon. Vance Campbell: Mr. Chairman, I move that clauses 41 through 55 be approved.

The Chairman: It has been moved that clauses 41 through 55 be approved. Are there any objections?
There are no objections. Approved.

[Motion carried: Clauses 41 through 55 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 56 through 71.

The Chairman: Continue.

Hon. Vance Campbell: Mr. Chairman, clause 56 provides the grounds for the invalidity of the registration of a trade mark.

Clause 57 provides for the effect of acquiescence of the use of an earlier trade mark or other earlier right.

Clause 58 defines a "collective mark" for the purposes of the Bill.

Clause 59 defines a "certification mark" for the purposes of the Bill.

Clause 60 requires the Registrar to maintain a register of trade marks.

Clause 61 empowers any person with sufficient interest to apply for the rectification of an error or omission in the register.

Clause 62 provides for regulations empowering the Registrar to implement any amended or substituted classification of goods or services for the purposes of the registration of trade marks.

Clause 63 provides for regulations requiring the use of forms for the submission of any notices, statements and other documents or information to the Registrar.

Clause 64 provides the Registrar with the authority to provide information or permit inspection of

documents relating to the application for registration of a trade mark subject to any prescribed restrictions.

Clause 65 provides that the cost and security for costs shall be ordered by the Registrar in any proceedings before him under this Bill.

Clause 66 empowers the Registrar to receive evidence under oath and to have all the powers of a judge of the Court. The Court shall have the power to enforce the orders of the Registrar. Regulations made under subsection (2) may make provision to prescribe the giving of evidence, the powers of the Registrar and the rules applicable to the attendance of witnesses in proceedings before the Registrar under this Bill.

Clause 67 excludes the Registrar or public officer acting on his behalf from liability in consequence of an examination required under the Bill. Furthermore, the Registrar shall not be taken to warrant the validity of the registration of a trade mark.

Clause 68 provides that any act relating to a registered trade mark under this Bill may be done by an authorised agent.

Clause 69 provides for the making of regulations relating to keeping of a register of trade mark agents.

Clause 70 creates an offence of carrying-on business as a registered trade mark agent when the person carrying-on such business is not registered. Conviction for the offence is punishable on summary conviction to a fine not exceeding \$5,000.

Clause 71 provides legal professional privilege for communications with a registered trade mark agent who is also an attorney.

The Chairman: Are there any speakers to clauses 56 through 71? There are none.
Minister.

Hon. Vance Campbell: Mr. Chairman, I move clauses 56 through 71 be approved.

The Chairman: It has been moved that clauses 56 through 71 be approved. Are there any objections?
There are none. Approved.

[Motion carried: Clauses 56 through 71 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 72 through 82.

The Chairman: Continue.

Hon. Vance Campbell: Clause 72 provides for regulations authorised for the Registrar to refuse to recognise a person as a trade mark agent where they have been found guilty of misconduct or have been convicted of describing themselves as a registered trade mark agent or where a person otherwise has been found

guilty of conduct that would result in their name being erased from the register of trade mark agents.

Clause 73 provides for fees under this Bill to be prescribed under the Government Fees Act 1965.

Clause 74 provides the Registry General with the authority to open the register to the public on the days and times that the Minister may provide in regulations.

Clause 75 provides that a person who is registered as proprietor of the trade mark shall be *prima facie* evidence of the validity of the original registration of a trade mark and all subsequent assignments and transmissions.

[Clause] 76 empowers the Supreme Court of Bermuda to issue a certificate of validity of the registration of a trade mark where the validity is contested.

Clause 77 obligates the proprietor with the burden to prove the use of a trade mark in any civil proceedings under this Bill.

Clause 78 empowers the Registrar with the right of appearance in proceedings before the Supreme Court of Bermuda with respect to the revocation of registration of a trade mark, the declaration of the invalidity of the registration of a trade mark or the rectification of the register.

Clause 79 entitles the Minister to appoint a referee to determine any case or matter referred under this Bill in writing as published in the Official Gazette.

Clause 80 provides the Registrar with the authority to refer a notice of opposition and a counter-notice to a referee to decide on his behalf.

Clause 81 provides a referee with the same powers and duties of the Registrar under the Bill or regulations within the scope of his authority.

Clause 82 provides for an appeal from any decision of the Registrar under this Bill to the Supreme Court of Bermuda.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 71 *[sic]* to 82?

There are none.
Minister.

Hon. Vance Campbell: Mr. Chairman, I move—

The Chairman: [Clause] 71.

Hon. Vance Campbell: Clauses 72 through 82 be approved.

The Chairman: Clauses 72 through 82 have been moved to approve. Any objections to that?
There are none.

[Motion carried: Clauses 72 through 82 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 83 through 91.

The Chairman: Continue.

Hon. Vance Campbell: Clause 83 provides the proprietor or licensee of a registered trade mark with the authority to give notice that imported goods, material or articles infringe on the registration of a trade mark and request that the Collector of Customs treat the goods as prohibited.

Clause 84 provides the Collector of Customs and customs officers with the authority to disclose information for the purposes of facilitating any investigation or prosecution of an offence under section 86.

Clause 85 provides the Collector of Customs or a police officer with the authority to apply to the Court for an order for the forfeiture of goods, material or articles in relation to making copies of a trade marked sign.

Clause 86 creates an offence of using a registered trade mark of goods for sale without the authorised consent of the proprietor. Offences such as applying a sign: on packaging, for advertising goods, making materials, et cetera, by a person without the consent of the proprietor also apply. The offences are punishable on summary conviction to imprisonment not exceeding six months or a fine of \$10,000 or both; or on conviction on indictment to imprisonment not exceeding 10 years or a fine of \$50,000 or both.

Clause 87 provides the power for a search warrant to be issued by a magistrate upon application by a police officer, the Collector of Customs or the Registrar, where there are reasonable grounds for believing an offence of an unauthorised use of a trade mark has been committed or is about to be committed in any premises.

Clause 88 creates an offence of knowingly making a false entry in the register of trade marks or making a false copy of an entry in the register or producing in evidence any such thing knowing or having reason to believe it is false, punishable on summary conviction to imprisonment not exceeding six months or to a fine of \$5,000 or both. On conviction on indictment to imprisonment for a term not exceeding two years or to a fine of \$10,000 or both.

Clause 89 creates an offence of falsely representing or making a false representation that a trade mark is registered, punishable on summary conviction by a fine not exceeding \$50,000.

Clause 90 creates an offence of a person using the Royal arms without the authority of His Majesty or a member of the Royal family punishable by injunction and on summary conviction to a fine of \$10,000.

Clause 91 provides for proceedings for an offence under the Bill to be brought against a partnership or if the offence is committed with the consent of a partner, the partnership and partner are to be held liable for the offence. In the case of a body corporate, if an officer of the body corporate consented to the offence, then the officer and the body corporate are liable for the offence.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 83 through 91?

There are none.

Hon. Vance Campbell: Mr. Chairman, I move clauses 83 through 91 be approved.

The Chairman: It has been moved that clauses 83 through 91 be approved. Are there any objections?

There are none. Approved.

[Motion carried: Clauses 83 through 91 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 92 through 101.

The Chairman: Continue.

Hon. Vance Campbell: Clause 92 provides for regulations to prescribe the form of a notice to be given by the proprietor or licensee of a registered trade mark to furnish the Collector of Customs with evidence as specified by the regulations. The regulations may make provision for the proprietor or licensee giving notice to pay such fees, to give such security or indemnify the Collector of Customs for the detention of goods.

Clause 93 provides the Registrar, with the approval of the Minister by regulations, to publish applications for registration of a trade mark and an official periodical journal for industrial property in the Official Gazette.

Clause 94 is a general regulation-making power. It provides for regulations made under the Bill by the Minister to be made subject to the negative resolution procedure except for regulations prescribing relative grounds raised in opposition proceedings which are to be made subject to the affirmative resolution procedure under clause 12.

Clause 95 empowers the Minister to make rules that affect court procedure for the purposes of this Bill with the concurrence of the Chief Justice.

Clause 96 defines the "Madrid Protocol," "Paris Convention" and "Convention country" and provides the Minister with the authority to make regulations as necessary to comply with the requirements of the Paris Convention and Madrid Protocol.

Clause 97 provides that a well-known trade mark that is protected under the Paris Convention is also protected in Bermuda. The proprietor of the trade mark is entitled to restrain by injunction the use of the trade mark in question, subject to the effect of acquiescence under clause 57.

Clause 98 requires that national emblems of Paris Convention countries, such as flags, armorial bearings, official signs or hallmarks shall not be registered without the authorisation of the competent authorities of that country as per Article 6^{ter} of the Paris Convention.

Clause 99 provides for the management and protection of emblems, et cetera, of international organisations and inter-governmental organisations of which one or more Convention countries are members, as per Article 6*ter* of the Paris Convention.

Clause 100 provides for the management and protection of state emblems of a Convention country as per Article 6*ter* of the Paris Convention.

Clause 101 provides for the application of the Madrid Protocol to the Bill.

The Chairman: Thank you, Minister.

[Are there] any speakers to clauses 92 through 101?

There are none.

Hon. Vance Campbell: Mr. Chairman, I move clauses 92 through 101 be approved.

The Chairman: It has been moved that clauses 92 through 101 be approved. Are there any objections?

There are none. Approved.

[Motion carried: Clauses 92 through 101 passed.]

Hon. Vance Campbell: Mr. Chairman, I move clauses 102 and 103.

The Chairman: Continue.

Hon. Vance Campbell: Clause 102 repeals the Trade Marks Act 1974 and provides savings and transitional provisions.

Clause 103 provides for the commencement of the Act.

The Chairman: [Are there] any further speakers?

There are none.

Hon. Vance Campbell: Mr. Chairman, I move Schedule 1, Schedule 2, Schedule 3 and Schedule 4.

The Chairman: [Are there] any objections to approving clauses 102, 103, Schedules 1, 2, 3 and 4? Any objections?

There are none.

Hon. Vance Campbell: Mr. Chairman, I move clauses 102, 103, Schedules 1, 2, 3 and 4 be approved.

The Chairman: We have just done that.

[Motion carried: Clauses 102, 103 and Schedules 1, 2, 3 and 4 passed.]

The Chairman: Thank you, Minister.

That is it.

I want to thank the Minister for—

Hon. Vance Campbell: No, we are not finished.

[Crosstalk]

The Chairman: I'm sorry. I'm sorry, cousin.

Hon. Vance Campbell: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved. [Are there] any objections to that?

There are none.

Hon. Vance Campbell: I will now, Mr. Chairman, with your permission move on to the next Bill and come back and commit both of them at the same time.

The Chairman: Yes. Yes, sir.

COMMITTEE ON BILL

TRADE MARKS AND SERVICE MARKS REGULATIONS AMENDMENT AND VALIDATION ACT 2023

Hon. Vance Campbell: So, Mr. Chairman, just for the general public we are looking at the [Trade Marks and Service Marks Regulations Amendment and Validation Act 2023](#).

The Chairman: Mm-hmm.

Hon. Vance Campbell: Mr. Chairman, I move all 13 clauses, 1 through 13.

The Chairman: Continue.

Hon. Vance Campbell: Mr. Chairman, clause 1 is the citation.

Clause 2 amends regulation 4 of the principal Regulations to make provision for proprietors to have the option to reclassify their goods and services in accordance with the Seventh Schedule which appears in Schedule 1 of the Act. Paragraph (2) is amended to provide for trade marks, registrations before the 1st of January 2017 to be classified in accordance with Part 1 of the Third to Seventh Schedules. Paragraph (3) is amended to provide for service marks registered before the 1st of January 2017 to be classified in accordance with Part II of the Third to Seventh Schedules.

Clause 3 amends regulation 4 of the principal Regulations to make provision for proprietors to have the option to reclassify their goods and services in accordance with the Eighth Schedule which appears in Schedule 2 of the Act. Paragraph (4) is amended to provide for trade mark registrations after the 1st of January 2023 to be classified in accordance with the Eighth Schedule.

Clause 4 amends regulation 5 of the principal Regulations to allow a trade mark or service mark registered under the Second through Sixth Schedules to be converted so that it can be registered under the Third through Seventh Schedules. Paragraph (3) provides for two or more registrations with the same registration date and within the same class of the Seventh Schedule to be amalgamated upon conversion.

Clause 5 amends regulation 5 of the principal Regulations to allow a trade mark or service mark registered under the Second through Sixth Schedules to be converted so that it can be registered under the Third through Eighth Schedules. Paragraph (3) is amended to provide for two or more registrations with the same registration date and within the same class of the Eighth Schedule to be amalgamated upon conversion.

Clause 6 amends regulation 19 of the principal Regulations to provide for a proprietor to seek advice from the Registrar regarding the registrability of a trade mark or service mark under the Eighth Schedule before applying.

Clause 7 amends regulation 20 of the principal Regulations to require that all new applications submitted must be in conformity with one class contained in the Eighth Schedule.

Clause 8 amends regulation 93 of the principal Regulations to allow persons to request a search of the register of trade marks in respect of specified goods and services classified in the Seventh Schedule.

Clause 9 amends regulation 93 of the principal Regulations to allow persons to request a search of the register of trade marks in respect of specified goods and services classified in the Eighth Schedule.

Clause 10 inserts a new Seventh Schedule in the principal Regulations relating to the goods and services registered as trade marks under the classifications provided under the Eleventh Edition of the Nice Classification.

Clause 11 inserts a new Eighth Schedule in the principal Regulations relating to the goods and services registered as trade marks under the classifications provided under the Twelfth Edition of the Nice Classification.

Clause 12 provides for the commencement relating to, and the validation of registrations, under the Seventh Schedule. Paragraph (1) provides for the commencement of sections 2, 4, 8 and 10 of this Act to be deemed to have come into operation on 1 January 2017. The mentioned sections provide for amendments that insert references to the Seventh Schedule in the principal Regulations. Paragraph (2) provides for the validation of all trade marks and service marks registered in purported reliance on the Seventh Schedule.

Clause 13 provides for the commencement relating to provisions and the validation of registrations under the Eighth Schedule. Paragraph (1) provides

for the commencement of sections 3, 5, 9 and 11 of this Act to be deemed to have come into operation on the 1st of January 2023. The sections provide for amendments that insert references to the Eighth Schedule in the principal Regulations. Paragraph (2) provides for the validation of all trade marks and service marks registered in purported reliance on the Eighth Schedule.

The Chairman: Thank you, Minister. Are there any speakers to clauses 1 through 13? There are none.

Hon. Vance Campbell: Mr. Chairman, I move clauses 1 through 13 be approved.

The Chairman: It has been moved that clauses 1 through 13 be approved. Are there any objections? There are none. Approved.

[Motion carried: Clauses 1 through 13 passed.]

Hon. Vance Campbell: Mr. Chairman, I move that the preamble be approved.

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

Hon. Vance Campbell: Mr. Chairman, I move that the Bill entitled Trade Marks Act 2023 and the Bill entitled Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 be reported to the House as printed.

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

Before I report it to the House, I would like to, on behalf of the House, thank all the staff that participated in the drafting of this Bill. The smooth sailing of this Bill is a testament to a Bill well written.

Thank you so much. The Bill will be reported to the House as printed.

[Desk thumping]

[Motion carried: The Trade Marks Act 2023 and the Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 were considered by a Committee of the whole House and passed without amendments.]

House resumed at 3:24 pm

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

REPORT OF COMMITTEE

TRADE MARKS ACT 2023

AND

**TRADE MARKS AND SERVICE MARKS
REGULATIONS AMENDMENT AND
VALIDATION ACT 2023**

The Speaker: Members, are there any objections to the two Bills relating to the trade marks and the . . . yes, to the trade marks and regulations. Are there any objections to them being reported to the House as printed?

There are none. Both matters have been reported as printed.

Thank you, Members, for your participation and I support the comments by the Deputy Speaker in regard to the support to the team that helped to make this Bill what it is today and the smooth sailing of it.

Thank you, Members.

We will now move on to the next item on the Order Paper—

Hon. Vance Campbell: Mr. Speaker, do I do the Government Fees (Trade Marks) Regulations 2023 now? Or does—

The Speaker: No, you do that at the end—

Hon. Vance Campbell: I do that at the end? This is the one that did not go to Committee.

[Pause]

[Crosstalk]

Hon. Vance Campbell: Well, this says that I move that the said draft—

The Speaker: Yes.

Hon. Vance Campbell: Yes, that is correct.

The Speaker: You can do that now.

[Crosstalk]

Hon. Vance Campbell: So, Mr. Speaker, I move that the said draft regulations Government Fees (Trade Marks) Regulations 2023 be approved and a suitable message be sent to Her Excellency the Governor.

The Speaker: The matter has been approved and an appropriate message will be sent to the Governor.

[Motion carried: The Draft Regulations entitled the Government Fees (Trade Marks) Regulations 2023 was approved.]

The Speaker: Thank you, Minister.

Hon. Vance Campbell: Thank you, Mr. Speaker. Thank you, colleagues.

The Speaker: Members, we will now move on to the next item on the Order Paper which is [Order No.] 5, the second reading of the Health Insurance Amendment Act 2023 in the name of the Minister of Health. Minister.

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

Mr. Speaker, I move that the Health Insurance Amendment Act 2023 be now read the second time.

The Speaker: Are there any objections? There are none, continue.

BILL

SECOND READING

HEALTH INSURANCE AMENDMENT ACT 2023

Hon. Kim N. Wilson: Thank you, Mr. Speaker. I plan on being far briefer than my honourable colleague who just took his seat.

Mr. Speaker, this is quite frankly a quick overview with respect to amendments to the Health Insurance Amendment Act 2023 and it is a clarifying amendment. Colleagues will recall on the 24th of September 2021 at the second reading of the Health Insurance Amendment Act 2021 it was passed with no objection. In fact, what this does seek to do is to clarify the position that the House of Assembly took when we passed this Bill the first time, (again, on the 24th of September 2021).

Mr. Speaker, this Bill seeks to amend the Health Insurance Act 1970 to include an additional category of underinsured women in the programme for maternity care and critical maternity health education under the Mutual Reinsurance Fund (MRF).

Mr. Speaker, again, just by way of background, on the 24th of September 2021, the Health Insurance Amendment Act 2021 was introduced which provided *inter alia* enhanced benefits under the health insurance plan that included maternal benefits for our vulnerable women.

Mr. Speaker, the 2021 amendment of the Act provided for a portion of the monthly MRF premium to fund comprehensive maternity care and critical maternity health education for the estimated 130 uninsured women who currently have barriers to accessing perinatal care when going through the process of pregnancy and childbirth.

Mr. Speaker, section 3A(2H) of the Act was amended in 2021 to provide for comprehensive maternity care and critical maternal health education in respect of women who were uninsured. Mr. Speaker, the intent was to ensure equitable access to maternal health services to all uninsured and underinsured women regardless of income, insurance or social status so that all children have an equal and healthy start to life.

Mr. Speaker, closing this coverage gap and ensuring that uninsured women have access to critical health and care services such as a vulnerable point in their lives and the lives of their unborn and newborn children reduces health risks to both mother and child and gives every child the best possible start for healthy development and to achieve a fruitful life.

Mr. Speaker, again, you may recall that the Parliamentary records and the Hansard show that there was consistent and repeated references back in September of 2021 when we debated this Bill to extending this benefit to *all* uninsured and underinsured women who made up part of the debate when we did discuss this in 2021. Mr. Speaker, this Bill today seeks to provide a further clarification at the recommendation of Chambers of the eligibility criteria to ensure that it explicitly includes women who are *underinsured*.

So, Mr. Speaker, underinsured women are those who are insured but their health insurance coverage either does not include maternity care benefits or does not include a maternity care back benefit that is equivalent to that which would enable a woman enrolled in the programme that we passed (again, in September of 2021).

Mr. Speaker, the definition of “insured” in the Act is based on the individual having SHB [Standard Health Benefit] coverage and therefore it implies that uninsured means an individual who does not have SHB. Currently, SHB coverage does not include maternity benefits, so women who do not have this coverage are classified, Mr. Speaker, as underinsured for the comprehensive maternity benefits.

Again, Mr. Speaker, this amendment seeks to clarify the position that, again, was the subject of the debate in September 2021 to ensure that the 130 underinsured and uninsured women in Bermuda that require perinatal care, as well as all of the other maternity care and critical maternity health education that was envisioned in the 2021 Act. So, again, this is a clarifying amendment to ensure that underinsured also goes within the scope as was anticipated when we debated this on the 24th of September 2021.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

MP Jackson.

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

The Speaker: You have the floor.

Ms. Susan E. Jackson: Thank you so much. I stand to my feet to say that I just unequivocally agree and support everything that the Minister is doing with this amendment. It is so important—yes, so important—that every one of our babies and the mothers, the expectant mothers, have an equal chance for a healthy delivery,

birth and upbringing in Bermuda. There is nothing worse than to be on the back foot when you are first beginning your life here in Bermuda as an infant. So, [I] absolutely support this. We have 130 babies that may be in a less attractive situation during pregnancy and so everything that the Government can do to support them to make sure that they have an equal start in Bermuda, in their birth, is super important.

Also, Mr. Speaker, I just wanted to add that with the Government supporting expectant mothers and by validating just how much we care about the unborn child in Bermuda, there is the hope that this kind of support coming from the Government, coming from the people of Bermuda, will just reinforce to expectant mothers that they have a very precious and valuable commodity. That they have an opportunity to now raise them, to deliver them and to have a good balanced start to their lives.

Again, I commend the Minister for making this amendment so that we make sure that no one falls between the cracks and that every expectant mother in Bermuda who needs the care at the maternity stage receives it.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Jackson.

Minister Furbert, would you like to make a contribution?

Hon. Tinee Furbert: Yes, thank you, Mr. Speaker.

The Speaker: Go right ahead.

Hon. Tinee Furbert: Mr. Speaker, I just want to add to . . . or build upon what previous Members have already stated. I think it is important that we do highlight and recognise the importance of this clarification. Minister Wilson has already spoken to the huge major change that we made back in September of 2021. It is important to clarify the difference between underinsured as well as uninsured, Mr. Speaker, and today this is what we are doing.

Mr. Speaker, it is important that this clarification also will close a loophole, particularly us addressing underinsured which, if we did not change it, could lead to pregnancy discrimination. It is important that we address this. And I am glad to say that this Government is addressing this issue. There are many women who, before we made this change, encountered huge debt, daunting debt, when having a child, which could be such a joyous occasion having a child could be. But pregnancy, Mr. Speaker, does not come without risks.

We have spoken about this before. Pregnant women can experience gestational diabetes, high blood pressure, haemorrhaging, blood clots. It does not come without its risks, Mr. Speaker. So, proper maternity coverage, Mr. Speaker, is important to promote the health of women and children.

Mr. Speaker, sometimes pregnancies can be unintended—many can be unintended—and many can be prepared and planned for. It is important that our country recognise proper coverage for maternity benefits. You know, if someone is underinsured or uninsured it can cost someone thousands of dollars. [It can be difficult] to be able to be pay that back and can put someone in significant debt and bankruptcy, Mr. Speaker.

I did not want to leave this Chamber today without recognising what the Progressive Labour Government is doing for women in support of proper, appropriate, welcomed maternal health.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

Any other?

Minister of Health, you can . . .

Hon. Kim N. Wilson: Thank you, Mr. Speaker, and I thank Honourable Members for their contributions.

Mr. Speaker, with that being said I would like to move that this Bill now be committed.

The Speaker: Thank you.

Deputy.

House in Committee at 3:38 pm

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

COMMITTEE ON BILL

HEALTH INSURANCE AMENDMENT ACT 2023

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Health Insurance Amendment Act 2023](#).

Minister Wilson, you have the floor.

Hon. Kim N. Wilson: Thank you, [Mr. Chairman]. With your leave I would like to move all three clauses, please.

The Chairman: Continue, Minister.

Hon. Kim N. Wilson: Mr. [Chairman], the preamble—excuse me, [the] clause-by-clause analysis is that this Bill does seek to amend the Health Insurance Act 1970 to include an additional category of women in the programme for maternity care and critical maternal health education under the Mutual Reinsurance Fund.

Mr. Chairman, clause 1 provides the title of the Bill.

Clause 2 amends section 3A of the Act to provide additional access to the programme by including

insured women whose health insurance does not include maternity care or does not include maternity care equivalent to that provided to women who are enrolled in the programme.

Thank you.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 1 and 2?

There appear to be none.

Minister, [do you] want to move them?

Hon. Kim N. Wilson: Thank you, Mr. Chairman. I would like to move that clauses 1 and 2 be approved.

The Chairman: It has been moved that clauses 1 and 2 be approved.

[Are there] any objections? There are none.

[Motion passed: Clauses 1 and 2 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.

[Are there] any objections to that?

There are none. Approved.

Hon. Kim N. Wilson: Thank you, Mr. Chairman. I move that the Bill be reported to the House as printed.

The Chairman: Are there any objections to the Bill being reported to the House as printed?

No, there are none. The Bill will be reported to the House as printed.

[Motion carried: The Health Insurance Amendment Act 2023 was considered by a Committee of the whole House and passed without amendments.]

The Chairman: Thank you, Minister.

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

House resumed at 3:38 pm

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

REPORT OF COMMITTEE

HEALTH INSURANCE AMENDMENT ACT 2023

The Speaker: Members, are there any objections to the Bill entitled the Health Insurance Amendment Act 2023 being reported to the House as printed?

There are none. The Bill has been reported.

Thank you, Members. We will now move on to [Order] No. 6 which is consideration of the [Bermuda] Immigration and Protection (Prohibition of Entry)

(No. 2) Order 2023 in the name of the Minister of Economy and Labour.

Minister Hayward.

Hon. Jason Hayward: Mr. Speaker, I move that the House now take under consideration the order entitled Bermuda Immigration and Protection (Prohibition of Entry) (No. 2) Order 2023 made by the Minister responsible for Immigration in exercise of the powers conferred by section 26 of the Bermuda Immigration and Protection Act 1956.

The Speaker: Any objections? There are none.
Continue, Minister.

DRAFT ORDER

BERMUDA IMMIGRATION AND PROTECTION (PROHIBITION OF ENTRY) (NO. 2) ORDER 2023

Hon. Jason Hayward: Mr. Speaker, the purpose of this Order is to effect the power of the Minister to declare the landing of nationals from 115 countries to be subject to controls in order to protect Bermuda's borders and our national security.

Mr. Speaker, in presenting the Order it is important to first understand the historical context and recent events. During the period 2011 to 2013, the Department of Immigration issued Bermuda entry visas. All tourist visitors listed on Bermuda's visa controlled nationals list required a Bermuda entry visa, or could apply for a visa waiver, except for visitors from Brazil, Russia, India and China. The visa waiver was not automatic and a fee of \$200 was charged.

Persons on a standard work permit who were visa controlled nationals required a Bermuda entry visa and were not allowed to apply for a visa waiver. Notwithstanding [that] Bermuda's entry visas and visa waivers were being processed by the department there was still the requirement for several visa-controlled nationals to also apply for a multi re-entry visa to transit to the UK, US or Canada. Applications for re-entry visas were made through the various missions and embassies worldwide where checks and balances were thorough and reliable.

Mr. Speaker, on the 1st of March 2014, Bermuda replaced this entry visa and visa waivers with the requirement for all travellers to have a multi re-entry visa for the US, UK or Canada in order to be landed in Bermuda. This policy was adopted in light of the high standard of vetting afforded by these gateway countries' embassies and missions. The policy has ensured that a rigorous vetting is conducted prior to granting authorisation to travel to Bermuda. The policy has served well to protect Bermuda's borders and national security.

Mr. Speaker, protecting Bermuda's borders and its people is of utmost importance to the Government. Bermuda must have a rigorous system in place

to regulate the movement of people into the country. Having a robust system is vital to our shared prosperity and national security.

Mr. Speaker, while this policy has been in place since 2014, the Ministry recently became aware that there were instances in which persons from visa-controlled countries were being landed without the required re-entry visas for the US, UK or Canada. The issue was investigated, and as soon as it was discovered it was determined that it was happening due to a loophole created approximately two years ago when British Airways moved its flight to Bermuda from London's Gatwick to Heathrow Airport. The change of airport permitted visa-controlled nationals to transit through the UK, their side, without a multi re-entry visa. The result is that persons were being landed without any visa controls by local or international authorities. This loophole was only identified by Bermudian authorities this summer.

Mr. Speaker, it should be noted that the change in commercial air service from London to Bermuda which created the loophole (that is, service from Gatwick Airport being replaced by service from Heathrow Airport), could not have been anticipated when Bermuda changed this policy in March 2014. Although the change opened a wide and diverse range of flights connecting for persons travelling to and from Bermuda, it reduced the vetting and security checks that Bermuda relied upon by allowing visa-controlled nationals to transit to Bermuda without visa restrictions.

Mr. Speaker, this loophole created a material border control and security risk for Bermuda. Effectively the loophole resulted in some persons who might not be eligible to enter any gateway countries to enter Bermuda without any security vetting, visa controls, and without travel authorisation to return home via the US, Canada or UK in the event they needed to be repatriated for any reason.

Mr. Speaker, to address the matter urgently, the Minister utilised section 26(3) of the Act which provides that an Order may be made without the need for the affirmative resolution procedure provided the Order is certified by the Governor as urgently required in the public interest. Such an Order is effective for 30 days. The Order was made on the 11th of August 2023 and prior to its expiration an Order No. 2 was certified and gazetted on the 8th of September 2023.

Mr. Speaker, in accordance with section 26(3) of the Act, I now lay the Bermuda Immigration and Protection (Prohibition of Entry) (No. 2) Order 2023 before this Honourable House. Mr. Speaker, to be clear, this Order does not alter the 2014 policy in any way. It merely regularises and reinforces the clarity needed for travellers and the public with respect to Bermuda's border control requirements. The Order is a means to reinforce the intent of the 2014 policy by ensuring that security vetting takes place before an individual arrives in Bermuda and by ensuring that tourist visitors and residents of Bermuda have ready access to the US, UK

and Canada in case of any eventuality requiring repatriation.

Mr. Speaker, it is important to note that the Order requires that the said multi re-entry visa be valid for 45 days after the expiration of a visitor's stay and/or of the work permit. Equally, multi re-entry visa holders have to possess a passport valid for 45 days past the expiration of travel or the work permit. Additionally, officers on duty at the L. F. Wade International Airport proactively vetted travellers' multi re-entry visas and passports and if either or both were not in compliance with the policy, travellers were not granted entry into Bermuda.

With respect to work permit holders, persons who are already resident in Bermuda and possess a valid standard work permit, which does not contain a visa condition but who travelled outside of Bermuda prior to the Order being in effect, will not be affected by the Order. They are permitted to re-enter Bermuda without a multi re-entry visa from Canada, the UK or the US.

Persons who will be first-time residents of Bermuda who possess a valid standard work permit which does not contain a visa condition are also permitted to enter Bermuda. They do not need to provide proof of travel authorisation to enter and re-enter Canada, the UK or the US. Sponsored dependents as defined in the Department of Immigration's current work permit policies who possess valid permission to reside in Bermuda and who are attached to one of the foregoing scenarios will be permitted to re-enter and enter Bermuda as applicable.

In contrast, Mr. Speaker, persons on a short-term work permit, emergency included, must comply with the multi re-entry visa requirements. They must provide proof of travel authorisation to enter and re-enter Canada, the UK and the US upon arrival in Bermuda and the travel authorisation must be valid for 45 days from the date of intended departure from Bermuda. If they do not comply, they will be refused entry.

Mr. Speaker, with respect to Permanent Resident Certificate [PRC] and Residential Certificate [RC] holders from listed countries, they are not affected by the Order. PRCs and RCs who travelled overseas can re-enter Bermuda and do not need a multi re-entry visa for Canada, the UK or the US.

Mr. Speaker, these changes align with the Bermuda immigration reform strategic priority to strengthen the enforcement of laws and policies. The discovery of a loophole in our policy revealed that there was insufficient clarity for the public regarding which nationalities were subject to visa controls to enter Bermuda. The Order now clarifies that concern. Visas are not a perfect solution to the problem of border security, but they are an essential tool that governments can use to protect their borders and citizens.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

Any Member? None?
Minister.

Hon. Jason Hayward: Mr. Speaker, I move that the said draft Order be approved and a suitable message be sent to Her Excellency the Governor.

The Speaker: Are there any objections?

There are none. The Order has been moved and the said documentation will be sent to the Governor.

[Motion carried: The Bermuda Immigration and Protection (Prohibition of Entry) (No. 2) Order 2023 was approved.]

The Speaker: Thank you, Minister.

Members, this moves us on to the next item which is [Order] No. 7, the second reading of Financial Assistance Amendment (No. 2) Act 2023.

Minister.

[Pause]

Hon. Jason Hayward: Mr. Speaker, I move that the Bill entitled the Financial Assistance Amendment (No. 2) Act 2023 be now read a second time.

The Speaker: Are there any objections? There are none, continue, Minister.

BILL

SECOND READING

FINANCIAL ASSISTANCE AMENDMENT (NO. 2) ACT 2023

Hon. Jason Hayward: Mr. Speaker, I rise today to introduce the Bill entitled the Financial Assistance Amendment (No. 2) Act 2023. The purpose of the Bill is to amend the Financial Assistance Act 2001, the principal Act, the Financial Assistance Regulations 2004 and the Financial Assistance Amendment Act 2021.

Mr. Speaker, as the structure of households has changed considerably over the years and is comprised of many different individuals, it has become evident that the definition of households as it currently exists in the Financial Assistance Regulations 2004 is too narrow and could lead to constitutional issues. To address this matter, the definition has been expanded and included in the principal Act. The definition has also been revoked from the Regulations.

Mr. Speaker, to reduce fraud and other non-compliant methods, the principal Act has been amended to provide the Director with powers to retrieve overpaid funds from third parties. The amendment also

authorises the Director to require any third party to repay certain sums of money due to nondisclosure of facts, misrepresentation and fraud. In cases when the Department of Financial Assistance erroneously makes overpayments to vendors for various reasons, it is expected that parties exercise honesty and repay amounts not owed to them. Once informed and the recipient makes no attempt to reimburse the funds, fraud or some aspect of misrepresentation may be suspected which could result in an investigation.

Mr. Speaker, to ensure natural justice a third party aggrieved by the Director's decisions will have the right to appeal to the Financial Assistance Review Board.

Mr. Speaker, safety of the staff within the Department of Financial Assistance is of utmost importance to this Government. As a result, provisions have been included in the Act to ensure the dedicated and hardworking employees have a level of safety while carrying out their duties. The amendments provide that a person who assaults or obstructs any officer authorised by the Director in the performance of his function or uses indecent, abusive, insulting language to any officer authorised by the Director in the performance of his functions, and/or fails to comply with any requirements made by an authorised officer will be deemed to have committed an offence and will be liable on summary conviction of a fine or to imprisonment.

Mr. Speaker, current economic stresses continue to make it difficult for persons on financial assistance to plan their way forward on the pathway to independently sustain their finances. To assist households with more flexibility to retain savings and encourage individuals and families to be financially independent while allowing the means test to remain, the amendment to the Financial Assistance Regulations 2004 include provisions for families to retain up to 50 per cent of child support payments not exceeding a maximum total of \$5,000 in any given period whilst receiving any type of financial assistance award or subsequent award and retain 50 per cent of earnings not to exceed \$5,000 while receiving a financial assistance award or subsequent award. The eligibility requirements have been revised to provide that a person is eligible for an award if the value of their investment and assets owned by the household does not exceed \$5,000. This value of investment and assets has increased from \$500 to \$5,000.

Mr. Speaker, the reason for now allowing families to retain up to 50 per cent of the child support payment is to lessen the burden to families who are already finding it difficult to meet their financial obligations. By allowing parents to have access to some of their personal finances, it is anticipated that the additional income would be used to improve their current situation. In this case, the child support should be used to maintain the children's standard of living and ensure that all

basic needs are addressed. The extra income is not intended for use of parents to settle their own non-child related expenses.

Mr. Speaker, life sometimes throws curve balls. You never know when things are coming. The Government realises that families are sometimes impacted by occurrences that they could not have predicted. In that regard, provisions are being made to allow families to receive in-kind and specific monetary gifts to assist with emergency circumstances.

Mr. Speaker, to effect this change, the definition of "excluded income" has been amended to ensure that a donation or financial gift approved by the Director for other expenses which are not included for the purpose of an award or subsequent award is not factored in the means test. The Director's approval will be based on evidence to corroborate the situation.

Mr. Speaker, this Honourable House may recall that in September 2021 the Financial Assistance Amendment Act 2021, which shall be brought into operation at the same time as this Bill, was passed in the House of Assembly and amendments to the Regulations were to follow thereafter.

Mr. Speaker, changes to the Act also result in the following additional consequential amendments to the Financial Assistance Regulations 2004. The eligibility requirements have been revised to provide that a person is eligible for an award if the value of their investment and assets owned by the household does not exceed \$500. The value of investment and assets have increased from \$500 to \$5,000. The requirements for disabled persons to include a medical opinion as part of their application process as provided in section 7A(1) of the Financial Assistance Amendment Act 2021 and including a new paragraph under section 8 to cover instances where a recipient fails to comply with the conditions of the award or subsequent award.

Finally, Mr. Speaker, this Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette. It is intended for the amendments to be operational on the 1st of April 2024 to ensure internal processes such as updating the new rates in the financial assistance support system are completed for effective implementation.

Mr. Speaker, these amendments fall in alignment with our overall aim of financial assistance reform. The financial assistance reform journey began in earnest in 2021 and we have continued to reform the provisions and benefits set out in the Financial Assistance Act. These are the set of penultimate changes that we will make. There are still changes to come as it pertains to short-term relief benefits that I mentioned in this House previously, Mr. Speaker.

This has been a full-scale commitment from this Government to increase and strengthen social protections for Bermudians and I believe when persons look at the entirety of changes that have been made to the Financial Assistance Act, they will leave with the

[conclusion] that Bermudians in need will be better off after these substantive changes are made.

Not just that they will be better off in terms of the awards that they receive, but also we have put provisions in place that better support persons on their financial assistance journey. We have put provisions in place that ensure that even after people time out there are still a subsequent benefit that those individuals can receive. We have ensured that we have increased eligibility for individual expenses so that the benefits they do receive are in alignment with the cost of living that is currently in Bermuda. We have made it easier, or we have expanded provisions, for parents of children to obtain child daycare allowance. We have put a number of measures in place, and all of these measures are deliberately designed, Mr. Speaker, to better support the people of Bermuda in need.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member . . . MP Foggo, you have the floor.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker. And good day to the people of Bermuda.

Mr. Speaker, having been a single mother. And living through difficulty in terms of taking care of my family, I can attest to the fact that this change, when it comes to financial assistance, is very much welcomed by families. We do have a high cost of living here in Bermuda. And you can imagine with such a high cost of living if a family has \$500 in the bank they sort of end up being penalised because that \$500 does not give them sufficient monies to be able to take care of their household. But the \$500 operated in a way where it became punitive, because if they have \$500-plus or so, they get penalised and cannot get the assistance that is needed. It is the right thing for the Minister to amend the legislation saying that a family can have a savings of up to \$5,000. We should all have some sort of fallback so that if an emergency arises we can use funds to sort of help us out in a difficult situation.

Mr. Speaker, I can say that many constituents of mine have lamented that they felt as though they were being penalised because maybe a situation arose where they had to accept funds from someone and the law was set up in such a way that when they did so they found that they lost their financial assistance, whether it be for a month, two months or three months. And then they suffered further setbacks because when people are in dire straits like that, they find it very difficult to work their way out of that. So, as I said, having a cushion of up to \$5,000 will help them to be able to navigate difficult circumstances should they arise.

Mr. Speaker, I had one mother who worked extremely hard, having two children. When she was paid she found herself in a bracket where she had too much money and she couldn't benefit from certain assistance, but she couldn't make ends meet because the

money that she had was not sufficient to take care of her family and the household requirements.

I think the Minister has been very prudent in this circumstance, because if you live in Bermuda, if you have ever been in a situation where you are trying to manage household requirements and the like, all it does take is a bit of common sense and I guess even, if you will, sensitivity to appreciate when you live in a country where there is a high cost of living that we have to be measured by how we assist families. It is not always the best situation if we rigidly and slavishly adhere to certain regulations which, instead of helping families, actually put them in worse circumstances.

I don't need to speak long. This amendment in the Financial Assistance Act is a move in the right direction, and I think it will help many a family in terms of managing their everyday goings-on in taking care of their household responsibilities and their children. And when you have situations, let's say, they are the recipients of . . . let's say . . . what do you call it? . . . not gamble . . . play bingo, or something like that, do a raffle, and they are the recipient of a \$1,000 monetary award that ends up in their account. They do not have to worry when financial assistance checks their financial records, that because they got this money in their account, now they are going to be punished.

I have to say thank you to the Minister and his Department of Financial Assistance for just applying mere common sense and the right kind of measures that are needed to help our Bermudian families navigate difficulties that we encounter in a country where there is a high cost of living and allow persons in so doing when you put measures like this in place to have a life of dignity.

So, thank you, Mr. Speaker.

The Speaker: Thank you, MP Foggo.

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

Any other Member?

MP Jackson, you have the floor.

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

I just have a few questions. And my questions focus on the sort of criminal element that is being brought into this legislation around basically bad behaviour within the department.

I understand the frustration, the desperation of the vulnerable clients who come into [the offices of] Financial Assistance. And I am by no means defending any negative behaviour that may be exhibited while they are in the offices. But I am just wondering whether the Minister can just give us a brief understanding of how we are crossing a line from managing what may be emotional outbursts. Maybe there are moments of criminal violence, I don't know. But why we are finding through this legislation that rather than any kind of behavioural management, we are kind of moving into a criminal offence when there is very bad behaviour

demonstrated during anybody's time at Financial Assistance?

I guess given the fact that there are so many people who would find themselves in Financial Assistance maybe so frustrated, so defeated, so angry that life is not working well for them right now, I can just imagine . . . I mean, I even think about it for myself how emotionally charged I might be if I were put in a position where, one, I was asking for financial assistance, but then if I was running into any kind of . . . to be honest, bureaucratic frustrations that may come along with that application for financial assistance. So, I can see that there are folks who may have emotional outbursts because they have a difficult time navigating the system.

I guess my question is, Is there any way to maybe make our system a little more simple and uncomplicated, or is there any way that we can further explain the actual steps that a client goes through so that there is not the environment that creates an emotional outburst?

And then there is the idea that we are probably looking at some of the most vulnerable members of our community. I don't know, but I would suspect that when clients enter the Financial Assistance [office] and are making application, we do not really know where their mental health might be. We do not know what their emotional state may be. And so we just have to manage that. I mean, that is part and parcel of the job. And I certainly know that the staff and—

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker.

Ms. Susan E. Jackson: —management work very hard.

The Speaker: Point of order?

POINT OF ORDER

[Misleading]

Hon. Zane J. S. De Silva: I think the Honourable Member is misleading the House, but not intentionally. Right?

I think we have to be careful, Mr. Speaker, not to victimise the victims. We have to be very careful.

Ms. Susan E. Jackson: I don't know. Mr. Speaker—

The Speaker: Continue. Yes. Okay.

Ms. Susan E. Jackson: This is our job. We are public servants. Every single individual in Bermuda . . . and I get it. Right? I get it. There are some difficult personalities out there. But there are people who are going through some really difficult times, and they are finding themselves in the Financial Assistance [Department]. I understand that the staff are going through horrific . . . and they have probably gone through horrific experiences for years, Mr. Speaker. I get that.

I guess my question is, Is there anything we can do before we then make them criminals? They are already suffering, right? They are going to Financial Assistance, and now we are going to, you know, create a criminal element on top of all of this. I do not see how we are helping the situation.

Now, again, Mr. Speaker, I am fully aware that there are characters out there, and maybe we need to be able to—

[Inaudible interjections]

Ms. Susan E. Jackson: We cannot even say that . . . that in the situation of financial assistance that, *Okay, the worst behaved . . . you have to go over and sit in this corner, or . . .* because they are the people that we are here to support.

So, I guess . . . you know, it is a frustrating situation. It is absolutely a momentous job that the Financial Assistance staff, administration, management, have to deal with on a day-to-day basis. I get that. But if there is anything that we might be able to do . . . I don't know what it is. We may have to sit down and have a brain-storming session to figure it out. But if there is anything that we could do before having to make, or introduce a criminal element when behaviour is not up to standard, for those clients who come into Financial Assistance and have outbursts.

I do appreciate, and I am thankful to the Minister that he is exposing that this discomfort is occurring within the department. But I just, again, do not know the breadth of it. I do not know. I mean, certainly, if somebody is going to do something extreme then absolutely . . . you know, call the police and have them in there right now. But when there are emotional, maybe verbal outbursts and things like that, I just feel as that if there was anything, or if the Minister could even just reassure us that they have looked at every other option and that a criminal offence would be the last resort, then fine. We have to trust and accept what the Minister gives us.

But I just am concerned that not only are we dealing with an audience and a group of people who are at the bottom of the barrel and they are in Financial Assistance looking for help, but then we are going to further punish them because they may not appropriately express their frustrations, their desperation. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to make a comment?

Mr. Scott Simmons: Good afternoon, Mr. Speaker.

The Speaker: MP Scott Simmons, you have the floor.

Mr. Scott Simmons: Yes, good afternoon, Mr. Speaker, and certainly good afternoon to Honourable Members.

Mr. Speaker, I listened with interest to the Honourable Member on the other side of the House and this financial issue, financial assistance matter, is a serious matter. And I think that the community that we all live in has mixed views on how we should manage this issue, this matter known as financial assistance. This is a labour Government. We were elected in 1998. We won the Government on the fact that we as a Government saw the significance that those who are most needing in our community have been overlooked, and [we saw the need] to give them a voice and to give them recourse.

Mr. Speaker, I have listened to the Honourable Member, and I recognise that there are those in our community who do not necessarily agree with the institution and the administration of financial assistance. It is a requirement. It is a must in our community as we live it here in Bermuda. I realise that there are those in our community who are doing extremely well, who are in the community see these issues . . . or, see this matter as something that should not be occurring. And if they do feel that we should be giving something, they do believe we give too much.

Mr. Speaker, we have to be a compassionate society. We have to make sure that if we are going to say we shouldn't leave anybody behind, we shouldn't! This particular Financial Assistance Amendment Act 2023 speaks to changes in the existing Act that make timely adjustments to it, amendments, and create the opportunity for there to be a better running environment. That is what you require of your Government. Not just to create Bills just for the sake of doing it, and housekeeping and all the rest. Yes. But there is an expectation that when it is identified that things can be changed in the Ministry, can be changed in law, they are done so.

Now, I do not wish to address the previous speaker, the Honourable Member, in what she said. I think she inadvertently created an atmosphere that made it seem as though the individuals in the Ministry who are administering these particular Financial Assistance regulations and are in a department that is an assistance and helping department, the Minister and the Ministry have a responsibility to create opportunities for those individuals to be protected.

Mr. Speaker, I am the Honourable Member for constituency 32 and I have a very high concentration of seniors in my constituency. Those seniors have called me from time to time and have asked that I would assist them (not to overuse the word) but to join them in going to Financial Assistance and speak on their behalf. And I have done so. I have gone to that department . . . well, the reason that I am bringing that part of it up is that on the occasions when I was there, and I say this specifically, I am not going to address the other issue, but I am going to speak specifically to staffing. And while I was there, in that short period of time waiting in the waiting room with the seniors who I had been with on

numerous occasions, I do have to say that it is quite a job.

A gentleman walked straight through . . . there was security in the department. But the gentleman walked straight through, walked right up to the counter, and said, *I am here to pick up*—and I say this with the greatest respect to everybody—*I am here to pick up my cheque*. And it was just the whole . . . and he demanded it. And you saw the staff react to him. You saw them . . . and this is just one instance of me seeing it. I can just imagine what the staff go through on a regular basis. And this is throughout government.

It is a . . . in government. And I digress slightly, Mr. Speaker, in that the job that they do today, is the job that they are going to be doing tomorrow. The characters may change, or the individuals may change, the client may change, however, they are doing that same job every single day. They encounter all kinds every single day. It is a service industry. As a result of that, we as a Government have a responsibility to see in law a way that we can assist them in doing the job that would also protect them. And make sure that the systems are in place so that they can execute their jobs and do their jobs for the betterment. That is what we are here for. If we can protect them, then let's do so.

So, I feel that in understanding the entire financial piece, the workers are even under increased pressure because they go home and say, *You lot are giving our money to everybody*. So, they are under that pressure. Then we have to deal with the clients who come in there and demand, *Look, I deserve this. I need to have this assistance*. And they do, because we are a caring government. I said that in the beginning, that we do look out for our people. But we have to marry it all up and try to see it for the value that it is. And the Honourable Minister and his Ministry and his department have presented this Bill that specifically addresses issues and matters by amendments to this Act that immediately bring redress, and they look out for what is happening in the Ministry and they create the protections that are absolutely necessary in every case.

Honourable Speaker, I cannot say it enough. The Financial Assistance Department is a department that . . . that . . . it creates feelings in everybody in our community. Everybody feels that everybody should be out working, everybody should be employed, everybody should . . . and the minute that they see hardship or they identify, they say, *Well, why is it that you can't work?* We have to have departments in government that speak to our community, that assist our community and address their social and their financial issues. This happens to be one of them.

But I will say this as a footnote, Mr. Speaker. According to the numbers that I heard, I do believe the Minister brought a Ministerial Statement that spoke specifically to reductions in every . . . at every level. Reductions in what we are paying out, reductions in claims, reductions in this and reductions . . . and that is positive. But I do not think our focus should necessarily

be just on that, on the fact there are [fewer] people walking through the door. Because I am not exactly sure . . . I do believe the economy is rebounding, but I do believe that there is still a need out there. So, let's not focus on the reduction. And I say this with the greatest respect to everyone. Let's not focus necessarily on the reduction of the numbers. It is a positive thing. We are spending less money. So, the Minister of Finance and the Minister are excited about that. However, we cannot . . . and we must, as a labour Government, continue to focus in on the well-being of our community and make sure that we continue to support and serve that community.

I would like to thank the Minister for presenting what he has. He has brought it to this House. I see that he has his support staff with him, those from the Financial Assistance and all those in the Ministry. We do appreciate them. I believe the Permanent Secretary was here earlier. I think that we . . . oh, she is here. We absolutely have to acknowledge the fact that this team . . . it is a difficult job.

I will finish where I started. It is a tough job. We have to support them. We have to put in legislation that assists them in the job that they are doing. And if I can implore everyone in our community to understand that while we say that we are the most affluent country in the world, highest incomes, there is a price to pay for that status. And we cannot and we should not forget those in our community who need our assistance and provide that assistance.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP Simmons.

MP De Silva, would you like your time on the floor?

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

The Speaker: Go right ahead.

Hon. Zane J. S. De Silva: Thank you very much.

I would like to start where my honourable colleague Scott Simmons left off, talking about the staff of Financial Assistance. Which is one of the reasons, probably the most important reason, we are here today. As a former Minister who had Financial Assistance under my remit, Mr. Speaker, I have had a little experience with talking to the staff and some of the experiences they went through. So, this is a welcome legislation. Long overdue.

We have a lot of government departments throughout the Island. The staff that run the Financial Assistance Department probably put up with more abuse than any other department in the country. So, when you see legislation coming before this House that will assist them, and hopefully deter people from treating them in ways that they should not be treated at all for just trying to do their job, [this legislation] is welcome.

I was a little disappointed in my colleague across the floor, the Honourable Member Susan Jackson. Especially when, you know, we have to be careful how we use words in this House, like *bottom of the barrel*. Because we have many people who go to Financial Assistance and go to family members who may be struggling for one reason or another. I do not think we have to class them in that way. We should not do that.

An Hon. Member: We should respect them.

Hon. Zane J. S. De Silva: We should definitely respect them. Now, having said that we should respect them, it does not give them the right to go and abuse staff at Financial Assistance. Which is why this legislation is being brought here today.

So, Mr. Speaker, the only thing I would like to emphasise whilst I am on my feet is the staff, again. And I would like to thank all of them. Not only the ones who are here today, but there are others who are manning the post as we speak. So, I would like to thank them for the awesome job that they do and give them all the support that they need from us and this House. So, thank you all for doing the great job that you do.

The Speaker: Thank you, Honourable Member.

Deputy Speaker, would you like to make a contribution?

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

The Speaker: Sure.

Hon. Derrick V. Burgess, Sr.: Ever so briefly, Mr. Speaker.

We must do all we can to protect our staff because without them there would be no processing of these benefits. Mr. Speaker, I have heard from some staff who have been called on the phone, not necessarily this department, in other government departments also that have been . . . profanity has been the choice of words. That is not called for. As I know, when folks go for benefits, they are handled properly.

I have been to Financial Assistance with a couple of our folks, and every time I have been there, we have been treated with courtesy and [kindness], Mr. Speaker. So, I don't have any complaints against the staff. I do not think I would want that job because it is difficult dealing with our people.

And you know, Mr. Speaker, what happens a lot of time? A lot of our people who pay their taxes, get annoyed when people who have not contributed to this fund, or any fund in Bermuda, go to these . . . and get financial assistance. And they really demand when they really haven't paid any taxes at all, even like for a non-contributory pension. So, I take my hat off to the staff because no one should take abuse in the course of their duty.

Mr. Speaker, if the policeman, if you handled him wrong, you used profanity, they can lock you up, or charge you, or put a charge on you. Our people who work in Financial Assistance cannot do that. So, this Bill protects them, helps them. Because we want our people to feel comfortable. You know, I do not want any of my children, grandchildren, cousins, to be subject to any abuse in the course of their duty. Because if you get your first customer of the day who comes in there and mishandles our people, that can . . . they have feelings too. That can mess them up for the rest of the day. You know? They are not entitled to that.

We would urge all those who go for any type of assistance—not only assistance, but any type of service from employees in government, or anywhere—treat them with kindness. Respect is non-negotiable. You cannot negotiate respect. We have got to respect our folks, Mr. Speaker.

Thank you so much.

The Speaker: Thank you, Deputy [Speaker].
MP Pearman.

Mr. Scott Pearman: Yes, Mr. Speaker.

I think, with the greatest respect to the Member who just took his seat, the Bill is a little bit more nefarious than that. What this Bill says is that if you use (quote) “insulting language,” you can go to prison for six months. Well, I do not think this House should be sending people to prison—

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

Mr. Scott Pearman: —when they exercise their right of free speech. I am sorry.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, the Bill does not say you *shall*. It is the discretion of the magistrate or the judge. If it said *shall*, then the Honourable Member would be correct. But it does not say that.

[Inaudible interjections]

Mr. Scott Pearman: It is a very slippery slope, Mr. Speaker, when we criminalise free speech. And I think that the Members of the House, on both sides of the aisle, should stand back and pause—

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker. Point of order.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Hon. Zane J. S. De Silva: The Honourable Member is certainly misleading the House. He just said *when you punish free speech*.

[Inaudible interjections]

An Hon. Member: Criminalise.

Hon. Zane J. S. De Silva: When you get . . . worse, when you *criminalise* free speech. That’s not free speech, Mr. Speaker, when you abuse people who are responsible for paying you.

[Inaudible interjections]

The Speaker: Okay.

Hon. Zane J. S. De Silva: The next thing—

The Speaker: Okay.

Mr. Scott Pearman: Mr. Speaker, it is not actually a point of order from MP De Silva, but there is no surprise there.

The Speaker: Go on. Speak to the Chair.

Mr. Scott Pearman: What the Bill says, Mr. Speaker, and I quote with your leave, *uses indecent, abusive or insulting language*. (End quote) And it then provides for a summary offence including conviction to a fine of \$1,500 to imprisonment—imprisonment—or six months.

[Inaudible interjections]

Mr. Scott Pearman: So if someone uses insulting language, someone gets upset . . . let’s talk about the people who are here. Right? They are in Financial Assistance because they are struggling. And if they get upset, and they use a swear word or a curse word, we are going to send them to prison? That is fundamentally wrong. I would respectfully advise . . . I would respectfully request that the Government consider removing “insulting language” from (3)(B)(b). That is all that needs doing. We should not criminalise free speech. I am sure it was an oversight. I hope it will be remedied.

[Inaudible interjections]

The Speaker: Thank you.

Does any . . . Members. Members. The comments come this way.

Does anybody else want to contribute to the debate?

No one.
Minister.

Hon. Jason Hayward: Mr. Speaker.

The Speaker: Yes.

Hon. Jason Hayward: It is unfortunate that we are here today to talk about how we are better supporting people who actually need assistance and better empowering people who need assistance, and it has dovetailed into—

[Inaudible interjections]

The Speaker: Let the Minister speak. The Minister is speaking to the Chair. Let him speak this way.

Hon. Jason Hayward: —a conversation regarding behaviours. But here is what I will say: I want to again repeat the line and length of my colleagues in terms of thanking the officers of the Department of Financial Assistance for the hard work that they do. They are extremely empathetic to the needs of their clients. A lot of them have developed very strong relationships with their clients and have supported their clients on every single step of the way in terms of their empowerment journey.

We are not trying to criminalise individuals, but we do need to set a standard of behaviour and it is very difficult for the staff to swallow that some people who will get enhanced benefits underneath the changes that we are making, can come in and exhibit horrible behaviour.

Mr. Speaker, sometimes you have to help people to help themselves. And deterrents need to be put in place at times. If this was not the observation, then we would not be going down this particular road. We know that when persons go in front of the magistrate for a number of offences, the magistrate exercises leniency based on the situation. And if the situation warrants specific punishments, certainly the magistrate will be measured. But it should not be for the department to try to adjudicate whether or not that person who behaved badly on Monday should be able to return back on Thursday and behave in the exact same way. The fact that we have to put security in the department speaks volumes.

That is not a department that collects funds. So what is the security guard securing? They are protecting the staff from various behaviours. So this is balanced, where we are giving that exact same individual tools where they can better able empower themselves, giving them greater level of assistance but on the backend we are asking them, *You have to conduct*

yourself in an orderly manner or else there are consequences to that. And I think that is extremely fair. That is extremely fair and that is extremely balanced.

But on top of that, notwithstanding the staff, I brought in the annual reports where the staff has increased its capacity to provide social assistance. We are strengthening the social work team. Why are we strengthening the social work team? Because we are not just focused on administering benefits. We are focused on empowering and improving persons and helping them along their journey. We are focused on being proactive and going out there and going to senior's houses and helping them when they are in need, when they cannot come in and fill out their assessments. Officers go into rest homes. Officers go into homes to assist them.

And the negative behaviours are not just experienced in the department. It is also when an officer has to go out on call and enter somebody's premises and is put in harm's way because the officer may encounter or find persons who are living in a dwelling that they should not be living in. There are a number of scenarios and so I do not want to the public just be painted that somebody walks into a department and is on the phone irate. There are a number of scenarios where officers have to interact with people in the community and those officers should be protected in their roles and functions.

But the big picture here is that this Government is focused on strengthening social protection and we have demonstrated that with this particular piece of legislation and these changes that will come. That is the big picture. And our people will be better off. And let's be clear. The majority of people who will benefit and continue to benefit from financial assistance are our seniors and disabled individuals, by far.

And I am pleased when I have to report today that the number of low-income earners and able-bodied persons on financial assistance has declined, highlighting that we have empowered people where the majority of persons who are now off of financial assistance can be primarily attributed to those persons not being eligible because they have found employment. Even when we have to report that there were persons who were timing out and had to go on the shorter-term benefit that we created, we found out that persons transitioned from financial assistance to employment rather than the subsequent benefit.

We will continue to strengthen our internal procedures so that we have the most effective outcomes. And the most effective outcomes to us are empowered individuals. And we accept that some of our seniors and disabled persons will be on financial assistance for the remainder of their life's journey. And we want to ensure that those persons are well supported in that journey.

With that said, Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy [Speaker].

House in Committee at 4:38 pm

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

COMMITTEE ON BILL**FINANCIAL ASSISTANCE AMENDMENT (NO. 2)
ACT 2023**

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Financial Assistance Amendment \(No. 2\) Act 2023](#).

Minister Hayward, you have the floor.

Hon. Jason Hayward: Mr. Chairman, I want to move clauses 1 through 3.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, this Bill seeks to amend the Employment . . . Apologies, Mr. Chairman.

[Pause]

The Chairman: Are you looking for the Act?

Hon. Jason Hayward: Yes.

The Chairman: The Whip has one for you.

Hon. Jason Hayward: Thank you.

Mr. Chairman, this Bill seeks to amend the Financial Assistance Amendment Act [2001] to provide consequential amendments to the Financial Assistance Regulations 2004 and to make related amendments to the Financial Assistance Amendment Act 2021.

Clause 1 provides the citation of the Bill.

Clause 2 amends section 2 of the principal Act by inserting a new definition of “applicant,” “household” and “third party.”

Clause 3 amends section 4 of the principal Act to give the Director the power to require a third party to attend at such specified time and place to investigate matters relating to funds paid to a third party. Clause 3 makes it a summary offence if a person assaults or obstructs or uses indecent abusive words or insulting language to any authorised officer in the performance of his functions under this clause. Clause 3 also makes it a summary offence if a person fails to comply with any requirements made by an authorised officer under this clause.

The Chairman: Are there any further speakers to clauses 1 through 3?

There appear to be none.

Minister, do you want to move clauses 1 through 3?

Hon. Jason Hayward: [INAUDIBLE]

The Chairman: It has been moved that clauses 1 through 3 be approved.

Are there any objections to that?

There are none; approved.

[Motion carried: Clauses 1 through 3 passed.]

Hon. Jason Hayward: Mr. Chairman, I want to move clauses 4 through 7.

The Chairman: Continue.

Hon. Jason Hayward: Clause 4 amends section 13 of the principal Act to provide the Director with the power to require a third party to repay any sum of money improperly paid by the Department of Financial Assistance on behalf of a recipient. Clause 4 also provides that the Director may suspend further payments to the third party until such funds have been repaid.

Clause 5 amends section 14 of the principal Act to provide a right of appeal for third parties.

Clause 6 provides for consequential and related amendments to the Financial Assistance Regulations 2004 and the Financial Assistance Amendment Act 2021.

Clause 7 provides for the commencement— and I just want to clarify that in the brief I said the commencement was the 1st of April and it is the 1st of March 2024.

The Chairman: Thank you, Minister.

Are there any speakers to clauses 4 through 7?

There appear to be none.

Minister, you want to move them?

Hon. Jason Hayward: Mr. Chairman, I would like to move clauses 4 through 7.

The Chairman: It has been moved that clauses 4 through 7 be approved.

Are there any objections to that?

There are no objections. Clauses 4 through 7 are approved.

[Motion carried: Clauses 4 through 7 passed.]

Hon. Jason Hayward: Mr. Chairman, I would like to move the Schedule.

[Crosstalk]

The Chairman: I don't see a Schedule. There isn't a Schedule in here.

Hon. Jason Hayward: On page 5 of the Act.

The Chairman: Oh, yes. Continue.

You want to move . . . oh, yes.

It has been moved that the Schedule be approved. Any objections to that?

There are none.

The Schedule is approved, Minister.

[Motion carried: The Schedule passed.]

Hon. Jason Hayward: Mr. Chairman, I would like to move the preamble.

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

Are there any objections to that?

There are no objections to that. The preamble is approved.

Hon. Jason Hayward: Mr. Chairman, I move that the Bill be reported to the House as printed.

The Chairman: Are there any objections to the Bill being reported to the House as printed?

There are none.

The Bill will be reported to the House as printed.

Thank you, Minister. And thank your staff for the job that you do. I do not envy your job but thank you again on behalf of the House.

[Motion carried: The Financial Assistance Amendment (No. 2) Act 2023 was considered by a Committee of the whole House and passed without amendments.]

House resumed at 4:44 pm

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

REPORT OF COMMITTEE

FINANCIAL ASSISTANCE AMENDMENT (NO. 2) ACT 2023

The Speaker: Good afternoon, Members.

Are there any objections to the Bill entitled the Financial Assistance Amendment (No. 2) Act 2023 being reported to the House as printed?

There are none.

The [Bill] has been reported as printed.

This moves us to [Order No] 8, the second reading of the National Training Board Amendment Act 2023 in the name of the Minister of Economy and Labour.

Minister.

Hon. Jason Hayward: Mr. Speaker, I move that the Bill entitled the National Training Board Amendment Act 2023 be now read the second time.

The Speaker: Are there any objections?

There are none, continue Minister.

BILL

SECOND READING

NATIONAL TRAINING BOARD AMENDMENT ACT 2023

Hon. Jason Hayward: Mr. Speaker, the purpose of this Bill is to rename the National Training Board as the National Certification and Apprenticeship Board and to coordinate apprenticeship programmes and national certification.

Mr. Speaker, in February [2018] the Government introduced the Bermuda National Workforce Development Plan which recommended that division of the National Training Board into two distinct entities: The National Workforce Development Board and the Occupational Advisory Committee [OAC].

Mr. Speaker, this recommendation aimed to enhance strategic collaboration between Workforce Development entities and the business community creating opportunities for businesses to engage in education and training. Regrettably, Mr. Speaker, this recommendation was never put into practise and the National Training Board continued to operate without the desired clarity and [was] unable to provide advice to the Minister of Economy and Labour on Bermuda's Workforce Development Strategy and to administer national certifications or promote apprenticeships programmes. In light of these challenges, and the importance of aligning our Workforce Development system with the needs of our industries, the legislative amendments proposed in this Bill create the National Certification and Apprenticeship Board, alongside which will operate a non-statutory National Workforce Advisory Board. These two boards will operate independently with neither reporting to each other.

Mr. Speaker, the Bill renames the National Training Board as the National Certification and Apprenticeship Board. This Board will now function as a central hub for coordination, collaboration and development of apprenticeship programmes and national certification. This certification and apprenticeship board will be responsible for the streamlining of the national certification process and maintain the national register of tradespersons in designated and non-designated trades.

Mr. Speaker, the work of the newly established National Certification and Apprenticeship Board is critical to enhancing apprenticeship programmes and national certification in order to improve employment opportunities within our workforce. It is imperative that the Government work in harmony with workforce stakeholders and the new approach will be instrumental in achieving this goal.

Mr. Speaker, renaming the National Training Board as the National Certification and Apprenticeship

Board impacts a number of related statutes such as the Bermuda College Act 1974, the National Occupational Certification Act 2004, and several associated regulations, [such as] the Government Fees Regulations 1976. To effect the proposed changes, consequential amendments are detailed in the Bill's Schedule.

Mr. Speaker, to conclude, as we navigate the challenges and opportunities of the 21st century, it has become increasingly evident that the strength of our nation lies in the skills and capabilities of its workforce. In an era defined by technological advancements, automation, and rapidly evolving industries, it is imperative that we take proactive steps to ensure that our workforce is equipped with the knowledge and skills required to drive and innovate. The legislative changes proposed in the National Training Board Amendment [Act] 2023 mark a significant step forward in our ongoing commitment to foster a highly skilled and adaptive workforce in Bermuda. We believe that this approach will not only benefit our local industries but will also provide our people with the tools and opportunities they need to succeed in the ever-evolving job market.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

MP Pearman.

Mr. Scott Pearman: Yes, thank you, Mr. Speaker.

I am mindful of the length of the Order Paper; I can be quite quick. I just have a few questions for the Minister. Obviously, we are at an age now, given commerce and business and job markets where training is not merely important, it is essential. And there is a sense, even from people my age, and I don't consider myself that old, but—

Hon. Derrick V. Burgess, Sr.: Well, you are.

Mr. Scott Pearman: I am reliably informed by MP Derrick Burgess that I am. So I will take it. I will take it.

But the technology is just moving so fast and jobs that exist today will not exist in 10 years. And jobs that exist in 10 years do not exist today. And it really is . . . training is right at the cornerstone.

The two questions I have for the Minister on this Bill are very simple questions, I guess. First of all, what trades do you envisage being registered? I mean, is it all trades or are there certain trades? Could you just elaborate upon that at a very high level? And then secondly, what do you envisage the certification will be anchored to? Is it going to be anchored to City and Guilds or to a particular body or organisation, or is it going to be freestanding?

Thank you very much. Those are our only questions. And we have no questions in Committee.

The Speaker: Thank you.

Any further?
MP Foggo.

Ms. Lovitta F. Foggo: Yes. Good day, Mr. Speaker.

This proposed change coming from the Ministry of Economy and Labour is definitely a move in the right direction. In a time where, yes, technology has a major impact on work, I think it is crucial that the Minister design this Board in a way to give them more, I guess, laser focus on certain workforces. For instance, having once served on the National Training Board, and to having oversight of that same Board at a point in time, quite often those officers were burdened more with sometimes administrative stuff and were not able to focus their energies in a way that would allow them to give the input that is always needed in enhancing persons in their trade. So, changing this into a Board that will ensure that our young people get current, more up-to-date training and apprenticeships in areas that will keep them skilled for this 21st century is key for ensuring they remain marketable in a community where we see change is all . . . constant.

Mr. Speaker, giving them also the oversight to, in terms of certification, you are looking at people who are well-versed and highly trained within certain areas and if they are able to keep a better vantage point of who is operating in that industry, it certainly furnishes the Minister and his team with the information that is needed to ensure that the workforce that is being promoted is one indeed that is more responsive to the community needs.

And so, again, this is a move in the right direction. To me, it empowers the officers on the Training Board in the way in which they need to be empowered, and it demonstrates that this Ministry is sharply focused on what needs to happen in terms of work and the workplace in this current 21st century.

So, with those few comments, Mr. Speaker, I want to thank his team and I want to thank the Minister for making these changes to ensure that we keep our people, ultimately, employed and tooled in a way that they do not have to worry about whether or not they are going to have jobs in their respective fields.

Thank you, Mr. Speaker.

The Speaker: Thank you, MP.

Does any other Member wish to make a contribution?

Any other?
There are none.
Minister.

Hon. Jason Hayward: Thank you, Mr. Speaker.

Mr. Speaker, as it pertains to the trades, we have designated and non-designated trades in Bermuda. At this point in time, the four designated trades are welding, electrical, automotive and landscape gardening. It is the aim to expand the number of designated trades. But then this Board would also be looking

at those areas that are non-designated trades as well to see how we can improve our human resource capacity in those particular areas.

As it pertains to certification, I am glad that the Member asked that question because that is what we need our skilled board to provide the clarity on. Which are the best certifications for each of these skilled trade occupational categories? Right now City and Guilds is a leading certification and it is important that we have a certification process in place that is in alignment with our educational system so that if our young people are getting credits in their middle school and high school journey, and then they go up to Bermuda College and get a degree, when they get into industry and they want to become certified, that there is continuity with the education that they have received along that particular journey. And so the Occupational Advisory Committees will be primarily responsible for creating the pathways that we require.

In this ever-changing world of work, skilled trades will remain constant. And what we have seen is an overall decline in the number of Bermudians who are entering into those occupational categories, notwithstanding that those occupational categories compensate favourably and there are high levels of remuneration in those and [they] create opportunities for entrepreneurship and small business growth in our economy. And so we do want to create a pipeline of individuals who are going into skilled trades and it will be directly aligned where the Government is going with converting some schools into signature schools that will also look at skilled trades.

What we learned from the whole Workforce Development Plan experience is that if we do not start our young people on the career pipeline at a very early age, then it is a bit late once they finish school. And so what we want to do is embark on a journey where those individuals get on that pipeline early. We also want to ensure that there are certification equivalents so that when if we demand . . . if there is a skills gap between what our society possesses and what is demanded by industry, and we have to bring in individuals to fill that skills gap, that their certifications are certifications of equivalence with our particular economy.

And so with that said, Mr. Speaker, I will move that this Bill be committed.

The Speaker: Thank you, Minister.
Deputy [Speaker].

House in Committee at 4:57 pm

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

COMMITTEE ON BILL

NATIONAL TRAINING BOARD AMENDMENT ACT 2023

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [National Training Board Amendment Act 2023](#).

Minister Hayward, you have the floor.

Hon. Jason Hayward: Mr. Chairman, I move clauses 1 through 10.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Mr. Chairman, clause 1 provides the citation of the Bill.

Clause 2 amends the title of the principal Act from the National Training Board Act 1997 to the National Certification and Apprenticeship Board Act 1997.

Clause 3 amends section 2 of the principal Act by changing the title of the National Training Board to the National Certification and Apprenticeship Board.

Clause 4 amends the heading of Part II of the principal Act by changing the title to the National Certification and Apprenticeship Board.

Clause 5 amends section 3 of the principal Act by changing the title to the National Certification and Apprenticeship Board.

Clause 6 repeals section 3A of the principal Act.

Clause 7 amends section 4 of the principal Act by inserting additional functions of the Board to produce and maintain a national register of tradespersons, including for designated and non-designated trades to streamline and revise the national certification process in accordance with best industry practices to provide for the enhancement and development of academic standings of the programmes of the Department of Workforce Development and create a comprehensive prior learning assessment and recognition of prior learning policy to formally frame a process for this means of assessment.

Clause 8 amends the First Schedule to the principal Act by changing the title to the National Certification and Apprenticeship Board.

Clause 9 provides for consequential and related amendments.

Clause 10 provides the commencement of the Bill.

The Chairman: Thank you, Minister.
Any speakers to the Bill, clauses 1 through 10?
No speakers.
Minister.

Hon. Jason Hayward: Mr. Chairman, I move that clauses 1 through 10 be approved.

The Chairman: It has been moved that clauses 1 through 10 be approved.

Are there any objections to that?

There are none; approved.

[Motion carried: Clauses 1 through 10 passed.]

Hon. Jason Hayward: Mr. Chairman, I now move that the Schedule be approved.

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

Are there any objections to that?

There are none; approved.

[Motion carried: The Schedule passed.]

Hon. Jason Hayward: Mr. Chairman, I move that the preamble be approved.

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

Are there any objections to that?

There are none; approved.

Hon. Jason Hayward: Mr. Chairman, I move that the Bill entitled the National Training Board Amendment Act 2023 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 are no objections to that.

I would like to thank the National Training Board staff and the chief drafter from Flatts (but she lives in Hamilton Parish). You all do a great job. Thank you.

The Bill will be reported to the House.

[Motion carried: The National Training Board Amendment Act 2023 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: Mr. Speaker.

House resumed at 5:00 pm

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

REPORT OF COMMITTEE

NATIONAL TRAINING BOARD AMENDMENT ACT 2023

The Speaker: Good afternoon, Members.

Are there any objections to the Bill entitled the National Training Board Amendment Act 2023 being reported to the House as printed?

There are none.

The Bill has been reported as printed.

Thank you, Members.

This now moves us onto the next item, which is [Order No.] 9, the second reading of Employment (Protection of Employee Tips and Other Gratuities)

Amendment Act 2023, also in name of the Minister of Economy and Labour.

Minister.

Hon. Jason Hayward: Mr. Speaker, I move that the Bill entitled the Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023 be now read a second time.

The Speaker: Are there any objections?

There are none.

Continue, Minister.

BILL

SECOND READING

EMPLOYMENT (PROTECTION OF EMPLOYEE TIPS AND OTHER GRATUITIES) AMENDMENT ACT 2023

Hon. Jason Hayward: Mr. Speaker, the purpose of this Bill is to amend the Employment Act 2000, the principal Act, to provide for the protection of employee tips and other gratuities. This amendment Act follows the Ministry's commitment to ensuring that employees receive the tips and gratuities intended for them for the service they provide, and that employers and others who do not perform the same work are prohibited from sharing in the tip pool or the redistribution of other gratuities.

Mr. Speaker, the commitment to regularise the fair distribution of employee tips and other gratuities for those whose income is heavily reliant on the same has been on the agenda of the Labour Advisory Council (LAC) for some time. Mr. Speaker, as Honourable Members will be aware, the Labour Advisory Council is a tripartite committee consisting of workers, employers and government representatives, chaired by myself.

Mr. Speaker, the principal Act sets the minimum requirements for employment relationships within Bermuda. However, there remain areas within the principal Act that are out of step when compared to examples in other jurisdictions, such as Ontario and the United Kingdom, and are not in keeping with the International Labour Organization's standard for best practice.

Mr. Speaker, currently the principal Act does not provide for the protection and fair distribution of tips and other gratuities in the workplace. As a result, there is no recourse for employees who do not receive their share of tips and other gratuities reflective of the services they provide.

Mr. Speaker, Members have brought to the LAC examples of employers who take from the tip pool and other gratuities and put this money, which should be going to their employees, back into the employers' business. Additionally, the Ministry had been made aware of establishments that permit employers and

employees who do not perform, to a substantial degree, the same work performed by other employees to share in the tip pool and redistribution of other gratuities.

Mr. Speaker, this Bill provides that no employer (or in the case of a body corporate no director or shareholder of an employer) may share in the tips and other tip pools or in the redistribution of other gratuities unless he regularly performs to a substantial degree the same work performed by some or all of the employer's employees or employees of other employers within the same industry who commonly receive or who share in the tip pool or other gratuities.

Mr. Speaker, this Bill provides for the Minister to issue guidance for determining whether work is performed to a substantial degree. Additionally, Mr. Speaker, this Bill provides for the Minister to issue guidance for the purpose of promoting fairness and transparency in relation to the management, protection and distribution of tips and other gratuities.

Employers and their representative employees and unions are encouraged to address any concerns with regard to the guidance to be issued with the Department of Labour prior to the commencement date of 1 March 2024. This is to ensure that any guidance so issued is robust and takes into consideration the views of those who will be impacted by this Bill.

Mr. Speaker, this Bill provides for a definition of tips and other gratuities [and] clarifies the distinction between the two. This will aid adherence to the Employment (Minimum Hourly Wage) Order 2023.

Mr. Speaker, this Bill provides that an employer is prohibited from withholding tips or other gratuities from an employee, from making a deduction from an employee's tips or other gratuities or causing an employee to give his tips or other gratuities to the employer unless authorised to do so by statute or an order of the courts or Tribunal. Additionally, this Bill provides that an employer may not cause an employee to give up their tips, withhold or make deductions from any tips or make any other arrangements for the collection or redistribution of tips.

Mr. Speaker, this Bill provides for the retention of records by an employer for a period up to three years to show that the employer is complying with the obligation to receive and redistribute other gratuities to its employees. Additionally, this Bill provides for an employee to request access to the records that show the amount of other gratuities paid to the employer, as well as the amount of other gratuities that the employer redistributed to the employee, other employees and such other persons that may be permitted to share in the redistribution of other gratuities.

Mr. Speaker, an integral part of the regulatory framework of this Bill is the requirement for employers whose employees commonly receive tips and other gratuities, or whose business is in an industry or sector within which employees commonly receive tips or other

gratuities, to have a clearly written policy statement outlining how tips and other gratuities are to be managed, protected and fairly distributed.

Mr. Speaker, the business's policy statement will also set out the following in clear and unambiguous terms:

1. whether the employer encourages or requires customers to pay tips or other gratuities;
2. whether a tip pool is permitted at the workplace;
3. how the gratuities are collected and redistributed, including the period of redistribution, the employees or other persons included in the redistribution, how other gratuities are redistributed when an employee is on leave and whether any payment arrangement exists;
4. where a payment arrangement exists, how gratuities are received, the identity of the persons responsible for their receipt; and how other gratuities received under a payment arrangement are allocated.

Mr. Speaker, the policy statement shall be presented to each employee on the commencement of their employment and there shall be procedures in place to assist every employee in understanding the policy statement. Any employer who contravenes this shall be liable to a civil penalty as may be imposed by the Department of Labour manager or the Tribunal.

Mr. Speaker, to aid employers the Ministry will issue a template policy statement in relation to employee tips and other gratuities for employers to implement. While employers are free to create their own policy statement in accordance with this Bill, the template statement provided by the Ministry will be suitable for immediate use by any employer.

Mr. Speaker, this Bill will have a positive impact on those employees who commonly receive tips and other gratuities by protecting the same from unfair practices and by providing a clear understanding of how other gratuities are collected and redistributed.

Mr. Speaker, it is envisioned that these enhanced protections will also increase productivity within the workplace and enhance social protections for Bermuda's workforce.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a contribution?

Opposition Whip, you have the floor.

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

Let me first say that probably for some folks this has been a long time coming, especially if they have been working under an employer who, quite frankly, has misguided and misled them when it comes to tips and gratuities. So, when we heard the statement read last session, it was welcoming to hear that something, or a framework, was being put into place.

I know coming along I never worked as a waiter or in that industry.

An. Hon. Member: You don't know what you missed.

Hon. L. Craig Cannonier: I was mowing lawns. But a lot of my friends put themselves through school, working in restaurants, hotels and the like—

The Speaker: Yes. I remember that.

Mr. L. Craig Cannonier: —who received tips and the likes and actually put themselves through school. So, I would have never thought that tips and gratuities would become complicated in the sense that . . . in going through this particular Bill, I must admit I was getting a bit confused here between tips and gratuities, trying to understand and make sure that it is clear within our minds exactly what the Minister was attempting to do.

With this particular Bill I understand that there is no recourse. And this was made very clear to us in the statement that was read last time, that if an infringement is made in this area, we need a framework that is going to address it. And I did ask the Minister at the time: What happens now before this framework is put in place? What happens if there is an infringement?

Since it appears as if . . . and I did ask the question: What particular part of the industry has typically been infringing on the rights of employees who [get] these gratuities and tips? I was not quite clear on a particular industry. But it has come to light that there are a select few—not many—that I was told. Maybe the Minister can clarify if it is across the board or not. But there seem to be a few who continue to violate the rights of those folks who are working, their employees, and these tips and the likes.

Imagine my surprise when the Chamber of Commerce came in and said that they were not consulted. And the Minister has every right to make a Bill and position it. And I was listening closely to what he said. And it appears from what he was saying that they are using a similar model of international standards from other areas. And so I am assuming that is where this is coming from. And maybe the Minister can clarify that. I do not know the relationship between the Ministry and Chamber of Commerce, but they seem to have pretty strong words. And I am sure that the Minister has probably already addressed it. But it would be nice to know exactly what they are talking about when they believe that this particular Bill, once they did see it, may not hit the mark.

I do recognise that the Minister has a well-accomplished, established team which seems to mirror in the House, quite extensively actually. So, I know that they have done their homework. I commend the Minister on the fact that he is protecting the rights of these folks—it is important—and for setting a standard that if you are going to violate this here, something needs to happen.

We have talked to some folks, and it seems to be . . . the culprits are repeatedly offending. So, I am hoping that this will be dealt with swiftly. And until this is promoted to the Upper House, I am hoping that the Minister is having some pretty harsh words with these particular individuals or corporations that are violating these particular tips and gratuities.

We will have some questions on the clauses. Again, it is good to see this here. And I am hoping that maybe we can get a few answers from what I just mentioned as far as understanding a little bit more why the Chamber may be upset with the consultation. If in fact this meets international standards, then what would be the concern? Obviously, consultation is the concern in one part. But on the other side, what is it that we might be missing? I just do not know, not living in the industry. Certainly, the Minister and his team are living there. So it would be good to hear a little more from the Minister.

With that in mind, we have been supportive of this Bill from the very get-go when the statement came out. And I hope that the response to this once it reaches the Upper House will immediately rectify the situation with the culprits. So again, it would be nice to hear from the Minister a bit more about some of the concerns and questions.

The Speaker: Thank you, Opposition Whip.
Deputy Premier [*sic*], you have the floor.

Hon. Derrick V. Burgess, Sr.: “Speaker,” sir.

[*Laughter*]

The Speaker: I mean Deputy Speaker. I'm sorry.

[*Laughter*]

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

Mr. Speaker, let me say about consultation, knowing this Minister, I know he has consulted with all parties concerned. I will say no more on that. But knowing him, he has done . . . he is pretty thorough.

Mr. Speaker, when we speak of gratuities, many people think that the gratuities were introduced by the Bermuda Industrial Union. Not so, Mr. Speaker. In fact, in 1970 . . . prior to 1973, there was free tipping. And Mr. Speaker, the only gratuities that you got during that time was on group business.

Prior to 1973, there was group tipping and there was a system that was put in place by Helena “Molly” Burgess. Helena “Molly” Burgess. And how the gratuity was broken down then and now is they will take the money . . . a percentage goes to housekeeping, a percentage goes to dining room, and a percentage would go to the bells. That is if they are on the Modified American Plan. That is the meal plan. And if it is the BB plan, it would go to dining room, housekeeping, and the

bells. But the dining room portion would be less because there is only one meal, which is breakfast. And if it was the EP plan, it would only go to housekeeping and the bell staff, Mr. Speaker.

Prior to that, as I said, was free tipping. And many times, Mr. Speaker, during the free tipping particularly in the hotels and cottage colonies . . . well that is the only place where it would happen. If for example, Miss Jones had Cottage 10 and that was “her people,” as we would say in those terms. Right? And if those folks were checking out on Wednesday and Miss Jones’s day off was Wednesday, Miss Jones would be in on Wednesday because she wanted her envelope, because it was not mandatory because . . . particularly the cottage colonies like Pink Beach, Coral Beach, Cambridge. Elbow had some low cottage colonies, and I think Belmont had some along the golf course.

They did that service where the room attendant cooked the breakfast for these folks. And those staff members during that time went out of their way. They went out and picked flowers and everything, put it in their rooms. That was not a requirement but that is what they did. And sometimes the guest would even ask them to do the laundry. Of course, they got paid for it. Right? And these folks would take the laundry home and do the laundry for the guests. As they would say, *Those are my people*. Right? And they took care of them.

But they had to go in if they were checking out on Wednesday to make sure they got that envelope because sometimes those people left an envelope and they would not get it, or somebody who had participated in what was in the envelope, and they did not get the full amount, Mr. Speaker.

But the reason, as I said earlier about the gratuities and how they came into play, was in 1973 during the negotiations the employers came with a consolidated statement to say that they cannot afford a proper wage. This was during negotiation with the BIU. So, they proposed the gratuity system that went in place in 1973. At that time, there were about 26 or 27 properties.

So, once that was put in place for the mandatory gratuity, then each property had a different system. Even though you had, let’s say for example, \$10 to break up between housekeeping, dining room and the bells—that was that portion. But now you had to break it down for the staff members. And it was either done by a point system or per-person system and so that was something that Helena “Molly” Burgess had to toil with after negotiations to put these systems in place.

Now, all credit to management in the negotiation. There was no charge in administrating these [gratuities] because they collected the [gratuities]. Whether it was 10 per cent or 15 per cent, they collected the [gratuities] and they went to the individual accounts. And it also was put in place so that any staff member on any given day could go and see the gratuity breakdown.

For example, if I am a waiter and I had done 100 covers today, I could go and see what I made because, for example, if my share is one dollar per person (if I am serving), then I know I should have gotten . . . and I am just using it as an example. If I served 100 people, it should have been \$100. So, that is the system that is in place. And these records are held by management for years because sometimes there have been discrepancies where in the costs they are breaking down, let’s say they had a couple of cents to break down and it was inadvertently not put in place and the staff found out about it six months later, they had to go back and reconcile that and pay that money out. All monies were paid. And so, these things are held. They are delicate.

And even in some areas they are taking the money that made what they have done, instead of . . . At least about three or four properties . . . what they do instead of taking all the [gratuities] and paying them out weekly, the staff has agreed to put so much aside and get paid like as a gift in December. Because as we all know, in the month of December the house is slow, so that gives them some assistance for Christmastime, Mr. Speaker.

Now, Mr. Speaker, this did not happen in the non-unionised places because you will find out . . . and that is why I thank the Minister for bringing this Bill because you will find that even today, downtown, they take these [gratuities] and they pay everybody including management. Right? And most of the time the staff in these areas are foreigners. And even though a lot of them would go to the union in town they say, *Don’t say anything* because they do not want to be sent back. So, for this I applaud the Minister, because many times that has stopped Bermudians from going to work at that restaurant because the management is taking their [gratuities], and that should never happen. It does not happen in the unionised places, Mr. Speaker.

And the other thing about this here is people do not understand. And I thank the Minister again because even with the gratuity system, if people that work in the gratuity area were taking vacation or they had sick leave, there would be no [gratuities] being paid to them during that time. So, what the Minister has done is saying, *No, this is going to be \$16.40*. This is what you have to pay. Sick leave, vacation pay—this is what you have to pay.

So, we, the workers, all welcome this, Mr. Speaker. We welcome it because management has been exploiting this fund for many, many years, not paying folks all of their money. They will take an administrative charge and then they will take some for themselves and they pay everybody.

Now, in the systems under the BIU, we have what we call a banquet [gratuity]. If you have a big group having a banquet, well, even the chef would get some of this here, because we understand that the chef . . . all those who participate would get a piece of that

action. That is what we have in place, Mr. Speaker. Because during banquets, as you probably know, the chefs and their staff work hard and so they all get a piece of this gratuity, Mr. Speaker.

Now, these systems that I credit Helena “Molly” Burgess for have been [around for] over 50 years because 1973 through to now is 50 years. Molly is not even 50. But she has had them in there for that long time.

[Laughter]

An Hon. Member: What about Gertrude?

Hon. Derrick V. Burgess, Sr.: Gertrude is Molly’s daughter.

Mr. Speaker, when it comes to the gratuities, the Minister is on the right stretch of road to make sure that all the monies . . . because a lot of the guests that go to restaurants, hotels and the like, are thinking that the staff are getting the money—but they are not.

This Bill as it is read would prevent management from taking any money. And there is a fine in here. There is a fine. If you violate this rule, you shall receive a civil penalty. It shows you that the Minister is not sky-larking when he says when you mess with people’s income—this is what they work for—it is a serious offence. So, we thank the Minister for this, Mr. Speaker.

Just one second before I sit down, Mr. Speaker. Now let me say this here. In fact, you will find that some places like the cottage colonies, because of the service they gave, they always had a higher occupancy rate than large hotels. And the smaller hotels would charge like 10 per cent. I think Scott’s place, Coral Beach, charged higher. Theirs was 12.5 per cent gratuity. But most of them charged 10 per cent, which was a nice piece of change for our folks.

Mr. Speaker, I remember working in a place as a teenager where they were taking out money. When we worked out what we should have received we were not receiving it because they paid it in cash. They were stealing our money. I was about 15 years old. You know?

[Inaudible interjection and laughter]

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, we have some folks on the other side that do not appreciate that I know a lot of history. Not that I was here.

[Laughter]

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I would have to say that many folks really probably do not appreciate it because they do not know. Right? But a lot of these gratuity systems that are in place, I attribute it to Helena “Molly” Burgess who . . . when you go into a place and you have to struggle to share eight cents, it is not . . . I was with her when I was a younger boy, and

it was very difficult. But she toiled and toiled and got it in place. And thank God for her fight and for her sacrifice and commitment that we have what we have in the hotel industry now. And I think this is what the Minister is aiming to have all over.

Thank you. And thank you again, Minister.

The Speaker: Thank you, Deputy Speaker.
Government Whip, Mr. Tyrrell.

Mr. Neville S. Tyrrell: Thank you, Mr. Speaker. And again, good afternoon to my colleagues.

Mr. Speaker, I do not have all the history as my colleague who just sat down has on this subject. But I certainly want to say that I know for a fact that this has been a sore subject amongst persons in the hospitality industry for a very, very long time. And I fully support the Minister and his technical officers for bringing forward this amendment.

I can certainly say from my experience I have many friends and associates who if they go to a restaurant they will tip the server personally, directly. They have done that for years. So, I certainly feel that this Bill will assist in what has been happening.

And my other point that I want to make is that the word “consultation” came up from the other side. And I would want to bet the house—and I am not talking about this House, but my house—that there was adequate consultation on this matter. And I thank the Minister again, and his technical officers, for bringing this forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Whip.
MP Simmons. Jamahl Simmons.

Mr. Jamahl S. Simmons: Yes, sir.

There are quite a few of us in here these days, Mr. Speaker.

The Speaker: Yes.

Mr. Jamahl S. Simmons: First of all, I would like to begin by thanking the Honourable Member Derrick Burgess for taking us through that because there were many things there that I was not familiar with. And I think that is something that . . . I hope many people in the listening audience got a chance to hear it because that is part of our history that I think many of us did not know. And I also want to join him in thanking sister Molly Burgess for the work that she did for the workers in hospitality to try to achieve progress in that space.

Mr. Speaker, I am rising in support of this Bill because Bills like this excite me. This is the type of thing why I got into politics, why so many people on this side got into politics—to actually help people.

So, when you speak for the people with no voice, that is me all over. I love that. When you are standing up for the vulnerable, I love that. So, this is

something that has been a passion. And you know, the first time I became aware of this issue, I had a relative who was working, and they just happened to mention it in passing. And I said, *Wait a second now. You are telling me that when I look at a bill and it says "gratuities", which all these years I have been thinking goes to the person who gave me good service, to the people who are hustling and working up and down the floor, you are telling me half of that is going to the owner who I have not seen.*

So, you talk to some of these workers and the feeling of being robbed by their employer, the feeling of being robbed of their hard work, robbed of their sweat, robbed of their talent . . . this is the type of thing that I am glad we are going to be able to address. Because when you see gratuities on the bill, when you decide to put a few extra dollars down, the intent has always been for them to go to the worker to reward the service, sometimes even above and beyond what has been put on the bill as mandatory.

So, I think this closes a gap, as the Minister stated. It brings us in line with international standards. And it is my hope that it will begin to put more money in the pockets of people who are working in this industry.

I recognise and I want to take this opportunity to commend the restaurants that have been committed and have stood strong to hiring and promoting and training Bermudians because that . . . you know, I recognise the challenges. So, I am not going to make . . . you know . . . I understand. Some people find it a little harder than others to keep Bermudians employed and keep people trained. But to those who have shown that commitment, who have put their buckets down where they are to get our people out there on the front lines, I appreciate you. And I appreciate our Government for bringing this Bill forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.
MP Famous.

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

The Speaker: Good afternoon.

Mr. Christopher Famous: Mr. Speaker, whenever visitors come to Bermuda and come check me, they say, *Hey, I want some Bermudian food and some . . .* you know. Then I have to scratch my head. Bermudian restaurants. Bermudian servers. Then those few places come to mind. And I always head down to East to Wahoo's. They have the best seafood, I think, in Bermuda.

An Hon. Member: Yes, they do.

Mr. Christopher Famous: And more important than the seafood is the service, Mr. Speaker. The minute you walk past their door they say, *Hey! Come on in.*

Come on in. The owners are not Bermudian born but they are Bermudian. The servers are Bermudian born. The persons cooking are not Bermudian born but they cook with Bermudian flavour.

So, whenever I get that bill, Mr. Speaker—and it is not a big bill because their prices are pretty reasonable—I happily give the gratuities and I happily give a tip on top. Now, I may have ignorantly believed that I was giving everything to the server. And you know, we learn as we go along that not everything you see is what it is. Not everything you see is what it is. Just remember that for a minute.

So, yesterday what I saw was this sudden release from a certain organisation making certain claims. I said, *No. This cannot be true. Let me go to the source and ask a question. Let me just ask a question.* I was shown a document that showed that there was consultation. There were talks between the Government and these entities.

So, when people make these claims about lack of consultation it is to try to paint the picture as if this Government—this Minister, in particular—just woke up one day and said, *You know what? Hmmm. Let me table this Bill before talking to anybody. I am not even going to talk to my coworkers about it. I am just going to table this Bill and expect 29 people to support me.*

Mr. Speaker, lately there has been another person who has popped up on the radar making claims that this party, the Progressive Labour Party, is not about labour. Can you believe that, Mr. Speaker?

Now, this individual who will remain nameless, because he will never be inside this House, whilst he was in a certain position, Mr. Speaker, he never was invited to labour, he never was a friend of labour, and no one in labour can say he ever did anything for them, Mr. Speaker.

Meanwhile, in contrast . . . you cannot just talk about one thing and not show the contrast. In contrast, Mr. Speaker, you know a couple of years ago we had a little internal family rift about labour, about certain changes. At the end of the day when all was settled, labour and PLP are one and the same. Labour does not mean just those people out there working in the trenches. Labour does not mean just those people working in offices. Labour is everyone in this country, Mr. Speaker. That is why we have various different unions to cover different aspects, Mr. Speaker.

But let's drill down on this Bill, Mr. Speaker. The hospitality industry. There are people in this country who say that we need to expand our population. Fine. I agree. But the industry that is going to expand most is hospitality. It is not going to be international business that is going to expand threefold. It is hospitality. And the hospitality workers have been working under minimum wage.

This Government under this Minister this [session] brought in a Bill called '[Employment] (Minimum Hourly Wage Entitlement) [Act 2022]', Mr. Speaker. There is not one worker who can say that they do not like what the PLP did—not one. So, now this Minister under this Government has brought this Bill to address the fact that gratuities that the workers are working for are being taken by management.

Now, okay, from the business side that is part of the bottom line. Fine. But if that is not what it was intended to be, then [the reason] you are taking it is kind of a grey area. So, I go back to that individual who made a claim about this Government saying that we are not for labour. Why is it that when we do things for labour, we have people from the Opposition making an issue? Why? I do not understand this. Because when they try to knock on doors, they have to try to prove that they are for labour, but it is clear that they are not.

So, Mr. Speaker, I fully support this Bill brought by this Minister under this labour Government.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

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

Deputy Premier, you have the floor.

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

I just want to make a few brief comments on this Bill. And just to be clear, we are talking about the Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023. So, to be clear that the public knows what we are talking about, I commend all of my colleagues who have just gotten up. And particularly we had someone who is an esteemed veteran of the labour movement, the development of labour policy and for the concern of labour, the Deputy Speaker, get up and speak.

We have a Minister, the Honourable Jason Hayward, who is also extremely experienced in matters concerning labour. And as was stated by my colleague who just took his seat, the Progressive Labour Party and the labour organisations have an extremely close connection. We do not apologise for that, Mr. Speaker, because it has aided in the very work that the Honourable Jason Hayward has been doing since becoming the Minister of Economy and Labour in shaping the framework of labour legislation to continuously strengthen the labour environment for workers.

Now, I have three key points to make around best practice, the quality of the work environment and consultation. If Bermuda is to have a world-class tourism industry as we rebuild and as we begin to reshape our tourism industry, it should represent best practice internationally. Tourism is an international industry.

And just like every other industry, whether it is international business and all the segments of that, even the health care industry here and other industries that rely on the international environment to actually support its actual productivity, you must be able to attract the best and the brightest workers and the most able workers.

Just as perhaps the great compensation practices which attract people to come into the reinsurance market here, the same is for tourism. If we are going to attract . . . and there is nobody who suggests . . . Because we have international hotels here that operate most of our tourism products, as well as local operators, to get the best staff they have to have the best practices in compensation, in wages, and overall organisation. So, knowing that tips and other gratuities are protected, aids in that effort, presuming that we all want to attract people here to grow the working population.

This is a part of what has to be done. Those who are going to work at restaurants, hotels and other services, if we do not have a framework here that represents the best practice within the global tourism environment, we are not going to get those people here. This is at work. And it protects not only Bermudian workers but other workers.

I know that the esteemed Deputy Speaker who has held many positions in hospitality understands it. That is why he can get up and talk with authority and support this Bill. It is why this Government has continuously, as has already been said, enhanced labour legislation so that those who are not necessarily in a labour bargaining unit can know legislatively their rights are protected and their compensation and their opportunities for the quality compensation that they can earn by providing good service is protected. So we have to have best practice.

Quality work environment. Everything that we have done around labour legislation under the leadership most recently of the Honourable Minister for Economy and Labour, Jason Hayward, is to do just that—ensure that there is a quality work environment for all workers in every sector, Mr. Speaker. Not just one. Not just one ethnic group. Not just PLP supporters. All workers. A quality work environment attracts quality people.

And about consultation. There is one thing that I can stand up here and definitively say and support the Honourable Minister Jason Hayward. His experience in the labour area means that he appreciates consultation. Because he was on the other side of that process, demanding the same thing when he was president of a union for his workers. So, as he is now the Minister who is responsible for the labour environment, you can better believe that he takes care with that process. And anybody who is going to go in the media and suggest otherwise, they are not telling the truth. It is as simple as that. Because I, as a Minister who sits with him in

¹ Passed by the House on 8 December 2022; passed by the Senate 14 December 2022

Cabinet, who appreciates the work that he does, knows that consultation is something that he takes seriously, not only as a Minister but even with his own colleagues around these matters. And much history has been said about the process.

I am confident that this Minister has taken every step necessary to ensure that the legislation that was brought here today has gone through the rigour that it requires inside the legislative process and outside.

So, with that, Mr. Speaker, again, I support this legislation. I am supporting in an unqualified way the work of the Minister the Honourable Jason Hayward as he leads us through this Bill's process.

Thank you.

The Speaker: Thank you, Deputy Premier.

Does any other Member wish to make a contribution at this time? No Member?

[Mr.] Caines—

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

Mr. Speaker, I have had the opportunity to look at the legislation, to look at it in depth, consider all of the circumstances as it relates to our country, the need that we have to protect the rights of those in our labour force, the opportunity that this legislation presents for people who are minded to be in the hospitality industry who would otherwise be thwarted by the inconsistency, by the lack of financial remuneration, that this presents an opportunity for them, for Bermudians to find an opportunity—to have the opportunity to be able to provide for their families consistently.

I think sometimes when we think of what to do, or how to make people's lives better, we oftentimes think of how it affects a certain segment of our community. I do not expect for certain segments of our community to be pleased with this legislation because it affects them. It affects their pockets. If [I] had been benefiting nefariously from the proceeds of someone else's earnings and that will now cease, that would cause me some concern as well.

So, if things are no longer going a specific way, there are only one or two ways to attack the legislation. One of the ways to attack the legislation, which is often done, is by saying that it is not considering business or the needs of business. Well, if you have more people in the industry who are able to provide for their families and their money is circulating in our community, that means people eat out on a more frequent basis. People will come, they will travel, and the dollar will circulate in our community more. There is a trickle-down effect.

We have [fewer] able-bodied people who will be reliant on social or financial assistance. We have a lot more people who will be availing themselves of training and development and getting into the hospitality field. That is good for Bermuda. That is good for our economy. That is good for everyone involved.

So, when we think of the legislation, the next thing that we can say that is often an arrow in the naysayer's quiver is that the legislation was [done without consultation]. Well, in these circumstances that is simply not true. Say that you do not agree with the legislation. We all have opinions. And we all have systems of belief. And we all have to go to our respective corners. Say you do not agree with the legislation, and that would be a respectable position.

But to go back to the default position that there was no collaboration, Mr. Speaker, is a dog whistle. It is a dog whistle that is used to suggest that it is autocratic and has not followed a democratic process, that it is unfair, that it is unjustified. And it speaks poorly of those who in these circumstances simply are not getting their way. We have an opportunity to look at legislation from a labour Government that is looking and making sure that the rights of all Bermudians are protected and enshrined in legislation.

This represents a solid opportunity to bolster our workforce. This represents a solid opportunity to preserve opportunities and make opportunities available. It should be commended. It should be applauded. And I put my weight solidly behind the legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to make a contribution?

MP De Silva.

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

Mr. Speaker, I too would like to thank the Minister for bringing this legislation to the House. I would also like to join my colleagues on this side who thanked the Honourable Member Derrick Burgess, former BIU president, for the history he gave us this afternoon.

And whilst I am thanking people, I would also like to thank our beloved sister Molly Burgess for the work that she did back in the day that many people benefit from to this very day. But I would also like to thank not only the Minister but his team because I am sure that whilst these conversations were taking place, there were some heartfelt feelings when making the decisions to bring this legislation here today.

To think that this Bill will put a stop to some employers who would take hard-working dollars out of people's pockets to feather theirs . . . it is just unthinkable really. And Mr. Speaker, I can tell you that I certainly had the experience of a family member who explained to me how the gratuities worked as they worked for an establishment in this country. And they explained to me how the gratuities were taken. And it started at the very top—a percentage going to the business before anybody else got anything. And to me that is shameful.

Mr. Speaker, for someone . . . I know the Honourable Member Cannonier talked about how he never worked in the industry, but he pushed lawn mowers

around. I happened to have had the experience of both of those. I used to get tips when I used to knock on people's door and ask them if they wanted me to cut their grass for five shillings (telling my age, Mr. Speaker). Sometimes I used to get an extra shilling for cutting someone's grass. But I also worked waiting on tables, Mr. Speaker. And at that time in my life when I waited on tables, I can assure you that the tips that I received helped me to survive in life, which brings me to think about some of our people in the industry today.

We all know in this place that there are many people who work in the hospitality industry who rely so heavily on the gratuities and tips that they receive. And I cannot stress enough when I use the words "rely heavily," Mr. Speaker. Some people use these tips and gratuities not just to buy a few extra groceries. Some are putting those tips and gratuities away to help with the education of their children, maybe grandchildren, Mr. Speaker, as you know—

An Hon. Member: And pay mortgages.

Hon. Zane J. S. De Silva: —and pay mortgages to live, Mr. Speaker.

So, to think that some of our people who work in this industry have been gypped and had their money taken away from them is an atrocity.

Now, Mr. Speaker, many Members on this side . . . and I think it was started by a Member on the other side when they talked about consultation. Well, Mr. Speaker, I looked at today's Daily, which I can table for anyone if they wish to have it when I am finished, and I was shocked when one of the headlines on the front page [was], and I quote, "Chamber [condemns] Government over lack of consultation." The chamber decries lack of consultation.

And inside this article, Mr. Speaker, in the narrative, Danielle Riviere (I believe that is how you say her name) from the Chamber [of Commerce] . . . she said that they (the Chamber [of Commerce]) were able to obtain a copy of the Bill only after contacting the Opposition, One Bermuda Alliance.

Now, let's think about that for a moment. If the *Royal Gazette* has reported correctly, she was only able to get a copy of the Bill after contacting the Opposition OBA. Well, who . . . wait a minute. Who created this Bill? Why would the president . . . I think she's . . . I'm not sure of her position.

An Hon. Member: Executive Director.

Hon. Zane J. S. De Silva: Executive . . . what is her title?

An Hon. Member: Executive Director.

Hon. Zane J. S. De Silva: [Why would the] Executive Director contact the OBA for a Bill? Don't they know Minister Jason Hayward?

Ms. Susan E. Jackson: The phones were not working.

Hon. Zane J. S. De Silva: Oh. The phones were not working. But the OBA's phones were working.

[Inaudible interjections]

Hon. Zane J. S. De Silva: "The phones weren't working." The Opposition Member, the Honourable Member Susan Jackson, just said that the phones were not working. What? The phones were not working for two months? When did the cyberattack happen? When did they get the Bill? Maybe I will sit down if the Honourable Member Jackson wants to give me a little information.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Oh. Last Friday here. Okay. But let me . . . see, I have to laugh, Mr. Speaker, when you get things like that. See, you wonder sometimes . . . well, we do not wonder because we know how it works. It is called the Combined Opposition. That's how it works. That's how it works. Yes, Combined Opposition, Premier. Right?

So, you have a headline that says "lack of consultation." And then what really got under my skin is this, and I am going to quote. Miss Riviere added, "It remains unclear why Minister Hayward is advancing this legislation," now listen, "so rapidly."

You cannot fix a Bill like this quick enough in my view. In fact, Minister, I am sure he will have something to say about consultation when he gets back on his feet. But let me tell you something, when you have Bills like this, you should not have to consult anyone. You shouldn't.

When employers are taking money from their workers . . . [money] that all the customers think and believe is for [the workers], if you told the customers in every industry where their staff receive gratuities that . . . look, 2 per cent goes to the house, another 3 per cent goes to the maître d', another 4 per cent goes over here. Maybe they come up with . . . I don't know. I stand to be corrected. But by the time that individual gets their piece of the gratuity, it is nothing near what the customer thinks they are going to get.

That is why, Mr. Speaker, [for] me, as almost a habit every time I go to any place where I receive service and gratuities are expected, 99 times out of 100, Mr. Speaker, I slip that waiter or waitress an extra little bit of money. Every time. Because I never forget where I came from. That is number one. Because that is where I started.

So, I never forget where I came from. When I used to get a couple of those little shillings here and there, that stuff was important, Mr. Speaker. It was important. When you go to the grocery store and all you get for the week is one loaf of bread, a bottle of mayonnaise and a bottle of peanut butter to last you the week, trust me, those tips are important.

[Inaudible interjection]

Hon. Zane J. S. De Silva: I didn't do butter. When I got that loaf of bread that lasted me the week, it was peanut butter and mayonnaise. I had a mayonnaise sandwich for lunch and a peanut butter sandwich for breakfast. That was it.

[Inaudible interjections]

Hon. Zane J. S. De Silva: It was not the most healthiest thing today, in this day. But it worked. It worked.

Mr. Speaker, let me say something else that used to please me when I waited [tables]. Because you see, when you waited on tables or if you washed dishes like I used to do, you used to get a nice little meal. Right? I know of one establishment . . . Now, let me say that again. When I waited on tables or washed dishes in restaurants coming up, one of the best parts for me was I received meals.

The chef would give me a little sandwich. The chef would give me a little of this, a little bit of that. That was big back in the day. One establishment, Mr. Speaker, you know what they do? They *charge* their waitstaff for their food! Now, I don't know. Maybe because I have never owned a restaurant maybe I am missing something. But isn't a happy employee what every businessperson should want? Shouldn't you try to take care of your employees as best you can? If your employee happens to wait on tables and has a cup of soup for lunch, do you have to charge him for a cup of soup? And then you take part of their gratuities and tips? No, Mr. Speaker. It is not working.

So, Minister, listen. I just want to thank you and I want the people of Bermuda to remember one thing [about] this Progressive Labour Party Government, just like the legislation the same Minister brought before us earlier today . . . and the naysayers in Opposition—Combined Opposition—can say what they want. We continue to bring legislation to this House that benefits the people of this country. This Progressive Labour Party continues to bring legislation to help and benefit the people of this country. And this particular Minister is responsible for a lot of that, too. And when you talk about consultation, one thing I do know and can speak of is our Ministers, Mr. Speaker. And this one is no different. We have a lot of consultation around the [Reginald A.] Burrows Building. A lot of it. Sometimes . . . and you know, Mr. Speaker (you have been around long enough). It gets—

[Inaudible interjection]

Hon. Zane J. S. De Silva: My honourable colleague Famous said, *Define consultation*. Well, sometimes the consultation goes in three letters—it is *war*. Because we have some wars around here when we are ready.

So, Mr. Speaker, I am confident that this is going to be legislation that is going to be accepted by all.

And look, not all employers take from their employees, you know. There are many in this industry, too. Let's just make sure we give credit where it is due. Some folks that are in this industry take very good care of their employees, and they will embrace this legislation because they know that there are others that take advantage of our people.

So, Minister, thank you for this as we continue to do what we promised at the last election, and we are going to do the very best for the people that we can.

The Speaker: Thank you, Member.

MP Richardson, Anthony Richardson, would you like to make a contribution?

Mr. Anthony Richardson: Yes, sir. Good afternoon to you, Mr. Speaker—

The Speaker: Go right ahead.

Mr. Anthony Richardson: —to those in the listening audience, and my colleagues.

Mr. Speaker, I am one of the newer Members of Parliament, and I always am (I want to say) intrigued by what we do that actually affects us and to a limited degree . . . I will declare my interest because this legislation does affect me and what I do in a different arena. But more importantly, Mr. Speaker, this legislation caused me to go back many, many years. And those in the . . . Well, many would know that at a point in time, it was almost a rite of passage whereby when you graduated from high school you worked in the hotel sector, whether it be in the dining room as a busboy, or a waiter or whatever the case may be, or in the cleaning room as a house person. And tips, as I call them, were a critical part of the process.

And even when I think back, I never understood, to be honest, how the [gratuities] were actually spread amongst everybody. And so here I was . . . and actually I worked at Coral Island at one point and then at Grotto Bay [Beach Resort]. Here I was in the dining room as a busboy, right? And you know that gratuities are being paid. And then you get paid, and you see gratuities in your cheque, but you do not know how they were calculated. And I always got concerned (to be honest) because I was thinking: *Here I am. I go to work early. I am working hard doing "the dirty work" and yet the maître d' is positively impacted by what I am doing.* Now, granted, the maître d' had a role to play. So, there was the maître d', the waiter, the wine steward. All of these people in my mind (which I did not understand) were benefiting by what I thought that I was doing. And so, when I was aware of what Minister Hayward was doing in terms of bringing forward this legislation, I was like, *I am impressed.*

What I do not know is . . . and I am smiling now (and not for the Minister but for Bermuda, period) what took so long for this to come back because it is so fun-

damental not just . . . When we say the hospitality sector, sometimes we think of it as just being, for example, a restaurant or maybe a hotel, but there are other establishments that also work in an environment whereby the tips or the gratuities are a big part of the overall remuneration package.

I do know, at this point in time, for example, that there is a young man. When I say young, he is in his late teens, early twenties. And he actually works in the hospitality sector. And prior to the minimum wage legislation, his hourly rate was less than seven dollars an hour, which when I found out about it because of where he works, I was like: *This does not make any sense. This is quite incredible.* However, and not excusing the hourly rate, his tips and gratuities were sufficient to at least bump him up to a level by which he was able to sustain himself. And he had a child, and so obviously needed to have a certain level of income.

So, it speaks to how critical the . . . And I know I interchange the words *tips*, *gratuities*, and *service charges*. And that is not appropriate because the Minister has explained that there is a technical definition of all this money, and depending upon how you refer to it, it has a different implication. So, I am aware of that. But I am intentionally almost using now these words interchangeably because sometimes I think of [it] as a tip, sometimes gratuity, and sometimes a service charge. But notwithstanding, it is important for us to recognise that this is a critical step in our life (if you will) because so many people are impacted by this.

I know that there were some comments that tied back to the minimum wage legislation in terms of why is it that some establishments do include gratuities and some do not in terms of how it is being monitored or managed. But in this day and age, sometimes . . . and as Member DeSilva just said, it is important to recognise that because these monies are shared by so many that, if it is possible, we should still do our best to give a cash amount to the wait staff or whoever is serving you because, again as MP DeSilva said, the gratuities are shared by so many. If my person in the restaurant is doing a good job, I am going to give them a cash tip anyway because I know that will go right into their pocket, and it will be shared by nobody because it is not part of the regime. And so, I want us to remember that.

Mr. Speaker, what I want to say is this. This is how these things sometimes hit home for me. This morning, Mr. Speaker, you may not be aware, but I was actually absent from the morning session. And I was absent because I had to go and do some other things. Actually, this is what I was doing. I actually (and I am smiling now) I had to actually assist in cleaning a toilet for an aircraft. And the reason why I am saying this [is] because the aircraft was not able or prepared to leave unless the toilet was actually cleaned. And so, I did that. That is not my point. My point, though, is that when I finished (right?) the captain gave me a tip, a cash tip (right?). And I am saying this just to make sure people

understand the context of this. The aircraft could not leave unless the toilet was cleaned, and it is a pretty sanitary process anyway. And when I finished, right . . . and I am not complaining by the way. You would have thought: *Okay, guess what? The plane could not leave unless this service got done. It is a major advantage to get it done.* And then he still gave a minimal tip. But that is not my point.

My point is this. My son tells me all the time, right?, when you are working in the industry, never work for a tip but be happy if you get it because it is just an added bonus. And so that made me smile today because I had to think back to what my son says all the time. And it is not as if you do the work demanding a tip. You do it as service unto whatever you are doing. And Minister DeSilva again talked about it in that sometimes it is that added money that does make a difference.

So now let me go back to the beginning. As I said, the idea that it was a rite of passage for both males and females to work in the hotel industry is important because now those that still do it even though I think it is not as much as it used to be will know that they will be explained at the outset in terms of: *Listen, [if] you come and work for us, this is the plan.* And then you put in place a regime by which the employer will know to follow the guidelines and share the money appropriately because if they do not do it, they are potentially subject to the employees complaining or otherwise, and then an inspector coming to check what is going on, and possibly having a penalty.

I also want to encourage persons to realise that it is not being a nuisance, for example, if you find yourself in a position by which you actually have to report the noncompliance of your employer to how they are supposed to be sharing out the gratuities.

Then we come to this idea of consultation and whatever the case may be. Mr. Speaker, a lot of times consultation is meant to be that, *Anthony, you have an idea, and it can be "A" or "B."* If I think "A" and you think "B," sometimes we think the consultation is [that] we talk and I change to "B." As opposed to I think it is "A," you think it is "B." We have a conversation, and I might actually either stay with "A" or I might modify "A" not to become "B," but I still modify what I am doing. And that is where sometimes in Bermuda—actually generally—we have a problem because we do not quite understand that consultation does not mean dictation from the person that they had consultation with. And so we have to be very, very mindful of that in this environment.

I have also said, Mr. Speaker, sometimes that when we step back and we try to compare and contrast the parties, right now PLP and OBA (and formerly of course PLP and UBP) . . . I always come down to the fact that in a general sense it can be said, based upon all that the parties do, that the PLP is people first, and the OBA is business first. And I say that because if you look at it, other times when we, the PLP, proposed leg-

isolation, or what we do, it is people first even in the context of the business community complaining about the fact that it does not make economic sense. And so it is important for people to understand and to I guess cause the public to be even more aware of what Minister Hayward is doing in particular is that he constantly comes back to the House and implements more and more policies that are designed to enhance the life of what I want to call everyday Bermudians.

This morning, he went through and gave an expanded explanation or a repeat, I guess, of what he has been doing to help us to constantly remember and be reminded of what he is doing. And what is in my mind right now just so that I can bring more context to this is the child [day] care allowance. That may . . . I do not recall off hand what the total estimated value is going to be. But even after that people complained about the fact that, guess what, it is too expensive not recognising though that how much is too expensive if we are talking about giving our children a proper start such that when they are older they themselves will be able to, number one, be positive participants in the economy, and number two, they are properly prepared to assist us as we get older.

And I am smiling about that too because I know that most of us in the Chamber are more than fifty, which means that we have seen more sunrises than we will see sunsets unless you expect to live more than one hundred years old. So let's leave that one alone.

So, Mr. Speaker, I will conclude by just saying this. It is also interesting and important to note that the legislation is not just for Bermudians. It is not just for any given sector. It will impact every single person. So, if you look around in Bermuda, very often now we have (I want to say) a significant proportion of workers that are not actually Bermudian. They are not necessarily Black. They are not necessarily White. And I am emphasising this now to say that this legislation does not single out any sector, any race, or any other thing. It is for everybody. And so even as I was preparing to speak, I circled the word *all*. This will impact everybody, all people that are actually working in these various sectors.

And it is actually fair because we as persons who go to acquire the service, we think that you are paying a tip or gratuity it is going to go to the people who are serving you. And we would not be happy to know as has already been explained that in some instances, these amounts that we are paying that we think are going to our serving staff are actually going to go to the owner who has obviously other avenues by which they are generating their revenues.

So, Mr. Speaker, one more time I will say this. I want to commend the Minister, obviously the Cabinet team and my colleagues, because we all know, as you said, consultation in caucus is consultation in a real way. But it does end up enhancing all that we do, and on a very personal level, it definitely helps me if I am there, and I am listening, and paying attention to learn

more. And in this particular instance it was a matter of understanding that there is a technical definition that supports the gratuity service charges and tips, and that you have to be mindful as to which one you are dealing with which determines how it is actually given out to the employees.

And my very final comment would be to all those that provide any service in Bermuda no matter what it may be is to remember that we in Bermuda pride ourselves on service—not servitude, but service. And at another point in time I will give some comments in terms of servitude versus service and the difference between those two because I do believe that in some instances people are starting to forget the idea of good service.

I will just leave on this note. I was very disappointed recently to see a taxi driver actually who was driving a plate that is supposed to be a limousine arguing with his passengers because in his mind they had too much luggage and he did not want to let his seats down to put the luggage in. And so obviously that is not a good example at all.

But again Minister, congratulations again for bringing forth this legislation and all that you do on behalf of all of us as Bermuda residents, every single person. And we do commend you again.

So, thank you, Mr. Speaker.

The Speaker: Thank you, MP Richardson.

Any other Member?

Premier.

Hon. E. David Burt: Thank you very much, Mr. Speaker. Good afternoon to you and good afternoon to the listening audience.

Some Members have spoken about it already, but it is important that I add to this because what we are seeing here are matters related to progress on basic fairness which exist in many other jurisdictions in the world but do not or did not exist in Bermuda. It is a very simple concept. What is earned from your labour, you should be able to keep. Now the Minister of Economy and Labour knows far more about labour law than I ever will. He is himself an admitted and proud trade unionist, and he is the Minister responsible for labour for a labour party Government.

[Inaudible interjections]

Hon. E. David Burt: He is the Minister responsible for labour for a labour party Government.

An Hon. Member: Yes.

Hon. E. David Burt: And between him and the Ministers of Labour before him, we have made significant progress in strengthening protections for workers in this country. The Employment Act of 2000 was a signature

achievement of the first Progressive Labour Party Government ensuring that basic rights were extended across the workplace and not just in unionised workplaces. And so, it should be clear, Mr. Speaker, that the topics that we are discussing here regarding persons' rights to keep what they earn apply to nonunionised environments.

The Speaker: Yes.

Hon. E. David Burt: Because those that are in union environments have had these negotiations and protections in them probably under Cousin [Derrick Burgess's] reign, when he was president of the BIU. But these protections are part of those persons who are members of organised labour in our hotels and are applying to places inside or in other places of the economy where some employers may add on these fees to make their ends meet and not give it to their employees who are the ones who earned these particular charges. And so, it is only right and fair that this is transparent.

But while we are speaking about transparency, we should also speak about the (I will call it) Combined Opposition attack on the Government in an attempt to paint it as something that it is not. So, imagine my surprise when somebody sent me something from *Bernews* last evening of a release from the Chamber of Commerce lambasting the Government for a lack of consultation—a convenient headline. I am sure that the persons over there at the *Royal Gazette* must have thought that it was manna from heaven. Because they are like: *Oh! It is Friday. It is the House. You put another headline and say 'The Government is not listening. The Government is not consulting. The Government is not taking into account the views of the employers.'* Now for full . . . I am not going to steal all the Minister's thunder because I am sure he will follow up, and he will say a lot. But I was incensed. I was incensed because I know for a fact that the hotel association was consulted and that the Chamber of Commerce was consulted.

An Hon. Member: Yes.

Hon. E. David Burt: There are minutes of the meeting that the Minister will share.

An Hon. Member: Expose them!

Hon. E. David Burt: There is all this communication.

An Hon. Member: My goodness.

Hon. E. David Burt: And so, Mr. Speaker,—

Another Hon. Member: Say it ain't so.

Hon. E. David Burt: —I have reached out to the president of [the] Chamber of Commerce last evening because I believe that it is important to maintain a good

relationship with the business community. Ministers take their time on a quarterly basis to meet with the Chamber of Commerce. The Minister has gone above and beyond to include the Chamber of Commerce at their request in spaces and places where they were never included before on matters of consultation. They were part of meetings last year on this issue, had pledged to get back to the Government and, due to whatever issues they may have, did not.

Now, it was relayed to me earlier today by the president of the Chamber that they will be issuing an update to their release. Now, I am uncertain if such update has been issued. But what I can say is that I do not particularly see it online. And I am sure that the retraction they issue [will] say: *Whoops! We got it wrong. We were consulted. It was our problem that we did not have a proper hand off and all the rest from the previous administration to this administration. Our bad.* [This] will not be on the front page of the newspaper. There will not be a headline that says, *Chamber Apologises to the Minister; Chamber Got It Wrong.* There will not.

An Hon. Member: Disappointing!

Hon. E. David Burt: It will just be the continued picture that is attempted to be painted by the Combined Opposition of a Government that is not listening. The consultation that we go through at times pains me because often times it can delay things. But we are committed to the process to make sure that we get it right.

An Hon. Member: Yes.

Hon. E. David Burt: But on the fundamental issue of fairness, which we are dealing with today, persons have a right to keep what is earned from their labour.

An Hon. Member: Point blank.

Hon. E. David Burt: End of—

An Hon. Member: Point blank.

Hon. E. David Burt: I am not entirely certain what part of that is offensive to members of the Chamber of Commerce. I am not certain what restaurants, et cetera, have an issue with this. But we must stand on principle and right. Bermuda cannot continue to be the outlier on so many things that exist in other places but somehow are not good enough for our business community.

We have had numerous conversations on this, and many things have come up over the years, Mr. Speaker, whether it is social insurance, whether it is other things that happen in many other jurisdictions but do not happen here. But this Government will tackle them. This Government will continue to press ahead. And this Government, despite what the Combined Opposition might want to say, will continue to consult.

This Minister has a track record of engaging Ministry, of engaging persons, of engaging industry, having meetings, gaining feedback, adjusting proposals, putting out consultation papers, and gathering all those things to come up with solid policy positions. And the only thing that he asks is to ensure that when persons engage in that consultation, they engage in it in good faith and share.

I sincerely hope that this unfortunate release from the new administration of the Chamber of Commerce does not damage the relationship that this Minister has worked hard to build despite the fact that they may tend to criticise actions of the Government. It is fine. We will not agree with everything. But do not say you were not consulted—

An Hon. Member: When you were!

Hon. E. David Burt: —when you were.
Thank you, Mr. Speaker.

An Hon. Member: All right!

[Desk thumping]

The Speaker: Thank you, Premier.

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

Hon. Jason Hayward: Thank you, Mr. Speaker.

Mr. Speaker, let me first thank the Members who spoke before me who reiterated the support for this particular Bill and the approach that this Government has taken on this particular Bill.

Like many, I was shocked by the headline where the Chamber has condemned the Government, since which I will simply report that the president has reached out to me directly and apologised. And he said he will be reissuing a statement. So, I will not delve into that matter as I believe the high road was taken by the president.

But the reputation of the Government has been soiled.

An Hon. Member: Besmirched.

Hon. Jason Hayward: And so, I think I should clarify just a few matters as it pertains to the level of consultation. Last year, I will have taken eight changes of the proposed changes of the Employment Act to the LAC [Labour Advisory Council].

An Hon. Member: Eight.

Hon. Jason Hayward: I could not get consensus by the group: the employers, the unions, and the Government—[we] could not reach consensus on seven of those matters. But one matter received unanimous

consensus, and that was the matter regarding the protection of tips, gratuities, and service charges. And we engaged in the necessary dialogue over the course of a number of months—

The Speaker: Mm-hmm.

Hon. Jason Hayward: —to get to the position where we are today. Additionally, you would note that I put out a policy document as it pertains to the minimum wage where I was proposing \$12.25 as being a basic wage to be paid for all workers in hospitality and restaurants that did not receive the consensus from industry. And so, there is no minimum basic wage. We allow a mixture, a hybrid between a basic wage and tips and gratuities.

That is the level of dialogue that was had. That is how the Government . . . Even though I put out a position as to what was the Government's [position], I was able to listen to the concerns of industry and pivot. So, it is extremely unfair on this matter where consultation took place to be treated with these particular headlines, and it takes away [from] the positive work we are doing today.

MP Cannonier asked about the alternative jurisdictions that were reviewed. We looked at the United States. We looked at Canada. We looked at the UK. But you can appreciate, Honourable Member Cannonier, that within those countries, different jurisdictions have different laws. And so, the one in which we looked to model our Bill off of was the Ontario labour legislation. And it had the best approach to handling the situation that was very similar to . . . that complemented our current Employment Act. And you will find that many provisions within our current Employment Act mirror provisions that are in the Ontario Labour Code. And so that is the Act that we used to model our changes from. But obviously we had to Bermudianise those changes as well. And significant work was done.

But, Mr. Speaker, again, this is about doing what is right on behalf of employees, doing what is fair on behalf of employees, because we cannot think that employers are simply going to do the right thing.

And so, I have receipts here today, not just the minutes of whatever consultation I have. But then we talk about a minimum wage. And I have been compiling a list of complaints as to noncompliance. And I have dates. I have companies. I have job titles. I have names. This is not for public consumption. This will go to the inspectors. But it shows you.

[Inaudible interjection]

Hon. Jason Hayward: Correct.

It shows you. That if a government does not do things to protect workers, they will continue to be abused. We cannot trust employers to simply do the right thing. We have to put standards in place within the workplace.

And so, Mr. Speaker, I will not table that list in the House of Assembly. It cannot be found on any emails, so it is not subject to any PATI [public access to information] requests. But I will be giving that list over to the Labour Inspector so she can begin her job in investigating those complaints that have come in thus far in terms of employers who are deliberately not amending employee contracts to abide by our minimum wage legislation.

Mr. Speaker, this is not the last set of changes that we will make to further enhance employee protections. But these changes are in alignment with a vision that we need to ensure that we protect workers in the workplace as much as we possibly can and within reason. I say “within reason,” because like I said I brought eight changes to the Employment Act and only one received unanimous support and consensus around that one, because I had to take other things into consideration—where we are with the economy, the intrusion on a business’s privacy. There are a lot of things that you have to take into consideration beyond just looking out for the rights of workers.

So, we will try as best as possible to take a fair and balanced approach moving forward to the way in which we move these things forward. Hopefully, the Chamber does put out a statement and clarify that significant consultation took place as it pertains to this particular matter, and that will not prevent me from consulting the Chamber or the officers in the Chamber in the future around things that may impact their membership. These things happen from time to time, but I believe that when they do happen, there should be a level of accountability and the corrections should actually take place. So, I look forward to that, Mr. Speaker.

With that said, Mr. Speaker, I will now move that the Bill be committed.

The Speaker: Thank you, Minister.
Deputy.

House in Committee at 6:31 pm

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

COMMITTEE ON BILL

EMPLOYMENT (PROTECTION OF EMPLOYEE TIPS AND OTHER GRATUITIES) AMENDMENT ACT 2023

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Employment \(Protection of Employee Tips and Other Gratuities\) Amendment Act 2023](#).

Minister Hayward, you have the floor.

Hon. Jason Hayward: Mr. Chairman, I would like to move clauses 1 through 3.

The Chairman: Continue.

Hon. Jason Hayward: Mr. Chairman, the Bill seeks to amend the Employment Act 2000 (the principal Act) to provide for the management, protection and fair distribution of employee tips and other gratuities and make related amendments.

Clause 1 provides the citation for the Bill.

Clause 2 amends section 3 of the principal Act to include the term “tip,” which has the meaning given in section 10(c) under Part IIA, Protection of Employee Tips and Other Gratuities, as inserted by clause 4.

Clause 3 amends section 6(2) of the principal Act to provide, where so required, that an employee’s statement of employment speaks to the existence of the employer’s written policy in relation to the management, protection and fair distribution of employee tips and other gratuities within the employer’s workplace and how that policy can be assessed.

The Chairman: Thank you, Minister.

Any speakers to clauses 1 through 3?

There appear to be none.

Minister, do you want to move clauses 1 through 3?

Hon. Jason Hayward: Mr. Speaker, I move that clauses 1 through 3 be approved.

The Chairman: It has been moved that clauses 1 through 3 be approved.

Are there any objections to that?

There are none.

Approved.

[Motion carried: clauses 1 through 3 approved.]

Hon. Jason Hayward: Mr. Chairman, I would like to move clause 4.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Clause 4 inserts Part IIA, Protection of Employee Tips and Other Gratuities, into the principal Act. Part IIA consists of new sections 10C to 10K, which provide as follows: [section] 10C provides for the interpretation and application of Part IIA. This section distinguishes the term “tip” and “other gratuities” with tip referring to payments made to, or left directly for the employee, whilst other gratuities refers to payments made to the employer who then redistributes to employees. This section also broadens the definition of employee to include a worker to whom the Trade Union and Labour Relations (Consolidation) Act 2021 applies and who shall be treated for the purposes of Part IIA and sections 36, 37 and 39 of the principal Act as if he were an employee under the principal Act.

[New] section 10D prohibits, except in certain cases, an employer from withholding, making a deduction from or causing any employee to give to his employer any tip or other gratuity and provides for a civil penalty to be imposed on an employer if contravened. This section also enables, in respect of an order made by the Tribunal under section 39 of the principal Act (general remedies), the reference to unpaid wages owing to the employee is to be read as including tips or other gratuities. Finally, this section provides that it applies without prejudice to any enforcement measures taken in relation to any minimum wage requirements.

[New] section 10E provides with respect to other gratuities only that an employer may withhold, make a deduction from or cause an employee to give to the employer other gratuities if the employer collects and redistributes those other gratuities among some or all of the employer's employees. This section also enables an employer to make arrangements for the collection and redistribution of other gratuities by a person on behalf of the employer or by an independent third party.

[New] section 10F sets out when redistribution of other [gratuities] to an employee, whether allocated under a payment arrangement or otherwise, is payable to that employee by his employer. Such redistribution takes into account the period within which an employee is paid wages relative to when such other gratuities are paid by the customer. This section provides, for the avoidance of doubt, that nothing in this section shall derogate from any pay reference period prescribed under and for the purposes of section 11 of the Employment (Wage Commission) Act 2019.

[New] section 10G prohibits an employer, and in the case of a body corporate a director or shareholder of an employer, from sharing in any tips, tip pool or in any other gratuities that are redistributed under [proposed] section 10E. However, such sharing is permitted if the employer is a sole proprietor or partner in a partnership and regularly performs to a substantial degree the same work performed by

a. some or all of the employees who share in the tips, tip pool or such redistribution, or

b. the employees of other employers in the same industry who commonly receive or share tips or other gratuities, and similarly, in the case of a director or a shareholder of a body corporate. This section also provides for the Minister to issue guidance to aid in determining what may constitute work regularly performed to a substantial degree.

[New] section 10H requires an employer whose employees commonly receive other gratuities to create a record of how all other gratuities have been dealt with and maintain the record for three years, beginning with the date on which all such other gratuities were paid by the customer. This section requires such records to include the amount of the other gratuities paid to the employer in respect of a place of work and the amount redistributed pursuant to [proposed] section 10E.

[New] section 10I provides that an employee may request in writing to his employer records showing the amount of other gratuities received by the employer within a period specified in the request, the amount redistributed to the employee and the amount redistributed to employees and such other persons as the case may be. This section requires the employer to provide such records to the employee within a period not exceeding 30 days from the date of the request. This section also provides limitation with respect to the period for which such a request may be made and restrict an employee from making more than one request in any three-month period.

[New] section 10J requires an employer whose employees commonly receive tips or other gratuities or whose business is in an industry or a sector within which employees commonly receive tips or other gratuities to provide a written policy statement in relation to the protection and fair distribution of tips and other gratuities with respect to the employer's workplace. Such policy statement is to be made available to all employees, and their employer must ensure that the procedures are put in place to assist employees in understanding it. This section requires that the policy statement includes the terms as set out in Schedule 1A and empowers the Minister to amend the Schedule by order. Finally, this section provides for a civil penalty to be imposed where the employer contravenes this section.

[New] section 10K enables the Minister to issue guidance for the purposes of promoting fairness and transparency in relation to the management, protection and distribution of tips and other gratuities. This section also enables the Minister to consult as he considers necessary with respect to such guidance and provides that any guidance so issued shall not be subject to parliamentary scrutiny.

Thank you, Mr. Chairman.

The Chairman: Thank you, Minister.

Any speakers?

MP Scott Pearman, you have the floor.

Mr. Scott Pearman: Thank you, Mr. Chairman, and thanks to the Honourable Minister.

Minister, [with] my questions I just want to drill down a little bit. On page 2 of the Bill under clause 4, under the new inserted section 10(c) where you have the definitions. I just want to drill down and make sure I have understood how this is going to work because obviously people know how to put this into practice.

"Other gratuities" is a different concept than "tip." Right? "Other gratuities" appears right after 10(c), and then further down there is "tip." "Other gratuities" involve payments made to an employer. "Tip" involves payments made to an employee. Right? So, there is the

distinction between those two concepts, so I have understood.

I would guess, but I would ask you to confirm, that the standard included automatic gratuity on a restaurant bill, the 12.5 per cent, 15 per cent, 22 per cent, 20 per cent, whatever happens to be the automatic gratuity, is an “other gratuity.” It goes in . . . it is an “other gratuity” because it is given to the employer. And it is that which then gets redistributed to the workers by the policy pursuant to [proposed section] 10(e) over the page at 3.

In contrast, if I have understood this, a tip is for the employee. And if we go down to “tip pool,” tip pool is only voluntary pooling (yes?) together of tips, controlled by the employees so participating. So again, just to try to get a practical example. If you have three wait staff it is up to the wait staff whether they pool their tips (i.e., the cash tips left on the table, not the percentage on the bill, but the cash tips). And they can choose to pool their tips if they wish, their cash tips. Or they can choose not to.

So, for example, if there were three wait staff, two could choose to pool, and one could say, *No, I'm not going to pool. I'm going to keep what I get.* Now, I ask because of course it is relevant because restaurants have people who are not customer-facing. And the Honourable Chairman earlier when he was speaking from his seat observed that there are people behind the scenes. So, there are kitchen staff, there are porters, there are cleaners, et cetera.

What I understand this to be doing, and I just want to make sure we all understand that it is what it is doing, is all of those people in a restaurant can only get paid out from the “other gratuity” that is the automatic service charge. They are not going to get paid out from the tip pool—that is, for the wait staff in the front of the house who only do that if they choose to do so, and they do not have to. That is what this Bill is going to do. And I just want to make sure that that is what it is intended to do.

Thank you.

The Chairman: Minister.

Hon. Jason Hayward: Mr. Chairman, “other gratuities” is the term that we use which includes what is legally a service charge. So, when you see “gratuity” on your restaurant bill, under law that is actually a service charge. It is commonly referred to as a gratuity. So, this includes gratuities and service charges.

A distinction was made in the Payroll Tax Act [1995] regarding gratuities and service charges, which are fundamentally different things, but one and the same in practice. So, to make it clear, those are typically funds collected directly by the employer and then redistributed to employees under best practice. And now what we are trying to prevent in a firm manner is the lack of redistribution back to the employees.

“Tips” are, as explained, what are given primarily in cash directly to our employees. Now, when we get to “tip pool,” this is what the policy will clarify, whether there is a tip pool in place or whether the individual employee claims it is a tip. So, it is confusing if you say, *Well, they have three and two agree to tip-pool and one doesn't. How does that work out?* Well, the organisational policies will dictate that. And that is why on your first day at work you have to know how this is established in the organisation and what it is for.

I think it is difficult when you try to look at tip pooling and you talk about wait staff. Unless if you talk about bartenders, if it is one common jar on the bar and everybody is working and people are putting money in the jar. Then the bartenders agree at the end of the night that, *We're going to split the tips equally,* because they all helped in the service of providing drinks.

But I do not want this just to be in your minds restricted to the restaurant industry. There are personal care services and a number of other industries. And what we are saying is that we are not trying to prescribe which methods individuals use. But what we are trying to say is, if you use the method, it should be transparent, clear and in the policy so that on my first day of work I know how I will be getting remunerated.

The Chairman: Mm-hmm.

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

All of that answer was very, very helpful except for the last little bit in terms of trying to reach a commonality of understanding. Because if you contrast [proposed section] 10(j) at the bottom of page 5, that envisages . . . and I will stick with the restaurant. If you want to change to a different example, that is fine. But that envisages the restaurateur creating a policy statement as to how tips or other gratuities will be doled out. Right? So that is what [proposed section] 10(j) is doing. And I get that. I understand that. That means the restaurateur says, *I believe all of our tips should be shared. I want my kitchen people cut in. I want my pot-washers—*

The Chairman: Well, it is not just his say, you know, because the restaurateur—

Mr. Scott Pearman: Well, that is exactly where I was going, Mr. Chairman.

The Chairman: Well—

Mr. Scott Pearman: Because if you go back to page 2, it is not his say at all. The definition of “tip pool” makes it very clear that it is the say of the wait staff. Because it has got to be voluntary, and it is up to them.

I am just pointing this out because it does seem to me—

The Chairman: Well, let me say this.

Mr. Scott Pearman: Yes.

The Chairman: Because in the industry you would have, let us say, 15 tables. And one waiter, they may share up the tables. They may help each other. So, they do a system based on that.

Now, if I am servicing 15 tables by myself with no other help, that is my [gratuities]. So, they will do what is fair. That is how you do a system.

Mr. Scott Pearman: So, what you have just described, Mr. Chairman, is what is envisaged by the definition of “tip pool” at page 2 under [proposed section] 10(c).

The Chairman: Yes. The Minister has got it right.

Mr. Scott Pearman: But that is not, respectfully, what is envisaged by the policy statement at page 5 for [proposed section] 10(j).

What you just described is exactly what “tip pool” means—i.e., it is up to me, the waiter, and my colleagues to decide if I am waiting the 15 tables how we divvy that up. It is described as “voluntary” and it is controlled by the employees.

But how does that reconcile with [proposed section] 10(j), page 5, where the restaurateur says, *But I want to cut in all the kitchen people on the tips*. I think the answer is that that is not possible. The restaurateur can only cut the kitchen people or the porters or the cleaners in on the “other gratuities”—

Hon. Jason Hayward: Point of order, Mr. Speaker. Point of clarification.

POINT OF CLARIFICATION

Hon. Jason Hayward: There is a process to get to a policy. And I think that is what is missing.

The Chairman: Yes.

Hon. Jason Hayward: So, it is not as though the policy is being dictated by the employer. Where these things specifically state that there has to be an agreement by the employee, then that is how it makes it to the policy. It cannot make it into a policy if the employees do not agree. But if the policy within the workplace, if the employees agree everybody keeps their own tips, then in the policy it will be that there is no tip pooling in this establishment and everybody keeps their own tips. It will be written in policy.

If there is tip pooling in the establishment, then that will be made clear in the policy as well. But we recognise the process to get it to the policy means that the employees must agree to the method that they will be using moving forward.

Mr. Scott Pearman: I am very grateful for the explanation. That is what I was looking for, and I am glad it has been explained with such clarity by the Minister.

Thank you, Mr. Chairman.

The Chairman: Yes. Just let me add to that if you do not mind, Minister.

You have got a bartender. He is serving the waiters and the guests sitting around his bar. Well, whatever the waiter serves, a portion of that is shared between the bartender and the waiter.

Mr. Scott Pearman: To take your example, based on this Bill, that bartender could just keep all of the cash and not share it with his waiters if he so chooses.

The Chairman: Well, as the Minister said, it is what they both agree to.

Mr. Scott Pearman: Yes. I got it.

The Chairman: Yes, yes.

Mr. Scott Pearman: I just want to point out the practical realities of it. Thank you.

The Chairman: Any further speakers?

There are none, Minister.

Hon. Jason Hayward: Mr. Speaker, I want to move that clause 4 be approved.

The Chairman: It has been moved that clause 4 be approved.

Are there any objections?

There are none.

Clause 4 is approved.

[Motion carried: clause 4 passed.]

Hon. Jason Hayward: Mr. Speaker, I want to move clauses 5 through 7.

The Chairman: Continue, Minister.

Hon. Jason Hayward: Clause 5 amends section 37A(1) of the principal Act to include new Part IIA as a Part under which the Manager may impose civil penalties in accordance with section 37A.

Clause 6 inserts a new Schedule 1A into the principal Act, which sets out the required terms of an employer’s written policy in relation to the employee’s tips and other gratuities.

Clause 7 provides for the commencement on the 1st of March 2024.

The Chairman: Any speakers to clauses 5 through 7?

There are none.

Minister, will you move them?

Hon. Jason Hayward: Mr. Speaker, I would like to move [that] clauses 5 through 7 be approved.

The Chairman: The Minister has moved [that] clauses 5 through 7 be approved.

Are there any objections to that?

There are none.

Approved.

[Motion carried: clauses 5 through 7 passed.]

Hon. Jason Hayward: Mr. Speaker, I would like to move the Schedule.

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

Are there any objections to that?

There are none.

Approved.

[Motion carried: Schedule passed.]

Hon. Jason Hayward: Mr. Speaker, I would like to move the preamble.

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

Are there any objections to that?

There are none.

Approved.

Hon. Jason Hayward: Mr. Speaker, I move that the Bill be reported to the House as printed, and I would like to thank the support staff for their assistance in this matter.

[Motion carried: the Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023 was considered by a Committee of the whole House and passed without amendment.]

The Chairman: We also on behalf of the House, 36 Members, we would like to thank you for the work that you do. And PS Attride-Stirling, your work is appreciated.

The Bill will be reported to the House as printed.

Mr. Speaker.

House resumed at 6:52 pm

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

REPORT OF COMMITTEE

EMPLOYMENT (PROTECTION OF EMPLOYEE TIPS AND OTHER GRATUITIES) AMENDMENT ACT 2023

The Speaker: Members, are there any objections to the Bill, the Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023, being reported to the House as printed?

There are none.

Thank you, Members, for your participation on that one.

It looks like we are at the third readings if I am correct. Yes. Minister Campbell, would you like to do your third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Vance Campbell: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Distilleries Licensing Act 2023 be now read the third time by its title only.

The Speaker: Any objections?

There are none.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

DISTILLERIES LICENSING ACT 2023

Hon. Vance Campbell: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.

[Motion carried: the Distilleries Licensing Act 2023 was read a third time and passed.]

The Speaker: Thank you.

SUSPENSION OF STANDING ORDER 21

Hon. Vance Campbell: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Trade Marks Act 2023 be now read the third time by its title only.

The Speaker: Are there any objections to that?

There are none.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING**TRADE MARKS ACT 2023**

Hon. Jason Hayward: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: Yes. It has been read a third time by its title only and is now passed.

[Motion carried: the Trade Marks Act 2023 was read a third time and passed.]

The Speaker: Do number 4. The Order was already done.

Hon. Vance Campbell: Yes. The Order was already done. That is correct.

The Speaker: Yes.

SUSPENSION OF STANDING ORDER 21

Hon. Vance Campbell: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 be now read the third time by its title only.

The Speaker: Any objections to that?
There are none.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****TRADE MARKS AND SERVICE MARKS
REGULATIONS AMENDMENT AND
VALIDATION ACT 2023**

Hon. Vance Campbell: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read by its title only and is now passed.

[Motion carried: the Trade Marks and Service Marks Regulations Amendment and Validation Act 2023 was read a third time and passed.]

The Speaker: Thank you.

Hon. Vance Campbell: Thank you, Mr. Speaker.

The Speaker: Minister of Health.

SUSPENSION OF STANDING ORDER 21

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

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Health Insurance Amendment Act 2023 be now read the third time by its title only.

The Speaker: Any objections?
No.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****HEALTH INSURANCE AMENDMENT ACT 2023**

Hon. Kim N. Wilson: Mr. Speaker, I move the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.

[Motion carried: the Health Insurance Amendment Act 2023 was read a third time and passed.]

The Speaker: Thank you.
The Minister of Economy and Labour, item number 6.

Hon. Jason Hayward: Mr. Speaker, I believe that the Order has already been . . .

The Speaker: Oh, that is the Order, yes. Sorry.
Item number 7. I am sorry.

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Financial Assistance Amendment (No. 2) Act 2023 be now read a third time by its title only.

The Speaker: Any objections?
There are none.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING**

**FINANCIAL ASSISTANCE AMENDMENT (NO. 2)
ACT 2023**

BILL

Hon. Jason Hayward: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read by its title only and is now passed.

[Motion carried: the Financial Assistance Amendment (No. 2) Act 2023 was read a third time and passed.]

The Speaker: Thank you, Minister. Do you want to do the next one?

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled the National Training Board Amendment Act 2023 be now read the third time by its title only.

The Speaker: Any objections?
There are none.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

**NATIONAL TRAINING BOARD
AMENDMENT ACT 2023**

Hon. Jason Hayward: I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.

[Motion carried: the National Training Board Amendment Act 2023 was read a third time and passed.]

The Speaker: And number 9.

SUSPENSION OF STANDING ORDER 21

Hon. Jason Hayward: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023 be now read the third time by its title only.

The Speaker: Any objections?
There are none.
Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

**EMPLOYMENT (PROTECTION OF EMPLOYEE
TIPS AND OTHER GRATUITIES)
AMENDMENT ACT 2023**

Hon. Jason Hayward: Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

The Speaker: The Bill has been read a third time by its title only and is now passed.

[Motion carried: the Employment (Protection of Employee Tips and Other Gratuities) Amendment Act 2023 was read a third time and passed.]

The Speaker: Thank you, Members. Thank you, Ministers and Members, for your participation today.
Premier.

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

Mr. Speaker, I move that this Honourable House do now adjourn. And unfortunately, I have no date for the next sitting, because I do believe I intend to inform the Governor to prorogue the Legislature. So, I move this Honourable House do now adjourn.

ADJOURNMENT

The Speaker: Okay.
Does any Member wish to speak to that?
MP Adams, are you on your feet?

Mr. Jache Adams: Yes.

The Speaker: Oh. MP Adams, you have your 20 minutes.

Mr. Jache Adams: Good evening, Mr. Speaker.

Mr. Speaker, I beg your indulgence this evening because some of the things that I plan to say I have said previously in this House, but I believe some things are worth repeating.

An Hon. Member: Yes.

**FISCAL PRUDENCE NEEDED NOW
MORE THAN EVER BEFORE**

Mr. Jache Adams: And this also sets the foundation for where I wish to ultimately go this evening.

Mr. Speaker, I will say it again. The Government under the PLP and OBA has gone 20 consecutive years operating at a deficit. We have been overspending for two decades. And to cover those deficits, the

Government has had to borrow the money. So much so that our net debt stands at \$3.1 billion.

Now, Mr. Speaker, the process as you know is simple. The longer we continue to overspend, the more we will have to borrow. And the more we borrow, the higher our interest expense [will be]. I want to emphasise that it will cost the government over \$130 million this year alone to service that debt. Meaning 11 per cent of the government's total revenue is used to pay just the interest on our debt.

Mr. Speaker, let me make it crystal clear to all those who are listening. It is painful for me. It is painful for every single member of the Progressive Labour Party to know that \$130 million of our taxpayer dollars will leave this country and serve no benefit to the people of this country! We have got to stop the deficits so that we can begin to repay down our debt, so that we are paying less in interest, so that we have more capacity to assist the people of this country. Fiscal prudence, more now than ever before, has to be a priority.

Mr. Speaker, it is my sincere hope that we all can accept that the way we were operating over the last 20 years was unsustainable. Let us all agree that a lifestyle of overspending will only lead to greater challenges in the future. If you think things are difficult now, I say with confidence that another five years of overspending would make things significantly worse! *Fiscal prudence, more now than ever before, has to be priority.* It is my sincere hope that all Bermudians can unite around the simple fact that we all want what is best for Bermuda. We are all hoping for a brighter and more prosperous future. So with that, let us all agree that the days of deficits have to end.

But, Mr. Speaker, allow me to explain how things are even more difficult than that. Because not only must we make fiscal prudence a top priority, but we must do so at a time when our people are in need of and asking for more government assistance. Mr. Speaker, our people are outraged at the rising prices of groceries and rising interest rates. They are calling for more to be done to curb antisocial behaviour, for our roads to be repaved. They want to see further investment in our education, in our athletes, in our artists. This is all happening at a time when we must be more vigilant than ever before at reducing our deficits. Difficult decisions.

But, Mr. Speaker, this leads me to my broader point. That is why I am proud to be a member of the PLP. Mr. Speaker, I know when it happens it will not make the headlines, it will not be on the front page. But later this year this Government will begin repaying down our debt by \$50 million.

[Desk thumping]

Mr. Jache Adams: Now, I know the Combined Opposition will say that a \$50 million repayment is a drop in the bucket compared to the billions we still owe. But my response to that is clear: It is a clear step in the right

direction and a step this Government has positioned itself through sound fiscal management to make. You see, we did not reach a net debt of \$3.1 billion overnight. But we can proudly say we are starting the path toward bringing it down.

Mr. Speaker, another thing the combined Opposition want the people to forget is that this Government's performance is independently evaluated every year by highly regarded international credit rating agencies. These agencies meet with a number of Ministers, senior technical officers and stakeholders to evaluate our policies, our economic performance and our projections. And after the most recent assessment by S&P [Standard and Poor]—

The Speaker: Yes.

Mr. Jache Adams: They said that in their opinion, economic recovery was underway in Bermuda. They viewed Bermuda's policymaking as largely effective, predictable and proactive.

Mr. Speaker, these agencies do not care about the PLP or the OBA or the news media. They are not influenced by social media or the comments made under particular articles. They focus on the facts and publish their assessment. And their assessment of this Government's performance was largely positive.

Now, Mr. Speaker, what I want the One Bermuda Alliance and their consultants to hear me say is that not only are we repaying down our debt, not only have we maintained our credit ratings, not only has GDP [gross domestic product] surpassed pre-pandemic levels, not only have we seen significant reduction in unemployment, not only have we seen steady improvement in our tourism figures, not only are we seeing steady increase in employment income, but we are doing it while we continue to find ways to provide relief for the people of this country.

Mr. Speaker, since returning to office in 2017, the Progressive Labour Party has reduced payroll taxes four times—

[Inaudible interjection and laughter]

Mr. Jache Adams: Four times.

[Inaudible interjections]

Mr. Jache Adams: Wait, yes, yes. Here we go, fingers up.

But not a single member of the Opposition would give me a point of order when I say that since returning to office, the majority of the workers in this country have saved thousands of dollars in payroll taxes because of the decisions made by the PLP. That is a fact they cannot deny.

[Inaudible interjections and laughter]

Mr. Jache Adams: Mr. Speaker, this Government also recognises the effect that rising interest rates by some banks—not all banks, but by some banks—is having on Bermudians looking to own their piece of the Rock. So we have responded by implementing a mortgage guarantee programme which says to any Bermudian, *If you are looking to purchase your first home, not only is the down payment requirement cut in half, but with the preferred rate your monthly repayments are significantly reduced as well.*

[Inaudible interjection]

Mr. Jache Adams: Oh, we are getting there.

[Laughter]

Mr. Jache Adams: But that is not enough, Mr. Speaker! To this Government, especially my colleagues, MP Crystal Caesar said, *This is not enough!*

Ms. Crystal Caesar: That's right!

[Laughter]

Mr. Jache Adams: So we have now made it so that any public officer, including teachers, prison officers, police officers, postal workers, bus drivers—any public officer—any government worker now has the opportunity to transfer their mortgage into the programme and receive the preferred rate of 5 per cent. Yes, Mr. Speaker, any public officer who is unhappy with their mortgage rate can transfer it over right now and receive an interest rate of 5 per cent.

Now, let us go beyond that because, Mr. Speaker, we have also successfully reached an agreement to increase the salaries and wages of our public officers as well.

[Inaudible interjections and laughter]

Mr. Jache Adams: Mr. Speaker, we then kept our promise to our seniors and increased their pensions. I want all of our seniors to know that not even a global pandemic, not even our continuing to have to cover the OBA's poor deals, not even a Russian war that has caused Bermuda to lose \$18 million annually will stop us from honouring the commitment we made to you. The PLP would never tell our seniors, whose shoulders we stand on, who have laid the foundation, that money does not grow on trees.

Mr. Speaker, we have invested and continue to invest in affordable housing. In the last three years, the Government through the BHC [Bermuda Housing Commission] has refurbished and repurposed almost 40 residences. I mention this because I do not believe it gets the recognition it deserves. I speak for myself when I say it does not appear to mean much to those who already have houses or those with well-paying

jobs or those who have inherited certain privileges. But to those families who can now afford to breathe a bit easier because they have more affordable living arrangements, this means the world!

Mr. Speaker, we have instituted a long-awaited minimum wage. Because quite frankly, it was unacceptable to this Government for anyone to complete an honest day's work and earn less than \$16.40 an hour. Therefore, we have now implemented one of the highest minimum wages in the world! So that those who used to earn less than \$16.40 no longer do so.

Mr. Speaker, we have listened to our parents and those considering starting a family as well. So in response we have not only increased the amount a person would receive in child day care allowance, but also made it so that more people are eligible for the allowance as well. Put simply, starting October 1, the Progressive Labour Party has now made it so that any household—any household—earning \$130,000 or less is eligible to receive a monthly allowance toward the cost of day care for each child. This means a single parent earning \$130,000 or less and living independently is now eligible for a monthly allowance toward each of their children. That is this Government listening and acting on behalf of the people we serve.

[Inaudible interjections]

Mr. Jache Adams: Mr. Speaker, the Government is also pleased to increase financial assistance benefits. From food allowances to disability allowances, nursing home rates, funeral expenses and more, this Government continues to focus on providing support to our most vulnerable Bermudians.

Mr. Speaker, we have eliminated duty on school uniforms. We have revised the sugar tax and put a price freeze at the gas pumps. We made it so that any first-time home buyer purchasing a property worth \$1 million or less does not have to pay stamp duty. We provided a payroll tax rebate to everyone earning \$96,000 or less. We have provided monies to those parents with children in public schools.

I can go on, Mr. Speaker! But I am well aware of the clock. I have got three minutes left. So I will finish with this: When I say that as a Government we are proud of the progress we have made thus far, it does not mean we have lost sight of the fact that there is still more to be done. We understand the struggles that too many of our people are going through. You see, it really is a difficult balance. But, Mr. Speaker, the record will soon reflect that shortly after a devastating once-in-a-lifetime global pandemic, after 20 consecutive years of deficit whilst in the middle of a geopolitical war that is severely disrupting supply chains, while paying \$130 million annually in interest, while still paying for Morgan's Point, this Government has managed to position itself to begin reducing our debt, to growing our economy, to maintaining our credit ratings and at the same

time finding the balance to ensure that we continue to provide relief for our people as and when we can.

You see, Mr. Speaker, governing is not easy. But I will assure the public that under this Government, more can and will be done. Thank you.

[Desk thumping]

The Speaker: Thank you, MP Adams.

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

MP Famous, you have the floor.

[Inaudible interjections]

The Speaker: Somebody has got to take the floor. You are on the floor.

INTERIM LEADER OF THE OPPOSITION

Mr. Christopher Famous: Okay, Mr. Speaker.

Mr. Speaker, have you ever seen . . . ever been to Broadway? They have these plays all based on musical themes, right? They had this movie years ago, black-and-white, Humphrey Bogart. I swear Derrick was a double in there somewhere. [It had] Audrey Hepburn *[sic]*. The theme was, *Play it again, Sam*. The guy was sitting on the piano, and he said, *Yeah. Play it again, Sam*.

So play it again, Sam!

Mr. Speaker, the OBA, One Bermuda Alliance have their latest (and let me say it correctly before I get point-of-ordered) *interim leader*. He is a leader with no votes by any members. Remember last year they were so wrapped up in our internal elections?

An Hon. Member: Oh, yeah!

[Laughter]

Mr. Christopher Famous: Now suddenly they have a leader and no internal elections. Every time I say something, say, *Play it again, Sam!*

An Hon. Member: Play it again.

[Inaudible interjections]

Mr. Christopher Famous: That same leader for the last few years has said, *You know, I'm just a humble guy. I'm not getting involved in any mix-up. I'm just here to debate on the clauses*. You know, you can take him at face value. Say, *That's cool, bro. I respect that*. Not once has he ever stood up on the motion to adjourn. But the day he became the interim leader, we saw Mr. Hyde.

[Inaudible interjections]

Mr. Christopher Famous: I knew that, see? I tell you, cousin. We got this, cousin. Cover your head.

Mr. Speaker, that interim leader got up on national TV and claimed that the PLP is a party that just works off of crusades. Hmm, crusaders, like we just kill people, just take people's stuff. Like we do not work for the people. We have no plan. We just get re-elected off of people's feelings. Hmm. He then went on to say, *Oh, calling an election during a pandemic was horrible!* I did some research. Well, who else had elections? USA, UK, Canada, New Zealand, Chile, Jamaica. Hmm, we cannot be the only ones. Everybody had an election. What is the problem? But we are still being accused of being *horrible*. Planes were flying at that point in time, people were going to grocery stores. All sorts of things were going on—normality. Because this Government did what it had to do despite whatever criticism. And the people voted. Well, at least our people voted, right?

So when it comes to the new interim leader who happens not to be here because he is not feeling well . . . we have seen it all before. The OBA needs persons such as him, okay? He is bright; he is articulate, fine. But I encourage him not to let the OBA twist who he is. I encourage him not to do that.

[Inaudible interjections]

Mr. Christopher Famous: Mr. Speaker, I am going to move on, and I am not going to call any organisation's name. But the theme I want to work with is, *See the hypocrites*. In one place such as somewhere similar, they say, *Great legislation! So good! We support this*. Then they get on the media and say, *The PLP has not done anything for the working-class people of Bermuda. The PLP hasn't done anything for the business*. You are like, *Come on, bro! Did you not just last week say okay?* They supported the economic Bill that Jayson Hayward brought. But then two weeks later they got up in the press and said (once he became interim leader) *Oh, this is bad!* You know, like you said this this day. Today you are saying this. It is not adding up!

So you go on. He said, *Okay, fine. Where are you all's plans?* Last week, two weeks ago they said, *Oh, we're going to announce a manifesto, a new platform*. Has anyone here seen a platform from those people we are not going to call their names? They have no platform. They have no plans. They have no manifesto. The only thing that they have thus far is flyers saying, *Do you want another six years of the PLP?* That is the only thing they have! *The PLP is divisive*. That is the only thing I have seen on their social media, the only thing. Coming from someone who himself was the starring actor in a very divisive video. How hypocritical is that?

Some Hon. Members: Ooh!

Mr. Scott Pearman: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Mr. Scott Pearman: “Hypocritical” is not really an appropriate word for Parliament I do not think. Notwithstanding the speaker.

[Inaudible interjections]

The Speaker: Members, Members, Members. Let us not let the tone go personal. So be mindful of your comments. You can speak in general but let us keep it above getting personal. And understand that everyone is here to do the same thing, represent their constituency base.

An Hon. Member: Notwithstanding the current speaker.

Another Hon. Member: Oh!

Mr. Christopher Famous: Mr. Speaker, the Jamaicans say, *When you shake a tree, the leaves shall fall.*

Mr. Speaker, over the last three weeks the *Royal Gazette* has, I would say, hmm, enjoyed added readership. They have got a new columnist!

An Hon. Member: Oh, yes!

Mr. Christopher Famous: Someone who has been revived from the ghosts of 2017 has been re-activated. *We need you, we need you! Come out and tell them that we told you so!* Trying to conflate giving away thousands of Bermuda status with increasing the working population. The two do not add up! Mr. Speaker, anyone who realises, anyone who has watched politics in Bermuda over the last 10 to 15 years realises that we are going through the same cycle that we did in 2011 when the BDA [Bermuda Democratic Alliance] was formed and the UBP [United Bermuda Party] was there and they merged. Right? They come out and they say, *Well, you know, we're the good guys*, and, *Blah-blah-blah*. And then they do all of this negativity.

Mr. Speaker, we have seen this movie before. The people of Bermuda . . . I went down to the hospital earlier to go and see a relative. And two people stopped me. And they said, *That guy's going to come after you, you know*. I am ready. I am right here. So I say to the people of Bermuda, do not be fooled by charlatans who suddenly have a lot to say and are acting very altruistic. *Oh, I'm no longer aligned with this party. It's good to have a third party.* The only time you hear about third parties is when the Opposition know they cannot beat the Government.

[Laughter]

Mr. Christopher Famous: Mr. Speaker, let me move on.

During the 1970s there was a show called *All in the Family*. Anybody remember that? Archie Bunker, right? And out of that they had a neighbour. Anybody remember who their neighbour was?

An Hon. Member: It was Jefferson.

Mr. Christopher Famous: George Jefferson! George Jefferson and Archie Bunker always got at it now and then, more now than then, but they got at it. I say this to my PLP family: *All in the Family*. Barak Obama said, *There are many ways to be I. Some people are light-skin Black. Some people are black-Black. Some people are light Black.* It does not matter what complexion you are. It does not matter what profession you are. There are many ways to be Black. So I am going to twist that up slightly, Mr. Speaker. There are many ways to be PLP. Not all of us come from a working-class background. Not all of us work in exempt companies. And not all of us play golf. But we are PLP.

So I say to my PLP family: I was born and bred in this party. We are going to get at it sometimes. We are going to have consultation at Reggie Burrows Hall.

[Laughter]

Mr. Christopher Famous: That three-word consultation. But that is who we are. That is who we have always been. But out of those three words, we have always risen.

We see clearly what they are up to. So I am calling on my PLP family, those here, those listening and those who are going to read it online. We cannot allow people to reinvent the truth or history, rewrite history. We know what they did, we know what they want to do. That is why they keep talking about status all the time. That is what they want to do! You see? So no matter how you do it, whether you are working here in legislation, you are working at party headquarters, you are working at the polling stations, you are working in your branches, we are all PLP. It does not matter what your title is. There is only one title coming into that door—family.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, MP Famous.

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

Deputy Premier.

PLP GOVERNMENT PROGRESS

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

[I am] very entertained and always empowered by the strong, affirming comments of my colleagues, particularly during the motion to adjourn. I do not often have to speak in this component of the deliberations because, one, as a Minister I get to speak on other matters. But the formidable articulation of my colleagues who do speak often says it all. So I thank them for their continuous assertive efforts to champion the Government's agenda and inform the public of what we do, how we do it and whom we do it for.

Mr. Speaker, I think today as it is the last session of the House has been a good day. It has been a good day for a number of reasons. One, we got the business done. But two, there were a number of statements made today by Members of the Government that hit so many very strong themes, Mr. Speaker. We heard themes of social justice. We had themes of economic empowerment, themes of opportunity, themes around the care for seniors, themes around FDI (foreign direct investment), themes that resonated digital transformation, themes that resonated the continued effort to rejuvenate and ensure that economic opportunity goes to sections of our community that have been denied. This is a Government doing its work, Mr. Speaker. And I am proud of that work.

I am proud that all 30 of us in this Chamber are doing their bit, whether they are a Member of the Cabinet or Member of the other parts of the parliamentary team to make it happen, as on government boards, in the community and supporting the work of the Government in our deliberations to get Throne Speech initiatives, platform initiatives into policy, into legislation and into action.

But as you know, Mr. Speaker, this process is not always smooth; it can be rough, as many of my colleagues have articulated. And as we as a party celebrate our 60th anniversary, we know that this has not always been a smooth path. But that is how life is. Life is never smooth. And as a family, you often go through good times and bad times. But the key is to still remain the family and to stick to what the family is for and what matters. And after 60 years of existence, Mr. Speaker, this family has had a whole lot of rockiness and *rollyness* and smoothness too. But I will contend that the work that we are doing today in this era of the Progressive Labour Party is closer to the original vision of the party of 1963 than it has ever been. And the work that we focus on, as I have mentioned a list of what was just stated today, is keeping in alignment with that mission, Mr. Speaker.

And that will continue. That effort will continue. It is not going to stop. And I will contend that the vision of 1963 may never be finished. And all that means is that the PLP will have to continue to be vigilant as we shape education for our children, as we shape the quality of life for seniors, as we create an environment where families can thrive, as we focus on opportunities for young people emerging into the market and to ensure that people find their opportunities whether it be

through technology, whether it be through skills development, whether it be through starting businesses. And also, as we discussed earlier, good employment. These are all things that will help Bermuda to thrive going forward.

And we will come to this House. We will debate, perhaps occasionally get a little testy at it. But ultimately, the House and this business with outcomes, outcomes of legislation passed, outcomes of policies made, and outcomes of work done, and all 36 of us participate at some level in that process, Mr. Speaker.

So, I will continue to be proud of the team that has the green-and-white label in this House because I know, whether it be on the doorstep or on the steps of Veritas House as we come into this place, we are focused on the business that will help people. As has been said today, the PLP's philosophical focus is very much human-centred. It is about people. And often we are challenged on that focus because some people have a different focus. And that is okay. Because that is just a part of democracy, that is a part of a thriving society. People have different views, and they will be challenged. But we will stand up strong and always defend, always in the face of editorial lines that do not agree, in the face of social media posts that perhaps are not as clear, in the face of, frankly, even the right to protest. All thriving components of democracy.

But we will stand, Mr. Speaker. We will stand strong. We will do what is best, putting Bermudians at heart, seeking to build a better Bermuda and certainly ring a bit from the past. We will seek to make it happen. So that is the job that we have for ourselves here in this House. And I look forward to continuing that work, Mr. Speaker, whether this House is adjourned or no matter what time it is. In this community with my colleagues, with all of us working as a family as one to fulfil the visions of 1963.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Deputy Premier.

Does any other Member?

Opposition Whip, you have the floor.

[Crosstalk and laughter]

DEMONSTRATION BY REPRESENTATIVES OF THE BERMUDA TAXI OWNERS AND OPERATORS ASSOCIATION, THE FISHERMEN'S ASSOCIATION OF BERMUDA, BERMUDA FARMERS ASSOCIATION AND SOME PUBLIC SCHOOL PTAS

Mr. L. Craig Cannonier: Thank you, Mr. Speaker, for this opportunity. You know, I do listen intently to what I hear coming from Government as far as—and rightfully so—even some of the Bills that we did today that have been complementary and helpful to the people of Bermuda. Many of these initiatives in my estimation are Bills that out of their own inception created something compulsory that had to be done considering the times

that we are in. Over a period of time, we have seen, since 2008, a recession hit us that required a lot of pulling a lot of weight and frustration on behalf of the people of Bermuda. Then to move into COVID-19, a pandemic that struck not just Bermuda but worldwide.

And then we take a look at where we are today, and it goes without saying that our counterparts in recovering from many of these challenges that we have faced have quite frankly outpaced us. And I am not sure if it is because we have not been swift enough to come to resolution or solution as to what needs to be done, but the fact remains that we continue to be outpaced by others. That does not mean that good work is not being done, but our reality is this. And the Government will get up and it will boast of the many wonderful things that it has done, and rightfully so. Go ahead! But when I fast-forward to today and I look at the many things that have happened over the recent past, we continue to be plagued with educational issues that are not new, but they are finding their way to the front page. They are finding prominence in the conversations that people are having out on the streets. And these are concerns that still have not been addressed and need to be addressed.

What I do recognise is that several months ago (it might have been last year) we had a protest down in the front, about four or five people. And someone said, *Well, how many are down there?* Four or five. And I recall getting up to say that it would be important to notice and take note of that four or five because I would anticipate more will be coming. After saying that, several weeks afterwards, two weeks afterwards actually, there was a group of about 25, maybe 30, who were outside, concerned citizens. And you fast-forward to today where not only do you have fishermen, the farmers, the taxi drivers who are willing now to express their concerns. Consultation is happening, so we will see what happens. But the reality is there is a growing swell of concern.

And I say “concern.” I am not making it political.

[Inaudible interjections]

An Hon. Member: No!

Mr. L. Craig Cannonier: I say “concern.” There is a growing concern. And I am hearing moaning and groaning, but that is the reality. Despite the fact that good is being done, there is a growing concern that people feel they are not being listened to. And I rightfully listened to the Premier when he said, *Well, you know, these negotiations can be tough and not everyone is going to get what they wish.* But when you see repeatedly from different industries the same issues coming back and coming back and coming back, then that is cause for concern. I do not know what is next. But you wrestle that with many of the issues that we are having.

And I will commend the Government for the work that it is doing through a very unfortunate circumstance of a cyberattack, very unfortunate for us. But I believe that we will get back up and running. There are many people out there who are assisting and seeking out. But when the public have something to say, I think it is important that we take note. There are some in this room who will recall the first protest on the hill when the OBA was Government. One of the protests was over the Lamb Foggo clinic. And I recall having come back to see that there were moves to close it. And I rightfully said, *No. It will not be closed.* But there was a protest. And there was a very large gentleman who stood in front of me screaming. And as I looked at him and listened to him, I realised that if I took it personally, then I probably was not listening. I had to look at him and realise that he was in pain. He was hurting, and he was not quite sure how to express that. And the best way that he could was to get up in front of my face and point his finger.

Now, I am the kind of guy who does not take stuff like that easily. But I did stop and look and listen. And I realised that this guy was hurting. So, I proceeded to address the protest, this here, with the concern that they have. And the conclusion was that we kept it open, thank goodness. It stayed alive, Lamb Foggo clinic.

What I am getting at here is that we continue to see challenges arising. But they are growing, Mr. Speaker. They are actually growing. And today’s drive around the city proved that. There is a swell coming. Now, that is not to say that these people are not going to vote for the PLP or they are not going to vote for the OBA. What I am saying is that our reality is that, despite all of the good that Honourable Members have gotten up in this House and already laid out, you can do a whole lot of good. But if you do not listen to a few concerned [citizens], that four or five will grow into what we saw today. And no Government wants to go through that, quite frankly. No Government wants to have to experience that.

So, what is the solution? It is incumbent upon the Government now to figure out what that is. And it is sad to see that at consultation. Today I was very measured. I recognised that—*Hold on a second. What’s going on here?* when we were speaking earlier to a Bill where there was concern about consultation. So, I was measured with that, and I was hoping to hear from [the Honourable Minister], and I did. I heard from the Minister. I kindly asked, *Well, what’s going on? What do you think?* I could have said a whole lot of things and gotten very, very, very animated about it.

So, our approach to the challenges that we have will sometimes require for us to work together. Motion to adjourn is very interesting because we hear over and over and over about the wonderful stuff that the Government is doing.

[Inaudible interjection]

Mr. L. Craig Cannonier: But there is. And we keep hearing *false narrative*. There is no false narrative out there when you have close to 100 taxi drivers, farmers and fishermen driving around town in protest! There is no false narrative there, not at all. That is the reality I am speaking to. So, we can call it false narrative if we want. I will concede there may have been a false narrative earlier in something that we discussed, but that is not a false narrative.

So here we are. And I am hoping that out of concern for the industry, not the OBA, the fishermen and the taxi drivers and the teachers and others—and apparently there was another group that even joined up today, a new group—that they have the opportunity to make some strides with our Ministers so that something happens. We are still not out of the woods, certainly not running at the pace of some of our relatives in the islands and other places. So, when people get exercised, it is very interesting to watch sometimes the response of our Government. And when people speak their reality, some people take it personally and get exercised about it. When all they are trying to do is express that they have a serious, serious concern. Just because someone does not agree with you on something does not necessarily mean that you have to be disagreeable. It is going to take some listening. And what I am hearing is that too many now are feeling like they are not being heard. So let us see how this goes forward.

CYBERATTACK

Mr. L. Craig Cannonier: What I will say is that I know that the Premier was a bit exercised about folks talking about the fact that we are having a cyberattack and he was away. And I have heard today several times *Combined Opposition* working. I do not know what we had with some of these issues. We certainly do not have anything to do with the number of tractors and cars and taxis that were driving around the Island. That certainly is not a Combined Opposition, certainly not a Combined Opposition at all.

[Inaudible interjection]

Mr. L. Craig Cannonier: That is all right. Just because someone joins in on a procession has nothing to do with whether or not it has been sanctioned by anybody. So, Premier, you can say what you want. But when the people in this country feel aggrieved, we should listen.

An Hon. Member: That is right.

Mr. L. Craig Cannonier: If in fact, Mr. Speaker, I am flying away and my ring camera goes off and I see that someone is breaking into my house, and I tell my wife, *Well, I'll be back in two days*. I'm not securing home. A crisis has happened.

So, if people feel aggrieved that the Premier took the time to go away . . . He certainly had a press

conference before he went. He did not say where he was going. He said he was not going to be here. Maybe he could have told us where he was going to be. That would have maybe relieved some folks in understanding what he was doing. But he did not. He had the opportunity. He still went. So, you cannot blame people for feeling aggrieved when their House is being burglarised. You cannot tell your spouse, *Well, I'll be back*. You have got to take care of home.

So, whether rightly or wrongly, the people felt that way. And they expressed their concerns. Some people political, many of them not. So, I think that it is high time that with all of the issues that we are facing, Mr. Speaker, especially when we have the BUT [Bermuda Union of Teachers] *continuing* to cry out concerns of leadership . . . I asked a question last week about leadership. *What are we doing to address leadership?* because it is a major, major concern by the BUT, And they continue, and as you find out . . . you open up the paper and you find out, *Uh-oh, people aren't getting paid*, and that is not because of a shutdown, then there is real concern there.

And we cannot pass that off as the *Combined Opposition* having something to say. That is real people with real concerns! And we cannot hide our heads if someone feels, *Hey, hold on a second! Someone has broken into out house. Tell us something!* We were looking forward to a Statement on the Friday after the Wednesday evening/night attack.

Hon. Walter H. Roban: A point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

Hon. Walter H. Roban: There was a statement made on the Friday by myself as Acting Premier around the situation.

The Speaker: The House was closed on motion to adjourn after your statement.

Hon. Walter H. Roban: I gave the statement in the House—

The Speaker: I am saying you gave a statement on the motion to adjourn.

Hon. Walter H. Roban: Yes. And I also made a statement to the country as well. So, statements were made virtually every day since the cyberattack by this Government.

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

I am glad the public are listening because that is the kind of thing that concerns me. On Friday during Statement time, we did not get a Statement. And what we decided to do was wait. And we inquired and said,

Oh, maybe something is going to come later on. Yes! It came during [motion to adjourn], but no one could ask any questions. As Opposition, we would like to have asked some questions. And then again, we did not get a Statement today. And that is a week past and a few days. No Statement in the House, no opportunity to have asked any questions.

So, if the Government feels that that is the way to go forward, then I can understand, Mr. Speaker, why there are almost 100 cars driving around town.

Thank you.

The Speaker: Thank you.

Does any other Member?
MP De Silva.

CYBERATTACK

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

The Honourable Member certainly did, as he just said, inspire me to get up. Unfortunately, it is not to be giving praise to the Honourable Member. But I am going to go right back, Mr. Speaker. In fact, let us start where the Honourable Member Cannonier finished off. And I thank our Deputy Premier for stepping in and just informing him about the statements that were made.

Mr. Speaker, we were the victims of a cyberattack that was quite serious. And I have seen the Premier, I have seen the Deputy Premier with Ministers surrounding giving information as best we could to the people of the country. If the Honourable Member Cannonier thinks that the Premier of this country is going to stand up after a few days of working probably 18 hours a day, he and all of his technical officers trying to figure a path to cure and fix this problem whilst the very people who caused the problem are listening, he is crazy! That is just *out there*. How can the Honourable Member make a statement as such?

Mr. L. Craig Cannonier: What statement?

Hon. Zane J. S. De Silva: You want this Government, the Premier, to sit up at a press conference and give you a litany of information whilst the same people who attacked and crashed our system are listening!

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Unfortunately, the Honourable Member is misleading the House. I never said such. What I did say was, statements were not given, and we were not given the opportunity in this House to ask

questions. We know there were press conferences where no questions could be asked.

Hon. Zane J. S. De Silva: So, so, so, Mr. Speaker, why does he not use his Combined Opposition partner, the *Royal Gazette*, like they always do to ask questions then, if that was the case? But they did have one of their colleagues at a press conference asking the Premier questions. In fact, they asked the Premier two questions twice in a row. They are lucky that he is the Premier and not me.

An Hon. Member: So is everybody.

[Laughter]

Hon. Zane J. S. De Silva: But the thing is, Mr. Speaker, right, like the pandemic, this is probably a once—let us hope for all of our sakes—a once-in-a-generation occurrence. And I do believe the OBA were in power for almost five years. Had it happened under them, I wonder what they would have done differently? *I wonder what they would have done differently?* I think that the Premier and the Ministers will make announcements when there is something tangible to announce. There have been several press statements. There was a statement read out by the Deputy Premier last week Friday in this House. It is only so much that you can reveal. This is a serious thing.

We are not going to give the people who caused this any information that could lead them to maybe extending it. We are going to attack it. We are attacking the problem. And I am faithful that we will get there. Things are starting to turn back to normal already.

Now, if MGM Studios, one of the biggest, if not *the* biggest one of the biggest gambling casinos in the world can get attacked, and you know they have to have safeties out the yin-yang, certainly Bermuda can accept that we were attacked. And whilst we are at it, let us thank the technical officers and all Ministers and our Premier who have been working around the clock.

And the Honourable Member talked about the trip that the Premier had planned. It was a planned trip. And I have it on good authority . . . I have it on good authority, first of all the Premier came back early. But the people whom he met, I mean we can chew gum and walk in this Government. We can chew gum and walk. But some of the people whom he met were movers and shakers in the world. And to me, with technology being what it is and especially our Premier, who is an IT specialist, he can keep his finger on the pulse and travel around the world like most of us can. That was a trip that I feel was well worth its while, even though it was cut short. And he did not go on a private jet either.

Mr. L. Craig Cannonier: No, he did not. He probably should have. He probably should have.

Hon. Zane J. S. De Silva: He did not go on a private jet either.

Mr. L. Craig Cannonier: Yours was not available?

Hon. Zane J. S. De Silva: No, it was not.

Mr. L. Craig Cannonier: No, no, no, no, no.

Hon. Zane J. S. De Silva: So, Mr. Speaker, let us go back to Mr. Cannonier and how he started.

Mr. L. Craig Cannonier: “Honourable Member.”

Hon. Zane J. S. De Silva: The Honourable Member, yes, sorry. I do apologise for that.

The Honourable Member Cannonier said that we are being outpaced by others. That is how he started tonight, first thing he said. *Now we are being outpaced by others!* The same group, the same Opposition that threw everything against South Fairmont Princess and then has the audacity to come up here a couple of weeks later and saying we are being outpaced by others—whether it be cybersecurity, whether it be hotel development, whether it be tourism development—we are being outpaced! That is how I took it.

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Yes. The Honourable Member is misleading the House. He mentioned that the Opposition threw everything . . . the OBA [threw] everything they could against the Southampton Princess. Where are you getting that from? That is completely false!

Hon. Zane J. S. De Silva: Oh! Oh, do not even—

Mr. L. Craig Cannonier: Completely false.

Hon. Zane J. S. De Silva: No, no, no, no, no, no. No, no, no, no. Mr. Speaker, all right.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Now the Honourable Member is going to cause me in the next session of this House, I am going to give the undertaking, I will bring you . . . and that Honourable Member in particular! I remember tabling an article with him in it saying how . . . yes!

[Inaudible interjections]

Hon. Zane J. S. De Silva: I believe that . . . you know what? The Honourable Member Cannonier I think has just maybe a touch of Alzheimer’s or . . .

Mr. L. Craig Cannonier: Or what?

An Hon. Member: Hey, hey, hey—

The Speaker: Member, let us keep it high.

Hon. Zane J. S. De Silva: Hey, Alzheimer’s is not disrespectful!

The Speaker: No, no, no, no. Member, Member.

Hon. Zane J. S. De Silva: His memory is getting . . . he is losing his memory!

The Speaker: Member, Member, Member, you started off by saying that you will get the information . . . because I know you keep a history, a library of facts.

Hon. Zane J. S. De Silva: You know that.

The Speaker: We will look forward to seeing that. You do not have to take a different turn.

Hon. Zane J. S. De Silva: And, Mr. Speaker, I give you my word. Next time we get in this House I will bring that article back, the same one that I quoted that particular night. I can’t wait for that.

Now, Mr. Speaker, the Honourable Member also talked about, *There’s a protest, maybe a last year, four or five people.* And then he said, *Take note.* He went on to say two weeks later it was 25 people. And he named them “concerned citizens.” Now, we in this House know who the group of concerned citizens are and what their makeup is.

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

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: The Honourable Member once again is misleading the House. He is referencing a group; I was not referencing any group. Bermudians who get out and protest are concerned citizens, period! Not some interest group that he conjured up.

The Speaker: Okay. Thanks for the clarification.

Hon. Zane J. S. De Silva: Mr. Speaker, he said “concerned citizens.” All I said was I know who that group is. That is all I said.

Mr. L. Craig Cannonier: You do not know who they are!

Hon. Zane J. S. De Silva: Oh, yes, we do.

The Speaker: Now, just keeping talking to the Chair.

Hon. Zane J. S. De Silva: And then he said there is a growing “swell,” Mr. Speaker, a growing swell of concern. And he said people are not being listened to. Then he went on to say that—

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Again, the Honourable Member is misleading the House.

I said that people *feel like* they are not being listened to.

The Speaker: One or two words can make a difference in the interpretation.

[Laughter]

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

But okay. A few people *feel like* they are not being listened to. Well, I am glad he clarified that. Because guess what? Our Ministers have been having meetings with several groups of people. They may not *feel* they have been listened to, but they have been heard. In fact, one of the groups that [the Honourable Member] mentioned I know, and have told me directly that they enjoyed their conversations with the Minister. They might have had some challenges with the technical officers thereafter, but they enjoyed their conversations with the Minister.

The Honourable Member went to say, I think he said it was 100 people today driving around town. First of all, he said five, then twenty-five. Then he got to 100. I tell you what. This Government has said many, many times that we will have some tough decisions to make as a Government. We will not please everyone. We will not. We just will not. But I tell you what. Look at our record since 2017. The Honourable Member Jache Adams gave you a litany, spoke for 18.5 minutes tonight—18.5 minutes—about what this Government has done since 2017.

And I tell you what. If someone wants to listen to Hansard and listen to what MP Adams said tonight, and then listen to Mr. Cannonier, the Honourable Member, talk about *You're not listening to the people of this country*, Mr. Speaker . . . I will let the people decide like they did in 2020. It is a reason that there are only six opposite Members there tonight. It is a reason that we have 30 Members on this side, Mr. Speaker. And the people of this country made a decision. They made a

decision in 2017, and they made another decision in 2020. And it is what I call an endorsement in 2017 and a further endorsement in 2020. (I wish I had my glasses. Hang on.)

[Pause]

Hon. Zane J. S. De Silva: I am just trying to find my glasses, Mr. Speaker. Just give me a second.

The Speaker: Mm-hmm.

[Pause]

Hon. Zane J. S. De Silva: Yes, just see if you can find that for me.

Mr. Speaker—

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Point of order, Mr. Speaker. The Honourable Member is misleading the House.

He does not have glasses. How can he find them?

[Laughter]

Hon. Zane J. S. De Silva: My glasses, Mr. Speaker—my glasses, my brother, my colleague, MP, the Honourable Member Famous. He is my glasses.

[Laughter]

The Speaker: He is getting assistance.

Hon. Zane J. S. De Silva: I am getting . . . Well, let me . . . Mr. Speaker, I am not trying to . . . He is trying to give me my glasses. He is trying to magnify something on my phone.

[Laughter]

Hon. Zane J. S. De Silva: Mr. Speaker, my name is not David Burt, the Honourable Premier Burt. He is an IT specialist. I am trying to, you know . . .

So here we go, Mr. Speaker. I think I can see now. I think I can read. Mr. Speaker, we are talking about Fairmont Southampton. I will not have to wait for next session. But look. “The demonstration was attended by several One Bermuda . . .” I am reading from an article in their favourite newspaper.

The Speaker: What was the date of that article?

Hon. Zane J. S. De Silva: Just give me a second, Mr. Speaker. I will give it to you.

The Speaker: Okay.

Hon. Zane J. S. De Silva: Now you are going to make me scroll all over this article here. Hang on. Hang on, Mr. Speaker. I will give it to you.

May 1, 2023. I am getting good now, Mr. Speaker. I found that.

The Speaker: Keep going.

Hon. Zane J. S. De Silva: Now maybe the Honourable Member might remember.

Mr. L. Craig Cannonier: Maybe. Help me out.

[Inaudible interjections and laughter]

Hon. Zane J. S. De Silva: Okay? He is jogging his memory? He is getting his memory back a little bit, Mr. Speaker. When we are talking about the concessions for Fairmont Southampton . . . oh yes. And you might recall, Mr. Speaker, they said, *Why are we giving them these concessions? We don't agree to it! It's no way we are going to agree to it!*

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

The Speaker: Yes.

POINT OF ORDER
[Misleading]

Mr. L. Craig Cannonier: Yes. The Honourable Members is misleading the House once again!

That does not constitute not supporting the project. It is concessions. We are talking about concessions. The concessions were too high. That is what we were talking about. We came in this House and supported Southampton Princess.

The Speaker: Okay.

Hon. Zane J. S. De Silva: Mr. Speaker, Mr. Speaker, they supported this project? I tell you what, right? I said it that night, Mr. Speaker, I will say it again. If you supported this, if you supported the Fairmont Princess development, I said that night and I will say it again tonight, we could give them 20- and 25-year concessions. Right now we have zero!

I booked a ticket today, Mr. Speaker, to Jamaica, and guess what? I cannot get there in one day! My employee . . . I have an employee who is going for a training course, Mr. Speaker, in New Jersey. Do you know where he has to go? To Miami and then back up to New Jersey. You cannot get to New Jersey. You have to go to Miami and then up. That is what we are dealing with today!

You know why? Because Fairmont Southampton is sitting up there empty, 25 per cent of our bed count, 26 per cent of our airlift. But you have Members opposite, when we want to give them concessions . . .

I will tell you, I will say it again. I would give them concessions for 20–30 years like our counterparts are doing in the Caribbean! Because if that is what is going to drive employment and drive tourists and drive economic activity to this country, I will do it.

And as for the objectors, I have said this 100 times, I will say it again. You ask me to choose between a tree and a job for our people, I am taking a job for our people and I will plant a tree somewhere else. That's our work.

Mr. Speaker, I was in The Bahamas just three weeks ago playing at the Ocean City Golf Course. Guess what it is surrounded by? Units between six and ten stories high all around the golf course, beautiful-looking places. All full. You travel around The Bahamas, it is packed—packed. And the Honourable Member Cannonier started off tonight by saying, *We are being out-paced by others.* That is right, we are!

Mr. L. Craig Cannonier: Thank you.

Hon. Zane J. S. De Silva: We keep saying no in this country! We say no to everything! We need to start stamping on the no and start saying yes more often. And no comes from that side of this House almost every time, almost every time on every subject (except a few).

Susan Jackson, the Honourable Member, today got up and praised the Minister for what he was doing, and I will give her some kudos for that.

[Pause]

Mr. L. Craig Cannonier: Looking for your glasses again?

Hon. Zane J. S. De Silva: I got the time. We have got three minutes left. I got it. Just reading over my notes, Mr. Speaker, because you know I get diverted.

As I was saying earlier, Mr. Speaker, we cannot please everyone. We cannot. And I will repeat it. And the Honourable Member knows it. As a former Leader, he knows it. As a man who has been in this House, the Honourable Member has been in this House for a while, he knows it. You cannot. We cannot please our family members all the time either. Sometimes we have to tell our children no. I cannot tell my wife no. But sometimes I have to tell my children no.

But we do have to stop saying no in this country, we really do. I think the National Trust and the Audubon Society have a role to play, and that is fine. But it is too many times, and it goes way back, and some people may not remember this. But when the UBP were in Government, Ritz-Carlton wanted to build a hotel up in South Shore if you remember. And we said no, no, no, no. Ritz-Carlton pulled up stumps and left. We have to stop saying no! Especially in times when our people need employment and we need economic activity.

Now, let me say something else before my time runs out, Mr. Speaker. The Honourable Member Cannonier during his speech talked about the fishermen, the farmers and everybody who is doing this and doing that. But he said—I counted four times. He said the PLP have done really good things. He said it four times because I counted. When he said it the first time, I put one tick. He said it four times. *The PLP have done good things*. Mm-hmm. And he is right; we have. And we will not get everything perfectly right, Mr. Speaker. But the people of this country have to realise if they look at the track record from 2017 to today, including the legislation we passed today, earth-moving legislation! This PLP Government care for the people of this country. And we will do what we can to help the businesses too if we can get the Opposition to support us in some of the developments that want to take place. Everybody, rising tide floats all boats. That is how it works.

And the Opposition always talk about, *Let's work together, let's work together*. Well, let us try and show that a little bit more often and work with us to take care of the people of this country.

[Timer chimes]

The Speaker: Thank you, Honourable Member.

Does any other Member wish to make a contribution?

Minister Campbell. Minister Campbell, you have the floor.

CYBERATTACK

Hon. Vance Campbell: Thank you, Mr. Speaker.

Mr. Speaker, last week around ten o'clock on Wednesday night, and I know many people already know this, the Bermuda Government and the people of Bermuda were the victims of a very serious cyberattack. The threat actors were highly skilful and sophisticated. And on Thursday when we discovered that we had no access to many of our systems, our staff at [the Department of] IDT [Information and Digital Technologies] immediately kicked into gear, receiving assistance from local experts. Our systems were shut down, and the Government was crippled from an IT perspective.

Now, we had the Attorney General, Kathy Lynn Simmons, who was Acting Premier at the time. By the afternoon of that Thursday in a briefing with our cybersecurity committee she realised the serious nature of this cyberattack and called all of Cabinet in with the appropriate technical people to a meeting.

The Premier, although he was not on the Island . . . even if he was there was nothing he could have done different from what was done. However, every day multiple times in between his meetings he was in contact with us, the Cabinet, the technical staff. Once the Deputy Leader was on Island, he took over as the

Acting Premier. There was a press release on the Friday, a press conference. And we issued and we shared the information that we had at that time. And in the early days it was about discovering what had happened, trying to contain what had happened. So there was not much information that we had that we could share. However, we had that press conference to share that.

Senior members of the public service kicked into action to work around how we can get notices about what services we can offer and how we were going to offer those services across government. We have continued to send out releases with updates for the general public as to what services in government are available.

Cabinet was meeting every day, sometimes two or three times a day. IDT staff, the local assistance from the private sector (which we are grateful for) are working around the clock. Overseas experts, some of the leading professionals in this area, are assisting most of this time still on data recovery and containment, and trying to get government back up and running.

The Opposition said they [had] questions. There was a meeting between the Premier and the Opposition Leader to provide them with an update on what was going on. Just yesterday, Mr. Speaker, at 10:00 am we got all of our technical staff in a room with the Opposition to share information and allow them to ask questions.

An Hon. Member: The Opposition?

[Inaudible interjections]

Mr. L. Craig Cannonier: But no one from the Government came. Premier could not make it to the meeting. MPs could not make it to the meeting.

Hon. Vance Campbell: Mr. Speaker, they had the experts on what was going on in the room.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker—

Hon. Vance Campbell: As I said, Mr. Speaker . . . as I said, Mr. Speaker—

The Speaker: Speak to the Chair, Minister.

Hon. Zane J. S. De Silva: Point of order. Point of order, Mr. Speaker.

The Speaker: You are putting a point of order on the Minister?

Hon. Zane J. S. De Silva: Yes. Yes, I am.

Mr. Speaker, I am doing a point of order on the Minister, yes.

The Speaker: You have to sit down, Minister.

POINT OF ORDER
[Misleading]

Hon. Zane J. S. De Silva: The Honourable Member has to be misleading this House, Mr. Speaker, has to be! Because the Opposition said that they wanted to ask questions and they could not ask any questions. The Minister just said they were invited to ask questions and talk to all of his technical officers!

The Speaker: Thank you.

Hon. Zane J. S. De Silva: So it must be somebody misleading this House.

The Speaker: Thank you. Thank you.
Minister.

Hon. Vance Campbell: Mr. Speaker, it was not eight days later. Their leader, the Opposition Leader, received an update from the Premier of the country days before that.

Mr. L. Craig Cannonier: That was not the rest of us.

[Crosstalk and laughter]

An Hon. Member: Now you do not stand with your Leader.

[Crosstalk and laughter]

Hon. Vance Campbell: So now, Mr. Speaker . . . now, Mr. Speaker, is it the responsibility of the Government to share information within the OBA?

Mr. Scott Pearman: Point of order, Mr. Speaker.

The Speaker: Point of order, point of order.

POINT OF ORDER
[Misleading]

Mr. Scott Pearman: The Honourable Minister is misleading the House.

They are the Government of Bermuda. This is their problem to solve. Whether you invite us eight days later to a meeting . . . that is what you want to say? You want to stand up in this House and say that? Jesus!

Hon. Vance Campbell: Mr. Speaker, their Leader was informed days before that.

[Inaudible interjection]

Hon. Vance Campbell: Whether or not . . . whether or not he shared that with them is not our responsibility!

The Speaker: Member, Member!
Talk to me.

Hon. Vance Campbell: If they have a communication issue, they need to solve that themselves. Today—

[Crosstalk]

Mr. Scott Pearman: Let us hear your plans!

[Crosstalk]

Mr. Scott Pearman: Then put in your plans and solve the problem!

The Speaker: Members, take a deep breath. Let the Minister talk to the Chair.

Hon. Vance Campbell: Our technical staff and the expert assistants said they are receiving, are still focused on data recovery, getting government back up and running. They are also simultaneously working on creating and building a new network system so that when we do come back online, we can be back to normal.

However . . . however, that will take some time, Mr. Speaker. These threat actors are the best amongst the best in that area. They are very sophisticated and skilful. And we needed the best to get us out of the mess that was created, that was created by them.

[Inaudible interjection]

The Speaker: All right. Do not drown out the Member.

Hon. Vance Campbell: We are seeing greater stats in our attempts to recover, and updates will be coming out from the Government as we get that information and gather it. And as the Opposition know, we have been here all day. We have been here all day. So we have been in contact through WhatsApp and other means with the technical people who are working on the problem. And there will be a steady stream of updates coming from the Government.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to make a comment?

Premier. Premier. You have got your 20 minutes, Premier.

CYBERATTACK

Hon. E. David Burt: Thank you very much, Mr. Speaker. I am so appreciative of your recognising me. And I am, I guess I would say, so appreciative of the Minister for the Cabinet Office, who is responsible for IDT, for setting the matters straight.

But you heard it from the chirping, Mr. Speaker. The Opposition is not interested in information. Because they had a full briefing with the top civil servants who have been monitoring this issue and have more information than I would be able to answer off of the top of my head, as they are the ones who have it. On Monday I met with the Opposition Leader, the first workday back in the office.

[Inaudible interjections]

Hon. E. David Burt: We spoke. (It might have been Tuesday. I am thinking Monday or Tuesday, one of them.) We spoke. (No, it was Monday. It was Monday.) I spoke with the Opposition Leader.

The Opposition Leader asked if a briefing could be arranged for his team. I said, *Respond back with the times that would work*. They responded back with a Wednesday. We could not make that work. As you can understand, we are doing things. So I said, *This meeting isn't going to work on a Wednesday. What is the time?* And it was set on Thursday morning. For an hour they were there with the CIO [Chief Information Officer], the Cabinet Secretary, the Permanent Secretary responsible for IDT, the Cabinet Office . . . Development, everything. All questions that they wanted for an hour could be answered.

[Inaudible interjections]

Hon. E. David Burt: But then . . . but then here we come, Mr. Speaker. And the complaint we have is that there was no Statement made today so they could ask questions. The truth is, Mr. Speaker, they are not concerned about the information. They are concerned about playing politics.

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

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Yes. The Honourable Member obviously is misleading the House, staging for sure, playing politics. That is not the case at all. If he wants to surmise, we will do some more surmising.

The Speaker: Thank you.

Mr. Scott Pearman: Point of order.

POINT OF ORDER

[Imputing improper motive]

Mr. Scott Pearman: The Honourable Premier is also imputing improper motive. And if he really wants to

spend his speech talking about the OBA rather than addressing Bermuda on this issue, that would be most unwise of him.

The Speaker: Yes. No problem.

Premier, I know you are skilful enough not to cross those lines. So just—

Hon. E. David Burt: Mr. Speaker, Mr. Speaker, I am hugely amused. Because I sat quietly—

The Speaker: Just continue. Go on. Go on.

Hon. E. David Burt: —through the Opposition Whip, through the Opposition Whip, Mr. Speaker, talking about how there was no speech, there was no this, there was no opportunity to ask questions. I am sitting here. I am like, *I swear down there was an entire briefing for an hour yesterday with technical officers*. And then he is saying that *We didn't have the opportunity to ask questions*. And I am sitting here, I am like, *Okay. Maybe I'm missing something*. But you know, he went ahead, the Honourable Minister went ahead and answered and cleared it up for everyone.

But here is the thing. You know, I was surprised. Because the Opposition Leader said thank-you for making it available.

[Inaudible interjections]

Hon. E. David Burt: He said thank you. But clearly, the politics on display up here are, *No, no, no, no, no. We wanted to hear from you today*.

Mr. L. Craig Cannonier: You are in charge!

Hon. E. David Burt: That is it. Oh, do not worry. Oh, do not worry.

Mr. L. Craig Cannonier: You are in charge!

[Inaudible interjections]

Hon. E. David Burt: So let me continue, Mr. Speaker. Let me continue. See, they cannot even figure out what page they are on, and there are only two of them!

[Laughter]

Hon. E. David Burt: There are only two! One is saying one thing, and the other one is saying the other. *We didn't want to hear from you*. The other one is like, *You're in charge!* You see, they cannot even make it up.

So let me go on, Mr. Speaker. Because what I was getting to, Mr. Speaker, is people speaking with forked tongues. That is what we have right here. So now, Mr. Speaker, before there was all of this, you

know, unnecessary stuff from the Leader of the Opposition—sorry, the Opposition Whip; they change them so often I cannot keep up—let me address the same thing that I addressed. The Opposition Whip, the Opposition Whip . . . the Opposition Whip said that, *He was not here*. Now, the challenge that I do not think that he seems to get is we have a team, a team that is capable of working and pulling together to manage good, bad and in between. And that, Mr. Speaker, is precisely what happened on Thursday evening when the scale of the attack was evident.

Now, as I said publicly, the meetings that I travelled to were prescheduled. There was an entire event where 50 persons had been invited and were joining us, whether it be Congressmen, business leaders, representatives, legal persons, all other persons, Mr. Speaker.

[Inaudible interjections]

Hon. E. David Burt: Here we go, Mr. Speaker, again. Again, trying to play politics. You would believe, listening to the Opposition Whip, that the Premier of the country is going to run over to the data centre and start pulling out cables and fixing things and doing things and running things. Let me tell you what we did, Mr. Speaker. We secured the best, the best support that we could get, the same persons who have recent experience in dealing with this precise group. And they are working to get our systems back online.

[Inaudible interjections]

Hon. E. David Burt: And now . . . hold on a second. I am here. Let me speak. See, Mr. Speaker? They wanted an update. And now they are trying to say something else. So now let me go on, Mr. Speaker.

Work has continued all day. Things are certainly looking better. And I am grateful for the public officers, the IDT teams, the external vendors who are assisting, the various IT vendors who support the Government of Bermuda. We have managed to restore more systems today. On the last day of the month, TCD [Transport Control Department] is back to printing driver's licences, back to printing vehicle licences, almost fully operational. E1 is being restored and being tested. Border control systems are being brought back online. Customs systems are in the process of being restored. Our phone systems are currently active, most of them, and the final ones will be restored and ready to go on Monday, Mr. Speaker. There is significant progress that is being made.

But I want to repeat as I said yesterday in a press conference. The scale of this attack is like nothing the Government of Bermuda has experienced before. Yes, we have been attacked before. But as we know with the cyber actors, they get more and more and more advanced. And they do not come through the front door.

The Speaker: Mm-hmm. Never do.

Hon. E. David Burt: They do not. And so that is the challenge that we face.

But here is the thing, Mr. Speaker. We are resilient. And just like we have dealt with other challenges before, we will deal with this particular challenge now. And to see public officers working late into the night, coming back first thing in the morning, continuing to do things because they know that it is their responsibility to stand up government services so the Government of Bermuda can continue to serve the people of this country—it is incredibly gratifying.

Because, Mr. Speaker, they do not work for me. They work for all of us. This is all of us, the Government of Bermuda, who was attacked. The Progressive Labour Party was not attacked. The One Bermuda Alliance was not attacked. No other third party or anyone else was attacked. We were *all* attacked by external actors who sought to cripple us and our functionality. You cripple the government, you cripple the economy, you stop payments going out throughout your system, you bring things to a halt. That is what happened, Mr. Speaker.

And I would expect that the first thing from the Opposition in a place like that would not be the puerile level of attacks that we saw from their Senators. Puerile levels of attack.

[Inaudible interjections]

Hon. E. David Burt: See, they are still over there on the plane, Mr. Speaker. So I am going to let them continue there. I am going to let them continue. I am going to let them go ahead.

PLP GOVERNMENT PROGRESS

Hon. E. David Burt: So now, Mr. Speaker, let me move on as this is the last session of the House of Assembly prior to a prorogation of the Legislature. And it has been a productive day wrapping up an incredibly productive session where from where we came back in November through the budget session and the summer session and our September sitting, the amount of legislation, changes, advances that we have managed to put in place is evidence that this Government remains focused on executing its agenda for the people of this country.

We are making investments which will take time to bear fruit. But we are remaining on the course. We know the Honourable Minister behind me, Minister Burch, told the story of how he came to me frustrated about how we need to build housing.

And I said, *How much money do you need, Colonel?*

And he said, *Let me get back to you. And he said, If you give me \$50 million, I will be able to bring 100 units online.*

I said, *You have it. Go!* That was last year. Now we see the results of those investments bearing fruit, Mr. Speaker, with more affordable housing units opened a few weeks ago, some more to be opened this month and next month, and continuing.

When we speak about investments that take time to bear fruit, we do not have to look any further than my colleague who sits next to me, the Deputy Premier, who announced today, as was shared on Monday, that one of the biggest companies in the world has chosen Bermuda through legislation that was put in place in 2020 as part of the Economic Recovery Plan. You know, Mr. Speaker, the plan the Opposition says we are not executing? But then time after time again things from that plan that we put in place—did not listen to their comments, pressed ahead—are bearing fruit for the people of this country.

Our investments in our people, changing from the posture of austerity to investments, allowed the Minister of National Security yesterday to celebrate and today to announce to this Honourable Chamber 23 new Bermudian firefighters, Mr. Speaker.

The Speaker: Yes.

Hon. E. David Burt: The investments that we are making in our people will continue. And even when we try to make changes such as expunging cannabis convictions and run into challenges with the Bermuda Police Service, who is not underneath our control, we will make the changes necessary to carry out what we promised to the people of this country. And that, Mr. Speaker, was accomplished today.

Economic recovery plans and expansion of the EEZs. We heard the Minister of Economy and Labour today lay out the plan, table something here in this House so persons know the direction of travel. And, Mr. Speaker, the update that we gave earlier today on tax reform is something real because we have been progressing on this journey for the last few years. And now we are in a place where there is broad acceptance that Bermuda must live up to its global commitments and introduce for the first time a corporate income tax. And when we come back after the prorogation, Mr. Speaker, this Honourable House will put that into law.

Yes, Mr. Speaker. Governing is not easy.

The Speaker: Mm-hmm.

Hon. E. David Burt: Trust me. But as I said earlier, I was heartened by a conversation with one of my backbenchers a few days ago. And this is somebody who said, *This Government has tackled things that other governments would be afraid to tackle.* Whether it is education reform, whether it is tax reform, whether it is minimum wage, whether it is health care reform, the difficult issues that have bedevilled us for a while that, when politicians get up and try to make lasting change,

those who may be impacted by those changes rise up and politicians step back.

Our children deserve us to lead. Let me be clear, Mr. Speaker. This Government and this Cabinet will continue to lead. That does not mean that we will not reconsider. That does not mean that we will not adjust. But we are focused on the mantra of which we were elected—rebuilding Bermuda with Bermudians at heart. A government that has Bermudians at heart will expand the social protections of which this Government has expanded. A government with Bermudians at heart will reduce taxes for workers in this country, as we have done four times since coming into office. A government with Bermudians at its heart will make the investments of which we have made in education, in training, in job readiness to ensure that our people are ready to take their rightful place, Mr. Speaker. And that, Mr. Speaker, is what burns them. Because we are having success.

The Speaker: Mm-hmm.

Hon. E. David Burt: Now, just to be clear, Mr. Speaker, it would be really easy to say we are not going to make changes to our transportation system and let our tourists complain every year. Easy! It would be really easy to say that we are not going to make sure that we can have a blue economy that is sustainable that can create jobs, growth, economic opportunity and increased investment in this country. It is easy not to do that. But we tackle the difficult issues.

Ministers know that they must consult, and Ministers do consult. Views are taken into account. But, Mr. Speaker, decisions have to be made. And so what I will say, Mr. Speaker, is that progress takes time. It requires both courage to take on these issues and patience to see the result of these issues. But here is the thing, Mr. Speaker. Rest assured: This Progressive Labour Party Government has both courage and patience. As we have demonstrated over the years, we are not afraid to tackle those difficult issues.

As I know I have said in this House before, the conversation I had with a colleague . . . I am fine to lose my position for doing the right thing than to sell short the next generation by not having the courage to make the changes that, though politically difficult, we know are in the best interests of this country and in future. That, Mr. Speaker, is the difference between this party and that one. And that is the difference that our Members have taken to the doorsteps of constituency number 8. It is the message that we take to the doorsteps around this country, and it is the message of which we will continue to take around this country, because we understand our mission. We are clear in our direction. And despite the unprecedented challenges that we have had to face in office, we will continue to persevere so that we can build that better and brighter Bermuda that people voted for.

Mr. Speaker, it is not easy. Economic challenges exist. Our social challenges persist. But our desire to change the trajectory of this country, slowly turning that ship in the right direction, will continue undimmed.

So, Mr. Speaker, I want to thank you for your grace in leading this session of the Legislature. I hope that Members have a good break, and I look forward to seeing us when we come back.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Members, that brings us to a close of this day's [meeting] and a close to this parliamentary session.

We thank you for your participation not only today, but throughout this session. And as we break from here for our period before we get back in here, I ask us all to take time to rest ourselves up, reflect on what was done this year and what is ahead of us as we go into the next session.

Remember our families during this period because it seems like we drift away from our families when we are in Chamber with all of the work that goes on to get us here. So take time with your families and friends, and be prepared to come back for another full session in November. I wish safety to all of you and your families during this period, and look forward to seeing you upon our return in November and a nice new session that leads us into a year of probability and progress for Bermuda.

Thank you, Members. Have a good evening and stay well. Thank you.

[At 8:42 pm, the House stood adjourned sine die.]

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