



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

**OFFICIAL HANSARD REPORT**

**20 July 2018**  
*Sitting number 36 of the 2017/18 Session*  
*(pages 2811–2922)*

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

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****20 JULY 2018****10:05 AM***Sitting Number 36 of the 2017/18 Session*

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

**PRAYERS**

*[Prayers read by Mrs. Shernette Wolffe, Clerk]*

**CONFIRMATION OF MINUTES**

*[Minutes of 13 July 2018]*

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

The Minutes from the sitting of the 13<sup>th</sup> of July have been circulated. Are there any amendments or omissions that need to be made?

There are none. The Minutes are approved as printed.

*[Minutes of 13 July 2018 confirmed]*

**MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

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

**The Speaker:** There is one announcement this morning. And it is that we have been informed by three Members that they will be absent today. They are the Honourable Member Moniz, Honourable Member Cannonier, and Honourable Member Ben Smith. All three Members have sent due notice to the Speaker.

**MESSAGES FROM THE SENATE**

**The Speaker:** There are none.

**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE**

**The Speaker:** We have one paper to be communicated to the House this morning. I believe it is in the name of Minister Brown.

Minister.

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

**The Speaker:** Good morning.

**ANNUAL REPORT OF THE REGISTRAR GENERAL  
FOR THE YEAR ENDING 31 DECEMBER 2017**

**Hon. Walton Brown:** Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Annual Report of the Registrar General for the year ending 31 December 2017.

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

**PETITIONS**

**The Speaker:** There are none.

**STATEMENTS BY MINISTERS AND  
JUNIOR MINISTERS**

**The Speaker:** I believe we have some nine Statements this morning. And the first Statement is actually listed in the name of the same Minister.

Minister Brown, would you like to continue on?

**THE ANNUAL REPORT OF THE  
REGISTRY GENERAL 2017**

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

Mr. Speaker, earlier today I tabled the [Annual Report of the Registry General](#) for the year ended December 31<sup>st</sup>, 2017. The Registrar General recognises the essential role that vital statistical information plays in planning for the provision of services in such areas as tourism, health, education, and housing, to name a few, and has performed his duties to a high standard in the recording, collating, and presenting of the data to be included in the annual report.

Mr. Speaker, in accordance with section 19 of the Registration (Births and Deaths) Act 1949, the Registrar General shall, within 90 days after the expiration of each calendar year, compile for publication, in such form and manner as the Minister may approve, a summary of the births and deaths which occurred during the year, together with a general report on the increase or decrease of the population of Bermuda. The Registrar is also required, under section

35 of the Marriage Act 1944, to publish a summary of marriages conducted each year.

Mr. Speaker, we recognise that the report, while tabled five months earlier than last year, is still later than it should be. However, we will be working on improving the processes and the technology associated with the delivery of this report in a timelier manner, closer to the legislated requirement.

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

Mr. Speaker, the report, which deals primarily with the vital statistics pertaining to the Island's residential population, indicates that, for the first time in three years, there has been a slight decrease in the number of births. In 2017, there were 578 births; a decrease of 13, or 2.2 per cent, over the 591 births recorded in 2016. However, the live birth rate of the population has increased by 1 point per 1,000, from 9.1 in 2016 to 9.2 in 2017. There were three babies born in 2017 in the residence of their parents, a decrease of eight from the year ending 2016.

Mr. Speaker, the distribution of live births by nationality, based on information provided by the parents at the time of registration of their children's birth, for 2017 reflects that 76.1 per cent, or 440, of the total live births have at least one Bermudian parent. In 2017, there were 138 births (23.9 per cent) that have parents who are both non-Bermudian.

Mrs. Speaker, Honourable Members are advised that, in 2017, a total of 481 deaths were recorded among residents. A death rate of 7.5 per 1,000 of the population for 2016 reflects a decrease of 11, or 2.3 per cent, from 492 recorded in 2016. The report also indicates that there were a total of 494 deaths recorded for the year ending 31 December 2017; of these, 13 were in respect of non-resident persons. There were no stillbirths recorded in the year 2017.

Mr. Speaker, there was also an increase of 95, or 0.15 per cent, in the estimated resident population at the end of 2017, at 63,921, as opposed to the 63,826 in resident population estimated in 2016. At the end of 2017, there were 2,419 more females than males in the population figures.

However, Mr. Speaker, from the report given and statistics recorded in 2016, and statistics provided for 2017, it would appear that there has been a significant drop in the population (1,565 and 1,470, respectively). However, the population estimates were re-based in 2016 after the 2016 Population and Housing Census. The re-base of the data is the reason that the population estimates are lower for both 2016 and 2017, as presented.

Mr. Speaker, for the year ending 31 December 2017, there were 440 marriages performed in Bermuda, a 2.3 per cent decrease from the 450 marriages recorded in 2016. During 2017, marriages between parties who were both non-residents accounted for 232, or 52.7 per cent, of the total of 440. This figure still is in keeping with the trend over the past five years for marriages between non-residents to exceed the number of marriages between residents, and marriages between a resident party and a non-resident party. The report also shows that there were 167 marriages between parties who were both residents, and 41 marriages between a resident and a non-resident.

Mr. Speaker, in 2017, of the total 440 marriages recorded, 10 were same-sex marriages. Eight of the same-sex marriages were performed at the Registry General as civil ceremonies, and the remaining two marriages were religious ceremonies held at a hotel and a home. During 2017, same-sex marriages between parties who were both residents accounted for five, or 50 per cent, of the total of 10 marriages. The report also shows that there were two same-sex marriages between non-residents, and three same-sex marriages between a resident and non-resident.

Mr. Speaker, 452 marriages were performed on board 23 Bermuda-registered ships in 2017. This total represents a decrease of 16, or 3.5 per cent, from the 2016 total of 468. Of the 452 maritime marriages, two, or 0.4 per cent, were same-sex marriage ceremonies. The cumulative number of marriages (local and maritime) processed through the Registry General for the year ended 31 December 2017 was 872, as compared to 918 for the year ending 2016.

In closing, Mr. Speaker, the annual report seeks to provide an illustrative, statistical digest of vital events such as live births, deaths, stillbirths, marriages, adoptions, and re-registration of births for the year ended December 31, 2017.

Thank you, Mr. Speaker.

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

Minister, I believe the next Statement is also in your name.

Would you like to continue on?

**Hon. Walton Brown:** Yes, thank you, Mr. Speaker.

**The Speaker:** Continue.

#### **A NEW ENTERTAINERS POLICY FOR IMMIGRATION**

**Hon. Walton Brown:** Mr. Speaker, on September 15, 2017, I gave a Ministerial Statement under the title *The Next Wave of Changes to Immigration Policies and Procedures*. In that Statement, I mentioned that the Board of Immigration would be giving closer scrutiny to statements of employment and to the recruitment process effected by employers. I also mentioned

that the Ministry of Home Affairs was and is working to return the full processing of BOTC [British Overseas Territories Citizen] (Bermuda) passports to Bermuda. And finally, I talked about enhancements to the musicians/entertainers policy.

Mr. Speaker, the scrutiny of the statements of employment by the Board of Immigration began immediately after my Statement in this Honourable House; and, as was discussed in the House a few weeks ago (via parliamentary questions), work continues with respect to the processing and printing of BOTC (Bermuda) passports and the return of such processing to Bermuda.

Mr. Speaker, I am minded to continue the theme of *the next wave of changes* as I stand today to announce that a [new entertainers policy for immigration](#) will be introduced effective the 30<sup>th</sup> of July. Bermudian entertainers, musicians, and all of those who love a bit of dance, rhythm, fun, and entertainment should get ready to ride the wave of music with heartfelt meaning.

Mr. Speaker, since the September 2017 Statement, the Department of Immigration and the Bermuda Entertainment Union (BEU) have worked together to draft the new policy. It should be noted that there is a musician/entertainer policy in the current Work Permit [Policy] 2015. However, that policy needed to be enhanced. Following the joint efforts by the Department of Immigration and the BEU, the new policy, called the Entertainment Policy, was circulated to key stakeholders on June 14, 2018, with an invitation to provide feedback by July 13, 2018.

The likes of the Association of Bermuda Insurers and Reinsurers, the Association of Bermuda International Companies, the Bermuda Employers' Council, the Bermuda Chamber of Commerce, the Bermuda Hotel Association, the Bermuda Trade Union Congress, the Bermuda Human Resources Association, and the Bermuda Festival, to name a few, were consulted. All feedback was positive, including comments that assisted with making further improvements to the policy.

Given the outstanding work being done for Bermudians by the Bermuda Festival, and based on a review of their profile, including their work of the past and their current and future plans, I have taken the decision to exempt the Bermuda Festival from having to follow the requirements of the new policy.

Mr. Speaker, the new Entertainment Policy will ensure that Bermudian musicians and entertainers are given fair opportunities for employment. Specifically, the purpose of this policy is *to detail the employment process/procedures for non-Bermudian entertainers and support staff, music school teachers, and other work permit holders whose aim it is to provide entertainment services in Bermuda.*

As was mentioned last year, the policy will:

- address the recruitment process for all forms of possible employment for non-Bermudian

and Bermudian musicians/entertainers throughout Bermuda;

- ensure advertisements are not tailor made;
- judiciously review work permit applications, where one genre of music is appropriate for an occasion/event;
- support tourism initiatives aligned with the Hotel Concession Act 2000; and
- mandate that Bermudian musicians/entertainers are included in all promotional campaigns with their non-Bermudian musicians/entertainers.

Mr. Speaker, the BEU will be actively involved in the new processes. For example, all entertainers and support staff must be first vetted through the BEU, prior to any processing of a work permit by the Department of Immigration. In addition to this, all non-Bermudian musicians/entertainers will be required to maintain an active membership with the BEU by paying travellers' dues to the BEU before work permits will be granted.

Mr. Speaker, I believe that this new policy puts us in the right space for meting out fairness and equity for Bermudian musicians and entertainers, while welcoming non-Bermudian musicians and entertainers to our shores, as needed. By July 30, 2018, the new policy will be uploaded on the government portal ([www.gov.bm](http://www.gov.bm)) for access by the general public. Please note that any applications that have been submitted prior to 30 July will be processed according to the existing policy. Where questions or concerns arise, inquiries should be directed to the Department of Immigration.

Thank you, Mr. Speaker.

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

The third Statement this morning, I believe is in the name of the Honourable Minister Foggo.

Minister, would you like to present your Statement?

#### **PUBLIC SERVICE BURSARY AWARD SCHEME**

**Hon. Lovitta F. Foggo:** Yes. Thank you, Mr. Speaker. Good morning to the House. Good morning to the people of Bermuda.

Mr. Speaker, I rise this morning to highlight the [Public Service Bursary Award Scheme](#) and this Government's commitment to support the development of young Bermudians, with a view to preparing them to fill essential technical and professional posts within the public service.

Mr. Speaker, occupations in the public service encompass a wide range of fields and provide a great deal of personal and professional satisfaction. The technical and professional areas offer intellectually demanding career options which can be very challenging.

There are many occupation groups in the Bermuda Government requiring varying levels of education and training. Some of these areas are deemed *hard to fill*, meaning that there is a known limited talent pool with expertise in the specific area available on Island, and in some cases there could exist a global shortage of trained resources.

Mr. Speaker, through the years, the Public Service Bursary Awards Scheme has supported young Bermudians studying in the fields of land valuation, physiotherapy, aquarist, electrical engineering, environmental science, speech and language, horticultural science, law, computer information systems, mathematics, statistics, economics, nursing, criminology, chemistry, history, structural engineering, environment, chemical engineering, aviation management with flight, aviation maintenance, accounting, civil engineering, finance, architecture, surveying and mapping, biology, and public administration. And that is just naming a few, Mr. Speaker. In accordance with the requirements of the bursary scheme, many of these former students have taken up posts within the public service, upon completion of their studies, and become invaluable resources to the people of Bermuda.

Mr. Speaker, Honourable Members will know that, whilst elected officials are often the most visible figures within government, the majority of the functions are carried out by highly trained and skilled technical officers. Mr. Speaker, one of the aims of this Government is to change the perception of careers in public service. Our goal is to align the workforce with our vision, Mr. Speaker. The Government is looking for fresh ideas and innovative viewpoints. We are seeking to become the employer of choice. Mr. Speaker, our aim is to attract, develop, motivate, and retain a quality talent pool that is committed to the highest standards of excellence.

The Public Service Bursary Award Scheme awards up to 14 scholarships annually to Bermudians pursuing post-secondary academic qualifications in a discipline, which has been identified by government departments that meet our future needs. This ensures a well-trained cadre of people to fill posts within the public service. The bursaries are valued at \$10,000 per year.

Mr. Speaker, the Bursary Award Scheme is aimed at supporting the educational goals of individuals who one day will occupy hard-to-fill roles within the public service. As indicated, we consider posts hard to fill either due to the lack of available qualified Bermudians or, in some cases, due to a worldwide shortage of qualified resources.

This year, Mr. Speaker, 10 individuals will receive Bursary Awards. Four are new recipients, and the remaining are current bursary students who have been approved for continued funding subject to receipt of satisfactory transcripts. The new awardees are Destynie Mallory, Shuntelle Paynter, Jodi Ming,

and Kobe Richardson. They are studying in the fields of Forensic Psychology, Clinical Mental Health Counselling, Real Estate, and Building & Construction Management, respectively. The sponsoring departments for these students are the Departments of Court Services, Land Valuation, and Public Lands & Buildings.

The continuing bursary students are Doreen Burgess, who is studying Environmental Health; Andesha Busby, studying Real Estate; Tabia Butterfield, who is pursuing studies in Engineering; Tenneil Ratteray, studying Physiotherapy; Malik Richards, who is studying Geography; and Desireé Waldron, who is pursuing qualifications in Nursing. The departments sponsoring these students are the Departments of Health, Land Valuation, Planning, and the Ministry of Public Works.

Mr. Speaker, I should note that to be considered for a Bursary Award, applicants must:

- be Bermudian;
- have completed no less than five years of schooling in Bermuda;
- be 40 years or under at date of application;
- have been accepted into an institution of higher learning, or currently undertaking courses leading to a professional, specialist, or technical qualification required within the public service; and/or be in an undergraduate or master's degree programme; and
- be planning a career in the public service upon completion of their education.

Mr. Speaker, this Government will continue to dedicate our budgetary and career development resources to the Public Service Bursary Award Scheme programme. It is an initiative that has produced incredible Bermudian talent who have enjoyed rewarding careers in public service. Mr. Speaker, in the coming weeks and months, we will endeavour to commence an initiative that showcases highly skilled and talented public officers, and highlights the vast array of occupations in the public service.

In closing, Mr. Speaker, I wish to take this opportunity to congratulate this year's Public Service Bursary Award recipients and wish them well in their future endeavours. Thank you, Mr. Speaker.

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

Members, the next Statement on the Order Paper this morning is in the name of Minister Burch.

Minister Burch, would you like to present your Statement?

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

**The Speaker:** Good morning.

**FARMING IN BERMUDA**

**Lt. Col. Hon. David A. Burch:** You will recall that last week I also spoke on the subject of [farming in Bermuda](#). I rise this morning specifically to offer an unequivocal apology to Mr. Carlos Amaral, Chairman of the Board of Agriculture, and the entire board, for erroneously stating last week: “I also agree, Mr. Speaker, with the statement by Carlos Amaral, Chairman of the Board of Agriculture, that ‘the problem with farmers leases needed examination,’ although I wonder out loud, Mr. Speaker, why it has taken five years for anyone to say anything.

Mr. Speaker, I have this week been made aware that, contrary to what was implied by the schedule of leases provided that prompted my statement, that it is incorrect—in fact, the Farmers Association has been advocating for a regularisation of leases as far back as 2016, based on the correspondence I have now had sight of. As such, I apologise to them without reservation. Mr. Speaker, let me stress that, other than the vacant lots, the land is being farmed and there is no intent to use this land for anything other than farming. The expired leased land is still being farmed, with the farmers paying their rent regularly. The statistics presented last week, of 13 properties appearing to have expired leases and two in dispute over ownership, are, in fact, correct—but only since June this year.

As an aside, Mr. Speaker, my ministerial colleagues must use my experience in this regard to not assume that they know or are being told everything that is happening in their ministries. I encourage them to do as I will now—follow up on projects begun before July 18, 2018, but not yet concluded, and get such a list from staff in each area of their ministries.

Mr. Speaker, in the wake of this new information, I have ordered that a plan and timelines to fully address the outstanding leases be implemented as a matter of priority, with the understanding that, unless there is a compelling reason not to (and a full case needs to be presented to justify same), all arable land leases are to be for 21 years, less one day, so that they do not have to be dealt with again anytime soon or require Parliamentary scrutiny.

As I stated last week, this Government is fully committed to farming in this country and will use all resources at its disposal to encourage, expand, and develop wider participation in farming in Bermuda.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Minister, the next Statement is also in your name.

And before I actually call on you, I am going to publicly say what I said to you privately just now. I will take it on an oversight on my behalf, but I think that the next Statement is rather long.

**Lt. Col. Hon. David A. Burch:** Yes, Mr. Speaker. I will be guided by you.

**The Speaker:** You will be guided today in that it was an oversight and got through. But I am putting you on notice that it will not happen a second time.

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

**The Speaker:** Thank you.

**Lt. Col. Hon. David A. Burch:** In the interest of providing full information to this House is why you have a 17-page Statement, Mr. Speaker.

*[Laughter]*

**REPORT OF MINISTRY OF PUBLIC WORKS**

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, today marks the first anniversary since assuming responsibility for the Ministry of Public Works, and I wish to provide this snapshot—and I highlight, a *snapshot*, Mr. Speaker—

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** —of the work of the Ministry during this period. [The Ministry of Public Works](#) is responsible for maintaining Bermuda’s critical assets and infrastructure. In fact, Public Works is the lead agent in delivering the infrastructure requirements upon which so many of the services provided to this Island depend on. Some of the assets and infrastructure that the Ministry is responsible for building and maintaining include the following:

- 617 roads, amounting to 225 kilometres of road surface;
- 751 buildings maintained by Public Lands & Buildings, with an insured value of \$1.5 billion;
- 85 public docks and purpose-built berths servicing cruise ships, cargo ships, and hundreds of private vessels and yachts each year;
- five reservoirs with a capacity of 2.5 million gallons of Bermuda’s precious and very limited fresh water resource;
- 75 amenity parks, beaches, and school grounds protected under the Bermuda National Parks Act 1986; and
- two golf courses.

Mr. Speaker, the departments comprising this Ministry include the following:

1. Ministry Headquarters (Finance & Administration);
2. Works and Engineering;
3. Public Lands & Buildings [PL&B];
4. Land Valuation;
5. Parks;

6. Land Title Registration;
7. Bermuda Land Development Company;
8. West End Development Corporation;
9. Bermuda Housing Corporation; and
10. Golf Courses.

It cannot be overstated how critical this vast and diverse Ministry is to Bermuda and the smooth running of the country. A cursory glance of responsibilities listed previously reinforces that fact. Therefore, the maintenance and enhancement of our infrastructure and facilities must remain a priority, because infrastructure development is a vital component in encouraging a country's economic growth. For example, infrastructure development will provide the adequate capacity for future growth that Bermuda so desperately needs; enhance visitor experience when they come to Bermuda; and, more importantly, provide a key source of job creation and economic empowerment, going forward.

Mr. Speaker, the Ministry has been without a Permanent Secretary since March 20 of this year, and you will well know that Ministers are prohibited from becoming involved in any aspect of this exercise. So, my only recourse is to plead publicly with those whose responsibility it is, to *please act soon*. This is in no way a criticism of the two senior officers in the Ministry—the Chief Surveyor and Chief Engineer—who have acted during this period, while also juggling their principal responsibilities. The fact remains that this vacancy adds to a level of uncertainty amongst all members of staff and stifles long-term planning and forward movement.

Mr. Speaker, the overarching objective of the Ministry Headquarters (Finance and Administration) is to provide centralised support to the [aforementioned] departments to ensure delivery of their varied services and operating programmes. The Head Office Administration, under the direction of the Permanent Secretary, provides oversight and management support to the entire Ministry of Public Works. It also ensures that the Minister's policy objectives are met, and, specifically, it is responsible for the implementation of the Ministry's Throne Speech Initiatives, yearly business plan, management of safety and health matters, compliance, and numerous special administrative projects.

#### Works & Engineering

##### 1.0 Human Resource

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, at this time last year, many critical posts were unfilled, thus compromising essential activity during the year. Here are some of the key highlights. A new CFO was hired, Mr. Gideon Kigotho. The Ministry was without one for more than six months. [Also hired were] five new labourers for trash collection; key personnel in the water section; principal structural engineer (the post was vacant for more than two years); and three labourers in the Highway Section.

Mr. Speaker, staff were confirmed in acting positions who were waiting an inordinate amount of time to be appointed, competent Bermudian people who waited for more than a year to get the job that they should have been in for a long time, they being Remi Subair, as the Principal Electrical Engineer; Clarkston Trott, as the Solid Waste Manager; and Tina Searle, as the Highways Civil Engineer. Mr. Speaker, we also hired staff in key positions, young Bermudian engineers in the Ministry who will be able to learn and take an active role in the Ministry in the future. Those young engineers are under a training programme from the Government that will enable them to develop their skills; full potential; and, ultimately, their professional designations. They are Jamar Dill, Electrical Engineer; Zeeko Johnstone, Mechanical Engineer; Ricardo Graham Ward, Structural Engineer; Tabia Butterfield, Civil Engineer; and Allantette Hayward, Civil Engineer

#### Training

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, several training courses were held for all employees during this year, [including] technical courses, new technologies, with the emphasis placed on health and safety. In the Ministry we need to catch up on some important health and safety issues. We trained in the last year, to IOSH [Institution of Occupational Safety and Health] standards, more than 100 employees. We listened to staff and purchased additional safety gear which we know our workers will wear.

#### 2.0 Project and Realisation

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, in the Electrical Section, all building projects this year were done in-house for the first time in a long time. No electrical work has been subcontracted. Fifteen new crossing beacon lights are to be installed by the end of August, and confirmation that all lights on the original 39 crossings are working. Installation of Harmony Club crossing lights. Expansion of the LED street light projects. Research of the electrical requirements for the Artemis Building. Purchase of a new 3D survey robot. This was brought principally for the King's Wharf project; however, it is the perfect tool for buildings. A 3D model, AutoCAD file, with a precision of two millimetres, can be re-created from scratch. New drawings for a building which has no existing drawings can also be created with this tool.

Mr. Speaker, at the beginning of this year, the Electrical Engineering Department was staffed for a [couple] of years by only two people (the Principal Engineer, Remy Subair; and one assistant, Van Dyke Bean). The following engineers have been added to the department, beginning in April of this year:

(1) Lance Brown, a summer student, graduate of Bermuda College with a Certificate in Electronics

and Electrical Wiring. Currently, he is attending Plymouth University, studying for a Bachelor's of Science Degree in Electrical/Electronic Engineering. He started in 2016 with an expected end date of 2020. He began the Summer Employment Programme in June last year and returned last month for this summer.

(2) Cody Simons, a summer student, Mechanical Engineering student, who is with us for the first time this year. He is entering his second year at the University of New Brunswick Saint John.

(3) Jamar Dill, full-time electrical engineer, with a Bachelor's with Honours in Electrical Power Engineering from Glasgow Caledonian University in 2015. Jamar also obtained his Master of Science Maintenance Management Degree at Glasgow Caledonian University, Scotland, UK, in 2017.

(4) Zeeko Johnstone, full-time mechanical engineer, with a Bachelor's of Science Degree in Mechanical Engineering from Florida International University, Miami, Florida, 2017. He was a summer intern at BELCO from 2014 through 2016.

(5) Daniele Bortoli, full-time electrical engineer. Daniele started the Public Works trainee programme in 2008. He successfully completed the programme, and Public Works sent him to complete a secondment at Associated Engineering in Alberta, Canada. After his secondment, Daniele returned to Public Works in 2013 for two years. In 2015, he left the Ministry to work for Building Design Partnership Ltd. in Manchester, one of the leading design engineering firms in the UK, which recently won the mechanical and electrical engineering contract to modernise the Palace of Westminster (i.e., Houses of Parliament). There Daniele was employed as an electrical design engineer working predominantly on new hospital projects and university campus developments. He returned to the Ministry in March of this year. He holds a Master's of Science Degree in Sustainable Electrical Building Services Engineering from Manchester University and a Bachelor's of Engineering (Honours) Degree in Electrical and Electronic Engineering from the University of Leicester.

Mr. Speaker, I am sure you will agree that these five outstanding young Bermudians are a welcome addition to the Ministry and serve as a glowing example of the excellence of our young people when they are given some encouragement and support.

#### Structures

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, new bridges, Longbird and Swing Bridge, phase two, has been completed. The project is on schedule. Plans are being finalised for public presentation of the new designs and the launch of a campaign for members of the public to suggest names for the new bridges.

Kings Wharf deck replacement and refurbishment—permission has just been received to source the slab precast for this contract. Contractors'

tender will be issued next week. The project is on schedule and is designed to rectify some minor deficiencies, as well as upgrade the dock to accommodate the next class of cruise ships. The 20,000 square foot Artemis building was purchased to create two 10,000 square foot buildings to be located at the quarry—one for stores, and the other for the heavy mechanical shop. Some areas will be used to store some machinery and extend their lifespan. This project is on schedule. Black Watch Pass and Winton Hill projects are underway to ensure safety of the rock face. New methods of scaling have been used to reduce cost and increase efficiency.

Repaired many demolished walls and rock cuts across the Island—a drone was purchased to conduct inspections of all bridges and wharfs. This should result in savings of at least 600 hours of engineers' time. The drone was most recently used to inspect the foreshore at Tobacco Bay and revealed the need for emergency repair works. Repaired Devonshire Dock fisherman's platform, Custom Wharf in St. George's and conducted Watford Bridge pile inspection.

#### Highways

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, Highways have produced high-quality paving work of more than 10 kilometres of highway. Implemented new fees for roadside tree-cutting of \$1,000 an hour—this has helped tremendously. We will enforce that on all trash truck collection routes, especially on private roads. Clearing of the Finger for the solar panel project and at the L. F. Wade International Airport. Foreshore protection at Shelly Bay and Tobacco Bay. We did around a half-million dollars of private paving work, including the airport. We are currently exploring the sourcing of an asphalt recycling machine that will significantly reduce the cost of private road paving.

#### Waste Management

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, [the Ministry] implemented one day per week garbage collection. We can see a change in the health of our workers and their attitude. Now there are no staff coming from other sections to do their work in overtime. We are saving close to \$1 million annually, and with the new trucks, we can see some of the pride returning. New trucks—this was really neglected by the former administration. It is like giving a plastic hammer to a carpenter, Mr. Speaker. All evidence was brought forward, and we wasted a lot of energy trying to convince intelligent people that you need trucks to pick up trash. Despite the evidence, nothing was done or even progressed. With the new trucks, it is a breath of fresh air and hope for the management and the workers.

Around 50 containers of asbestos have been shipped to the USA after an agreement was negotiated to dispose of them. Regular shipments will continue as budget allows. The recycling plant has operated all year without incident, but at nowhere near capacity. Recycled glass is being used with asphalt paving and exploration of the manufacture of roof slates. Pilot projects to provide trash bins to residents will be implemented. Disposed of more than 200 derelict cars from the quarry site.

#### Tynes Bay Waste to Energy Facility

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, we burn trash every day. We are producing electricity every day. We are producing water every day. And we are doing regular maintenance every day. The opening hours for the public drop-off have been extended. The new capital and maintenance project is underway, as we recently hired a project manager to begin the assessment of the future needs of the facility.

Mr. Speaker, a new storage water tank was installed at the water trucker outlet at Tynes Bay, providing a more reliable service. Installation of remote metres allows us the ability to monitor leaks and fix them. Initiated the St. George's water and wastewater pilot programme as the template for water and wastewater management for the entire Island. Working with BELCO to coordinate joint underground pipe-laying from Tynes Bay to Grotto Bay; Blue Hole within the next 18 months. RO [reverse osmosis] plant refurbishment at Tynes Bay has been completed. Refurbishment of main water pipelines on Middle Road, Devonshire. New Water tank in St. George's for safety and more reliability. We bought an underwater drone for water tank inspection.

#### Quarry

**Lt. Col. Hon. David A. Burch:** At the quarry, Mr. Speaker, the Artemis foundation construction is well underway. Despite the new regulations from OPMP [Office of Project Management and Procurement], staff are doing extra work to procure vehicles and spare parts. The mechanics, despite challenges with facilities, continue to work miracles, keeping vehicles in service on a weekly basis.

Mr. Speaker, there is a misconception that a lack of funds hampers the work done by the Department of Public Lands & Buildings and is the reason for the perceived poor condition of some government properties and poor standard of service by the department. However, the reality is that, year after year, Public Lands & Buildings has been given sufficient operational and capital funds, and the root issue is a lack of human resources and strategic planning. It should also be noted that changes in real estate take time. It takes time to scope, budget, schedule, and implement property changes. With that said, the de-

partment has implemented many plans to address its shortcomings, all of which will be mentioned in this Statement.

Mr. Speaker, the first of these issues is inadequate staffing. The former Government introduced an early retirement package and a freeze on hiring. This, combined with the slow recruitment process, has had consequences for the department and service levels. The department has 59 vacant posts, of which only 17 are budgeted for. The hurdles and delays in hiring have a significant effect on the service level provided, the condition of government buildings, as well as morale within the department and government-wide. The department has had approval to fill vacant, funded posts, and recruitment is underway for hiring both BIU [Bermuda Industrial Union] and BPSU [Bermuda Public Services Union] posts. This process is still long-winded, but the good news is that they are underway with the recruitment and are about to interview for the Assistant Buildings Manager post.

Additionally, Mr. Speaker, the Estates Section structure and job descriptions were reviewed and changed to reflect the move towards managing the property assets as the priority, rather than the occupiers. In addition, three Estates Officer posts were changed to Building Surveyor posts, with job descriptions focused on their doing condition surveys and planned, preventative maintenance work. A similar exercise is being conducted at the Buildings Section to bring the job descriptions for the superintendents more in line with modern facilities management. One of the Building Surveyor posts has been filled by a Bermudian, Mr. Dalton Burgess, Jr. [There was] a minor setback with filling the other post, as the recommended candidate, from overseas, withdrew his application when he received the offer of the post by the PSC [Public Service Commission].

Secondly, the Office of Project Management and Procurement, and the Architects Section, previously project-managed major construction projects including new builds and major refurbishments. Both have decided that they will no longer do this work, and it has therefore fallen to Public Lands & Buildings to take these projects on without any additional resources and, critically, without project managers. There has been progress on planning and managing projects by both the department's use of new software (Concerto) to record and manage projects, and through the Ministry of Public Works capital project meetings to collate, record, and monitor projects at the ministry level.

Mr. Speaker, the Architects Section has also, recently, once again begun taking over the project management of the large capital projects, and Public Lands & Buildings has developed a project management team in-house to manage and deliver the minor capital works projects. These actions will help with monitoring, reporting, and delivering on projects.

As a sidebar, Mr. Speaker, for some inexplicable reason, we have inherited a situation where the Chief Architect falls under OPMP, while the architects fall under the Ministry of Public Works. You will readily see that this is a recipe for disaster, and we are taking the necessary steps within the bureaucracy to fix it.

The department is responsible for the management of the government estate, including the maintenance and repair of buildings. Most of the properties were built over 50 years ago and do not meet today's modern building code, or need for modern technology and expectation of air conditioning by occupiers. They were also built for another purpose and have not been properly repurposed. An example of this is the Prospect Depot, which was an old military hospital, and the facility is not suitable for a modern facilities management operation. Most government buildings do not meet current building control and health and safety requirements. As such, when a minor project is required on the property, it can lead to the whole property needing to be upgraded to meet current code.

Mr. Speaker, the department has had success with the adoption of the new government space standard to provide a modern, efficient work environment that makes better use of space. This will, in the middle to long term, save on maintenance costs, capital costs, and rent. It should also improve staff morale, health and safety, performance, and attendance. The Estates Department is completing the new model office and, following any changes based on lessons learned, this will be the new standard open floor plan layout and finish for government offices. There has been a marked increase in health and safety complaints, with capital projects being driven by the health and safety concerns rather than proper estate planning. Cabinet, House of Assembly, Government House, Dellwood, Parks Headquarters, and Marine & Ports are examples of health-and-safety-driven projects.

Some of the indoor air quality issues are a result of building failure (commonly, leaks), but some are a result of the occupiers' bad housekeeping habits. To some extent, Mr. Speaker, I believe we have gone overboard with perceived health and safety concerns, and, regularly, a common sense approach is not employed. Mr. Speaker, a new process has been agreed with Cabinet Office, whereby their health and safety coordinator [H&SC] is investigating health and safety concerns in a more structured process that starts with issues being raised and recorded with the health and safety committees. These issues are forwarded on to the coordinator, who investigates and contacts the Building Section if the issues are building related.

A more pragmatic approach has been employed, which has reduced the overreaction and interruptions to government services, as well as costs. This has been an ongoing challenge. Communication

by the department and managing client's expectations is very poor, Mr. Speaker. This has been addressed with staff and forms part and parcel of project plans, so it should improve. It will be an ongoing process, but staff realise the importance of proper communication with clients.

Until recently, the lack of an IT system hampered management of the estate and the ability to access reliable and up-to-date information on which to make informed management decisions. Mr. Speaker, the major modules of a new IT system have been rolled out and are being used by staff, with the project management, estates management, and help desk fully functional. The base data for properties are in the software, including both leases in and leases out. The next module to go live will be the planned preventative maintenance module. A lack of a property asset management plan [PAMP] meant that there was little or no planning, but mainly reactive management, which is inefficient and expensive, and increases the risk of disruption to public services. The PAMP strategy has been reviewed and approved by Cabinet and will continue to be developed and implemented.

Mr. Speaker, specific courses have been built in to forward job plans, including the Corporate Real Estate and Facilities Management online course (some 200 hours) for estate officers. Staff were encouraged to take the Project Management Professional [PMP] course to get their professional certification in project management. It is now included in job descriptions as an advantage to have. The department has also had depot and estates staff trained on mould identification and remediation. In continuation, a number of estates officers have completed and passed the Corporate Real Estate and Facilities Management course and are looking to take the PMP course and exam. All estates and buildings senior staff recently took the Water Quality course at the Bermuda College to ensure that they have the knowledge to manage and maintain water tanks, roofs, and potable water supplies within buildings. The buildings team also completed the Scaffolding Erection and Supervisory courses, and I was pleased to present certificates to the graduates.

Mr. Speaker, it was determined by the department that school condition surveys needed to be conducted to help identify works that need doing together, and decisions on the viability and future of the building. Once they are completed, the department can then plan, budget, and schedule the works. The school condition surveys were contracted out, but there were a number of issues with the bids and concerns raised by the bidders about how to price for unknowns. A test survey is to be completed on one school to iron out the issues, and, based on the results, changes will be made to the tender and/or reporting requirements. In the interim, a project is underway to get as-built drawings for all schools, as well as numbering of rooms for ease of reference on both

help desk and reports. Surveys will then be carried out on other key government buildings.

Mr. Speaker, we learned valuable lessons from the experience of school maintenance last summer and implemented maintenance programmes throughout the school year and properly planned for this summer. The school summer works kicked off immediately after schools closed and are in full swing. All schools have been inspected by both Ministry of Public Works and Ministry of Education facilities management staff, with a list of tasks agreed and assigned to various work crews. In addition to these, any issues identified by the Health and Safety Coordinator are being included with those tasks. These works have begun and will be completed over the summer holidays. A number of contracts are being issued to private contractors to complete over the summer, including the painting of Dellwood, T. N. Tatem, Prospect Preschool, and Gilbert Institute. Harrington Sound School will be painted, as well, but by an in-house team.

In respect of the school summer works, it is estimated that an additional \$3 million will be spent on capital works on schools over the summer, including contracts to the private sector for painting, floor refinishing, and roof replacement. Mr. Speaker, it is intended that all personnel within the department will be involved in school works. This means that there will be seven work units, with a total of 102 tradesmen working in schools. To date, there are also seven summer students assisting with this major project. They are tackling 1,081 tasks and 26 capital projects. In addition, there are numerous small and large private contractors engaged on this project.

#### Department of Land Valuation

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the Department of Land Valuation is mandated under the Land Valuation and Tax Act 1967 to maintain an up-to-date and accurate Valuation List of all properties in Bermuda for land tax purposes, including the five yearly revaluation of those properties. Additionally, the department provides accurate and timely valuation advice to other government departments, upon request.

Mr. Speaker, I am pleased to report that the Director of the Land Valuation Department has reported that her department has wholeheartedly embraced the new Ministry motto and philosophy of *Business as usual just won't do!* and are operating on that basis. Historically, 75 per cent of the department's Valuation List casework was generated by completion certificates issued by the Planning Department, upon the completion of building works.

Last summer, the Planning Department notified Land Valuation that a significant number of outstanding historic building permits were to be forwarded. The bulk of these permits relate to building works

that have been completed years ago, but the final completion certificate has not been issued. Consequently, these property alterations are not reflected in the property's assessed annual rental value (ARV) and this represents lost land tax revenue to government. In response to this increased volume of work, the department revisited the way they conducted their core business and are leveraging technology with the aim of increasing efficiencies in processes and, additionally, revenue-generation for government.

Consequently, Mr. Speaker, the department now places less reliance on the completion certificates received for case generation and have moved toward generating their own proactive casework, as they continue to leverage technology in maintaining the Valuation List in respect of property alterations. A programme of targeted property inspections is undoubtedly a more efficient use of the time and limited resources of the department. An additional benefit to government is increased land tax revenue generation, as targeted property inspections for building works not signed off by the Planning Department typically result in an increase in the assessed ARV.

Mr. Speaker, the department has also begun scanning the approximately 35,000 historic survey drawings from 1967 to 2007 into its IT database as part of the drive towards a truly paperless office. This project, which is nearing completion, will not only create greater efficiencies, but will assist with the Historic Building Permits Project and the programme of targeted inspections, whilst maximising office space and promoting a healthier office environment.

Mr. Speaker, the Department of Land Valuation currently has one summer student, Ms. Andesha Busby, a bursary student who has recently completed the second of her three-year Bachelor of Science Real Estate Degree programme at the University of Reading, England. Ms. Busby will share her seven-week summer internship between Land Valuation and the Estates Department, to maximise her learning experience.

Mr. Speaker, the next major project on the horizon for the department is the 2020 revaluation. As aforementioned, the Land Valuation and Tax Act 1967 mandates a revaluation of all properties on the Island for land tax purposes every five years.

This, as with all Island-wide revaluations, is an extensive project for the department, involving the mass appraisal of 36,000 valuation units, and requires all available resources within the department to complete it. The purpose of the revaluation is to maintain equity in the Valuation List, as property values change over time, and these changes are not uniform across the market.

Mr. Speaker, the department will therefore be entering its revaluation life cycle next year, and rent survey forms will be sent to all property owners in the latter half of 2019. Once the collected rental data have been vetted and analysed, the 2020 Draft Valuation

List will go on deposit on the 31<sup>st</sup> of December 2020 and will come into effect for land tax purposes on the 1<sup>st</sup> of January 2021.

#### Department of Parks

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the Department of Parks mandate, objectives, and scope of work are very broad and entail administration, maintenance, development, enforcement, cultural and historic management, and education. The department is responsible for the management and maintenance of approximately 2,000 acres of parks, beaches, and government land throughout the Island. This includes 75 parks, 96 properties, 26 public school grounds, 30 kilometres of roadside grass verges stretching across the Island, and six sports fields under the Ministry of Social Development and Sport.

Mr. Speaker, private/public partnerships are not uncommon, and are a key element in the development of projects and assets within the Department of Parks. To this end, the department will continue to collaborate with various industry partners to promote and ensure the success of these objectives. The Department of Parks has recently partnered with entities such as the BTA [Bermuda Tourism Authority], Friends of the Railway, the Skills Development Group, the Bermuda Prisons, Court Services, the BIU and BPSU, BELCO, and Friends of Hospice to develop our brand. Partnerships like these allow the team to tackle large projects that would otherwise be extremely challenging to complete in a timely manner.

The members of the Park Service Division perform educational service to the public with their interpretive tours at Fort Scaur, Admiralty House, Ferry Point Park in St. David's, Blue Hole Park, and Spittal Pond. These tours are popular primarily with schools, summer day camps, and community centres.

Mr. Speaker, after a major review, the Management Section of the department is in a state of restoration. Over the past year, three-quarters of the management staff were in acting capacities. A strategy has been developed to remedy this and is being implemented. Critical vacant posts include those of Director, Senior Superintendent, Superintendent of Horticulture, Superintendent of Botanical Gardens, Superintendent of Maintenance & Development, and Curator of Gardens. Many of these posts remain vacant and have been the subject of continuous acting appointments. In spite of our best efforts, little forward movement has occurred and the department continues to function under much stress and frustration for the staff. Morale is at an all-time low, and I implore those in the civil service charged with this responsibility to act with a greater sense of urgency.

Mr. Speaker, the Department of Parks has a significant number of vacant posts that are essential to the smooth operation of the department. At present, there are 45 industrial posts vacant in the Maintenance

and Enhancement Section, which equates to 27 per cent of the total number of industrial posts in this section. The department Administration Section is currently housed in temporary accommodation in Global House. The department was relocated after the Parks Office was given notice of unsafe conditions, by the Health and Safety Officer, in late 2016. Management has been actively collaborating with the Ministry Estates Section on this issue as a priority, and a new location has been identified for the department. Plans are underway to progress the relocation of the department.

Mr. Speaker, other infrastructure areas requiring attention and improvements include the Botanical Gardens' exhibition house roofs, the greenhouses at Tulo Valley, the maintenance yard, the lifeguard towers, playgrounds, shower facilities at Horseshoe Beach, and the toilets in the parks. There are multiple challenges with the department's fleet and equipment. Presently, there are a number of vehicles that are out of service; some will be repaired and some will be disposed of. An order was placed for additional vehicles. There is a need for the implementation of a better system for ordering new vehicles and spare parts. Greater collaboration and possible amalgamation with the services at the quarry are being explored.

Mr. Speaker, with numbers down in both manpower and vehicles, the department is challenged to perform the duties within its remit, including, but not limited to, the landscaping requirements of all national parks and other government-owned lands such as Government House and Camden, Eastern parks, Western parks, school grounds, Tulo Valley, Botanical Gardens, and the Railway Trail. Work performed involves hard landscaping, development, renovations, maintenance (mowing, pruning, edging), trash removal, tree surgery, and sanitation services.

#### Botanical Gardens Maintenance Facility

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the plan to build this facility was the subject of a number of objections that culminated in a Supreme Court case prior to the change of government last year. A deadline of August 25, 2017 was set by the Supreme Court to decide on the way forward. A decision was made before that date and communicated to the court that this Government would abandon its plans to build on the site. As a result, the matter is now closed.

#### Land Title Registration

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the mission of the Land Title Registry Office is to implement and maintain a stable and effective system of land title registration by securing legal ownership rights and interests in registered land, thereby providing confidence in property dealings by allowing electronic access to current information pertaining to land in Ber-

muda. Having said that, the Bermuda Land Title Registry Office was established as an autonomous section within the Ministry of Public Works, for the purpose of conducting business arising under the provisions of a Land Title Registration Act and the Land Title Registrar (Recording of Documents) Act 2017. Within the context of the proposed objective to develop and maintain an efficient system of land title registration, the primary purpose of the Land Title Registry Office is to establish and maintain a statutory register of rights and interests in land, together with a Land Title Registry Index Map that will be defined within the Act.

Mr. Speaker, in continuation, the operational functions of the Land Title Registry Office include:

- the creation and maintenance of an electronic register of legal estates and interests in land, and so providing legal security for owners and other interested persons;
- the registration of mortgages and other secured loans, thereby providing security for lenders;
- the maintenance of a system of registered conveyancing that facilitates the creation, transfer, and cancellation of legal interests in land in a way that is reliable, simple, and timely;
- the provision of affordable access to land information in order to facilitate the land information needs of Bermuda;
- the maintenance of the Land Title Registry Index Map of all registered titles in order to enable the identification of unique title number references for each registered property and the location and the indicative extent of such properties;
- the establishment and maintenance of a schedule of fees to be paid by those registering transactions and for obtaining information and copies of documents and plans;
- the collaboration in the development of land information systems in Bermuda;
- the collaboration in other related Government initiatives (for example, sustainable development, e-Government, et cetera), as appropriate;
- the provision of advice to the Minister on any matters relating to land and to prepare an annual report on the work of the Land Title Registry Office; and, lastly,
- to set up a Lands Tribunal.

Mr. Speaker, the main issue facing the Land Title Registry Office is staffing. At present, there are five staff in post and four consultants on six-month work permits. With the opening of registration to the public, staff are needed in place. Initially, the office was staffed to take applications in on triggers, which were on sale of grant of a mortgage and a grant of a lease over 21 years. All of these applications had to come via an attorney, who would know what was ex-

pected of them. Now that the office is taking applications from the public, a longer period of time is needed to assist them, which does slow the process of processing applications. Also, the current Land Title Registry staff have to carry out the relevant searches that the attorneys would have carried out had they processed the application.

Mr. Speaker, with that said, we are starting now with planning for additional staff to replace the seconded staff and to encourage young Bermudians to explore this career option as part of long-term succession planning. It is envisaged that the office will receive eight to ten compulsory applications a day, and eight to ten applications a day from the public, which will give, on average, a maximum of 20 applications a day. Thus, each land title officer will deal with three to four applications a day. Mr. Speaker, the Senior Land Title Officer will train and mentor the land title officers and the trainee. The senior officer will cover all enquiries not passed on to the land title legal officers. By introducing trainees and junior staff, a succession plan will be created for the department.

Mr. Speaker, all of the current projects being carried out by the department are purely operational. However, the department will soon start phase two of scanning and registering of the remaining deeds held by the deeds registry. And now that the legislation allows for voluntary registration, the Land Title Registry Office will work with the banks to manage registering their existing deeds.

Mr. Speaker, as you know, the office became operational for voluntary conveyance on July 1<sup>st</sup>. And, while there has been a brief pause while awaiting the enactment of the 2018 amendments, I can report that there has been a steady stream of telephone, email, and walk-in enquiries to the office by a wide cross section of Bermudians interested in registering their properties.

As background, there are approximately 28,000 parcels of land in the country, a third of which, or approximately 9,000, are government owned or public lands which have been entered on the register. Every time there has been a public announcement to highlight this new office, the Registrar reports a spike in email enquiries and correspondence.

Mr. Speaker, you will know that Bermuda lags behind much of the developed world in not having a land title registry, and we are extremely proud to finally bring it to fruition. There have been some reported comments from segments of both the legal and real estate fraternities querying certain aspects of the register. All of their concerns can and are being addressed, but the bottom line is that the establishment of this office is welcomed by the wider community, and the Government is resolute that this is proper course of action. Now, we also accept that there are going to be some unanticipated issues that will arise. We will face and address them head on.

### The Bermuda Land Development Company

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the Bermuda Land Development Company Limited [BLDC] was incorporated under the authority of the Base Lands Development Act 1996, on November 12, 1996. The shares of the company are held in trust by the Minister of Finance and the Minister of Public Works for the benefit of the country. The general purpose of the company is to manage and develop the former base lands, to integrate them into the social and economic fabric of Bermuda, and to increase employment opportunities for present and future generations of Bermudians. The BLDC's four principal properties are Daniel's Head, Tudor Hill, Morgan's Point, and Southside, which represent 5 per cent of Bermuda's total land mass.

Mr. Speaker, the broad objective of the BLDC extends beyond that of a typical real estate development company. In addition to being responsible for the commercial development and management of its properties, it is also responsible for projects that are, essentially, non-income producing. When the BLDC assumed responsibility for the former base lands, the majority of the facilities were structurally unsound, in a very poor state of repair, or just not suitable for commercial use. Mr. Speaker, the BLDC conducts many routine works in order to maintain the sites that they are responsible for. These works can be categorised into two groups—infrastructure upgrades and building upgrades. I would like to share with you the following seven infrastructure upgrades that are currently underway:

1. the upgrading of the reverse osmosis plant;
2. the upgrading of the fresh water mains, which included replacing cast iron pipes;
3. structural assessments and repair of the water catchment tank chamber walls of Reservoirs 13 and 16;
4. the upgrading of the saltwater mains and fire hydrants;
5. the upgrading of the telecommunications duct;
6. various improvements to street lighting; and
7. the improvement and refreshment of street lines, signage, and markings.

Mr. Speaker, I would also like to share the following 10 building upgrades that are currently underway:

1. the demolition and replacement of Fresh Water Pump Station Building 418;
2. the improvement of the Southside Police Station Building 842 Driveway;
3. the replacement of the roof sectional membrane of the National Archives Building 1564;
4. the replacement of the roof sectional membrane of the Government Lab and BAA [Bermuda Airport Authority] Building 332;
5. the upgrade of roof and windows at the Gymnastics Building 347;

6. the upgrade of restrooms at the Pizza House Building 106;
7. the upgrade of the Channel House Building 349;
8. the upgrade of the air-conditioning system at the Glory Temple Church Building 120;
9. mould remediation of the Cinema Building 105; and, lastly,
10. the demolition and asbestos abatement of the Lilyfield Building 347.

Mr. Speaker, BLDC has also completed a number of achievements this year, which include the following: (1) the Launch of the Ships (Marginal) Wharf Development Cargo Port and Energy Plant RFQs [request for quotations]; (2) the completion of 2011/12 Audit; (3) the upgrade of the Clearwater Beach restrooms and additional concessionaire; (4) the construction of the Turtle Bay parking lot; (5) the conversion and renovation of the former Police Barracks Building 633 into dorms for the Tucker's Point staff; (6) the replacement of water catchment tank roof for Reservoir No. 13; (7) asbestos containers (30) re-packaging and exporting, phase one completed; (8) the improvement of Daniel's Head for summer vendors and long-term marketing; (9) the declaring of Tudor Hill expression of interest, with the next phase being an RFP [request for proposal]; (10) the commencement of street lighting improvements on Southside and Westcott Roads; (11) the demolition of the Former Club Azure Building S11; and lastly, (12) the asbestos abatement of the Open Door Christian Assembly Church Building 631.

### The West End Development Corporation

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the corporation was established in 1982 by an Act of Parliament, with the specific task of developing the lands, which were vested to the corporation under the Act. As a summary, the corporation's primary focus is to develop the vested lands in cooperation with the government of the day. Hence, the specific overall development plan can and does change periodically. Mr. Speaker, key deliverables identified by WEDCO are as follows: (1) to continue to sustain and develop the current vested assets without annual government financial operating contributions; (2) to ensure that the current good fiscal management continues and is reflected in the annual audited statements; (3) to grow the corporate revenue base through new leases, opportunities, and revenue streams; (4) to continue to upgrade the residential housing stock to today's standards in a cost-effective manner, without displacing any sitting tenant. WEDCO will deliver these units at a fair rate; (5) to upgrade commercial properties at a rate that the demand can sustain.

Mr. Speaker, the new reverse osmosis plant is now online and has a capacity of approximately a half-million gallons per day. While this is excellent for en-

sureing overall water availability, there is also the need to balance distribution and selling capacity. WEDCO would like to formalise the supply of potable water as far as Watford Bridge, and should the Ministry of Works Water Section wish, [there is] potential to supply even further. Those discussions are ongoing.

Mr. Speaker, the WEDCO solar project is a 2018 board initiative. This goal will be achieved via the completion of a 400- to 600-kilowatt system. The tender process is now completed. The expectation is to start and complete the entire project before the end of the current calendar year. The project is anticipated to be in the \$1.5 [million] to \$2 million range. This project will reduce WEDCO's BELCO reliance and has a six- to seven-year payback period. WEDCO continues a programme of upgrading its existing residential inventory. This ongoing commitment is being achieved by either upgrading units as tenants move out, or working with tenants to move to another completed unit and then proceed to upgrade the vacated one.

Mr. Speaker, WEDCO has launched the first short-term rental property at the Prince Alfred Terrace Condos. Thus far, it has been welcomed and successful, especially now that Bermuda is in high season. Mr. Speaker, during the month of August, WEDCO will be piloting a pedestrian-only zone in front of the Clock Tower building, removing regular vehicular access. All through-traffic will now be routed around the back of the building. WEDCO will continue to review proposals for the development of several sites, including Maria Hill, the Victualing Yard, the Parsonage, Cross Island, and the Albert Row units. Long-term economically viable business plans are being sought for the mostly vacant listed sites.

#### The Bermuda Housing Corporation

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, as a reminder, the Bermuda Housing Corporation's [BHC] mission statement is *to provide accessibility to adequate, affordable housing and promote independent living to enhance the quality of life in Bermuda*. The corporation has had a very busy year, launching new initiatives and programmes under this current Government to fulfil its mandate. The corporation completed the purchase of its present location, the former IAS Building, 44 Church Street, Hamilton. A number of tenants continue to occupy space within the building, and will remain in place while the Estates Department works to transfer other government offices to effect a reduction in private sector rents.

Mr. Speaker, the corporation has established a partnership to allow for the transformation of Grand Atlantic into the Bermudiana Beach Resort Condo Hotel.

#### 101 Jobs 4 101 People

**Lt. Col. Hon. David A. Burch:** The Corporation successfully launched the following jobs as part of the "101 Jobs 4 101 People" initiative: working with the Parks Department to clear Southlands Park and other areas requiring cleanup; working with Waste Management Department to reduce backlog of Island-wide trash; power washing of the Grand Atlantic in preparation for exterior painting of the nine blocks; dead brush clearance at Harmony Club perimeter (due to three recent suspicious fires set along the Railway Trail); cleaning out the old Bishop Spencer School; clearing out of the Allenhurst, the old Police Station Building on Parliament Street; and removing foliage and debris from a seniors home known as Easter Lily in Hamilton Parish.

#### Project Enhancements

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the Prospect Apartments is 42 units at Fort Prospect that primarily houses seniors. A new policy has been implemented when a unit becomes available and is placed in the make-ready state. Specific renovations are being carried out to improve accessibility in the unit by enlarging the kitchen and hallways, and installing roll-in showers for senior access. The corporation is currently assessing the feasibility of adding an elevator unit to this three-story building for seniors' convenience. The Bermuda Police Service has vacated the Harmony Club property, and BHC has commenced a phased approach to convert the complex into affordable units for rent, for independent living, targeted mainly at seniors. Renovations will include the complete replacement of antiquated plumbing and electrical to bring them up to code. The ground floor units will be made accessible to physically challenged clients. In addition to the proposed renovations to Harmony Club, the corporation is currently in the process of designing and modifying existing housing inventory, which will result in an increase in Bermuda's affordable housing stock by at least 55 additional units.

Mr. Speaker, BHC has 27 buildings that were constructed, using the non-traditional Pan Bermuda building method. This process involved pouring concrete into plastic moulds. This building method is severely flawed and has resulted in significant leaking and environmental issues. The corporation must remediate all of these units by removing the plastic out of the concrete and re-plastering and rewiring each unit. BHC has put in place a team dedicated to this project, consisting of one maintenance employee and four Hustle Truck workers to complete this project. Each unit takes four to six months to complete. So far, nine of the twenty-seven units have been completed.

Mr. Speaker, the corporation has created an internal team to help tackle the repairs to several

properties that are in a vacant and derelict state, in a cost-efficient manner. The team is headed by a staff property officer and four Hustle Truck workers, which will provide the workers with job training opportunities. Properties currently assigned to this team include:

- units at 7 Aunt Jinny's Lane, St. David's. Those major works are completed;
- 9 Aunt Jinny's Lane, St. David's. Those works are completed;
- 13 Aunt Jinny's Lane, St. David's. That work is in process, expected to be completed in September this year;
- 3 Rock Oven Lane, St. David's, in process, also a September completion;
- 116 North Shore Road, Hamilton Parish, completed;
- 5 Ocean View Drive Warwick, expected completion in March 2019; and
- Ripon Cottage, Victoria Road, St. George's, expected completion in July 2019.

Mr. Speaker, due to significant cracking and leaking issues at the Gulfstream Rooming House, the entire building was in need of re-plastering. In addition to re-plastering of the building, control joints were added to the building to help minimise any future cracks, which are being caused by vibrations from flights arriving and departing at the L. F. Wade International Airport. The project is completed, on time and on budget. In June, the vacant Police Barracks Building located at 21 Barracks Close, St. George's, was handed over to the corporation for rehabilitation and repurposing. An initial assessment reveals that, overall, the infrastructure appears to be in satisfactory condition. The existing layout lends itself to a potential housing complex for single persons. A full assessment is being carried out to confirm that minimal alteration work is required to ready the building for occupancy.

Mr. Speaker, renovation of five of the [eight] units at Victoria Terrace on Princess Street have been completed, with the remaining three to follow. The corporation is also in the process of conducting extensive renovations to the damaged Chelsea four-apartment complex in St. George's, with an aim to increase the number of units in the building. This work includes a roof replacement and new electrical and plumbing throughout the units.

#### Home Ownership

**Lt. Col. Hon. David A. Burch:** The Home Start programme is a partnership with Clarien Bank and the corporation, which provides clients with 100 per cent financing to purchase certain properties either owned by BHC or Clarien Bank, with BHC providing a guarantee for the down payment. BHC has completed the sale on the first five houses under this programme, with three additional units presently under contract and about to close. Eight potential new homeowners are pending, dependent on final financing approval.

Mr. Speaker, separately, the sale of three two-bedroom vacant units at Harbour View Village to rent-geared-to-income (RGI) clients is also advancing. This year, two other BHC clients have successfully graduated from the rent-geared-to-income programme and purchased their own homes in the open market. And, finally, Mr. Speaker, the Department of Energy has partnered with the BHC to provide an energy rebate programme for seniors and lower-income families—a forward-thinking idea to help reduce the cost of energy bills. BHC units will be the pilot for this service, where LED bulbs and hot water heater timers will be installed in identified homes at no cost to [inhabitants], to reduce energy bills and help reduce our carbon footprint.

#### Golf Courses

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the golf courses, ably led by MP Neville Tyrrell, are presently conducting an in-depth analysis of golf course operations, so I shall report to this House at the conclusion of that review.

Mr. Speaker, the Ministry currently has 45 summer students, and with your further indulgence, I would like to read the names of all 45 of them.

**The Speaker:** I wish you would not.

**Lt. Col. Hon. David A. Burch:** I might as well go for it, eh?

**The Speaker:** I wish you would not.

**Lt. Col. Hon. David A. Burch:** You wish I would not?

**The Speaker:** I really wish you would not.

**Lt. Col. Hon. David A. Burch:** You really wish I would not?

**The Speaker:** I really wish you would not.

**Lt. Col. Hon. David A. Burch:** Okay. I [will] not, Mr. Speaker.

**The Speaker:** Thank you.

**Lt. Col. Hon. David A. Burch:** But what I will say is that, Mr. Speaker, I did not name these 45 students, but I hope that the media will actually publish them because I want this House and the people of this country to know their names and that the vast majority of young people are doing amazing things. But, more importantly, Mr. Speaker, I want them to know that they are special. We are part of them. We will support them not just in our words, but in our actions. And we are unwavering in our support of them and commitment to them.

Finally, Mr. Speaker, I would like to publicly thank the awesome people who work in this Ministry, whom I have had the honour to serve with. You need no better testament to their work than the mere snapshot I have just delivered of their activities over this last year. I especially want to thank the leadership of the nine areas of the Ministry, starting with the former Permanent Secretary, Mr. Francis Richardson; the Chief Surveyor, Mr. Chris Farrow; the Chief Engineer, Mr. Yves (Bob) Lortie; the Chief Financial Officer, Mr. Gideon Kigotho; the Land Registrar, Mrs. Debbie Reid; the Director of Land Valuation, Mrs. Diane Elliott; the Acting Directors of Parks (in the time that I have been here), Ms. Terry Lynn Thompson and Mr. Stephen Tucker; the CEO of the BLDC, Mr. Francis Mussenden; the GM [General Manager] of WEDCO, Mr. Andrew Dias; and the GM of BHC, Major Barrett Dill.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

I am going to comment where I started. That will never happen again. That will *never* happen again. And, Minister, not to scold you, but to scold those who would know better, I will be writing to your civil servants who are supposed to know the process; and that is beyond the process—*beyond* the process, *way* beyond the process. It *will never* happen again.

Minister Caines.

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

**The Speaker:** I am almost ready to bring all Statements to a close.

But, go ahead, Minister.

## **BERMUDA FIRE AND RESCUE SERVICE UPDATE**

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

Mr. Speaker, I rise this morning to remind Honourable Members and the public of the wonderful work that the [Bermuda Fire and Rescue Service](#) [BFRS] provide for the citizens and visitors to this Island. I would first like to report on the 13 newest recruits who have embarked on their training to become Bermuda's latest fire fighters and EMTs [emergency medical technicians]. The recruits are currently in their 25<sup>th</sup> week of training. Tomorrow, they will travel to Pearson Airport in Canada to complete a four-week course which will involve aircraft fire fighting. It is anticipated that all of the recruits will successfully pass all training elements, locally and overseas. The recruits will then prepare for the passing-out parade before taking on their new roles as Bermuda Fire and Rescue Service fire fighters and EMTs. I look forward to congratulating each of the new recruits as they take

on this exciting career with the Bermuda Fire and Rescue Service.

Mr. Speaker, the Bermuda Fire and Rescue Service has a need to update some of its emergency vehicles. To this end, the Fire Service Management Team is completing negotiations with an overseas vendor to start building a new ladder truck to replace the current vehicle, the 20-year-old Bronto. Manufacture of the new vehicle will take approximately one year to build and will commence once a contract agreement has been reached and signed. The Bermuda Fire and Rescue Service has also started talks with vendors for the purchase and design of a new ambulance to support the Bermuda Fire and Rescue Service ambulance currently in service. This purchase will ensure that the Bermuda Fire Service can sustain the mandate to provide an East End ambulance service to the community, as part of a memorandum with the Bermuda Hospitals Board to reduce response times in the East End of the Island.

Mr. Speaker, through robust recruitment and training, coupled with excellent facilities and equipment maintenance, the Bermuda Fire and Rescue Service aims to keep pace with recent manpower issues due to retirements and normal attrition; ensure adequate emergency vehicle capacities for present and future emergency operational needs; ensure the sustainability to handle the prevailing threat of natural disasters such as hurricanes; and provide Bermuda with a first-class fire and rescue service.

Mr. Speaker, we should also be reminded that this department provides and carries out a vital role as part of the Emergency Measures Organization, providing not only fire extinguishment, but also rescue, flooding abatement, and roof covering and building safety during storms, heavy rain, and hurricanes.

Mr. Speaker, the Bermuda Fire and Rescue Service remains committed to attracting young people interested in a career in fire safety. As of the beginning of this month, the Bermuda Fire and Rescue Service has engaged five summer students who will work on a shadow programme. This programme will expose students to various service departments such as the Fire Prevention Division, Operations, and the Garage. It is anticipated that the experience will provide these students with an overview of the many facets of the Bermuda Fire and Rescue Service.

Mr. Speaker, the Bermuda Fire and Rescue Service has also engaged three fire fighters in the Pan American Health Organisation Disaster Management Course. Fire Fighters Kingsley Mundy, Christopher Bramwell, and Cathy Williams completed the week-long training course that started on June 10<sup>th</sup>, and it culminated with an overnight exercise covering various scenarios addressed throughout the week. Each of the participants benefitted greatly from the course and has been able to share the knowledge gained with their colleagues.

Mr. Speaker, in money matters for the Bermuda Fire and Rescue Service, the new fire safety legislation and associated regulations have resulted in the Bermuda Government collecting \$64,950 in licensing and certificate fees since the regulations came into force in April 2018. Additionally, Mr. Speaker, the Bermuda Fire Service recharge to the Corporation of Hamilton has finally been written off to the value of \$6,270,950.39, as a gesture of goodwill. These costs were incurred due to Bermuda Fire and Rescue Service responding to calls within the city limits. In exchange, the Corporation of Hamilton has offset the cost charged to the Bermuda Fire and Rescue Service for the rental of the King Street property. There is now no money owing and no remaining balance for either party.

Mr. Speaker, the fire service is continuing to investigate the way forward with improvements to the city's fire-fighting capabilities. The existing hydrant system requires repairs and upgrading to keep pace with the fire safety and extinguishing requirements in a modern city. This may mean the purchasing of another portable hydrant system. The Bermuda Fire and Rescue Service will continue to work with the Corporation of Hamilton to ensure that the city's fire safety needs are met in an efficient and cost-effective manner.

Mr. Speaker, the men and women of the Bermuda Fire and Rescue Service provide Bermuda with a professional and abundantly competent fire safety agency. The Ministry of National Security will continue to support the Bermuda Fire and Rescue Service, as Bermuda depends upon emergency first responders.

Thank you, Mr. Speaker.

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

Minister, I believe you have a second Statement. Would you like to do your second Statement?

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

**The Speaker:** Continue.

### CYBERSECURITY UPDATE

**Hon. Wayne Caines:** Mr. Speaker, my second Statement is to talk about the continued areas of progress with cybersecurity and cyber safety.

In June, I shared an update on the progress of the [Bermuda Cybersecurity Strategy](#) development and encouraged participation in the consultative process to validate elements of the aforementioned strategy. This work is important because cybersecurity is a priority for the Government and, indeed, for Bermuda. It is imperative because of our work towards becoming a new and leading FinTech jurisdiction. It is critical because of our significant financial and reinsurance sectors. It is vital because the Government and the

Island's organisations are trusted with valuable business and personal information.

Mr. Speaker, securing this information and the systems that store it is central to Bermuda's standing as a globally trusted, blue chip jurisdiction. As we continue to make strides in developing digital ledger technologies and integrating them within our society and economy, we will become a greater target for cyber criminals. One attack could have catastrophic consequences for any local company's reputation and finances, and might take years to recover from. As the Government of Bermuda holds critical and sensitive information of every Bermudian, resident, and international stakeholder, we are a target for many cyber criminals.

As such, Mr. Speaker, the Bermuda Public Service has worked to ensure that users of the government networks are educated on cybersecurity on a bi-monthly basis. Ninety-two percent of the assigned courses have been successfully completed, to date. Users have received training in phishing, social media, and password security. We are now gearing up for the next topic, which includes privacy principles.

Mr. Speaker, the Identity Theft Resource Centre [ITRC] reported that there were more than 174 million records compromised in 1,293 data breaches in 2017 alone. This is 45 per cent higher than the number of breaches in 2016. The trend has only continued. In January, Aetna, a US-based insurance provider, had to pay a \$17 million settlement after violating the privacy of 12,000 of their customers. In March, a hacking ring attacked [the networks of] 144 US universities, causing \$3.4 billion worth of damages. The Government of Bermuda and private Bermuda companies must ensure that there are protections and plans in place to prevent these and other types of cyberattacks.

Mr. Speaker, as recently as 2016, Bermuda-based organisations indicated their interest and desire for guidance and training on cybersecurity standards and practices. In particular, cybersecurity incident response and recovery were identified as needing to have strong plans in place. These organisations understand that, without a foundation of strong cybersecurity, cyber criminals can exploit vulnerabilities within every organisation. In response, we have partnered with NIST, the US National Institute of Standards and Technology, to provide training on the cybersecurity framework, and this was done in September 2017, and on the risk management framework in March of this year.

Ensuring that we have sufficient and suitably qualified personnel to implement and validate cybersecurity plans and strategies is necessary to provide assurance of effective security. However, this must constantly evolve to keep up with the sophistication of today's cyberattackers.

Mr. Speaker, Bermuda's cybersecurity strategy has been crafted through the collaboration of the

Cybersecurity Working Group, consisting of local public and private sector IT and security professionals, and chaired by Mr. Ronnie Viera, and the Commonwealth Telecommunications Organisation, or CTO. The CTO has extensive involvement with a number of countries and has worked in collaboration with governments, ministries, regulators, and private sector representatives on national cybersecurity strategies. The CTO has assisted the Bermuda's Department of ICT Policy & Innovation and the Cybersecurity Working Group in conducting consultation workshops, developing the draft Bermuda Cybersecurity Strategy, and validating the resulting strategy.

The draft Bermuda Cybersecurity Strategy reflects the needs and goals of our jurisdiction. The strategy development and consultation processes have ensured that the strategy is robust and considers the Island's strengths and ambitions related to both cybersecurity and cyber safety. The strategy will soon be presented to Cabinet. However, we have not waited for the ink to dry, as there are a number of initiatives to make sure that safe and secure cybersecurity strategies are taking place.

The Department of ICT Policy and Innovation and the Cybersecurity Working Group are currently evaluating the Cyber Essentials Scheme. Cyber Essentials aims to help organisations implement basic levels of protection against cyberattacks, demonstrating to their customers that they take cybersecurity seriously. Another element that immediately is being pursued is a national Computer Security Incident Response Team [CSIRT]. This is an assessment which is considered an important part of cybersecurity. Additionally, the Incident Response and Recovery training will be offered at the end of the year.

Mr. Speaker, to mitigate the risks of attacks, in 2017, the Cabinet approved a policy that directed the Government of Bermuda to implement and maintain an Information Security Risk Management Programme aligned with industry leading standards. This programme ensures that resources, roles, responsibilities, and accountability for the protection of sensitive information and critical systems within the Bermuda Government are appropriately assigned. The Cybersecurity Cabinet Committee provides oversight of the programme and ensures that accountability for due care is maintained. In addition, the Information Systems Risk Management Committee within the public service guides the implementation of the programme to ensure that the cybersecurity threats and vulnerabilities that could potentially impact our nation are identified and addressed.

Mr. Speaker, under the Information Systems Risk Management Programme, government IT policy and professionals received training in the Factor Analysis of Information Risk, or the FAIR method. It is the only international standard of quantitative model for information security and operational risk. It provides professionals with a reliable model for identifying, un-

derstanding, analysing, and quantifying information risk in financial terms.

Mr. Speaker, within the Department of ICT Policy and Innovation, the Cybertips Initiative continues to be Bermuda's initial leading source of information on Internet safety and security. The team provides community workshops, giving practical tips, resources, and tools to users of the various technologies, in order to safeguard them against online dangers, inappropriate content, and potentially harmful behaviour, which include cyberattacks.

The Cybertips Team also routinely visits schools, youth organisations, and a number of community events. The team has spoken to thousands of students, parents, educators, youth groups, and seniors. In May 2018, Cybertips hosted Bermuda's first Digital Leadership Conference, which saw the participation of over 650 of Bermuda's middle and high school students. They gathered on May 7<sup>th</sup> to discuss the importance of digital citizenship and to learn how they, as young people, can help combat the current epidemics of cyber bullying, sexting, and the proliferation of online sexual images.

Mr. Speaker, the Ministry of National Security and the Department of ICT Policy & Innovation partnered with the Bermuda Police Service, the Child Safeguarding Committee, Child and Family Services, the Department of Public Prosecutions, SCARS, the Family Centre, the RAP Project, the Internet Watch Foundation and a number of other organisations, both locally and internationally, to bring the most up-to-date innovative and media-rich educational tools to Bermuda through the Cybertips Initiative.

Mr. Speaker, a solid cybersecurity strategy is meant to underpin the country's progress. We are using a multi-pronged approach to make sure that we have a safe and secure cyber environment to pursue education, play, and socialisation. Cybersecurity and cyber safety are bearing on our reputation and on our well-being. In this connected world, we want our residents and businesses to be prepared to handle the cyber threats they may encounter while still reaping the benefits of technology.

I would like to thank the Department of ICT Policy and Information, and IDT [Information and Digital Technologies], under the direction of Dr. Stones, for their leadership and guidance in this sphere.

Thank you, Mr. Speaker.

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

We are now down to the last Minister, Minister Rabain. Do you have Statements?

#### **PARENTAL INVOLVEMENT COMMITTEE**

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

Mr. Speaker, there is much to be proud of in public school education. So, this morning I rise and take the opportunity to share with my honourable col-

leagues about a group of passionate and dynamic parents who are committed to public school education and who want it to be considered as a viable option for all parents.

Mr. Speaker, in every public school, there are parents who work with principals, teachers, staff, within PTAs, and in some cases on parent councils, to help support achievement for students. At the system level, the Ministry and the Department of Education are beginning to reap benefits for our public education system through the functioning of the [Parental Involvement Committee](#).

Mr. Speaker, the Parental Involvement Committee (or PIC) is the first statutory parent advisory body for the Bermuda Public School System. Members of this House may recall that its establishment resulted from the voice of a parent during consultation, who asked for parent representation at the system level. As parents are represented and engaged within our children's schools, it made sense for the opportunity to be given to parents at the system level.

The PIC was appointed following a selection process involving the Commissioner of Education, representatives of the Board of Education, and Bermuda public school parents. The Ministry launched an open application process available to all public school parents. Not only did this allow parents to put their names forward and express why they wanted to be involved at the system level, but it helped the Ministry and department to engage and connect with parents, and signalled to them that their voices are valued and needed at the system level.

Mr. Speaker, the pool of candidates for the selection process was impressive, and persons appointed represent the diversity of Bermuda and our public school system. Parent members have children ranging from P5 to S4 attending public schools in various parts of the Island. The PIC includes PTA and parent council members working in a wide range of occupations, such as a stay-at-home parent, life coach, executive vice president, administrative assistant, therapeutic social worker, and teacher, amongst others. The PIC [members] have been appointed for two years, and in future their terms of appointment will be staggered. The following persons were appointed to the PIC: Mr. Kenneth Burns Jr.; Mr. Randy Vaucrosson; Mrs. Renee Riley; Ms. Barb Jones; Ms. Cathy Cosham; Ms. Kanika Cameron; Ms. Latoya Pearman; Ms. Lurdes Duarte; Ms. Michelle Jackson; Ms. Nakisha Burgess; Ms. Patrice Amey; Ms. Patrika Dill; Ms. Vernelda Perinchief, and Ms. Vakita Basden.

For the past year, they have been working quietly and diligently, behind the scenes, to shape [the committee's] role, purpose, and focus to ensure that the functions that they carry out are in line with the needs of parents and in support of the Bermuda Public School System.

Mr. Speaker, the purpose of the PIC is to work with the Commissioner of Education, other school and

system leaders and parents to support authentic and meaningful parental and community involvement and engagement. Best practice research for parental involvement states that parental, family, and community involvement and engagement are key factors for providing better student achievement. The PIC believes that the transformation of public school education will be stronger, more effective, and more sustainable if parents, community members, and staff work together to design, implement, and support improvement together. Mr. Speaker, I believe this as well.

The PIC has been holding monthly meetings with the Commissioner of Education. These meetings allow for two-way communication between the Commissioner and the PIC, and afford parents the opportunity and avenue to regularly raise issues of interest and concern. The meetings also provide the Commissioner with the opportunity to share important updates and get valuable feedback on areas of priority for the department and for many parents. To date, the PIC has:

- i. developed a document that frames its work, outlining its purpose, rationale, vision, and the aspirations it holds for our children, parents, educators, schools, the education system, and for the PIC itself;
- ii. developed an understanding of Plan 2022, Bermuda's Strategic Plan for Public Education, and received regular updates on its implementation, giving feedback to the Commissioner along the way;
- iii. advocated for better communication about leadership changes, and made recommendations for improved communication and public relations;
- iv. shared perspectives on the results of the Cambridge International Examinations, the recent visit by Cambridge, and the department's support for the curriculum;
- v. given feedback on the 2018/19 academic calendar;
- vi. advocated for professional development and support for teachers; and
- vii. advocated for all parents, including those with children with special and additional needs.

Mr. Speaker, the PIC has committed to deeper engagement with parents of the public school system during the next school year, by promoting the following activities: (1) a parent survey; (2) parent newsletters focused on the PIC's work and growing parental and community engagement; (3) hosting parent information engagement and education sessions on areas of interest to parents; (4) bringing parents together for knowledge-sharing amongst PTAs and parent councils; and (5) working with the Commissioner of Education to develop a parental involvement and community engagement strategy, as per the Education Act 1996.

Mr. Speaker, before closing, I would like to share that the work of the PIC is not without its challenges. However, we do hope that, with additional effort, these can be overcome. Scheduling has been a major challenge. Parents work inside and outside of the home and have demanding schedules. Sometimes, the meetings have conflicted with work obligations, and at other times with parents' involvement with their children. The PIC has met at various times of the day and even held extra meetings, using technology. The PIC will continue to have an established meeting schedule and structure meetings accessible to all members.

Mr. Speaker, I absolutely value the work of the PIC, but I also wish that more fathers had put their names forward for consideration. When recruiting members in the future, a strategy will be implemented to attract more participation from fathers.

Lastly, Mr. Speaker, there is always the issue of resources. The PIC has been ably supported by the Ministry and department staff. However, a dedicated resource is needed to focus on parental and community involvement and engagement. Growing support in this area is a priority and will be under consideration in the near future. Let me quote one PIC member, who boldly stated, *We want the public school education system to have wings*. Mr. Speaker, I absolutely agree, and I am heartened by the current members of the Parental Involvement Committee for their commitment and willingness to serve with passion and dedication, not only for the benefit of their children, but for all children within our public school system.

Now that I have shared the work of this committee with this Honourable House, I also take the opportunity to extend my sincere thanks to the PIC members for partnering with the Ministry and with the Department of Education to make a difference for children and families. Thank you, Mr. Speaker.

**The Speaker:** Minister, you might as well do your last Statement.

## 2018 SCHOLARSHIP RECIPIENTS—DEPARTMENT OF WORKFORCE DEVELOPMENT

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

Mr. Speaker, this morning I rise, and it is with great pleasure, to share with this Honourable House the recipients of the Workforce Development Department's [2018 Scholarship Programme](#). This year's recipients were presented their awards on Thursday, July 12, at a lunch-time reception held at the Department of Workforce Development.

Mr. Speaker, this Government continues to demonstrate how we value and invest in our people and their education. We are delivering on our pledge to provide greater opportunities for Bermudians that will help them move closer to achieving their individual

educational and career goals, while also securing a sustainable current and future economy.

The scholarship recipients reflect diversity in their educational backgrounds, and their aspirations bode well in aligning with the employment gaps highlighted in the statistical publication, Bermuda Job Market Employment Brief 2017, and the high number of work permits jobs advertised on the Bermuda Job Board.

Mr. Speaker, a total of 34 persons were awarded scholarships for 2018. Sixteen students were awarded the National Technical Vocational Training [NTVT] scholarship, valued at up to \$10,000 per student, for the initial length of their programme pursuing an associate's or bachelor's degree. Six students were awarded the Technical Vocational Education Training [TVET] Professional Development Award valued up to \$5,000 for a period of one year only.

Funding was awarded to 12 students studying at the Bermuda College. Before, these funds ranged from \$500 to \$3,000 per year, for tuition only. But, as of fall 2018, this will include full tuition plus incidentals, thanks to the collaborative efforts of the Department of Workforce Development and the Bermuda College.

Mr. Speaker, the list of recipients is long, but I believe it is noteworthy to state who the students are and their programmes of study so that my honourable colleagues and the listening audience can appreciate the diversity of disciplines that our students are pursuing. Let me start with the Bermuda College Scholarship recipients:

Seven students will be pursuing an Associate's of Science in Nursing, namely, Camille Outerbridge, Chelsey Walker, Jahshae Simons, Mikia Paris, Regina Dill, Sherlrina Thomas, and Zyair Scott.

Two students, Jaha Matthews and Selina Wellman, plan to study towards an Associate of Arts in Business Administration. China Nisbett intends to obtain an Associate of Applied Science Degree in Business Administration; Corey Outerbridge, an Associate's of Science; and Rodae Bascome, an Associate's in Hospitality and Management. Mr. Speaker, this is encouraging and evidence that our students are taking advantage of the many tertiary-level programmes offered at the Bermuda College.

Mr. Speaker, I now move on to the recipients of the Technical Vocational Education Training [TVET] Professional Development Award. They are as follows:

- Alexandra Lymbery, Diagnostic Medical Sonography—Ultrasound;
- Jaquan Burrows, International Hospitality Management;
- Khalid Muhammad, Masters in Barbering;
- Odile Baker, Associate Degree in Nursing;
- Tyril Simmons, Radiology Technology; and
- Rogette Simons, Bachelor of Science in Event Planning.

Lastly, Mr. Speaker, the recipients of the National Technical Vocational Training [NTVT] scholarship (valued at \$10,000) are as follows:

- Amari Ebbin, Bachelor of Engineering in Automotive Engineering;
- Andre Durham, Jr., Associate in Applied Science–Nautical Science;
- Antonio Bailey, Bachelor of Science in Computer Networking;
- Caroline Caton, Bachelor of Arts Information Technology [Honours], Networking and IT Security;
- Chanah Bremar, Bachelor of Science in Engineering;
- Ciera McGhie, Associate Degree of Life Science;
- Daniela D’Amato, Tourism and Hospitality Management;
- Dessiree Waldron, Bachelor’s in Nursing;
- Donnika Bean, Bachelor of Science in Nursing;
- John Barnes, Bachelor of Medicine and Bachelor of Surgery [MBCH];
- Lamar Samuels, Foundations Degree in Marine Engineering;
- Lucas Bridges, Field Crops Technology;
- Shanika Cunningham, Bachelor of Science in Nursing;
- Taj-Rae Outerbridge, Bachelor of Science in Horticulture, with Land and Garden Design;
- Tyler Cameron, Bachelor of Information Technology [Honours].

Mr. Speaker, I ask my honourable colleagues to join me this morning in congratulating all of the scholarship recipients and wishing them every success as they further their studies at various accredited universities both abroad and at Bermuda College.

Mr. Speaker, I take this opportunity to recognise the staff at the Department of Workforce Development for the important and invaluable work they continue to do to ensure that Bermudians are positioned to access the many jobs available. Finally, I thank the Educational Scholarship and Awards Committee for their commitment during the vetting of applications and scholarship selection process. Bermuda holds a brighter future as we continue to support and provide educational opportunities for our young people in their educational journey for life-long learning.

Thank you, Mr. Speaker.

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

That brings us to a close of Ministerial Statements. We now move on.

## REPORTS OF COMMITTEES

**The Speaker:** There is one report listed on the Orders today. And that report is of the Parliamentary Joint

Select Committee on the Establishment of a Living Wage in Bermuda. And I believe the Chairman is MP Commissioning.

Honourable Member, you are going to present it. And just as a reminder, these are comments that can be associated with the tabling of a report and not a lengthy speech. Thank you.

### REPORT OF THE PARLIAMENTARY JOINT SELECT COMMITTEE ON THE ESTABLISHMENT OF A LIVING WAGE IN BERMUDA

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

Mr. Speaker, to his Honour the Speaker and Members of the Honourable House of Assembly, the Parliamentary Joint Select Committee on the Establishment of a Living Wage Regime for Bermuda has the honour to submit the following report:

Mr. Speaker, if I may, Robert Stubbs once wrote, “Income inequality is not an inherently bad economic outcome, provided two conditions are met: (1) Employees at the bottom of the income distribution earn enough to maintain a socially acceptable minimum standard of living, and (2) Those at the upper end of income distribution are paying their . . . fair share of taxes.” From existing economic data, we know definitively Bermuda is in gross violation of both.

Mr. Speaker, at a time when thousands of workers in this country have their back literally against the wall, struggling under the reality of poverty-level wages and diminishing benefits, and against a backdrop of a ruinous cost of living, when too many Bermudians are being treated in this labour market as surplus to requirements, I am here to announce to them that relief is on the way, that help is on the way.

**An Hon. Member:** Yes.

**Mr. Rolfe Commissioning:** That the promises and commitment made by both political parties and by this Government in favour of a living wage for Bermudians has now been reaffirmed by this joint select committee. Let it be known that we have taken another irrevocable step toward the delivery of that promise in a very tangible way!

Mr. Speaker, Robert Stubbs’s two conditions are not being met. Nonetheless, it illustrates the correctness of his dictum that employees at the bottom of the income distribution should earn enough to maintain a socially acceptable minimum standard of living, and nothing, I repeat, illustrates that more than the following:

Mr. Speaker, over a year ago, Reverend Nicholas Tweed, Pastor of St. Paul AME Church, accompanied me to a visit of a young constituent of mine and her family, which included her four-year-old daughter. This is Ms. Robinson’s story. (That is not her real name.) Mr. Speaker, over a two-week period, she worked for 96 hours at \$7.50 per hour as a part-

time waiter at a modest-sized restaurant, which means that she did not have health insurance. This was accomplished by way of eight-hour shifts over a six-day week. Over that two-week period, she earned a gross wage of \$720. After social insurance and payroll taxes were deducted, she took home \$620.90 for 96 hours' worth of work. Mr. Speaker, let us add about \$300 in tips to that total during that period, which then took her take-home pay to approximately \$920.90 for 96 hours of unmitigated toil over a two-week period.

And then, there was another woman who works at a well-known wholesaler. (I might add, for the avoidance of doubt, that the owner or owners of that wholesaler are not elected Members of this House.) And this is her story. Ms. Smith, a diligent worker, has worked for that wholesaler for over six years and has yet to get a raise. Indeed, Mr. Speaker, she recently summoned the courage to request a raise from her employer and was flatly refused. However, Ms. Smith does not even earn enough to fully pay her own rent. The shortfall is covered by her mother, who, in effect, is subsidising the employer's hiring of her daughter. She is now seeking another job.

Mr. Speaker, there are thousands of those stories in Bermuda. You will see in our report that we will be debating a reference to those occupations that are most effected by low wages in this country. I will not pre-empt that debate today by going through the list. But what I will do is place a face to that list—a face like Ms. Robinson's or Ms. Smith's, persons like them who have been most affected by this race-to-the-bottom characterised by wages that, in many cases, do not even allow for the wage-earner to adequately take care of their basic necessities consisting of shelter, food, clothing, and health insurance.

Mr. Speaker, data from the Department of Statistics reveal that, in the service workers occupational category, it is overwhelmingly black Bermudians who are concentrated in those relatively low-paying jobs. Data from the department confirm that, in the category of service workers in full-time employment, which correlates with the low-paid occupations under discussion, out of 6,896 workers in that category, 3,559 of those workers are black Bermudian, just over half of the overall total.

The total number of workers on work permits in this category totalled 1,904, largely representing low-cost foreign labour. Mr. Speaker, the data also confirm that there are 530 white Bermudians currently working in these occupations, for a total number of Bermudians in this category representing 4,089 persons, the balance being those persons who are spouses of Bermudian and those in a mixed and other statistical category. The source is the 2016 employment data from the Department of Statistics.

Mr. Speaker, I ask the Honourable Members here today, Could any of you live on \$27,000 or \$30,000 per year?

**The Speaker:** Mr. Commissiong, do not start your debate. Table the report, please.

**Mr. Rolfe Commissiong:** Okay, Mr. Speaker.

**The Speaker:** Okay.

**Mr. Rolfe Commissiong:** I will just close with these remarks, Mr. Speaker.

In closing, Mr. Speaker, in the era of hyper-partisanship, at least with the respect to the joint select committee we have beaten the odds, Members of the committee representing the Government and Opposition Members signing this final report. And I will concede that, notwithstanding that there were some fundamental differences between us and significant compromises were made by everyone involved in this process. I fully expect that, as we in this House seek to implement this initiative, with both Government and the Opposition fulfilling their duly constituted roles, some fundamental differences will remain and lead to contention. But that should only be viewed as a mature and vibrant democracy at work.

Mr. Speaker, I now look forward to a vigorous and substantive debate on this matter. Mr. Speaker, I hereby give notice that, at the next day of meeting, I propose to move the following—

**The Speaker:** No, no, no, no, no, no, no, no, no, no, no, no! Mr. Commissiong.

**Mr. Rolfe Commissiong:** Uh-huh?

**The Speaker:** You are simply tabling a report.

**Mr. Rolfe Commissiong:** Right. Okay.

**The Speaker:** You tabled your report. And sit down.

**Mr. Rolfe Commissiong:** Oh!

**The Speaker:** Thank you.

**Mr. Rolfe Commissiong:** Well, thank you, Mr. Speaker. This is the first time I have done this.

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

**Mr. Rolfe Commissiong:** And I appreciate your guidance. I—

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

**The Clerk:** You got his instructions.

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

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

**The Speaker:** Thank you.

## QUESTION PERIOD

**The Speaker:** We now move on to the Question Period.

And Members, Ministers, there are four Members who have indicated that they have questions for your Statements that have been presented today. And the first Statement that has questions is from the second Statement that was read by the Minister of Home Affairs.

Minister Brown, the Honourable Member from constituency 23 would like to put a question to you.

Honourable Member Gordon-Pamplin, you have the floor.

### QUESTION 1: A NEW ENTERTAINERS POLICY FOR IMMIGRATION

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

Mr. Speaker, I wonder if the Minister, based on page 1 of his Statement indicating that September 15 was the Ministerial Statement to which this now refers . . . I wonder if the Minister could indicate what revelations have arisen from the closer scrutiny to the statement of employment and recruitment processes within the Department of Immigration?

**Hon. Walton Brown:** Thank you, Mr. Speaker; I would be happy to.

One of the most striking items that was revealed during closer scrutiny was the plethora of people making application for work permits who have criminal records. That was the biggest item. The second-largest item was the high number of people making submissions for work permits at rates of pay that were abysmally low. And so, we had to pushback on that, as well. So, those are the two main categories of revelation—the abysmally low pay scales that some employees were being offered and the plethora of submissions in which there were police records of questionable conduct.

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

### SUPPLEMENTARY

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

Has there been a comparative examination of the terms and conditions of Bermudians versus permit applicants? As an example, for things like housing allowances and home leave and the like, especially if an applicant is already on the Island.

**The Speaker:** Minister.

**Hon. Walton Brown:** Yes, Mr. Speaker. We do examine that in terms of the total compensation package, to ensure that there is fair treatment of Bermudians. So, we look at what the total compensation package is for the perspective work permit holder and assess that vis-à-vis what is offered to a Bermudian. Because the employers sometimes say that the Bermudian does not accept the pay offer. But we have to juxtapose the pay offered with the totality of benefits. So, we do make that assessment.

**The Speaker:** Thank you.  
Second question. Continue.

### QUESTION 2: A NEW ENTERTAINERS POLICY FOR IMMIGRATION

**Mrs. Patricia J. Gordon-Pamplin:** Thank you, Mr. Speaker. I have a second question for the Honourable Member.

On page 4 of the Statement, with respect to the entertainers, the question is, Is there a process for appeal if the BEU [Bermuda Entertainment Union] vetting process determines that the application is not supported? And this is in light of, if the applicant cannot get a permit, then there is nothing that supports allowing a Bermudian to come in and work as a supplement.

**Hon. Walton Brown:** Yes. After those matters, there is always an appeal process to the Minister. So, any provision that is problematic or where the applicant feels aggrieved, they have the right to appeal to the Minister.

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

**The Speaker:** Thank you.

The next Statement which has questions would be the Statement from Minister Burch in regard to farming. And the Honourable Member from constituency 8 has a question for you.

Honourable Member Simons, you have the floor.

### QUESTION 1: FARMING IN BERMUDA

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

Given that we spoke about the leases and everything, can the Minister confirm at this point, based on the information that is available to him at this point, whether there are any other pending eviction notices in this area?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, there are none.

**The Speaker:** Supplementary or new question?

**Mr. N. H. Cole Simons:** Supplementary.

**The Speaker:** Continue.

### SUPPLEMENTARIES

**Mr. N. H. Cole Simons:** Can the Minister confirm what led to the eviction notice for the Bascomes?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the Estates Department sent them a letter saying the lease had expired and they were not going to renew it.

**The Speaker:** Member.

**Mr. N. H. Cole Simons:** Supplementary.  
So, who made that decision, Mr. Speaker?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** I am guessing the Chief Surveyor, who would be in charge of the Estates Department, Mr. Speaker.

**The Speaker:** Thank you.

All right. No further questions.

We move on to the next Statement. The next Statement is your second Statement, Minister of Works. And the questions are from the Opposition Leader.

Opposition Leader, would you like to put your question?

### QUESTION 1: REPORT OF MINISTRY OF PUBLIC WORKS

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

Mr. Speaker, through you to the Minister: The Minister indicated that, and this is on page 5, which says, "Additionally, Mr. Speaker, the Estates Section structure and job descriptions were reviewed . . ." Sorry, it is further up. "The hurdles and delays in hiring have a significant effect on the service level provided, the condition of . . . buildings . . ."

**Hon. Zane J. S. De Silva:** Is that piece in Spanish?

*[Laughter]*

**Hon. Jeanne J. Atherden:** No. I am sorry. I am just looking at my pink little note here.

**Hon. Zane J. S. De Silva:** We cannot read your note.

**Hon. Jeanne J. Atherden:** So, Mr. Speaker, through you to the Minister: On page 5, there was an indication that the Minister indicates that "three Estates Officer posts were changed to Building Surveyor posts, with job descriptions focused on their doing condition surveys and planned, preventative maintenance work." But there was an indication there that there was more emphasis being put on the individuals rather than on the property. And I just wondered, what did you mean by that?

**The Speaker:** Minister.

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I am not even sure I understand the question. But I do not . . . I do not understand the question.

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

**Hon. Jeanne J. Atherden:** Right. Okay. I will read the actual sentence. "Mr. Speaker, the Estates Section structure and job descriptions were reviewed and changed to reflect the move towards managing the property assets as the priority, rather than the occupiers."

**Lt. Col. Hon. David A. Burch:** Okay. I got it. I think I got it, Mr. Speaker.

**The Speaker:** Continue.

**Lt. Col. Hon. David A. Burch:** The priority is changing the priority to manage the assets as opposed to those government agencies that occupied the buildings, as opposed to . . . as an example, Mr. Speaker, we get an inordinate [number] of requests from the tenant departments about what they want. As a real example, we have gotten a fair amount of resistance to the space standards. You know, in quite specific terms, they told us that *It ain't gonna work*. And so, the focus now is really going to be on the buildings themselves and getting economies of scale and savings to the taxpayer.

**The Speaker:** Member? Supplementary?

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

**The Speaker:** Second question. Go right ahead.

### QUESTION 2: REPORT OF MINISTRY OF PUBLIC WORKS

**Hon. Jeanne J. Atherden:** Mr. Speaker, I wonder if the Minister could indicate to this House, is it still the

HR policy that recruitment will not start until job descriptions have been updated?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, sadly, yes.

**The Speaker:** Supplementary?

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

**The Speaker:** Continue.

#### SUPPLEMENTARIES

**Hon. Jeanne J. Atherden:** Does the Minister know when the job descriptions were last updated for the open funded positions?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I do not know the answer to that question.

**The Speaker:** Member, supplementary?

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

**The Speaker:** Supplementary. Yes.

**Hon. Jeanne J. Atherden:** Would it be possible for the Minister to get that information? And the reason I am [asking] it is that the Minister has made it very clear that he wants his department to be up and running and functioning, and that lack of resources is impacting it. Any open funded positions, then, are subject or available to be recruited. But if those job descriptions have not been updated, the Minister will find, like we found, that by the time you put your request in, you are waiting for job descriptions to be updated. And I would think that he would want to get ahead of the curve.

**The Speaker:** So, did you put a question to him? Were you asking him to undertake to provide the information?

**Hon. Jeanne J. Atherden:** I asked him in the start. That was my start. Would he undertake—

**The Speaker:** Would you like for him to undertake to bring the information?

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

**The Speaker:** Thank you.

**Hon. Jeanne J. Atherden:** I said that at the beginning.

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

**The Speaker:** Thank you.

Minister, there is another Member who has a question for you on that Statement, the Member from constituency 8.

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

#### QUESTION 1: REPORT OF MINISTRY OF PUBLIC WORKS

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

The second paragraph, it says the Ministry is responsible for 617 roads amounting to 225 kilometres. Mr. Speaker, as you know, we have many, many private estate roads. And, historically, for them to get done, 50 per cent will be paid by the residents and 50 per cent will be underwritten by the government.

Can the Minister clarify his Government's position in supporting the refurbishment of private estate roads where residents are prepared to make the contribution?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the process and policy actually remain the same, in that they must come up with 50 per cent of the cost. But if you look further down in my Statement when I talked about, I think it is the Quarry Department, where we are looking to . . . part of the research that the Chief Engineer has done is, if we can purchase a machine that can re-process asphalt, we will be able to pave private roads at a much cheaper cost than we would do main roads, because there is less traffic on them. And so, you are getting into a technical area where I am not the expert. But, I guess, a lesser quality of asphalt [could be spread] on private roads because of the amount of use that they get.

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

**Mr. N. H. Cole Simons:** Supplementary for the Minister's comments.

**The Speaker:** Yes.

#### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** I thank him for his comments, and what he said makes sense.

Is there a budget allocation for that?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, yes, there is. There is a budget line allocation for private road paving in the Ministry. What this will do is, the purchase of the machine will allow us to utilise that same amount of money to do a larger number of roads because the cost will be cheaper.

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

**Mr. N. H. Cole Simons:** Second question, Mr. Speaker.

**The Speaker:** Second question. Go ahead.

### QUESTION 2: REPORT OF MINISTRY OF PUBLIC WORKS

**Mr. N. H. Cole Simons:** Mr. Speaker, we know that mould has been a challenge throughout a lot of these old government buildings. Can the Minister provide details on the overarching mould remediation strategy that his Government has [in place] to maintain, and improve the health of, most of the government buildings that are infested with mould?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I would suggest that *infested with mould* is probably an over-estimation of the problem. I would also suggest that, if any of us went into the back of our closets when we go home at night, we will find that those shoes that we have not worn all summer or winter will have mould on them.

That said, Mr. Speaker, we have been doing a significant amount of work in terms of utilising technology to ameliorate mould in buildings. And again, we are going into a technical area where my expertise is quite weak. But there is some type of filter that you can put on air conditioning that removes and eliminates mould. And there is a process of upgrading buildings as we go forward, in that regard.

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

No further questions?

No further questions.

We will now move on to the next Statement that has questions.

And to the Minister of National Security, the Members would like to put a question to you in reference to your Statement regarding the Bermuda Fire and Rescue Service Update. And the first Member is the Member from constituency 10.

Member Dunkley, would you like to put your question?

### QUESTION 1: BERMUDA FIRE AND RESCUE SERVICE UPDATE

**Hon. Michael H. Dunkley:** Good morning, Mr. Speaker, and thank you.

To the Honourable Minister: On the first page of the Statement, the Honourable Minister says that there are 13 new recruits who have embarked on their training. Can the Honourable Minister please inform this Honourable House on the current manpower levels, and if that manpower level is the required level that the chief is comfortable with?

**The Speaker:** Minister.

**Hon. Wayne Caines:** I do not have those numbers at hand, Mr. Speaker.

**The Speaker:** Okay.  
Supplementary?

### QUESTION 2: BERMUDA FIRE AND RESCUE SERVICE UPDATE

**Hon. Michael H. Dunkley:** I appreciate the Honourable Minister's providing those when he has an opportunity.

Second question—supplementary to this one, Mr. Speaker. In the past, there have been challenges obtaining the required recruits because of issues with the testing, and specifically, drug testing. Was that a problem on this go-round? And can the Honourable Minister inform us?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Obviously, not, Mr. Speaker.

**The Speaker:** Thank you.  
Any further questions?

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

**The Speaker:** Supplementary or new question?

**Hon. Michael H. Dunkley:** New question.

**The Speaker:** Third question, right?

### QUESTION 3: BERMUDA FIRE AND RESCUE SERVICE UPDATE

**Hon. Michael H. Dunkley:** Yes.

At the bottom of page 1, and going on to page 2, the Honourable Minister talks about the purchase of the 20-year-old Bronto, a new [ladder] truck. I notice it was budgeted in the last—

**Hon. Wayne Caines:** Point of clarification.

**The Speaker:** Yes.

#### POINT OF CLARIFICATION

**Hon. Wayne Caines:** It was not the *purchase* of a 20-year-old truck. It was for the *replacement* of a 20-year-old truck, Mr. Speaker.

**Hon. Michael H. Dunkley:** That is correct. My apologies—the *replacement* of that 20-year-old truck.

Can the Honourable Minister please inform of the cost of the replacement of that truck?

**The Speaker:** Minister.

**Hon. Wayne Caines:** I cannot, Mr. Speaker. I can get the information, Mr. Speaker.

**The Speaker:** Thank you.  
Further question?

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

**The Speaker:** Yes.

#### SUPPLEMENTARIES

**Hon. Michael H. Dunkley:** I note there was \$691,000 budgeted in the 2017/18 budget, and only \$2,000 was used. It was dedicated to this purchase. Can the Honourable Minister provide some detail on why it was not purchased when the funds were available last year?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, without speaking out of turn, I will get the information. But there was an apportionment for the money. The truck has to be built over the period of a year. There was a payment scheme that was being set up for arrangements.

I will get the specific details and endeavour to have that back to the House, Mr. Speaker.

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

Ah, ah, ah! You used your three questions and your two supplementaries.

**Hon. Michael H. Dunkley:** That was one supplementary on this question.

**The Speaker:** That is right. The other one was on the other one.

**Hon. Michael H. Dunkley:** Yes.

**The Speaker:** Okay. Yes.

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

I look forward to the feedback.

A supplementary question in regard to the same page, staying with the ambulance service. There was money allocated in the budget in the last financial year for an ambulance. Was a new ambulance purchased last year, as well?

**Hon. Wayne Caines:** Again, Mr. Speaker, there was the ambulance . . . I will have to get the specific details from the financial—from the CFO of the department for the specifics around the time that the ambulance was purchased, Mr. Speaker.

**The Speaker:** Thank you.

Now, Minister, that Member has completed his questions. You also have another Member who would like to put questions on the same Statement.

The Honourable Member from constituency 23, would you still like to do your questions? Honourable Member Gordon-Pamplin, you have the floor.

#### QUESTION 1: BERMUDA FIRE AND RESCUE SERVICE UPDATE

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

Mr. Speaker, on the last page of the Statement, in terms of the *quid pro quo*, the offsets of outstanding balances between fire service and corporation and corporation and fire service, could the Honourable Minister explain whether there is an ongoing rent charge between the Bermuda Fire and Rescue Service and the Corporation of Hamilton?

**The Speaker:** Minister.

**Mrs. Patricia J. Gordon-Pamplin:** Clearly, what I am trying to—

**The Speaker:** No—you were not finished? Okay.

**Mrs. Patricia J. Gordon-Pamplin:** Yes. I just wanted to make sure that the question was understood, in terms of the balances are at zero now.

**Hon. Wayne Caines:** Yes.

**Mrs. Patricia J. Gordon-Pamplin:** What is ongoing—

**Hon. Wayne Caines:** What is the ongoing plan?

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

**Hon. Wayne Caines:** The ongoing plan is still a work in progress. And so, we have ongoing meetings, and we are trying to . . . what we wanted to do is just get on an even understanding of where we are. And we are still working in our endeavour to get what the posi-

tion is with the corporation, going forward. I know that, indeed, it still has been a work in progress.

**The Speaker:** Thank you.

Supplementary or new question?

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

**The Speaker:** Go ahead.

### SUPPLEMENTARY

**Mrs. Patricia J. Gordon-Pamplin:** I wonder if the Minister would be good enough to ensure that this Honourable House is apprised of the new terms and conditions of whatever lease or rentals or financial obligations, going forward, [will be developed] between the fire service and the corporation?

**The Speaker:** Minister.

**Hon. Wayne Caines:** We will endeavour to do so at the earliest opportunity, Mr. Speaker.

**The Speaker:** Thank you.

No further questions? No further questions.

We will now move on to the next Statement which Members have a question for. The next Statement is that of the Minister of Education and Workforce Development. I have a question from the Honourable Member from constituency 23.

Honourable Member Gordon-Pamplin, would you like to put your question?

### QUESTION 1: PARENTAL INVOLVEMENT COMMITTEE

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

My question is really for clarity in terms of the wording of the Statement. On page 3, the Member indicated that the PIC [Parent Involvement Committee] has been holding monthly meetings with the Commissioner of Education. It was our understanding that this position is unfilled. Can the Minister confirm that this position is unfilled and that it is an acting? But is the position still unfilled?

**The Speaker:** Minister.

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

That is a typo in the Statement. I did not notice it when I was reading. That should say *acting Commissioner of Education* wherever it appears in the Statement.

**The Speaker:** Thank you, Minister. That is fine.

That brings us to a close of Question Period.

We are now at the beginning of Congratulatory and/or Obituary Speeches.

But my clock says that we are two minutes outside of—one minute outside now, by my clock. I am going to suggest that the appropriate Minister arise and let us go to lunch.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I move the House to adjourn until two o'clock.

**The Speaker:** Do any Members object to that?

No Members object to that. We now stand recessed until 2:00 pm for lunch.

[Gavel]

**Proceedings suspended at 12:30 pm**

**Proceedings resumed at 2:02 pm**

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

**The Speaker:** Good afternoon, Members. I trust everyone had a good lunch and you are ready to resume business.

[Gavel]

**An Hon. Member:** Yes.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** Now, I think we concluded at the point of congratulations and condolences speeches.

I recognise the Deputy Speaker.

Deputy Speaker.

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

Mr. Speaker, I would like for this House to send hearty congratulations to Herbie Bascome. Herbie Bascome graduated from the Bermuda Hotel College in 1968. He could not find a job in the field of cooking, let me put it that way, so that everybody understanding what I am talking about.

**An Hon. Member:** Culinary.

**Hon. Derrick V. Burgess, Sr.:** He went to back to Neil Hansford-Smith who was the head of the Bermuda College and Mr. Smith arranged an interview with him with Mr. Walter Sommers, who was the then general manager of the Hamilton Princess. After the interview Mr. Sommers called the chef down [to] his office and said to the chef, *Do you have a job for Mr. Bascome?*

The chef says, *No.*

He said, *You had better find one, because he is hired.*

Well, anyhow, Herbie spent from 1968 up until now (still there), 50 years working for the Princess.

Mr. Speaker, Herbie Bascome has also represented Bermuda overseas. When the Bermuda Department of Tourism would take their annual sales trips overseas to sell Bermuda, he would go along and work in the kitchens of the hotels where we had the functions at and cook the Bermuda delicacies for our guests. One thing about Herbie, wherever he went, he was always on time, gave first-class service, and got along with everybody despite the different kitchens he went [to]. Herbie trained, not only in Bermuda, but he trained at the world-famous Greenbrier in West Virginia, the Four Seasons Hotel in Munich, Germany, and the Hôtel de Paris in Monte-Carlo in Monaco.

Mr. Speaker, he has got a lot of attributes to his name. One thing he does on Good Friday at the hotel, he runs, let's say, a workshop. They make kites with the tourists; he shows them how to make kites for their competition that they have on that day. Herbie is also the longest-serving chief shop steward in the Bermuda Industrial Union [BIU].

*[Desk thumping]*

**Hon. Derrick V. Burgess, Sr.:** As his boss says, *Herbie is the breakfast chef. He could have gone on to be in higher positions.* As his boss says (just reading what his boss, Trippy, says) *I think a bigger reason behind why Herbie chose breakfast service was that his working day would commence long before even the damn roosters start crowing, so he was then able to commit the rest of the day to his second career, that is supporting and representing his members in the Bermuda Industrial Union.*

Herbie is a giant, not only in the hotel industry, but also in the trade industry. Thank you, Mr. Speaker.

*[Timer beeps]*

**The Speaker:** Gee, that was quick.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker cut you off.

*[Laughter]*

**The Speaker:** I was enjoying that one.

Minister, you can continue on. You got my eye there while I was thinking.

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

I would like to be associated with the congratulations to Herbie Bascome.

Mr. Speaker, what the Deputy Speaker did not mention is that they made him cook breakfast for us for his celebration.

*[Laughter and inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** I mean, at one stage during the exercise we thought he had gone missing and we would have to celebrate in his absence, but he did eventually appear, and it was quite a pleasant occasion.

Mr. Speaker, I would like for condolences to be sent to the family of Wali Hassan Salaam who passed the day before yesterday. He was a 12-year veteran of the Ministry of Public Works at the depot in Prospect. I had the pleasure of attending yesterday a very heart-warming memorial at the depot where he was larger than life. Every member of the depot, plus his family, turned out to pay tribute to him yesterday morning, Mr. Speaker. And various people gave tributes.

What was really heart-warming and a testament to his character was that many of the industrial workers actually spoke—and they did not just speak about his love of football, and particularly the Devonshire Recreation Club and Manchester United, because he used to get into quite . . . let me say, excited discussions with his colleagues about that. But they also talked about how he was such a caring and passionate man in terms of being able to share his interest of work and his work ethic with his colleagues. So I would ask that condolences be sent to his parents, Mr. Waheed and Mrs. Sophia Salaam, his brothers, Jamal Salaam and Dwayne Bean, and his sisters, Oneika Millet and Kandra Salaam.

Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, I would like to have . . . you know, sometimes you get the newspaper and you think, *Oh*, and you look at it and it was like . . .

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** I know. Well, when I look at it and it is a whole page full . . . but I would like condolences to be sent to the family of the late Joan Foulger. Joan was one of those ladies who I always reminded myself that she was one of the people who was able to shoot her age. You know, even as she got older she still played golf, she lived at Riddell's Bay (in the area) and we would go and make sure a golf cart picked her up, and she would play with the ladies. And she was one of those ladies who was very accomplished, but you would not know it because she was

very helpful to young golfers and she always made sure that they felt welcome. So if condolences could be sent to her family.

And then, also, if condolences could be sent to the family of Jimmie Maitland. Jimmie was also one of those golfer types at Riddell's Bay. He was what I called a character. He was always there, very helpful, always cracking a joke. I don't know, it is one of those things that . . . we know we do not live forever, but you miss people when they are gone. And I am saying this, but I am sure that somebody else will say more, in more detail.

I also felt very sad at seeing the passing of Mrs. [Marion] DeJean. Obviously, Betty Ann's mother, and I am sure lots of people will speak more about her and what she did for the students and everybody else that came into contact with her.

Thank you, Mr. Speaker.

**The Speaker:** I recognise the Honourable Member from constituency 2.

Honourable Member Swan.

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

Mr. Speaker, I would like to be associated with those remarks being given on behalf of the fine contribution made to Bermuda's hospitality industry by Mr. Herbie Bascome, Sr. My perspective in recognising the great contribution he has made both to the hospitality industry and to trade unionism is from a family perspective, as Mr. Bascome worked with my late brother for many, many years and was very close. I am very close to his family. His children and his grandchildren are near and dear to my heart, and I know how great a value he places on his family.

Mr. Bascome was the type of person who would say to one of his colleagues, *Please, take this cassava pie home to your mom.* I speak from what I know, and I know I speak on behalf of my mother when I send congratulations to him for the fine job that he has done and the fine work that he has done in our community, Mr. Speaker, in the hospitality industry, but also helping persons stay connected with their families as he did with my family through my late brother, and as he does with his son, Herbie, and his other children. All of us are very fond of Herbie, but the one thing he always told me, he says, *First and foremost, I am a trade unionist. I am BIU.* And he made no apologies. He said, *First and foremost.* And at his ceremony of recognition that the Fairmont Southampton put on, he made mention specifically of the late Dame Lois Browne-Evans and Ms. Molly Burgess.

Certainly, Mr. Speaker, on another note, I would like a letter of congratulations (and I expect many of these to come in the future) for young Mr. Kenny Lesuer, Jr., who in Mississippi, my own stomping grounds, down in the deep south, Wiregrass area,

finished third, and seventh overall from the 14- to 19-age bracket down there in the Southeastern Junior Golf Tour [SGST]. To finish third [in his bracket] and seventh overall is a good achievement. But this young man shot one over par, making a triple bogey within his first four holes and a double bogey on the back nine, and all the rest were pars and birdies. He is a tremendous talent who I deemed three years ago as Secretariat. He can run, and we are teaching him how to just run right to the end. [He is] a gentleman that I tell, *Learn to make 18 birdies in a row and you will make history.* And I think he can do it. He has just that type of heart, a big heart, indeed, Mr. Speaker.

And to the condolences offered to Ms. Foulger and Jimmie Maitland, I would like to be associated.

**The Speaker:** I now recognise the . . . ah, Mr. Premier, how are you today?

**Hon. E. David Burt:** I am okay, Mr. Speaker.

**The Speaker:** Good.

**Hon. E. David Burt:** Mr. Speaker, I would like to be associated with the remarks from the Honourable Opposition Leader regarding condolences to the family of the late [Marion] DeJean, who, of course, was a wife of one of the founders of the PLP, Mr. Edward DeJean.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** I was not listening or in the Chamber, Mr. Speaker, so I am not sure if I need to be associated or if this will be the first remarks to it, did anyone give remarks to Mr. Wali Salaam?

**Some Hon. Members:** Yes.

**The Speaker:** Yes.

**Hon. E. David Burt:** Okay. Well, I would like to be associated with those remarks, Mr. Speaker, and clearly, to ask the House to send condolences to his family, of course, Mr. Hassan Salaam and a PLP stalwart, Mrs. Patricia Salaam. I know Mr. Salaam very well, of course, as we served with the Committee of Management at the Devonshire Recreation Club. He was a talented footballer that also represented Bermuda overseas as a young player. It is without question, sadness, and of course the challenge of cancer is something that afflicts very many families and has taken his life far too early. But I do want to make sure that I am on record in expressing condolences to his family, and, without question, his contribution to not only the sport of football, but to the many youth of whom he coached at Devonshire Recreation Club.

**An Hon. Member:** Hear, hear!

**Hon. E. David Burt:** Mr. Speaker, on a matter of congratulations, I do want to send special congratulations to the organisers and participants of the production "Grown Folk Talk," which I had the pleasure of attending last night with my family. Hats off to Ms. Patrice Frith Hayward and Hasana Productions for a job well done.

Thank you, Mr. Speaker.

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

I recognise the Honourable Member from constituency 11. Would you like to . . .? Go ahead.

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

**The Speaker:** Good afternoon.

**Mr. Christopher Famous:**

I want to be associated with the condolences for Brother Wali, and the congrats for Mr. Herbie Bascome. I think what people have forgotten is that Mr. Herbie Bascome is also a St. George's supporter.

*[Laughter and inaudible interjections]*

**The Speaker:** Ahem! Ahem! Not everybody is perfect, you know?

*[Inaudible interjections]*

**The Speaker:** Not everyone is perfect.

**Mr. Christopher Famous:** Now, Mr. Speaker, let me move on to my substantive piece. I want to thank the hundreds of persons who, over the years, have helped candidates on behalf of the PLP, and last year ensured that we were victorious, and a few months ago ensured that we were victorious. Despite (how can I put it?) . . . disrespectful rumours, we win seats because we knock on doors.

*[Desk thumping]*

**Mr. Christopher Famous:** We knock on doors because we walk.

**The Speaker:** Don't stray too far because some of that may be better for a motion to adjourn.

**Some Hon. Members:** Yes. That's right.

**Mr. Christopher Famous:** Well, I will leave it at that. But I would like to say thank you to the hundreds of persons who have walked up and down every constituency of this Island to assure the PLP is the Govern-

ment today, the Government tomorrow, and the Government after the next election.

Thank you, Mr. Speaker.

*[Desk thumping]*

## ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

### HOUSE VISITOR

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

We now recognise . . . well, before I do that, let me just acknowledge the fact that there is a former Member sitting in our Gallery.

Mr. Pettingill, it is nice to see you visiting today.

*[Congratulations and condolences speeches, continuing]*

**The Speaker:** I recognise the Deputy Premier. Deputy Premier, you have the floor.

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

I would like to be associated to the congratulations given to Chef par excellence, Herbie Bascome; also par excellence, trade unionist, as well. He never forgets to remind anyone when you are with him that he is at heart a trade unionist.

Mr. Wali Salaam . . . the family of Wali are my constituents and have been a family that I have had a long relationship with throughout my parliamentary career, and even before. So, heartfelt condolences I also pass on to them.

Also, to the family of [Marion] DeJean. I did know her. She was a close associate of my fiancé's family, the Francis's, long association. So, her passing . . . and certainly condolences go to her children, as well. One of whom was a long-standing educator in our public system.

I would also like to send congratulations to the Yardie Kitchen, a hallmark eatery in the North Village, which is reopening after a period of renovation. So I encourage people to go and partake of their wonderful delights as they are now reopening with a new, fresh look. Thank you very much, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member Tyrrell. Honourable Member, you have the floor.

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

Mr. Speaker, I certainly would like to be associated with the condolences to [the family of] Wali Sa-

laam. He actually was a footballer on the national team during my tenure as president of the football . . . I know his mother and father quite well. He was always very respectful to me, so I certainly would like to have condolences attached to that.

Further to that, Mr. Speaker, I would ask if this House could condolences to the late Mr. Ernest Eugene Doyling of Warwick. Mr. Doyling lived a very full life, to the age of 97. He certainly will be missed by his son and daughter, Michael and Sara, and the rest of his family and friends, as well, I am sure. So I would ask if this House could send condolences.

Thank you very much, Mr. Speaker.

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

Does any other . . . I recognise the Honourable Member from constituency 36. Honourable Member Scott, you have the floor.

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

I would also like to be associated with the condolences offered to the House by the Honourable Minister Burch. He began with condolences to a member of his Ministry and staff, Mr. Wali Salaam.

Mr. Speaker, may I also ask to be associated with the condolences offered to the family of the late Ms. [Marion] DeJean. I saw Betty and her daughter a number of weeks ago. Yes. And she was dealing with the whole issue of her mother transitioning and I offered my prayers and thoughts to her, and now that this transition has consummated, taken place, we offer our condolences by way of association.

Mr. Speaker, finally, may I ask that the House send condolences to the family of Mr. Michael Alan George Spanswick, of East Shore Road in Sandys, to his wife, Sandra, and the children, Kim, Leslie, and Michelle. Mr. Spanswick was a constituent of mine and I recognise that his family are saddened by his passing after a period of illness. There will be a memorial service this evening at six o'clock in Sandys. I ask that the House send condolences to his family.

Thank you.

**The Speaker:** I recognise the Honourable Member from constituency 33. Honourable Minister, you have the floor.

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

Mr. Speaker, I would like to be associated with all of the congratulations and obituary remarks given so far by my parliamentary colleagues. But I would like to single out Mr. Herbie Bascome, in particular, for his life and accomplishments and all he has done for tourism.

Mr. Speaker, the first time I had to really get to know Mr. Bascome was when I worked at the Fairmont Southampton several years ago. My first conversation with him revolved around him saying to me, *Look mate, you may be management but you never*

*forget you are one of us.* So that was the first conversation. Six months later he says, *So how is it you are the only member of management my workers are prepared to go on strike for?*

[Laughter]

**Hon. Jamahl S. Simmons:** But Herbie is an amazing personality. So when you look at the contribution that he makes to the property, and to our overall tourism industry, many Bermudians are not aware of the weekend Easter festivities at the Fairmont Southampton, which for years have seen them enjoy repeat visitors and high occupancy. And it can be directly attributed to Mr. Bascome and his family and the kite making experience that they provide, an authentic, real Bermudian experience, teaching our visitors how to make kites and get them up in the air. And that is something that I think has added value to that and it is the reason why that weekend is so successful for that hotel.

Mr. Speaker, the Honourable Deputy Speaker, before he was so rudely interrupted by the passage of time, wanted to mention that Mr. Bascome had also received the prestigious BELCO VIP's Excellence Award and the Queen's Award in December 2002. He is a true hero and mentor to many Bermudians in the industry, and I hope that we enjoy many, many, many, many more years of his contribution to the success of Bermuda tourism.

Mr. Speaker, while I am on feet I would also like to give congratulations to the Reef's Hotel who this week were named as number 14 in the top 25 best resort hotels in the Caribbean by *Travel + Leisure* magazine. I think that when we look at properties that show a commitment to getting Bermudians involved, promoting Bermudians and training them, when we look at the success that this property has enjoyed over the year; I think that it bodes well for Bermuda as a whole.

I would also like to take the opportunity to pass my condolences on to the family of Brother Wali Salaam and also to Ms. [Marion] DeJean. Thank you.

[Pause]

**The Speaker:** Sorry. I hadn't turned my [microphone] back on. There you go.

We are now moving on. We have completed the condolences and congratulatory speeches.

## MATTERS OF PRIVILEGE

**The Speaker:** There are none.

## PERSONAL EXPLANATIONS

**The Speaker:** There are none.

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

**The Speaker:** There are none.

**INTRODUCTION OF BILLS**

**GOVERNMENT BILLS**

**The Speaker:** We have four Government Bills to be introduced. The first three are in the name of Premier and the last is in the name of the Honourable Minister of Health.

Deputy, I think you are going to introduce the Premier's?

**FIRST READING**

**BERMUDA MONETARY AUTHORITY  
AMENDMENT (NO. 2) ACT 2018**

**Hon. Walter H. Roban:** Yes, Mr. Speaker, I will introduce on behalf of the Premier.

Mr. Speaker, I am introducing the following Bill for the first reading so that it may be placed on the Order Paper for the next day of meeting: the Bermuda Monetary Authority Amendment (No. 2) Act 2018.

**The Speaker:** Thank you. Continue on.

**FIRST READING**

**BANKS AND DEPOSIT COMPANIES  
AMENDMENT ACT 2018**

**Hon. Walter H. Roban:** Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: the Banks and Deposit Companies Amendment Act 2018.

**The Speaker:** Thank you. Continue.

**FIRST READING**

**CHARTERED PROFESSIONAL ACCOUNTANTS  
OF BERMUDA AMENDMENT ACT 2018**

**Hon. Walter H. Roban:** Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: the Chartered Professional Accountants of Bermuda Amendment Act 2018.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Minister Brown, are you going to do the Minister of Health's?

**Hon. Walton Brown:** Yes, I am, Mr. Speaker.

**The Speaker:** Go ahead.

**FIRST READING**

**PROCEEDS OF CRIME (MISCELLANEOUS)  
(NO. 4) ACT 2018**

**Hon. Walton Brown:** Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: the Proceeds of Crime (Miscellaneous) (No. 4) Act 2018.

**The Speaker:** Thank you.  
We now move on.

**OPPOSITION BILLS**

**The Speaker:** There are none.

**PRIVATE MEMBERS' BILLS**

**The Speaker:** There are none.

**NOTICES OF MOTIONS**

**The Speaker:** We do have the notice of motions.

*[Inaudible interjection]*

**The Speaker:** We will move on.

**ORDERS OF THE DAY**

**The Speaker:** We are now on the Orders of the Day.

*[Inaudible interjection]*

**The Speaker:** We are on the Orders of the Day.

*[Inaudible interjection]*

**The Speaker:** Orders of the Day.

*[Inaudible interjection]*

**The Speaker:** We have moved on. Orders of the Day. I understand we are going down the Order. Originally, there was a switch; we were going to do [Order] No. 2, but we are going to do [Order] No. 1, first now?

*[Inaudible interjections]*

**The Speaker:** We are going to do [Order] No. 1. All Members agree?

[Order] No. 1, the first Order of the Day is the Payroll Tax Amendment (No. 2) Act 2018 in the name of the Minister of Finance, and I believe the Junior Minister is going to lead this for us.

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

## BILL

### SECOND READING

#### PAYROLL TAX AMENDMENT (NO. 2) ACT 2018

**Hon. Wayne L. Furbert:** I move that the Bill entitled Payroll Tax Amendment (No. 2) Act 2018 be now read the second time.

**The Speaker:** Continue.

**Hon. Wayne L. Furbert:** Mr. Speaker, the Bill now before the House is the Payroll Tax Amendment (No. 2) Act 2018. The purpose of the Bill is to make further amendments to the Payroll Tax Act 1995. As announced in our Statement of the National Budget for 2018/19, the Government has made a number of reforms and new concessions to the payroll tax structure. Some of the changes made were as follows:

- provided tax reductions to those earning less than \$96,000;
- provided payroll tax concessions for employers who hire persons with disability;
- new small business entrepreneurs and taxi operators.

Mr. Speaker, the most significant change to the payroll tax regime provided for in the Payroll Tax Amendment Act 2018 was to address the so-called concept of “notional remuneration” which has been a source of concern for many, many years. Historically, deemed employees and self-employed persons who received income partly or wholly derived, those sharing the profits of a business instead of only through salary remunerations, were subject to payroll tax based on the grade of their actuary remuneration or notional remuneration.

Notional remuneration was previously defined by the Act as the amount which represents a fair and equitable valuation of the services provided by such owner/managers to the business. Mr. Speaker, in practice, this is being abused by taxpayers, and a degree of subjective judgment involved in determining a fair and equitable valuation of these services made enforcement impracticable.

This notional loophole was an inequitable feature of our tax system that was long overdue for reform. In order to simplify the legislation and ensure that everyone pays their fair share of taxes, the concept of notionals was repealed. And effective the 1<sup>st</sup> of

April 2018 deemed employees and self-employed persons are subject to payroll tax now on their actual remuneration, which includes dividends or any other form of profit distribution.

It should be noted that any money paid on the profit-sharing scheme was already included as remuneration, that was subject to payroll tax as provided for in section 7 of the Payroll Tax Act. In fact, Mr. Speaker, section 7 is all-encompassing and includes such items (amongst others) as leave pay, commissions, gratuities, fees, bonuses, rents, stock options, meals, and the list goes on and on. Mr. Speaker, this change was to improve transparency, assist enforcement, and largely eliminate the risk of under-declaration and underpayment. It was estimated that this change would increase payroll tax revenues by at least \$10 million.

Mr. Speaker, since the passage of the Payroll Tax Amendment 2018, the Ministry of Finance has conducted several sessions and drafted guidance on the above-mentioned change. Government allowed a one-month consultation period on the proposed guidance notes during May. Responses from shareholders were considered and some were taken into account in the amended guidance notes. It was also necessary to include certain provisions in law rather than guidance notes, hence, the legislation now before this Honourable House for consideration.

Mr. Speaker, one of the changes made was the introduction of a \$10,000 deductible on dividends paid to each shareholder. The thought behind this was that this should provide significant relief to those earning low dividends, and less of a benefit to those businesses that are thriving and paying large dividends. Mr. Speaker, it was the intent to exempt any dividends relating to shares in an exempted undertaking paid to an employee or deemed employee of the exempted undertaking and any dividends relating to shares from a company listed on the Bermuda Stock Exchange [BSX] or any stock exchange recognised by the Minister of Finance, paid to the employee or deemed employee of the company. Accordingly, these provisions are provided for in this legislation.

I can report that the revised guidance notes have been substantially completed and will be published as soon as this Bill is approved in the legislature.

Mr. Speaker, in the 2018/19 Budget Statement, it was also announced that this Government wants local and international companies to create and move jobs to Bermuda. To this end, the Minister of Finance has been working with key business stakeholders to create incentives for companies to create and locate additional staff in Bermuda by providing payroll tax relief for new positions created in Bermuda.

Part of the Bill before us today legislates the Government’s “tax incentives to grow jobs” programme. The objective of this programme is simple: To have more jobs based in Bermuda [and to] provide

more opportunities for Bermudians who are looking for work or who may want to progress in their careers.

Mr. Speaker, specifically, this legislation provides payroll tax relief for the taxpayer from April 1<sup>st</sup> [2018] to March 31, 2021, for employers who increase their total number of full-time employees when compared to the total as at March 2018. The relief is for the employer portion of the payroll tax and is only applied against new additional employees hired between April 1<sup>st</sup>, 2018 and March 31, 2021. In order to maintain the relief, the employer's headcount has to remain above the baseline. That baseline is as [of] March 31<sup>st</sup>, 2018. The baseline . . . initially, it is proposed that qualified employers for this relief will be exempted undertakings and any other employer with a payroll exceeding \$1 million that are liable to payroll tax at the standard rate and are not receiving other payroll tax relief. Also, to receive the relief the employer must not be in arrears with payroll tax.

Mr. Speaker, this amendment also provides a bit of housekeeping to the Payroll Tax Act. Specifically, the amendment clarifies or fixes the following issues . . . let me just go back to that part about the employer tax, Mr. Speaker, so it will be a little clearer.

Any employer whose payroll tax is over \$1 million, if they increase their staffing, their net increase as of April 1<sup>st</sup>, 2018, increases over the number as of March 31<sup>st</sup>. So if a staffing number is 100 staff at March 31<sup>st</sup>, and the staff goes up by 1 on April 1<sup>st</sup>, they qualify. That is 100 plus 1. If the staff goes down to 99 as of April 30<sup>th</sup>, they do not qualify because the baseline is as of March 31<sup>st</sup>, [those] 100 individuals. The employer will not have to pay the payroll tax for that [employee]; that is, the 10.25. In other words, total exemption—total exemption—from the employer payroll tax. The employee will have to pay . . . the employer will still have to pay the employee portion. [I] hope that clarifies.

So, it amends the definition of "employee" to clarify the 16-hour employment requirement. This is in line with the requirements provided in the Contributory Pensions Act 1970, and reflects how the Office of the Tax Commissioner [OTC] applies this provision and amends the special situation provision of the Act in relation to retail stores to delete the reference to "employer's payroll tax is not less than \$200,000 . . ." This provision is no longer required following the reform to separate employee and employer portion of the payroll tax. As you are well aware, this amends the special provision for taxi drivers. As you are aware, the taxi drivers used to pay, roughly, in total, somewhere between \$2,000 and \$3,000 a year in payroll tax. Now they pay a one-time fee in October of \$1,000. This amendment takes that into consideration.

With those introductory remarks, Mr. Speaker, I will take my seat. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

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

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

Mr. Speaker, we understand that the Government continues to try to wrestle with how can it increase revenues and how can it increase the revenues in a way that has some degree of . . . that they would like to think has some degree of fairness. But sometimes when you start to make some of these changes, it starts to raise questions in everyone's mind as to what the ultimate aim is. Where are we going (if you will)?

So when the Junior Minister talked about making a change with respect to actual remuneration and notional remuneration, I am reminded of the fact that there was the suggestion that we would start looking at accountants and doctors and dentists, et cetera, because that was something that, when we were the previous Government, we started to talk about. And so, people do not always recognise that when you start talking about "deemed employees" and "self-employed employees," that it is not just the doctor and dentist and lawyer. Right now that actually goes down to (what I call) the carpenter and the plumber, and all of these individuals, anybody in Bermuda who works for themselves and has a business of some sort. [They are] deemed to be self-employed. And so it affects everybody.

I want to make sure that we are clear that lots of Mr. and Mrs. Bermuda out there that have created little businesses need to understand that the changes that we are making . . . that the Government is going to make, will affect them and they need to understand what that means.

I do recognise that when we, as the previous Government, started to look at this whole question of notional salary, there was a lot of pushback in terms of the amount, how it was calculated, and there was a lot of discussion as to the difficulties for the Office of the Tax Commissioner to try and come up with something that everybody would accept, so that making the change to something that is equitable is something that one would always want to have happen. But as the Junior Minister said, now when you start to make the shift from coming up with a higher number, because that was one of the suggestions that had been made. If you are having lots of discussion as to what is fair and if lots of people are saying, *Well, you are saying I make more money than I actually do, and therefore let's come to some understanding of a higher number*, I do not think that anybody actually thought that the change that was going to be made to (if you will) close the loophole, was going to be effectively taxing the monies that they take out of their businesses in the form of what I call a dividend.

Now, some people look at this . . . and I am not saying this, but I know some other people have sort of said that it made them feel like this was the start of income tax. Now, I am not saying that this is what I am saying, but I am just saying that some people out there are suggesting that. Then . . . because when you start to look at that the way this will work, it means that if you have come up with a notional salary, and then if you actually . . . if you have not come up with a notional salary, but you actually take some money out of your business and then at the end of year you look at it and you think, *Okay, I've kept my actual remuneration at something small, but I want to take monies out of the business because this is my business and, therefore, I wanted to clear effectively what would be called a dividend.* There are lots of people who are thinking, *How is this going to affect me?*

And I know that there have been some meetings. I think it was the day before yesterday where people suddenly realised that if you had a very small remuneration, but your business made a lot of money, then if you took that money out it was deemed to be a dividend. And therefore, when you took that out, the way this payroll tax amendment is going to work, is that you will then have to start to pay tax on this. So, a lot of people are wrestling with, *Should I continue working harder knowing that every time I work harder, the Government is going to take some money out of it.*

I think it raises something that in the past most people have always felt that . . . they always knew when they worked what expenses were going to come out of it. If you were paying social insurance, you knew this was the amount that was coming out of it. If you had payroll tax, you knew that this was the amount that was coming out of it. So Bermudians, I think, have always gone on the basis of, *I know how hard I need to work. I know how much is coming out of my pocket, and, therefore, if I work harder I believe that all the rest of it is going to come back to me as (if you will) my profit from the business.* I think now it suddenly makes them realise that this is not the case any longer.

The harder you work, and if you have not taken out a remuneration that is sufficiently high, the Government is going to turn around and when you take some more funds out they are going to actually deem that to be a dividend.

Now, I know that the Junior Minister indicated that there was some recognition by the Government that there should be some accommodation made for (if you will) the small businessman, and I think that one of the changes that was being made, as the Junior Minister said, was the introduction of this \$10,000 deductible on dividends paid to each shareholder. But I have a question, and I am going to ask the Junior Minister now because this is something that when I read this legislation it caused me to have some concerns.

This deduction for the \$10,000 of dividends, seemed to be that it would only affect those persons who effectively had companies, that if you were a sole proprietor you would not be able to take advantage of this. And so I just wanted to make sure that that is not the way it is, because if that is the case, then you are going to have, just to say—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** You are going to have this sort of issue of you know, Joe Smith the plumber all of a sudden, as I say, he comes along and he pays his salary to himself of \$60,000, and then at the end he says, *Okay. I've come to the end of the year. I have had a very profitable year, which is what I wanted to have. Now I am going to pay myself \$120,000 because I needed to make sure I was profitable before I paid it out, and now I know I am profitable, I am paying it out.* The way I read this was that he would not be eligible for this \$10,000 deductible.

Now, I know that based on this legislation, there has been the suggestion that if you have dividends from what I call the . . . if you have dividends from companies that are on the stock exchange and other exchanges, it is clear that those things are not covered by this tax. So I think that clarity has been . . . that issue has been clarified. I also recognise that I think it has left some people feeling, *Well, maybe that wasn't so bad.* But it does mean that this whole question of dividends is just making them feel that you do not know how much you are going to actually have to pay and it is making people feel that the harder they work, Government sort of takes more away from it based on the fact that they are having this expense. And it sometimes can create what I call a disincentive, or making people feel there is a disincentive.

There has been the suggestion and I know that the Junior Minister talked about the fact that . . . and I just mentioned a minute ago that you had exempted any dividends relating to shares in the undertaking page when an employee, if there is an exempted undertaking and dividends relating to shares from companies on the stock exchange, so that is clear.

With respect to some of the other things that are in here, I think it is good to believe that the Government is trying to encourage local companies to grow more jobs, as well as international companies, so that coming up with this payroll tax relief for new positions, I actually thought to myself, *Well, good idea.* Because I had been really concerned that I had seen lots other things like FinTech and lots of other “initiatives” that I had not seen resulting in any jobs yet, so I was really hoping that this might be one of those initiatives which will result in people saying, *Okay, if I know that I am going to get a tax relief for new positions, that people might actually go out and decide that now is a good time for me to bite the bullet because I am just at that stage where I think that I can actually take*

*my business to the next level because if I am going to do it right now, and grow it, I can get the tax relief.*

And especially when you know that they can get the tax relief from now for the next three years, so I applaud the Government for doing that because right now Bermudians need jobs. Bermudians need to be able to know that they can be able to actually get . . . start on a new career, and that they will actually be able to know that for the next three years there should be some employment.

So, I am glad to see that it also was set up in such a way that to keep this relief you have to keep the people on your payroll for three years. So it is not one of those things where, *Okay, hire them and get the relief*, and we sometimes know in the past, people then just want to take advantage of an incentive, but they do not really mean it. And then the loopholes are there, and they get rid of their employees. And then the employees themselves are feeling very disheartened because they thought they had a job, and then all of a sudden their opportunities are lost.

So I am glad to see that the Government has put in this caveat which means that you have to keep your headcount above the March 31, 2018 level. Interesting, of course, as I say, if you are a new company then starting up, that is great. And so as long as you start off with a new company, you will be sure that you have the relief and you will have it for three years.

It was interesting, and I just wondered whether the Junior Minister will say something when he stands back up. I was curious as to why the Government decided that to be eligible for the payroll tax relief, you had to either be an exempt undertaking or another [employer] with a payroll exceeding \$1 million. I was just curious as to what size of a company would be someone that has a payroll tax of . . . that has a payroll of \$1 million? I was trying to . . . in my mind, I sort of say, *Okay, if it is like \$100,000, that means 10 employees.*

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** So I was just curious as—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** So I was just curious as to what is the average size of individual companies that would have a payroll exceeding \$1 million? Okay? I am sure that the Junior Minister will tell me and everybody else after this rather than shouting across the room. But I was curious, because as I say, you want to see this happen, but I just did not know what size of company one would think—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** I wanted to see what size of a company. As I say, I thought it . . . to me I just use

an average of \$100,000. And I said, *Well, hey, that is 10 people that have a company of 10, but then I know that lots of people do not make the \$100,000.* They probably make more like \$50,000. So if that is the case, then it is the size of a company that is maybe 20 employees.

But I was just curious as to how Government came up with this. And they must have a number that averaged out, and I wondered if they could just let the people of Bermuda know. Because then they will know which type of companies they could look forward to maybe trying to convince some of these companies that, *Hey, look. I have got an idea for you. I think that I can come to your business and I can help you grow your business. And if you take me on, just look, you can get a tax relief.* Sometimes that is what has to happen. Sometimes people have to be creative. They have to go out there and be entrepreneurs and go out to companies and say, *Look, this is something for you, let me show you I am a good worker and take me on.* Because they are going to be looking for good people and if somebody comes to you and they have taken initiative, those are the types of individuals that companies want.

So I just wanted to understand what size because it does not make sense somebody popping down to the doorstep of somebody that only has about four employees, and they do not qualify, so we need to give our workers out there some sort of indication of where to go and look.

With respect to clarifying the 16-hour employment requirement, I thought that was good, because sometimes people do not actually remember how many hours, you know, you really have to work in order to be covered by this. So by having the clarification was really good. And as the Junior Minister said, the rest of it is housekeeping with respect to the reduction, the removal of the special retail employer and also . . . I did understand why we had this issue with respect to the taxi drivers, bearing in mind what we had put in in the previous Act.

So, Mr. Speaker, I just wanted to say that we know that Government is trying to grow its revenue, and we know that it is trying to come up with different ways. But I think what really does concern me, though, is the fact that we have always in Bermuda, whenever anybody asks you about Bermuda and how you raise your revenue, et cetera, we say, *Oh, we have taxes, et cetera, but we do not have income tax.* That has been something that we always said, and we have said it with pride. And I just worry when I see some of these changes that are coming into effect, and I see some of these things which are going to require people to have to do lots of changes, lots of calculations, et cetera. I worry, because I know when I was in Canada and I used to be doing tax returns, et cetera, the more intricate you have it, the more you start having people becoming creative.

And we always used to have things that were very simple, you knew what you were going to be taxed on, your customs duty, you had your payroll tax (which was simple), you had your social insurance and these others things. So I just want to say to the Government that I just want to make sure that as we do some of these things, we do not complicate it such that we start to have . . . we start to lose some of the benefits. Because the more complicated you get, you have to have a structure for people to turn around and go around and make sure people are complying with it, and when you have it more complicated, you have people, as I say, who become more creative and then you have to make sure not only that they comply, but you actually have it collected.

The bottom line is that unless these taxes, et cetera, are collected, then it is not going to be any good to us, because without getting them into the Government's purse, then all we are going to do is just shift from one problem to another problem.

So, Mr. Speaker, I just wanted to say that those were some of the observations that I had. Thank you.

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

Does any other Honourable Member wish to speak?

No other Member rising?

Mr. Simons, you were a little slow that time. Mr. Simons, you would like to add a few comments?

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

**The Speaker:** Go right ahead.

**Mr. N. H. Cole Simons:** Mr. Speaker, in principle, we have no objections, but I find this legislation very interesting.

Mr. Speaker, the best way to describe it in a nutshell would be "discriminatory." And why would I say that, Mr. Speaker? Because it appears to me that we are exempting the larger companies, the exempt companies that make a lot of money, and the local businesses like a contracting company will have to pay. A local business like a corner grocery store would have to pay. And, to me, that is not equitable, Mr. Speaker.

Mr. Speaker, I look at the \$10,000 exemption. And that works for a number of middle class people. But then I also look at the exemption for dividends for the Bermuda Stock Exchange. Mr. Speaker, I know for a fact that a number of local families and entities own shares of companies that are listed on the stock exchange, and their dividends exceed the \$10,000 minimum exponentially, and they are exempt.

In addition, Mr. Speaker, I also know that in international business, as was said during the brief, that somebody may earn a salary of \$100,000 and take home a dividend at the end of the year of \$3 mil-

lion or \$5 million. Mr. Speaker, that international business dividend is also exempt.

And yet, Mr. Speaker, if I own a painting firm in Bermuda, and I take a salary for the benefit of the firm of \$60,000 a year, and I say, as my colleague said, I will wait to see how profitable the business is at the end of the year, and after I pay all my employees and all my expenses, I say, *Okay, the painting company made \$600,000, but I will take the \$600,000 as a dividend.* Well, Mr. Speaker, I would have to pay payroll tax on that dividend. And yet somebody getting dividends from a listed BSX company of \$150,000 a quarter, or \$600,000 a year, they do not have to pay. And that is just one piece of income from the Bermuda BSX portfolio.

And so, to me, you are benefiting those who are more economically secure and restricting the opportunities and the income for those who are trying to build and create their wealth, Mr. Speaker. And to me, that is where I really, really have a problem.

Mr. Speaker, I actually spoke to a couple of people on this, and I said, *So, what would you think about paying something on your dividends?* The expatriates that I spoke to said, *Well, we are used to paying something. It is attractive that we pay nothing, yes, I agree with you. But, you know, we are open-minded. Where we come from we have to pay 20 per cent on dividends, and in some cases in the US, 30 per cent on dividends.* So, they are prepared to pay something. They are not unreasonable people. But we have given them a break to keep the business in Bermuda. And I do not have a problem with that, Mr. Speaker, but I would like for everyone to be treated equitably—the locals who are trying build their businesses, as well as those who have been successful in their businesses.

The people who need capital are the smaller, local companies that are trying to expand, and this payroll tax does not do anything to support local, small, and medium-sized businesses, especially if they are Bermudian owned and they are privately held companies, Mr. Speaker.

The issue is further compounded, Mr. Speaker, by the issue of giving exemptions for new employees to companies that have a payroll of \$1 million a year. Mr. Speaker, most small businesses and medium-sized businesses do not have the luxury of having a payroll bill of \$1 million a year. So there is no way "Cole Simons' Painting Company" or "Wayne Brown's Dry Cleaning" business can qualify for that exemption. Again, the small man in the street, the small business, the new business, the medium-sized Bermudian business will not benefit from this.

Who are we serving? Are we serving Bermudians who are trying to build? And for a party that says, *We are looking out for the man in the street*, Mr. Speaker, to me, you have deceived them with this legislation. Thank you.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member Gordon-Pamplin. Honourable Member, you have the floor.

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

Mr. Speaker, I have a couple of questions for the Junior Minister because with the manner in which this legislation has been crafted, it seems as though the Government gets the mine and the small employers get the shaft. Because, really, business as it is established here . . . there is not really an incentive. In fact, it operates as a disincentive when you start to think of you having to be eligible for payment of that payroll tax for having only a \$10,000 exemption. And I cannot underscore enough what my honourable colleague mentioned in terms of how inequitable this appears to be on the face of what it is that some people will have to pay and others will not.

The small painting contractor, the small plumber, the small . . . and I say "small" in terms of business volume and turnover, would actually end up having to be penalised, as it were, whereas others who are in a far more lucrative environment, are literally being left scot-free. So it just not seem to be equitable.

So, I do not think that the Government has an intention of trying to grow its revenue at the expense of a small businessman. And let's face it, many of the small businessmen that we have are small, black entrepreneurs. And we have heard nothing but, you know, support from the Government that we want to support "our people." We want to look out for the small, black businessman. But yet, in this environment and with this legislation, there seems to be a variance with that position. So I just think that maybe the Government might want to consider very carefully how this is implemented.

The second thing that I wanted to point out was that I know that there was a commission, the Tax Reform Commission, that was established very shortly after the Government took over office, who were given a mandate to determine how best to look at our taxation structure and to determine how we could move forward and create a structure that is equitable in the overall scheme of things. So the question begs at this point, Why are we tinkering before we get the results of the considerations and the consultations that are being made by that Tax Reform Commission?

Clearly, the Government needs to earn some more money. We have seen lots of stuff being given away. We hear, *We are going to do this. We are doing that.* And that is all wonderful, because what we were accused of, historically, was that we did not look out for the people. We did not have any money to do it, but we did not look out for the people.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** That is what Members would say. I resent that comment because it is not true. It is not true.

But now what this Government is doing, it is saying, *I'm looking out for the people, but I'm going to tax you small guys, small businessmen, I am going to tax you to an inordinate amount of money.*

Now I hear the Honourable Junior Minister say, *What amount Michael?* You know, one of these days, Mr. Speaker, I am hoping that the debates that we engage in in this Honourable House will take personalities out of it and start looking at issues, start looking to the principles and not individuals. So I just wanted to make that comment based on what the Junior Minister has just said.

Now the other thing that the Junior Minister indicated in his presentation, and I just want for the edification of the public . . . I understand what I believe is intended, but I want to make sure the public gets it. And that is with respect to the baseline. If as the [Junior] Minister indicated . . . in fact, I believe he actually made a mistake when he spoke, because he said that an employer whose annual payroll tax is \$1 million or more, I think the Hansard will show that, but I think he meant to say "whose payroll is \$1 million or more." And I think it is important to point that out because if somebody was only listening and did not have the benefit of having the written legislation in front of them, I do not want them to think that the consideration, the qualifying employer, means whether your annual payroll tax is \$1 million or more, because that is what the Junior Minister said. It is not what the legislation says, but it was what the Junior Minister said. And as I said, for somebody who does not have a copy of the legislation in front of him and he is relying on the spoken word, it is important that this [is] put accurately.

But let me just express the concern, because if you are talking about a baseline, which at March 31, the [Junior] Minister pointed out by way of example, you had 100 employees and then April 1, or 2, or 3 you go up to 101, so therefore you have the exemption. But if on April 1<sup>st</sup> you go down by 2, you are down to 98 . . . yes, April 1, after March 31 you go down to 98, so you are two down, you do not qualify.

But what happens . . . is this meant to be for the entire period or for only at the quarter-end reporting? Or how will we determine the baseline of one quarter versus the other? Is it only going to be at the end of the quarter? Is it going to be averaged out for the number of working days or hours that we might have at March 31 versus June 30<sup>th</sup>, or whatever?

Let's say somebody quit, you cannot force your employee to stay. If you get to April 15<sup>th</sup> and an employee decides that he does not want to stay, the employer is going to be penalised because that employee did not stay. But he is still there struggling try-

ing to make sure that he is able to get the benefit of whatever relief is being offered to other people.

Recruitment takes time. So I just want to ensure that there is a substitution element such that if somebody quits on April 15<sup>th</sup>, and let's say you are not able to get a new employee until May 30<sup>th</sup>, that by the end of that quarter you will have reached the same baseline as you had the quarter before, and is that the manner in which it is going to be . . . in which the determination for eligibility will be determined. It is like, what happens for those missing periods of time in between when a company's total employment falls below the year-end baseline against which they have been measured?

The exemption, when it comes to BSX, you know, stock exemptions and exemptions for dividends that are coming for companies that are listed on the stock exchange . . . it would seem to me that a company, local company, small business, would start to think very seriously about its financial planning to say, *If I am not going to be able to get any money out of my company without being subjected to tax and I've only got a \$10,000 exemption, why don't I just take all my excess money, invest it in the stock exchange? Then I can get dividends on that money. And then I am free. I have exemption from the dividends that are coming because I have invested my money in the stock exchange and I am simply relying on my dividends.*

I am not looking to see how somebody can circumvent, but I am just trying to say that if we want to consider creating employment, and it seems under this circumstance that we are almost punishing the entrepreneur, especially those who want to grow their business [by] going out, employing more people, getting the actual baseline up to where it needs to be, sustaining that baseline on an ongoing basis, we are not creating tremendous incentive, given this. So, as I said at the outset, the small employers are getting the shaft, and that is what it appears [to be].

The other thing that I would like to mention is that the [Junior] Minister indicated that there was a one-month consultation period. Now I have no doubt that the Government, in doing the numbers of initiatives that it is hoping to achieve, has limited resources in order to be able to do all of the types of consultations that are necessary. But something that is as significant as a payroll tax amendment, certainly, I believe requires more education to exactly what the underlying implications might be. So there should have been a few more town hall meetings, a little bit more time to say that we had one-month consultation, the guidelines are nearly complete, and we want for companies to bring more jobs to Bermuda. Yes, that is obviously the intent. We want the companies to make sure . . . well, we want Bermudians to make sure that companies are giving them the opportunity.

I did ask the question of the [Junior] Minister this morning in terms of, how are the new immigration

policies panning out when it comes to ensuring that we look and delve into the equity (or lack thereof) of benefits that are inuring to foreign workers as against Bermuda workers when they consider work permits. And I just want to make sure that we are not saying, *Let's have this company bring this extra money, the company will then have benefit because they have their payroll that is larger than \$1 million a year.* They are able to have an exemption, but is there any consideration within that equation, within that algebraic equation, is there any consideration that says how many of those employees, what percentage of those employees must be Bermudian employees?

It will be difficult to manage, I would appreciate that. But I think these are considerations that we must have that if the intent . . . if the intent is only to raise additional revenue for the Government, then let's say so. But if the intent is, as the Junior Minister described earlier, to ensure that there is Bermudian employment, or additional employees that are going to have the benefit of these types of relief, then we want to make sure that it is fulfilling the purpose for which it was intended.

And the final thing that I wanted to say was in terms of the payroll and the collection of payroll tax and how it works practically. Because I can tell you, Mr. Speaker—

**The Speaker:** Mm-hmm.

**Mrs. Patricia J. Gordon-Pamplin:** —having worked for a short period of time as a consultant, I tripped off to the tax department the other day to say, *I've worked. I've made "X" amount of money during the course of this short period of time.* And I was told, *Take this piece of paper away, fill in a business plan . . .* I do not have a business plan. My plan is not to work anymore. My plan is to say, *This is what I've earned. This is my evidence of what I've earned, let me pay you the tax that I have to pay on it, and you get out of my hair and I will get out of yours because this is not going to be an ongoing situation.* So I think that we can complicate matters unnecessarily when all I want to do is to go down to the department, write them a cheque and say, *Here is my money on what I have earned over the last three months.* That is, literally, all I want to do.

So I think it is important for us to consider that when we have small business people, small businessmen . . . when I say "small business people" I am not being pejorative by any means, but businesses of entrepreneurs that are not in the multimillion dollar range of either payroll or even the numbers of employees . . . well, the numbers of employees, the baseline is the baseline. But if we do not have somebody who has got this million-dollar-plus payroll, it is important that they are not being unduly punished, because the whole idea of our small economy—and I say *small* with sort of a small "s" (for small)—is the

idea of being able to have entrepreneurs coming into the market force, being able to sustain the jobs that they have, the business that they have, to be able to eat at the end of the year, and many of them will take a small stipend, almost, during the course of the year. And then when they get to the year-end they can make the determination, *Well, you know what? I really can afford to take some more. I've really stretched it. I've made ends meet. I have not taken a salary because I didn't know if the business was going to be profitable.* They know that maybe there is certain inventory that they have to keep so there has to be ready cash in order to purchase the inventory.

So, we cannot establish a payroll tax environment which serves as a disincentive for somebody to say, *I want to grow my business. I want to be able to hire additional employees, but I also want to know that my investment in this business is not going to be negated because of the payroll tax situation. I do not want to get to the end of the year and find out that all my sacrifices . . . I've taken a paltry sum of money as a stipend during the course of the year, figured out how much I've actually earned once my profit and loss statement gets done and presented for the course of the entire year, and then find out that, you know what? I was a little bit better off than I could have been.* And now to find out that, you know, you might be \$30,000 better off than you thought you were. But only \$10,000 of that is going to be subjected to the relief.

You just have to question what it is that we are doing to those employees when we are not embracing their efforts and their sacrifices, when we are saying to somebody who is getting gazillions off of the dividends coming from the stock exchange, to say, *Yours is all sort of payroll tax free. You do not have to pay.* So therefore, the rich will continue to get richer under this regime.

The rich will continue to get richer, the poor will get poorer, and the middle class will have disappeared. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member Pearman from constituency 22.

Mr. Pearman, you have floor.

**Mr. Scott Pearman:** Mr. Speaker.

**The Speaker:** Yes.

**Mr. Scott Pearman:** Mr. Speaker, this amending Bill raises a number of questions as to the Government's intentions. But I intend to focus on only two questions. One is, Who is this going to tax? And the second is, Who is this not going to tax? Because I believe in respect to both of those questions—who will this tax and

who will this not tax?—Bermudians are in for a very nasty surprise.

First of all, who is this going to tax? Business owners, certainly.

**The Speaker:** Mm-hmm.

**Mr. Scott Pearman:** But here is the nasty surprise. This is a tax on Bermudian small businesses, on Bermudian mid-size businesses, and on local entrepreneurs. It is. By reason of this amending Bill, Bermudians will pay more tax and others will not, because of this PLP decision.

Mr. Speaker, many Bermudians decide to conduct their businesses with a company. They do so quite sensibly because it affords them the protection of limited liability. And let me give you a few examples of people who would sensibly operate a business through a company so as not to be sued by people like the lawyers in the room: Electricians; mechanics; builders; people who operate restaurants and deal with the public; landscape gardening businesses; Bermudians in businesses supporting the tourism industry; Bermudians in retail businesses; small business owners; mid-size business owners; [and] local entrepreneurs.

Many of Mr. and Mrs. Bermuda run their businesses through companies because it affords them and us protection. Protection from being sued. So now we intend to tax Bermudians when they try to get the money out of the businesses that they have fought so hard to establish.

This will also, Mr. Speaker, increase the cost of doing business in Bermuda. And increasing the cost of doing business in Bermuda is the same as killing jobs. Taxes on jobs kill jobs. We should all know that. Indeed, many on the other side of this room should recognise it.

This is an anti-competitive piece of legislation. It is also, as others have said before me, unfair. The Bermudians that this taxes . . . it will hurt those who are least able to pay. It will hurt the entrepreneurs who are trying to earn a living. Some of the people who will now pay more tax are exactly the people who voted for this PLP Government because they hoped that the PLP Government would support them in their business endeavours as entrepreneurs, as small business owners. Now, Mr. Speaker, they are getting it right between the eyes. Why stick it to Bermudian entrepreneurs? Why make it harder to make a living in business in Bermuda?

This will also, Mr. Speaker, increase payroll paid by employers because employers pay, roughly, half the payroll. So what is going to happen then? Payroll tax bills go up, jobs go down. The businesses may go out of business altogether. Government needs to make it easier to earn a living in Bermuda, not harder.

Mr. Speaker, my second question, Who is this not going to tax? This is not going to tax exempted companies doing international business. Many Bermudians will rightly feel that this is demonstrably unfair. Again, many of the people that voted for this Government will be surprised that this Government is giving a hand up to the foreigners and sticking it to Bermudians.

*[Laughter and inaudible interjections]*

**Mr. Scott Pearman:** This is a nasty surprise, Mr. Speaker.

An additional point, one that I think is important to mention, there are others beyond our shores and they are watching us closely. As I said in my maiden speech, they want us to fail. The OECD [Organisation for Economic Co-operation and Development] will look for any reason to come down heavily on this Government and this Bill will give them one. This Bill will say, *Over here are these foreign exempted companies, these international businesses, come to Bermuda, we won't tax you, we only tax Bermudian companies.* We will be ring-fencing foreign exempted companies, and the OECD is going to come down hard on us for doing so because they will say it is unfair economic tax competition. I do not think they are right, but that is what they are going to say.

*[Inaudible interjections]*

**Mr. Scott Pearman:** We may find ourselves on a Black List. Unfair tax competition is not a smart thing to do.

Let me just give you one example, Mr. Speaker, because I think it is important just to distil this to its essence. If a Bermudian works for a Bermudian business and gets dividend income, that Bermudian gets taxed. Under this Bill, if a Bermudian works for a non-Bermudian business and gets dividend income, that Bermudian does not get taxed. How can that possibly be fair and proper and right? I look forward to an explanation as to why that example is wrong, or, if it is correct, how it is justified.

Worst of all, Mr. Speaker, this legislative change is trying to solve a problem when there already was a solution. There was a perfectly acceptable solution in the Act prior to April of this year, in terms of notional remuneration. It was open . . . and I'll take a dentist. Perhaps it is unfair of me, but I will take dentist, because people use dentist as the example often in this case.

The problem was this: The dentist would run his or her business. The dentist would pay himself \$40,000 a year in salary, and then would dividend out another \$100,000 or \$120,000. So [they] would pay tax on the \$40,000, but would get the \$100,000 or \$120,000 tax free. And that was rightly decried as be-

ing wrong and unfair. But there was a very easy solution.

The Office of the Tax Commissioner had the power to say, *We do not accept your notional remuneration of \$40,000, Mr. Dentist. We are going to tell you, because we are the Office of the Tax Commissioner, we are going to tell you, Mr. Dentist, that your notional remuneration is actually \$120[,000] plus \$40[,000] [which is] \$160[,000] and we are going to tax you on \$160[,000].* And the Office of the Tax Commissioner had the power to do that until the notional remuneration was removed by this Government in April of this year.

So the solution that was so simple and obvious and readily at hand has been done away with, so we cannot solve the problem in the sensible way as we might think to solve it, but now instead we decide to tax local Bermudians, entrepreneurs, small businesses, mid-size businesses, and we are taxing them so that this Government can continue to pay for its increasing spending.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member Dunkley. Honourable Member, you have the floor.

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

Mr. Speaker, I note after a very well-thought-out and presented presentations by honourable colleagues on my side, there is still only the Junior Minister to present and to give the details of this Bill. No Government Members, in spite of their overwhelming majority, have yet spoken to this Bill. And that silence allows your imagination to run off and come up with anything you want. So I look for Honourable Members—

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** —the Junior Minister—

**The Speaker:** Members, Members.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** —who is presenting this Bill—

**The Speaker:** Members! Members!

*[Inaudible interjections]*

**The Speaker:** Members!

**Hon. Michael H. Dunkley:** The Junior Minister is presenting this Bill with not the great clarity that you

would expect, and Honourable Members on that side are prone to speak in their seat, but they can stand up.

I have to support my honourable colleagues on this side on what they have said because, Mr. Speaker, it is clear that this Bill can be cast in the realm of inequity, lacking fairness and discrimination.

[But] before I get there, Mr. Speaker, let me just give a couple of seconds of an opinion on where we stand at this present time in the economy. I am sure the Finance Minister is going to elaborate sometime, if not in the House today, it will probably be in a month's time when the first statements come out from the Ministry of Finance reflecting on the past financial year. But if you take a look at any economic indicators that have been presented to date, the retail sales indicator came out yesterday, Mr. Speaker. And for the months of March and April, we saw a downturn compared to 2017.

In 2018, the retail sales index for March was down by over 5 per cent. In 2018, the retail sales index for April was down 7.8 per cent, so almost 8 per cent, Mr. Speaker. If you look at the retail sales index for the next two months, in May and June, in 2017, they were up significantly.

And it appears that one of the economic indicators that we have, and it is probably the first indicator that comes out in the most timely basis, is showing that this economy is slipping. Now, some will say, *Well, you compared that to the America's Cup; you would expect that.* Well, Mr. Speaker, you would expect that you would build on the foundation of success to continue to move it forward. So here we are slipping back.

I sense, Mr. Speaker, that business generally, certainly the business in Bermuda that caters to the man on the street who wants to purchase goods and services, is starting to struggle. There is a lot of struggle that is taking place. Businesses are in stress positions and the retail sales indicator shows that some of that is changing.

And if you look, Mr. Speaker, just in the past six months or so, look at the significant increase in cost when you add them all together, what it has done to a business. I do not know if anybody has looked back, but go back, perhaps the last six or nine months, and look at the cost of electricity. Because the cost of oil has gone up, the cost of electricity has gone up quite significantly; the cost of a lot of expenses that businesses will face, such as health insurance, such as other benefits they have to pay [for], and also a 5 per cent increase across the board in Government fees that impact Bermudians and businesses alike.

And so businesses are starting to feel stretched. And when you look at this clause amending section 7, I have to agree with my honourable colleagues who were very forceful in their presentations that this certainly is not fair, because we are exempting two critical parts of Bermuda industry, but we are

taking it to the real Bermudian component of entrepreneurship. Without a doubt! And my honourable colleague, Pat Gordon-Pamplin . . . I could not have said it any better. I do not know where she comes up with these sayings, but you know, the mine and the shaft is certainly one that is going to resonate, and I think it has resonated across this Chamber.

Now, Mr. Speaker, this Government has the majority. It has a mandate. They can do what they want to do. It is our job as an Opposition just to lay out what we see taking place. And if the Ministry of Finance decides that they need more revenue to do the Government programmes, decides that they need more revenue to balance the budget . . . and it is going to be harder and harder to do because we see staff costs continue to go up with increasing numbers of staff coming into the government payroll benefit column, as well. But if the Ministry of Finance needs that extra revenue, and it is supposed to be \$10 million by this Bill here alone, today, that is their decision. But as an Opposition, we cannot let it go without expressing our concerns.

And I have to support my honourable colleague, the one who just spoke from constituency 22, when he said that the very Government that talked about Bermudians first has now (my words, not his) forgotten about those Bermudians that they put first. And I also have to support my honourable colleague when he looks at amending section 7, it is clause 3 now, the first item, [paragraph] "(h) any dividends relating to shares in—(i) an exempt undertaking . . ." I think he is spot on. That when the OECD and other people who want to try to regulate how countries around the world do business, when they hear about this, they are going to look at this and say, *Snap, we got something.* It goes against what we are trying to do.

We work so hard every day, and I understand that we are going to come back for a session in August with some dozen or so pieces of legislation to deal with compliance and oversight, and how hard we have to jump to get over the bar, and we do things like this that basically (my colleague's words are there in Hansard, and I will add to them) provide an inducement for business coming to Bermuda but the local business does not get the same inducement.

Wow! Wow, Mr. Speaker. That is deep!

That is deep, Mr. Speaker. And you know, we have argued the point very well. And I am sure Government will listen to the concerns, but perhaps not make any changes, because none of them are jumping up to show their support, or to put an argument of why they are doing what they are doing today. They have left the poor Junior Minister of Finance to fight the battle by himself. I know the Honourable Member is not one to shy away from any fight, but in this case there is a lot of explaining to do.

[Inaudible interjections]

**Hon. Michael H. Dunkley:** There is a lot of explaining to do, Mr. Speaker. So here we are, Mr. Speaker, we are working hard every day to make sure that we can meet the standards that are imposed on us throughout the world. And yet, we are creating another hurdle that we have to jump through, or a higher bar that we have to get over.

Now, Mr. Speaker, the challenge with this for the local businesses is going to be the fact that they are not really going to know about it until they have to pay their payroll tax returns, or until it is brought to their attention down the road. And I think because of the way that a lot of local businesses have been conducting themselves over the time, a lot of them are smaller businesses, they are going to have to take a look at their business model, their financial plan, their budget for the year, and cut their cloth in a different way to be successful. And in an economy that perhaps is not as strong as it was in 2017, this is going to be another challenge in itself, Mr. Speaker.

So, we stated our case here today. We look forward for the Government to give some explanation on why we are taking this position, and certainly there are a number of questions that have been asked and I am sure that when we get into Committee, Mr. Speaker, we can deal with those questions in more detail.

Thank you, sir.

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

Does any other Honourable Member wish to speak?

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

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

As you may have seen, I have changed my tie out of my Somerset tie to a Devonshire Recreation tie, as I have just returned from a funeral service—

**An Hon. Member:** More appropriate.

**Hon. E. David Burt:** Absolutely.

As I have just returned from a funeral service, and one Member who represents certain people in that part of the country in Devonshire will probably know that. But as he is giving his bombast and he has now left . . . I thought he wanted the answers.

I guess not.

Well, let me make it very clear, Mr. Speaker, because it seems that everyone who has thrown the bombs has gone. So let me make it very clear, Mr. Speaker, we were elected on one pledge, that we are going to make sure that we address the economic inequities in this country. And there were people in this country who were skirting the law by paying themselves a little bit and declaring dividends in another way.

The little man that the opposite Members decided to speak for does not have that opportunity. But if you are Dunkley's Dairy, you might be doing that. If you are BAS [Serco] or Conyers Dill & Pearman—

**Some Hon. Members:** Yes.

**Hon. E. David Burt:** —you certainly are doing that, Mr. Speaker. So I understand why they are protesting that much, Mr. Speaker, because their tax racket is coming to an end. That is the reason why we are doing this. We are doing this for those people who have been skirting the law. We are bringing fairness and we are not going to balance the budget on the backs of the people who are working hard, we are going to balance the budget on the backs of those people who have been for far too long not paying their fair share.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

Does any other Honourable Member wish to speak?

No other Honourable Member.  
Junior Minister.

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

The Premier could not have made it any clearer. But that is why this Government, the Premier in particular, called for a tax reform, to ensure that there is fairness and equity. I have never heard for the last years under the OBA that they ever called for anything. If they were so much concerned about the small businessmen, or any other businesses, I have never heard them talk fairness and equity regarding dividends.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** The Honourable Member Mr. Pearman, and Conyers Dill & Pearman—

**Hon. E. David Burt:** That's it! One of the biggest offenders!

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Conyers Dill & Pearman, Mr. Speaker, I remember those . . . those—

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

**Hon. Wayne L. Furbert:** I can remember those partners used to take home millions of dollars when it came to sharing, and not pay one cent on it. That is the individual we are after, Mr. Speaker.

**An Hon. Member:** That's right.

**An Hon. Member:** No!

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** That is the individual we are after.

**Hon. E. David Burt:** Yes.

**Hon. Wayne L. Furbert:** So Mr. Pearman can talk as much as he wants. There are very few small businesses out there that are making a large amount of money. They are just about surviving.

**An Hon. Member:** Exactly.

**Hon. Wayne L. Furbert:** And we are going to lower taxes for them.

**Some Hon. Members:** Yes.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** We are going to lower taxes for them. You can ask the Honourable Member, Mrs. Atherden, in our Tax Reform [Commission], she is on the [commission]. We are looking to lower taxes for those employers.

You are not aware of that, are you?

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** The Honourable Member could tell you. Your leader can tell you that we are looking to lower taxes for the employer.

**Hon. E. David Burt:** Just looking out for himself.

**Ms. Susan E. Jackson:** Point of order, Mr. Speaker.

**The Speaker:** Yes, point of order.

#### POINT OF ORDER

*[Misleading]*

**Ms. Susan E. Jackson:** So we have been in this House and we have debated taxes, including the sugar tax.

**An Hon. Member:** What's the point of order, Mr. Speaker?

**Hon. E. David Burt:** What's your point of order?

**Ms. Susan E. Jackson:** You are misleading the House. He is misleading the House, Mr. Speaker.

We stood up in this House for hours talking about a sugar tax, which is going to have a direct impact on employers in Bermuda, and it is one more tax

to just add to it all. So do not say that you are lowering taxes.

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

**Hon. Wayne L. Furbert:** Mr. Speaker, let me make it very clear. I said that the Premier has set up a Tax Reform [Commission] to look at taxes. And the Premier has said over and over again that payroll tax for the employer was prohibitive to growth. And tell me anyone that is in this room that has never heard of us saying that. He has said over and over again that payroll tax is prohibitive to growth. And the message has been sent very clearly and I said that your leader, who sits in the Tax Reform [Commission]—and I am not going to discuss everything there—is well aware of some of the directions that we would like to go.

But we have got to capture a broader aspect as far as dividends. Now, I hear the Honourable Members talking about taxing those individuals who made millions of dollars on the stock exchange. Why didn't you do it? You just woke up this morning and said, *I think I will tax the people on the stock exchange?*

Is that true, the Honourable Member Mr. Pearman from constituency . . . whatever it was, 22? Did you just wake up this morning and thought of that? Because you can bring a motion tomorrow, you know, next week Friday, maybe we can debate that, Mr. Pearman.

**An Hon. Member:** Aah!

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** If you want to do that, bring it.

*[Gavel]*

**The Speaker:** Members!

**Hon. Wayne L. Furbert:** So, Mr. Speaker, the Honourable Member on that side, for some reason, they all got saved—

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** —and realised that there are small businesses and medium-sized business out there.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Well, this party has been fighting for small [business]men as long as I know they have.

**An Hon. Member:** Until now.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, I have said over and over again, the very small businesses—very, very small businesses—as a matter of fact, no small business has ever called me and talked about this particular Bill. I could tell you the amount of people from Mr. Pearman’s aspect has called me.

**Some Hon. Members:** Aah! Aah!

**Hon. Wayne L. Furbert:** I could tell you people from Mr. Dunkley’s status who have called me.

**An Hon. Member:** Oh, yes they have!

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** As a matter of fact, we had a meeting two days ago that the Honourable Member mentioned that we had a meeting down here at the BUEI [Bermuda Underwater Exploration Institute]. There were very few people who were talking to me at that particular meeting talking about dividends.

So let’s not talk about that all of a sudden that you feel that there are small businesses out there that are going to lose something. There are very few. Hence, why we came up with the deductible of \$10,000. That is one of the reasons of trying to find a way that we can move in that direction. So, Mr. Speaker, let’s not talk about that all of a sudden . . . and sole proprietor. Somebody mentioned about sole proprietor. Who mentioned it? Somebody mentioned it. I think it was Honourable Member Cole Simons from number . . .

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Well, somebody mentioned . . . somebody mentioned sole proprietor.

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

**Hon. Wayne L. Furbert:** Mr. Speaker, let me tell you about sole proprietor. I think it was the Honourable Member Jeanne Atherden. Thank you for bringing that up. Because sole proprietor under the Act, which was done in 1995, by the Honourable Grant Gibbons, profit sharing is in there.

**Hon. E. David Burt:** Aah!

**Hon. Wayne L. Furbert:** It is in there. They should have been paying taxes on that all this time.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** As a matter of fact, let me educate you on how payroll taxes came into being.

Mr. Speaker, in 1994 payroll taxes used to be called, as you know, “hospital levy.” All of a sudden people were complaining that the money that was being raised was not going to the hospital. And we know exactly that it was not going to the hospital. It was going to Consolidated Fund. Dr. David Saul woke up and said, *Look. Let’s call it payroll tax.* The Honourable Grant Gibbons brought the first payroll tax in 1995 in the budget. It went from \$64 million up to \$112 million, and not one person complained. And guess what? It was taxing the ordinary person.

**An Hon. Member:** That’s right! Very progressive.

**Hon. E. David Burt:** Yes.

**Hon. Wayne L. Furbert:** On everything! So we have been taxing the small man for a very, very long time, whether it is payroll tax, whether it is custom duties, and no, Mr. Speaker—

**An Hon. Member:** And now you are taxing them more.

**Hon. Wayne L. Furbert:** And Mr. Speaker, the Honourable Member says, *Now we are taxing them.*

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** And tax some more.

**An Hon. Member:** Stay focused. Don’t worry about her.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, I am going to move this chair. I’m going to have, may have to dance, the Holy Ghost dance.

**The Speaker:** Speak to the Speaker. Don’t get distracted. Speak here.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, the [number] of workers that we have on this Island, practically every BIU [Bermuda Industrial Union] member, practically every BPSU [Bermuda Public Services Union] member, and so on and so on, pays 100 per cent taxes on their income. When I look across that room, Mr. Speaker, I know there are several Members on that side that are going to pay 100 per cent on their income.

**An Hon. Member:** Yes, talk about it.

**Hon. Wayne L. Furbert:** But, Mr. Speaker, the Honourable Premier has said that we are going to look at

our tax system to make it fair and equitable, realising that we also got to protect our 28 per cent of our GDP [Gross Domestic Product], which is in IB [International Business]. How do we do that? So the Honourable Member (and I said I am not going to go into detail) knows that we meet every Tuesday for two hours, or more. And sometimes Mondays, talking about how do we make the system fair and equitable? So in time fees will come. And I hope that the Honourable Members all stand up when we do what we may want to do.

**An Hon. Member:** And sing *Hallelujah*.

**Hon. Wayne L. Furbert:** I hope that you are saying, *You should go further on what the Tax Reform [Commission] may be suggesting*. I cannot wait.

I remember, as I said, in the good old days, in the 2000 . . . whenever, when law firms and accounting firms were making millions in partnerships. Millions, Mr. Speaker! And paying themselves a minimum amount of salary. And you expect this side to be . . . to not [remember] that? That is why the Honourable Member's name is Pearman.

**Hon. E. David Burt:** That's right. Conyers Dill & Pearman.

**Hon. Wayne L. Furbert:** He benefited from not paying taxes by his—

**Hon. E. David Burt:** Shameful!

**An Hon. Member:** Multigenerational.

**An Hon. Member:** Exactly.

**Hon. Wayne L. Furbert:** When small business, or small individuals had to pay taxes and could not benefit.

**The Speaker:** Just speak to the Chair. Do not worry about the Members. Speak to the Chair.

**Hon. Wayne L. Furbert:** So I said that the sole proprietors should have been paying taxes all this time.

So we set up these companies to such a degree, because it is a tax method of reducing your payroll tax. So the people paid . . . I heard the Honourable Member say that if a person was paying themselves a salary of \$100,000 and then paying themselves \$500,000 in dividends . . . you know you were not paying your fair share at the beginning. You have been ducking and weaving for a very long time. And that ducking and weaving is over.

That ducking and weaving is over! The small business will still benefit because there were very few of them. Small or medium, Mr. Speaker. But let me tell

you who it will catch. It will catch the Honourable Member from constituency 22.

**Hon. E. David Burt:** Yes, it will.

**Hon. Wayne L. Furbert:** It will catch the Honourable Member from [constituency] 10. And the list goes on.

**The Speaker:** You can make your point without having to make it personal to other Members.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** And, Mr. Speaker, I heard the Honourable Member talk about compliance.

**The Speaker:** Just keep your point to the principles and not to other Members.

**Hon. Wayne L. Furbert:** I am talking about taxes, Mr. Speaker.

**The Speaker:** All right. Thank you.

**Hon. Wayne L. Furbert:** The Honourable Member, I believe, was it . . . the Opposition Leader talks about compliance. Mr. Speaker, you know why we cannot do compliance in the Office of the Tax Commissioner? Because the Honourable Bob Richards, who was the former Minister of Finance, froze the staff.

**Hon. E. David Burt:** Exactly.

**Hon. Wayne L. Furbert:** We had one person working in the Office of the Tax Commissioner. For the last four years, they haven't done an audit yet.

**Some Hon. Members:** Wow! Wow!

**Hon. Wayne L. Furbert:** Because we had one; now we have got four additional. We can now knock on a person's door and say, *By the way, I am here to check your books out*. That is why the compliance was not being done.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker—

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, the Honourable Member was talking about jobs. In one year, you have heard the Premier and the Honourable Minister talking about new ideas and new business coming to this Island. Mr. Speaker, they promised 2,000 jobs in 2012—2,000! If they made 40, that is about all they made.

Mr. Speaker, this Government said . . . the Premier said that we will not . . . we thought that the payroll tax for the employer was prohibitive [to] growth. So we said we had to find a way to stop it, and we are stopping it as of April 1<sup>st</sup>, and the Tax Reform [Commission] will look at some other ways of doing it.

But any new hiree for employee or payroll over \$1 million . . . and if I said *tax*—

**Mrs. Patricia J. Gordon-Pamplin:** Yes, you did.

**Hon. Wayne L. Furbert:** Well, then I probably made a mistake.

**Mrs. Patricia J. Gordon-Pamplin:** No, that's fine.

**Hon. Wayne L. Furbert:** I accept that, if I did. Well, I will . . . so any over \$1 million. And you know how many that impacts, Mr. Speaker?

Let me tell you, Mr. Speaker, IB is very happy with this. It affects over 200 local companies. Over 400 exempted companies. [So] 600 companies. And if each of them got 10 or 5 or even 1, we will accomplish more than you did in 5 years.

*[Desk thumping]*

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, we put inside a system to encourage IB—

*[Inaudible interjections]*

**The Speaker:** Members! Members! Members!—

**Hon. Wayne L. Furbert:** —and Mr. Speaker, let me tell you—

**The Speaker:** Members!

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** —what we will be doing.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Let me tell you what we will be doing, Mr. Speaker. Every company, as much as we can, myself and somebody from IB, is going to knock on every door talking to Human Resource [HR] people, and saying, *Here is an opportunity.*

As a matter of fact, when we mentioned it at the meeting down at BUEI, some of the eyes looked like, *Wow! We weren't aware of that.* We are going to knock on every door to make sure as much as we possibly . . . I mean, we might miss one, or two, or three, whatever, don't hold me to it if I miss a few, but

we will do our best to knock on doors to ensure that the HR is aware that if they have hired . . . because we want some C-suite individuals and management back on the Island. Because when they bring back . . . they are paying the million dollars, and at the end of the day, they bring a lot more staff with them, or help to hire more Bermudians. You are aware of that.

**An Hon. Member:** Good point.

**Hon. Wayne L. Furbert:** You are aware of that! You are talking about exempted . . . talking about exempted companies, you know very well, the Honourable Member from number twenty . . .

**An Hon. Member:** Three.

**An Hon. Member:** Two.

**Hon. Wayne L. Furbert:** Two.

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

**Hon. Wayne L. Furbert:** But they will never pass anything to affect our—

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

**Hon. Wayne L. Furbert:** —international exempted companies.

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

**Hon. Wayne L. Furbert:** That is why the Honourable Member Bob Richards could not go no further than \$900,000 in the cap because they told him no.

We are looking at it from the tax reform to see what we can do. But they pay up to \$900,000 on their payroll tax, so even if they had given a dividend of another \$2 million, \$200 million, we could not tax them anymore anyway. That is the maximum amount we can get from them, \$900,000. So if there is a Bermudian working for an exempted company and they are getting a dividend, you know they are way up there in the executive area.

And the Honourable Member who has been working for an exempted company knows how much money they make. They know, and they pay on the bonuses, they pay on the stock options right now. Right now! So, even if we had . . . Mr. Speaker, even if we had included them, they would not have made no more because . . . you think Brian Duperreault is going to pay more? He makes 42 now.

*[Laughter and inaudible interjections]*

**Hon. Wayne L. Furbert:** Whatever, \$5 million, he pays \$900,000 and nothing more.

So the Tax Reform [Commission] will be looking at some things that we can look at and we will bring them back here and debate those things.

Mr. Speaker, this is legislation to try to look at ways of increasing new hires in our businesses, and it goes after taxes that we have never had before. New taxes that we have never had before. And new taxes the OBA would have never touched. I can see now Grant talking about *you ain't touching me*.

**An Hon. Member:** Can't touch it.

*[Laughter and inaudible interjections]*

**Hon. Wayne L. Furbert:** I can see him now ducking and weaving in that room because I used to be there.

So, Mr. Speaker, yes, we excluded listed companies. And, Mr. Speaker, some individuals would take the money and put it in a listed company. And there is a void in that business? You can guarantee a lot of Bermuda would jump in and find it.

Mr. Speaker, those are the few remarks, I could go on much longer in the particular. I have a passion for this because I realise that the Government is heading in the right direction. And, yes, we will probably make some more further amendments when the Tax Reform [Commission] are responding, but this is for now. This is now, and going forward we will make the right decision.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Are you going to move us to Committee?

*[Desk thumping]*

**The Speaker:** Are you moving us to Committee?

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.  
I move the Bill be committed.

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

**House in Committee at 3:55 pm**

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

## COMMITTEE ON BILL

### PAYROLL TAX AMENDMENT (NO. 2) ACT 2018

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Payroll Tax Amendment \(No. 2\) Act 2018](#).

Junior Minister, you have the floor.

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

Mr. Chairman, we are referring to Payroll Tax Amendment (No. 2) Act 2018 in Committee and I move . . . sorry, let me speak to the Bill.

This Bill seeks to amend the Payroll Tax Act 1995 ("the principal Act").

Clause 1 is self-explanatory.

Clause 2 . . . I just wonder whether the Honourable Member . . . would you want me to speak to all the clauses?

**The Chairman:** Talk to me, sir.

**Hon. Wayne L. Furbert:** Yes, sorry.

I move clauses 1 through 3, for now.

**The Chairman:** You are going to move clauses 1 through 3?

**Hon. Wayne L. Furbert:** Yes, I will speak to clauses 1 through 3.

**The Chairman:** Continue.

**Hon. Wayne L. Furbert:** [Clause 2] amends section 5(8)(b) of the principal Act (person not an employee if employed for 16 hours or less) to clarify the meaning of that provision.

Clause 3 amends section 7(2) of the principal Act (payments which are not remuneration), to exclude from the definition of "remuneration" two additional types of payment. New paragraph (h) excludes any dividends relating to shares in an exempt undertaking or in a public company listed on the Bermuda Stock Exchange or any other stock exchange recognised by the Minister for these purposes paid to an employee or deemed employee. New paragraph (i) excludes the first \$10,000 per annum of any dividends relating to shares in a company not within paragraph (h) paid to an employee or deemed employee of the company.

**The Chairman:** Any further speakers speaking to clauses 1 through 3?

The Chair recognises the Leader of the Opposition, Ms. Atherden.

You have the floor, Ms. Atherden.

**Hon. Jeanne J. Atherden:** Mr. Chairman, I think the Junior Minister answered it, but I just wanted to make sure. I did ask the question with respect to the \$10,000 deductible, and I was asking it from the point of view of those persons who have companies, and maybe what we are doing where it is this question of, most people will view "company" as just your business, as opposed to a limited company. And so the question related to, if the exemption, if you had the \$10,000 exemption, would that . . . would a person who had a sole proprietorship be able to avail them-

selves of the \$10,000 if they declared a dividend to get some more funds out of their company?

**The Chairman:** Junior Minister.

The Premier . . . the Chair recognises . . . Oh, I'm sorry.

Junior Minister.

**Hon. Wayne L. Furbert:** Mr. Chairman, the Honourable Member . . . how do you declare . . . you have to be a company to declare a dividend. You cannot declare a dividend if you are a . . .

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Well, you can't, because this only speaks to dividends for a company.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Yes, \$10,000 if you are a limited liability company. Otherwise, you are giving yourself \$10,000 *profit sharing* which is supposed to be taxable.

**The Chairman:** Any further speakers?

There appear to be none.

You want to move these clauses, Junior Minister?

**Hon. Wayne L. Furbert:** I move clauses . . .

**The Chairman:** One through three?

**Hon. Wayne L. Furbert:** [Clauses] 1 through 3.

**The Chairman:** It has been moved that clauses 1 through 3 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 3 passed.]*

**The Chairman:** Continue.

**Hon. Wayne L. Furbert:** Mr. Chairman, I speak to clauses 4 through 7.

**The Chairman:** [Clauses] 4 through 7?

**Hon. Wayne L. Furbert:** Yes.

**The Chairman:** Continue.

**Hon. Wayne L. Furbert:** Clause 4 amends section 9(2)(e) of the principal Act (retail store employees in special situation in January to March provided that employer's payroll is not less than \$200,000 per an-

num or the employer is not in an Economic Empowerment Zone) to delete the reference to the employer's payroll being not less than \$200,000.

Clause 5 amends section 9B of the principal Act (special provision for taxi drivers), which was inserted by section 7 of the Payroll Tax Amendment Act 2018 with effect from 1 April 2018. Subsection (2) provides that the new flat rate of payroll tax imposed by section 9B is payable in relation to any licence period beginning on or after 1 October 2018. Subsection (3)(a) corrects an error in section 9B(5)(b) to provide that a motor taxi owner may apply for a refund of half of the full amount of payroll tax paid in accordance with section 9B if he transfers his taxi permit six months or less (not six months or more) after the payment was made. Subsection (3)(b) makes an administrative change to subsection (5) to amend the time within which such an application may be made to not more than 30 days after the transfer.

Clause 6 inserts new section 9C (new hire relief for qualifying employers). The new section provides that a qualifying employer who applies to the Commissioner . . . will not be liable to pay the employer portion of payroll tax otherwise payable under this Act in respect of its qualifying employees for tax periods from 1 April 2018 to 31 March 2021, provided the employer is not in arrears with payroll tax and the increased number of full-time employees is maintained. For these purposes, a qualifying employer is defined as either an exempt undertaking, or any other employer with a payroll exceeding \$1,000,000 liable to payroll tax at the standard rate and not receiving other payroll tax relief; and a qualifying employee is a full-time employee whose employment with a qualifying employer (a) first commences during the period 1 April 2018 to 31 March 2021 (otherwise than as a result of merger or acquisition), and (b) has the effect of increasing the employer's total number of full-time employees from the baseline total, which is March 31<sup>st</sup>, which is defined as either the total disclosed in the employer's, like I said, March 2018 payroll tax submission, or zero if the employer commences business on or after 1 April 2018.

Clause 7 provides for commencement retrospective to 1 April 2018.

Thank you.

**The Chairman:** Thank you.

The Chair recognises the Honourable Member from constituency 22, Mr. Pearman. You have the floor.

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

To the Junior Minister, in relation to clause 7, it is widely regarded that retrospective legislation is improper and draconian, even more so when the retrospective legislation is a finance or tax Bill. Clause 7 provides that this will now have retrospective operation back to the 1<sup>st</sup> of April 2018. This will take many,

many Bermudians by surprise. Would the Junior Minister and the Government consider choosing a date after the 20<sup>th</sup> of July, or indeed, the 20<sup>th</sup> of July itself?

Thank you, Mr. Chairman.

**The Chairman:** The Chair recognises the Junior Minister.

I'm sorry . . . the Chair recognises the Leader of the Opposition, Ms. Atherden.

**Hon. Jeanne J. Atherden:** Yes, I have a question, and I am glad my colleague brought it up earlier and I am just going to clarify it. This is the question with respect to if you have your base, you hire your employee, and then you were to lose your employee before . . . I just wondered whether if there was some sort of provision in there . . . recognising that most times your payroll tax is paid on a quarterly basis, so I just wanted to just clarify that if you have an employee, so that you hired the person, will the [Junior] Minister at least agree that by the time the next return is done, if you have actually rehired or hired somebody else so that you are back up to that level, would that deem to be . . . the person deemed to have at least increased the payroll rather than saying, *Well, that person went away and therefore you are not eligible.*

**The Chairman:** Any further speakers?

The Chair recognises Ms. Jackson.

**Ms. Susan E. Jackson:** Yes, my question is around, again, the 1<sup>st</sup> of April 2018, and I am just wondering whether there has been any consultation in particular with sole proprietors and smaller businesses because, clearly, this will blindside them when they are facing now these additional payments that need to be made. And so I would like to know whether there has been consultation.

**The Chairman:** Any further speakers?

Junior Minister, you have the floor.

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

The first part from Mr. Pearman from constituency 22 . . . this Bill was passed in the . . . the amendment to the Payroll Tax was passed already in April.

**The Chairman:** Mm-hmm.

**Hon. Wayne L. Furbert:** We have already done that part as far as this, so we are just making it clear going forward. So we brought this Bill in April already. I know the Honourable Member was not here, but we passed it already in April.

The second part is that, yes, we have had consultation with many a small business, particularly in the retail sector because the retail sector received

the . . . the Small Business Development received it and another group also received it.

**The Chairman:** Yes, but Ms. Atherden asked you a question.

Do you want to repeat that Ms. Atherden?

**Hon. Wayne L. Furbert:** Oh, yes. Yes, yes, yes.

So you are right, based on . . . Honourable Member. Yes, it is on a quarterly basis. So as long as your quarterly basis, April to June, if you are . . . you know, you can fluctuate between them, but as long as at the end when you pay it, it is up above the March 31<sup>st</sup> . . . yes.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** And then if you lose it, then it is on the next quarter, so it's all the same.

**The Chairman:** The Chair recognises the Honourable Member Mr. Pearman, from [constituency] 22.

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

With respect, the Junior Minister didn't answer the question that I asked. He simply agreed with my question.

The point I was making was that section 7 is retrospective, it says this, "This Act shall be deemed to have come into operation on 1 April 2018."

The question I was putting to the Junior Minister is that this Act that we are debating today is going to have retrospective, retroactive effect. It is going to reach into the past and change the situation all the way back to the 1<sup>st</sup> of April. I was respectfully suggesting that this is not a very fair thing to do, and it is going to take many people by surprise. And would they consider it not being retrospective?

Retrospective legislation often in other jurisdictions is considered unfair, specifically in relation to taxation Bills. Thank you, Mr. Chairman.

**The Chairman:** Junior Minister.

**Hon. Wayne L. Furbert:** Mr. Chairman, no new taxes are being introduced. No new taxes are being introduced. I hope that answers your question.

**The Chairman:** Any further speakers?

Junior Minister.

**Hon. Wayne L. Furbert:** Mr. Chairman, I move clauses 4 through 7.

**The Chairman:** It has been moved that clauses that 4 through 7 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 4 through 7 passed.]*

**Hon. Wayne L. Furbert:** I move that the preamble be approved.

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

Are there any objections to that?

There appear to be none.

Approved.

**Hon. Wayne L. Furbert:** I move now that the Bill be reported to the House as printed.

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

Are there any objections to that?

There appear to be none.

Approved.

The Bill will be reported to the House.

*[Motion carried: The Payroll Tax Amendment (No. 2) Act 2018 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 4:05 pm**

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

## **REPORT OF COMMITTEE**

### **PAYROLL TAX AMENDMENT (NO. 2) ACT 2018**

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

Are there any objections to the reporting to the House of the Payroll Tax Amendment (No. 2) Act 2018 as printed?

No objections.

It has been reported.

It now moves us on to the next Order of the Day which is Order No. 2, the Insurance Amendment (No. 2) Act 2018 in the name of the Minister of Finance.

Premier, you will be leading this one?

**Hon. E. David Burt:** Yes, sir.

**The Speaker:** You may have the floor.

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

## **BILL**

### **SECOND READING**

#### **INSURANCE AMENDMENT (NO. 2) ACT 2018**

**Hon. E. David Burt:** Mr. Speaker, I am pleased to present to this Honourable House the Bill entitled the Insurance Amendment (No. 2) Act 2018.

This Bill seeks to amend the Insurance Act 1978, which I will refer to going forward as the principal Act, by making a number of changes to enhance the protection of members of the public who are insurance policyholders by introducing preferential treatment of policyholders' liabilities ahead of general creditors in the event of the liquidation or winding up of a Bermuda insurer.

Mr. Speaker, for the winding up of an insurer this Bill introduces a new category of debt into the existing liquidation waterfall that is contained in the Companies Act 1981. The current waterfall of claimants includes liquidators' costs, secured creditors, preferential debts in the forms of government taxes, various employee benefits, pension obligations, claims for workers' compensation, and then, finally, general creditors.

Mr. Speaker, moving forward in the winding up of an insurer under the revised waterfall, a new category of insurance debts will be inserted above general creditors and would contain all policyholder obligations. This is in line with legislation in the United Kingdom as set up in The Insurers (Reorganisation and Winding Up) Regulations 2014.

Mr. Speaker, this Bill also addresses other issues that were indirectly related to that of policyholder protection and were important to address simultaneously to give effect to the policy changes. The issue of the long-term business fund, which only related to long-term insurers, life insurers, was addressed along with the creation of a general business fund. These . . .

*[Inaudible interjections]*

**Hon. E. David Burt:** I am fine. Just thought I lost my place for one second, Mr. Speaker.

These two funds now only apply to composite insurers or insurers with dual licences to conduct both long-term and general business. Other technical matters related to liquidation of insurers are included in the Bill, including the sequence of payments in a liquidation of a composite where there are insufficient funds.

Mr. Speaker, the Bill will protect policyholders by giving them higher priority in the winding up of an insurer. The persons impacted would be all policyholders and would include insurance and reinsurance contracts for both domestic and overseas policyholders. Both retail and commercial insurance coverages are included. To be clear, this means all insurance policyholders.

One might ask, Why is this change happening now? The answer is: The Bermuda Monetary Authority continues to review and strengthen its insurance regulatory and supervisory frameworks to encourage

growth while supporting a stable insurance market. However, regardless of how robust a jurisdiction's regime is, it cannot prevent all insurance failures. In the event of an insurance failure, policyholders may be disadvantaged socially and economically if the insurer is unable to satisfy its obligations.

Mr. Speaker, ultimately such failures can undermine confidence in the insurance industry and potentially have adverse effects on the wider financial system. The failure and winding up of a significant Bermuda insurer without adequate protection of policyholders could damage the jurisdiction's reputation and undermine the supervisory regime. Therefore, it is of utmost importance to have a policyholder regime in place.

Mr. Speaker, international standards also cite policyholder protection as one of the core objectives of an effective insurance regulatory and supervisory infrastructure. The International Association of Insurance Supervisors, hereafter referred to "IAIS," issued Insurance Core Principles, or ICPs, setting out the essential components that must be present in the supervisory regime in order to promote a financially sound insurance sector and provide an adequate level of policyholder protection. The current ICP on this subject entitled "Winding-up and Exit from the Market" states "The legal framework gives priority to the protection of policyholders and aims at minimising disruption to the timely provision of benefits to policyholders."

Mr. Speaker, as a well-regarded financial centre and a leading insurance centre, Bermuda and the BMA intend to both protect policyholders and to be further aligned with international standards.

Mr. Speaker, it is important for us to briefly mention how this policy position evolved and developed. The work on this policy began formally in 2014 with the BMA issuing a discussion paper on policyholder protection. The Authority continued this work by releasing a consultation paper in June 2017 on this same subject that outlined the intention to proceed with preferential payments of policyholders as the chosen approach.

Substantial feedback was received from the industry. An industry working group was formed made up of representations from the Association of Bermuda Insurers and Reinsurers [ABIR], the Bermuda International Long Term Insurers and Reinsurers [BILTIR], and the Restructuring and Insolvency Specialists Association [RISA], and various lawyers from leading local law firms. This working group collaborated with BMA staff to agree detailed proposals to enhance policyholder protection.

Mr. Speaker, I would be remiss if I failed to mention one small, but important, definition included in this Bill that has a significant benefit for Bermuda. "Insurance contract" has been defined in this Bill, which includes funding agreements, and other insurance transactions. This now makes it possible for in-

surers to issue rated funding agreements from Bermuda.

The funding agreement market continues to grow following the financial crises of 2008, with a sector in the United States growing from 19.3 billion in 2016 to 22.0 billion in 2017. The passage of this Bill will open Bermuda to this market given the efficiency of issuing these contracts directly from the Island. This could cause the creation of additional insurers in Bermuda, and giving funding agreements requires intensive labour and brings more jobs for local service providers in the legal, accounting, and support services. It should also be noted that each funding agreement transaction will require local legal accounting options and ratings.

Mr. Speaker, with respect to insurers carrying on long-term business, the provisions of this Bill will come into force on the assent of the Act by the Governor. This is to quickly facilitate insurers writing funding agreement business, as previously mentioned. With respect to insurers carrying on general business and composites, the provisions will come into force on the 1<sup>st</sup> of January 2019.

Mr. Speaker, there are active liquidations that have already commenced, and it should be noted that these provisions will not apply to these actions, and this Bill is not to have retroactive effect. We emphasise this because it is important for Bermuda to provide certainty to insurers operating from this jurisdiction that have already entered into insurance contracts in 2018. In that regard, we seek to ensure that industry has sufficient notice to inform counterparties of the implications of this Bill.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled: the Insurance Amendment (No. 2) Act 2018.

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

Does any other Honourable Member wish to speak?

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

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

Mr. Speaker, I think it is very important for us to recognise that, as the Premier and Finance Minister said, there has been consultation with the industry and these amendments have what I call a basis for making sure that some things that have happened in the past do not happen in the future, and, therefore, many of the issues which have been of concern have been dealt with. I am specifically talking about concerns with respect to the winding up of insurers where there was a concern that, if you will, the policyholders would make sure that they have protection above the general creditors, and that is very important. I am sure I remember something that happened in the past where that perhaps did not happen and there were

lots of very unhappy Bermudians who thought that they were protected and in the end were not.

As we know, many things happen for a reason and therefore when you start to make changes you also try to make changes that have a vision to make sure that anything that you think can happen in the future will also occur. So the idea of having the . . . for those who have what I call the composite insurers, for making sure that you have the long-term business fund separated from the general business fund means then that you are able to establish (if you will) the way in which the creditors are . . . the way in which what I call those policyholders are protected as it relates to . . . and we keep remembering that it is the liquidators, the secured creditors, and then the preferential debtors, and of course, government is a preferential debtor, but at least after that the policyholders are taken care of.

I think the thing that I found was very important, and I say this because anybody who is out there who has a policy with an insurer would be comforted by the fact that if you are a policyholder you are given higher priority. And also be aware that you also have the insurance and reinsurance contracts for domestic and overseas policyholders that are right up there as well.

I think the other thing that the Premier mentioned to us was the fact that this work has been going on since 2014. I know when I reached out to some of the people who are in the industry, they did indicate that they had been consulted. They felt that the working paper gave them the opportunity to opine on what had occurred and they were comfortable with the fact that the industry working group was moving in the direction that they want.

I think the only other point that I wanted to make was with respect to the insurance contracts and talking about funding agreements and other insurance transactions, because anything that can create another market here in Bermuda so that we can start having people being able to offer these products and being able to make money, I think it is very important. I mean if, as the Minister said, it has grown from \$19.3 billion up to \$22.0 billion, then if Bermuda is able to get a piece of that action, then as we know, we make our living off of being in the insurance and reinsurance industries and anything that we can do to create the jobs. And that is why I think it was good for the Minister to indicate that this will come into effect immediately, even though the other parts of the Act will not come into effect until January 2019.

It is important. And recognising that we are not making any changes to the other . . . because you already have liquidations in place, obviously, you cannot just suddenly go back and talk about making things happen because in some respects, you have already started to distribute assets, et cetera, so you cannot just suddenly go back and say to someone, *Okay, well, you have distributed the assets and now I*

*have been made so that I go up to the top of the queue, please give me some of what has already been distributed.* So I think we understand that this is why it has to be done that way.

But I think it is important. And we obviously support this. We know that there will be opportunities afterwards for the long-term as well as the general funds to make sure that . . . the bottom line is that we want people to take out long-term contracts. We want people to, you know, have their life insurance, and their reinsurance, et cetera. But we also want to know that they are comfortable knowing that their position is protected. One would not like to think that anybody is going to have a wind-up and have to liquidate. But at least if this happens we know there is a measure of protection for them.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member Pat Pamplin-Gordon.

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

**The Speaker:** Gordon-Pamplin! You have the floor.

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

Mr. Speaker, it is my pleasure to contribute to this debate. But I find it interesting that under normal circumstances I would have stood here on the floor of the Honourable House and declared an interest in terms of my—

**The Speaker:** See what retirement does for you?

**Mrs. Patricia J. Gordon-Pamplin:** —full-time employment.

**The Speaker:** See what retirement does?

**Mrs. Patricia J. Gordon-Pamplin:** Well, with that said, Mr. Speaker, I can now say that I can speak to this matter without necessarily declaring an interest directly because I no longer work for an insurance company, having been able to enjoy the wonderful day when I was able to close down my desk, pack it in, shut off my computer, and say, *I am “retired.”*

**The Speaker:** Mm-hmm.

**Mrs. Patricia J. Gordon-Pamplin:** With that said, Mr. Speaker, I think that the one thing I can say with respect to this Bill is that I believe I have been spoiled. And I say that because, having worked for as long as I did within the insurance industry, I think it was as far back as . . . it was nearly 10 years ago, I would say

probably 2009, the Monetary Authority had issued guidelines with respect to . . . or the discussion paper, on capital and solvency framework for long-term insurance. That was way back in 2009, or somewhere thereabouts. It might have even been before then.

So the idea of long-term businesses and the restrictions relating thereto and the requirements relating thereto, have long been a part of the psyche of those of us who work in the insurance industry, especially those of us who work in Class 4s, in which there is a component of long-term business.

Now, as my Honourable Leader has indicated before, when you have an insurance company in which there is a casualty or a property component, which is deemed to be general business, then if there are losses and claims that occur as a result of that, the ongoing business and there is likely to be any challenge with respect to the capital requirements in order to ensure solvency, then those losses are known fairly quickly. The Monetary Authority keeps on top of the solvency requirements for insurance companies and, therefore, if a company starts to look as though their ratios have gone down, then they are able to be arrested at the point before it becomes crucial and critical, to ensure that policyholders are protected.

When it comes to long-term insurance, there is a longer period of time before which one might be aware that the company which holds its policy could be running into financial difficulties, and there may be difficulty for the policyholder to be protected because he may not be able to get out of it what he intended to and what his premium has been paying for over a significant period of time. So with that said, I say that the company for which I worked in fact had a long-term element, and during the period of time for which we had this combined . . . it is what is called a "Dual Class 4," we had long-term and general business. And within the long-term, Mr. Speaker, we were required to hold separate reserves for the policyholders. We were required to have separate actuarial studies and reviews, separate bank accounts with respect to the holding of the long-term money, separate assets and trust agreements, all of which were required by the BMA for the protection of those long-term policyholders.

Now, the one good thing, when one works with a company that is combined, and when one works with a company that is secured by strong assets of a group environment, there is such a thing as the fungibility of capital in which if one part of the business starts to diminish in terms of its ability to meet its financial obligations to the policyholders, based on actuarial reviews, it is always possible to move capital into that segment of the company in order to protect the policyholders. And while we never had to make specific transfers for the company for which I worked, there was always that idea that should it have been necessary, we had that ability for

that capital fungibility to be able to come in from the group, from other members of the group, to be able to bolster any shortfall that might have existed with respect to the long-term policyholders. But I think that we took great pleasure and comfort in the idea, in knowing that the actuarial reviews could be relied upon and depended upon and that the Monetary Authority basically had us in check.

So to the extent that this legislation is required, it did not occur to me that there are companies that would not have been fulfilling those types of requirements, that there may be challenges, until such time as we actually had a, I would call it, catastrophic failure in one of our long-term insurers locally and it obviously resulted in significant losses for the policyholders which they would never have banked on.

You know sometimes you become comfortable, you are paying your premium, sometimes, Mr. Speaker, you had a situation in which you had your insurance agent who would walk around with their book, which they called their "debit" and they would make sure and collect the premiums, and that money would go into the insurance company, and there was always a presumption that those long-term policyholders would be protected once claims were having to be made.

So with that said, Mr. Speaker, I am pleased to know that to the extent that there might be a collapse or an undermining of the financial condition of a company, which the Monetary Authority now requires with respect to insurance companies, both long-term and general, you have to file a financial condition report. So if anything is likely to be going wrong, not only do your financial statements point it out, not only do your BSCR ratios point it out, but your financial condition report also points it out and that financial condition report is available for public consumption by the Monetary Authority and for any interested policyholder.

So to be able to support and sustain and underscore the importance of holding sufficient assets, and having a pecking order in the event of liquidation, such that there is a prescribed return pecking order (as it were) for creditors, then nobody gets preferential treatment of one over the other, that is provided for in this legislation, is obviously very, very positive. So I am very pleased to contribute to this in saying that nobody should be able to pay dividends and know that you have got these obligations out there.

I do know that there was a time in which the Monetary Authority required that if your dividends exceeded, I believe, 15 per cent of your capital and surplus at the end of the year prior, you had to make sure that you got their permission before you were able to issue such dividends. And that is as an added protection to policyholders to ensure that the money is not going out the door when the obligation is still sitting on the books.

So I support, obviously, this legislation and hope that we do not find ourselves in a situation in which there is the requirement for any winding up, as my Honourable Leader said in her comments. But in the unlikely event or the event that such a thing may happen, then obviously it is good to know that there is a prescribed equation under which insurers would be able to operate so that the policyholders will not feel as though their money has gone out the door, they have been left holding the bag, and there is no recourse. Truth be told, once a company winds up, if a company goes to liquidation, invariably once a liquidator gets their foot in the door, and then the legal fees start being put against the assets that exist, then that diminishes what is left for the policyholders.

So we want to make sure that the legislation supports that which has been in operation by the BMA for significant periods of time, and obviously anything that helps to underscore and to ensure that policyholders are further protected with a prescribed level of claim (as it were) to what assets are remaining at the end of day, can only be a good thing and as such, we certainly support it.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

No other Member?

Premier.

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

I thank the Honourable Members on the opposite side for the comments, and I move that the Bill be now committed.

**The Speaker:** Deputy.

### House in Committee at 4:29 pm

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

## COMMITTEE ON BILL

### INSURANCE AMENDMENT (NO. 2) ACT 2018

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Insurance Amendment \(No. 2\) Act 2018](#).

Mr. Premier, you have the floor.

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

Mr. Chairman, I would like to move clauses 1 through 10, if I may.

**The Chairman:** You may, continue.

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

Mr. Chairman, clause 1 provides a citation for the Bill.

Clause 2 amends the principal Act in the title to Part IV to cause the Part to apply to insurers carrying on both long-term and general business.

Clause 3 amends the principal Act in section 23 to insert the word "general" in order to cause the section to apply to insurers carrying on both long-term and general business.

Clause 4 amends the principal Act in section 24 to provide for general business and long-term business obligations of composite insurers to be separated by the creation of separate funds and for all assets pertaining to such businesses to be allocated to and captured in such funds. No payments, dividends, or transfers may be made out of such funds for the purpose of any other matters. It may be noted, however, that the current section 24(6), which continues to apply, provides for the non-application of the provisions of section 26 (including as amended by this clause) to certain insurers which were carrying on business before 1 January 1980.

Clause 5 amends the principal Act by inserting a new section 24A in order to provide for the requirements long-term insurers are to meet prior to the payment of a dividend.

Clause 6 amends the principal Act to provide in a substantive and separate section the provisions of the current section 36(1) that long-term insurers may not be wound up voluntarily.

Clause 7 amends the principal Act by repealing section 36 and substituting a section that requires insurers carrying on both long-term and general business to give priority to payments of policyholders, which are to be made out of the assets of the insurer in a winding up. The order of priority of payments in a liquidation of insurers carrying on both long-term and general business ([for] example, composites) shall be payments to: (1) liquidators; (2) secured creditors; (3) preferential debts under the Employment Act 2000 and Companies Act 1981; (4) insurance debts; and (5) general creditors.

Clause 8 amends the principal Act by inserting a new section 36A to provide for all long-term and general business insurers being wound up under the Companies Act 1981.

Clause 9 amends the principal Act in section 40 by deleting subsection (2)(b) to align the regulating making power under that section with the new winding up provisions.

Clause 10 provides for the coming into operation of the provisions of this Act. The Act is to come into operation on assent of the Act by the Governor with respect to insurers carrying on long-term business and on 1 January 2019 with respect to insurers carrying general business and composites.

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

Any further speakers?

The Chair recognises the Honourable Deputy Leader of the Opposition, Ms. Scott.

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

I just want to ask the Premier one question. On [clause] 6, where it says, "An insurer which carries on long-term business shall not be wound up voluntarily." In some jurisdictions they will allow an insurer to wind up with the consent of the Authority, and the liquidator is then required to continue to carry out the contracts with a view to possibly transferring the business over to somebody else who would take it over. Is that something that would be considered instead of just saying that it cannot be wound up, full stop?

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

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

Just for clarification on clause 4. The composite business . . . obviously, if you have general and long-term, we are required to keep separate funds, separate accounting for long-term business. Will there be a requirement going forward for the long-term business to operate under a separate entity, as opposed to continuing to have a composite of general and long-term within the same corporate structure. Thank you.

**The Chairman:** Any further speakers?

The Chair recognises the Leader of the Opposition, Ms. Atherden.

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

I had a question with respect to clause 4 where it is indicating that [section] 26(c) [*sic*], the non-application . . . and this is relating to the actuary, and I was just curious as to, you know, in the winding up why wouldn't you still want to have the actuary involved?

**The Chairman:** Any further speakers?

The Chair recognises the Premier, David Burt.

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

[Pause]

[Crosstalk]

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

In response to the question, I think from the Honourable Opposition Leader . . . you asked about clause 4 and asked for the power of liabilities to be transferred?

[Inaudible interjection]

**Hon. E. David Burt:** Okay. Could you repeat your question, please?

**Hon. Jeanne J. Atherden:** I was saying that in clause 4 where there is an indication that there would be non-application . . . and this is talking about section 26, the non-application of the provisions of section 26, and that is relating to the actuary. I just wondered why you wouldn't want to have an actuary.

**Hon. E. David Burt:** I am going to now assume that the answer in front of me is regarding clause 6, which was asked by the Deputy Opposition Leader . . . I think the statement inside of the Act says [wound] up voluntarily, and I would remind the Honourable Deputy Opposition Leader that this is an amendment to the Insurance Act, so this adding [section] 35A. There is an entire section 35, Winding up on petition of Authority, and the powers to have liabilities transferred, et cetera, is, as you were given the example, already in the primary Act as it exists.

**The Chairman:** The Chair recognises the Honourable Ms. Scott.

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

So the ability . . . I do not have the Insurance Act in front me, sorry. But the ability to transfer under [section] 35 is only when a company does not want to wind up? My question is: Is there just no winding up, full stop? Or can there be a winding up if the company gets the consent of the BMA, the liquidator is appointed, the liquidator carries on the business of the company with a view to transferring that business to another provider? Or is it that it just cannot wind up, and that's it, it is an evergreen clause?

**The Chairman:** Mr. Premier.

**Hon. E. David Burt:** Mr. Chairman, I think that we might be dealing in a more general matter outside of that. The specific revisions to the Insurance Act, in provision 34, which speaks to the winding up of insurers under the Insurance Act that says a court may order the winding up. And then there is a winding up on the petition of an authority, which is in section 35, which speaks about the Authority may present a petition for the winding up in accordance with the Companies Act of an insurance being a company. So there are lots of different provisions for winding up that already exist inside of the primary Act on the permission of the Monetary Authority.

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

I understand that, but those are in the instances where I believe the insurer is insolvent. I think this is a situation where the insurer is solvent, but just

wants to wind up, maybe they have misused the funds, they do not have the money to pay off the premiums to the policyholders, or they have backed themselves into a corner and realise that they cannot get out, so their recourse is to wind up the company.

We can take it offline; I do not have to have an answer right now, but I just wanted to know whether it was something to be considered, whether it is just that you cannot ever wind up a company, or if a company does not want to carry on that business but the liquidator can find somebody to transfer it to, would that be a possibility?

**The Chairman:** Premier.

**Hon. E. David Burt:** Mr. Chairman, I am happy to answer the question. I believe that it is rather technical in nature, I would like to point out also to the Deputy Opposition Leader that under [section] 36(1) of the existing Act, which talks about the winding up of insurers carrying on long-term business, it says that “An insurer which carries on long-term business shall not be wound up voluntarily.” So those things are already inside the provisions of the Act.

I understand the question which you are asking, but I am stating that insofar as our construct, voluntary wind ups for long-term businesses are not allowed, and this is to transfer those provisions that are in [section] 36 to also apply to [section] 35A.

In regard to the question that was asked about composites, I believe, from the Honourable Member on clause 4. Composites under section 24(6) are grandfathered and this is not required prior to 1980.

**The Chairman:** Any further questions?  
There appear to be—

*[Inaudible interjection]*

**The Chairman:** You can—

*[Inaudible interjection]*

**The Chairman:** Yes, you can clear—

**Hon. Jeanne J. Atherden:** Sorry. And if it is one of those—

**The Chairman:** It's okay.

**Hon. Jeanne J. Atherden:** —questions that needs to be answered afterwards, then I am fine, and do not have to have an answer now.

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** This is clause 4 and it is relating to the non-application—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** This is clause 4 of the Insurance Amendment (No. 2). And it is relating to section 26, which talks about the non-application of provisions of section 26. And section 26 in the primary Act relates to an actuary.

**Hon. E. David Burt:** Just a question, if the Honourable Member could please give the subclause which she is talking about on clause 4 so I can follow along, Mr. Chairman.

**The Chairman:** Can you—

**Hon. E. David Burt:** [Subsections] in clause 4, there is (1), (2), (3), (4), (5), (6), (5A), (5B), and (5C).

**The Chairman:** Mrs. Atherden.

**Hon. Jeanne J. Atherden:** Just a second.

*[Pause]*

**Hon. Jeanne J. Atherden:** This is relating to . . . I think it is (5A).

*[Crosstalk]*

**Hon. Jeanne J. Atherden:** If you are looking at the Explanatory Memorandum, it is talking about . . . I think it is [subsection] (5A).

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** This clause 4.

**Hon. E. David Burt:** Clause 4 or 5?

**Hon. Jeanne J. Atherden:** [Clause] 4.

**Hon. E. David Burt:** Thank you.  
Clause 4, [subsection] (5A).

*[Pause]*

**Hon. E. David Burt:** Mr. Chairman, I am still unclear of the question. I have now got to where the Opposition Leader has indicated with clause 4, [subsection] (5A).

Just as a follow-up clarification to the Honourable Deputy Opposition Leader, long-term insurers can currently be transferred as a going concern under the Act. So it does not affect the transferring as a going concern under the Act, as you have stated in the example which you gave, it is the winding up. So, long-term insurers can currently transfer as a going concern underneath the Act and they will be able to so going forward.

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

**The Chairman:** Any further speakers?  
Mr. Premier.

**Hon. E. David Burt:** And then the question which was asked insofar as the . . . the question which came I think from the Opposition Leader is that . . . what we have to remember is that we are putting new sections to the Act which apply to other things already. And the items which we have insofar as clause 4 are that this is unchanged from what is currently in other sections of the Employment Act. So it is nothing different than we have already.

**The Chairman:** Any further speakers?  
Mr. Premier.

**Hon. E. David Burt:** Thank you, 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 appear to be none.  
Approved.

*[Motion carried: Clauses 1 through 10 passed.]*

**Hon. E. David Burt:** 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 appear to be none.  
Approved.

**Hon. E. David Burt:** Thank you.  
I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed.  
Are there any objections to that?  
There appear to be none.  
Approved.  
The Bill will be reported to the House.

*[Motion carried: The Insurance Amendment (No. 2) Act 2018 was considered by a committee of the whole House and passed without amendment.]*

**House resumed at 4:42 pm**

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

## REPORT OF COMMITTEE

### INSURANCE AMENDMENT (NO. 2) ACT 2018

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

Are there any objections to the reporting to the House of the Insurance Amendment (No. 2) Act 2018?

No objections.

It [will be] reported as printed.

We will now move on to the next item. The next item is [Order] No. 3, which is the Electricity Amendment Act 2018 in the name of the Minister of Transport and Regulatory Affairs.

Honourable Deputy Premier.

**Hon. Walter H. Roban:** Yes, Mr. Speaker, thank you very much.

Mr. Speaker, I move that the Bill entitled Electricity Amendment Act 2018 be now read a second time.

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

## BILL

### SECOND READING

#### ELECTRICITY AMENDMENT ACT 2018

**Hon. Walter H. Roban:** Mr. Speaker, and Honourable Members of this House, I am pleased to introduce the Bill entitled Electricity Amendment Act 2018.

The Electricity Act [2016] came into operation on the 28<sup>th</sup> of October 2016. The Act migrated the responsibility of the regulations of the electricity sector from the Energy Commission to the Regulatory Authority.

Among other modernisations to the regulations of the electricity sector, the Act introduced a licensing regime for bulk generation and the transmission distribution and retail sale of electricity, as well as a planning process for the procurement of generation assets, known as the Integrated Resource Plan, or IRP. The IRP is the roadmap for all energy generation projects of all scales. The IRP is intended to protect Bermuda from energy developments that are not in the best interest of Bermuda's economy, environment, or society, and to ensure as diversified an energy mix as practicably possible.

The process of producing Bermuda's first IRP is underway now with a draft document having been published for public consultation on May 2<sup>nd</sup>, 2018. Notwithstanding, the process of the IRP industry must still function and business cannot simply be put on hold during the consultation review and approval process. Currently, if small scale renewable energy providers, such as those with rooftop solar installations,

which can interconnect and sell their power to the grid, the Act requires them to enter into a standard contract with the transmission distribution and retail licensee, which is BELCO.

However, the Act states that the standard contract can only be entered into if it is compliant with the IRP. In the absence of an approved IRP, BELCO is taking the stance that it is unlawful to connect new distributed generation customers. This is damaging to the renewable energy industry in Bermuda, Mr. Speaker and is having a dampening effect on the uptake of renewable energy technologies, specifically solar photovoltaic systems.

Mr. Speaker, the purpose of this Bill to amend the Electricity Act to allow distributed generation producers to enter into a standard contract with the TD&R, Transmission, Distribution and Retail Licensee, when there is no approved IRP, or between IRPs. The TD&R licence can then connect the distributed generation producers to the grid and make payments to them for energy produced.

Mr. Speaker, the Ministry has consulted with industry, BELCO, and the Regulatory Authority, in seeking this solution. All agree that in matters that have changed [this] would be an appropriate and expedient remedy to the situation.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

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

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

I do not really have much to say on this other than that I support the legislation. It is necessary for the business to continue, so we support it.

Thank you.

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

Does any other Honourable Member wish to speak?

That is so nice.

*[Laughter]*

**The Speaker:** Deputy, you can have your floor again.

**Hon. Walter H. Roban:** Mr. Speaker, with that I do move that the Bill be committed, and thank you to all those who were in favour of this Bill, particularly the Opposition.

Thank you very much.

**The Speaker:** No objections here.

Deputy Speaker. We have had the Deputy Premier, Deputy Opposition Leader and now the Deputy Speaker. Would you like to take the Chair?

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

**The Speaker:** Good.

**House in Committee at 4:48 pm**

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

## COMMITTEE ON BILL

### ELECTRICITY AMENDMENT ACT 2018

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration on the Bill entitled the [Electricity Amendment Act 2018](#).

Minister, you have the floor.

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

There are two clauses and I request permission to move both.

**The Chairman:** You may.

**Hon. Walter H. Roban:** Mr. Chairman, this Bill seeks to amend the Electricity Act 2016.

Clause 1 is the citation. This Act may be cited as the Electricity Amendment Act 2018.

Clause 2 amends section 49 of the Electricity Act 2016 by inserting a new subsection (2A) which sets aside the requirement for a standard contract between a distributed generation producer and the TD&R Licensee to be compliant with an IRP during periods when there are no approved IRP in place.

Thank you very much, Mr. Chairman.

**The Chairman:** Thank you, Mr. Deputy Premier.

Any further speakers?

The Chair recognises the Ms. Susan Jackson. You have the floor.

**Ms. Susan E. Jackson:** Thank you, Mr. Chairman.

My question is just around the setting of tariffs. So without an IRP, what is going to be the methodology for figuring out what the tariffs are between the renewable energy companies and BELCO? And who is going to set those tariffs in the absence of that . . . no IRP?

**Hon. Walter H. Roban:** May I answer the question?

**The Chairman:** Yes, you may.

**Hon. Walter H. Roban:** It is not the subject of this particular Bill, but for the sake being informative, I will inform. Tariffs are the matter for the Regulatory Authority. There is currently a consultation paper out in the public around reviewing different tariffs as it relates to energy. That is where that is discussed, but

this is really a matter for the Regulatory Authority, all tariffs set around energy, including those between those who are selling power back to the TD&R Licensee and any other types of tariffs that are associated with energy.

**The Chairman:** Any further speakers?

The Chair recognises the Deputy Leader of the Opposition, Ms. Leah Scott.

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

I just want to ask if there is a timeframe for when the IRP might be ready . . . just a timeframe for when the IRP might be ready?

**Hon. Walter H. Roban:** As it relates to the IRP, there was a recent extension approved, which was published publicly in the *Gazette*. There was an extension to the IRP process, which means that it will conclude its public consultation. This was done because of the request in the public for further participation in the consultation process. So with a view to wanting to be open and transparent and give every opportunity for the public to be involved in the process that includes them, it was requested through the [IRP] and I approved such an extension.

**The Chairman:** Any further speakers?

Deputy Premier, you have the floor.

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

May I now move any clauses and Schedules?

**The Chairman:** You want to move clauses 1 through 2.

**Hon. Walter H. Roban:** I will move clauses 1 and 2 as printed, Mr. Chairman.

**The Chairman:** Yes. It has been moved that clauses 1 and 2 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 and 2 passed.]*

**Hon. Walter H. Roban:** Mr. Chairman, may I move the preamble as approved?

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

Are there any objections to that?

There appear to be none.

Approved.

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

May 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?

**An Hon. Member:** No.

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

*[Motion carried: The Electricity Amendment Act 2018 was considered by a committee of the whole House and passed without amendment.]*

**House resumed at 4:52 pm**

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

## REPORT OF COMMITTEE

### ELECTRICITY AMENDMENT ACT 2018

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

Are there any objections to the Electricity Amendment Act 2018 being reported to the House as printed?

No objections; so done.

We will now move on to the next item, which is [Order] No. 4. It is the Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018, in the name of the Honourable Minister of Transport and Regulatory Affairs.

Deputy Premier, I believe you have the floor once again.

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

**The Speaker:** Yes.

**Hon. Walter H. Roban:** I move that the Bill entitled the Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018 be now read a second time.

**The Speaker:** Any objections to that?

Continue on, Minister.

## BILL

### SECOND READING

#### MOTOR CAR AMENDMENT (NO. 2) (TOUR QUADRICYCLES) ACT 2018

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

The purpose of this Bill is to amend the Motor Car Act 1951 to include provisions for a quadricycles tour livery scheme that stipulates the types of quadricycles that are available for use on guided tours, the specifications of and licence duty for those quadricy-

cles, and the licence fee applicable for the operation of a quadricycle tour livery. The provisions also modify the definition of a “motorcycle” to include those with three wheels.

Mr. Speaker, the Bill before the House is the Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018, which provides for a new type of tourism product: a quadricycles tour livery scheme. For many years now, Mr. Speaker, Bermudian residents have been submitting ideas and concepts to enhance the visitor experience. Some entrepreneurs take risks and invest in ventures that they believe will not only be profitable but also will improve the value of Bermuda’s product and tourism experience. This is precisely how the quadricycle tour livery scheme came about. Local entrepreneurs had an idea and sought the necessary permissions to make it happen. They persevered, and here we are today.

Mr. Speaker, this is not a new concept. Quadricycles tours known by many as all-terrain vehicles, ATVs, tours are very popular in many tourist destinations. In almost all cases ATVs are driven on thrill-seeking adventures through off-road dirt paths, gravel bars, dunes, mountainous or hilly terrain and streams. The difference with Bermuda is that we do not have the geographical territory or expanse that offers the typical ATV tour. Instead, Mr. Speaker, a tour guide on a tour quadricycle will lead a group of participants on a journey which will traverse the main road to visitor attractions, and natural and cultural sights, as well as venture on off-road areas, on written approval from the Minister responsible for transport in consultation with the Minister for Public Works, and any other relevant authority.

**The Speaker:** Mm-hmm.

**Hon. Walter H. Roban:** There will be no more than seven quadricycles on a tour. The vehicles can be electric, or, if gas, no higher than 150 cubic [centimetres] capacity, which is the same as motorcycles on our roads. A quadricycle tour livery scheme will operate in a manner similar to a cycle livery except that a person can only operate a quadricycle when they are participating in a guided tour with a licensed quadricycle livery company.

I would like to repeat that sentence so that it clears up any conceptions that we are allowing these types of vehicles to just traverse anywhere in our country on any road that they may so wish. I want to repeat that sentence, if you will give me permission, Mr. Speaker.

**The Speaker:** Go right ahead.

**Hon. Walter H. Roban:** A quadricycle livery scheme will operate in a manner similar to a cycle livery, except that a person can only operate a quadricycle

when they are participating in a guided tour with a licensed quadricycle livery company.

The Minister may lay regulations for the operation of a quadricycle livery scheme under the negative resolution procedure in the legislature in due course. The regulations will include provisions for obtaining a guided tour licence, hiring out a guided tour vehicle as part of a tour, registering and licensing a guided tour vehicle, and offences and penalties for non-compliance.

Mr. Speaker, there is also an additional amendment that is not linked to tour quadricycles, which will make provision for three-wheeled motorcycles. At the moment three-wheeled cycles are limited to auxiliary class. There are three-wheeled motorcycles available to suit the Bermuda market. This change will create an opportunity for motorcycle dealers to expand their product offerings.

Thank you, Mr. Speaker, and I look forward to further discussion of this Bill. Thank you.

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

Does any other Honourable Member wish to speak?

I recognise the Deputy Leader of the Opposition. Honourable Member, the floor is yours.

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

Mr. Speaker, this Bill is a two-edged sword. I recognise that we need to do what we have to do to enhance our tourism product, and we need to do things to allow people to have different experiences when they come to Bermuda. So, I recognise that it is necessary.

I have done an ATV tour before. It is not anything that I would want to do.

*[Inaudible interjection]*

**Ms. Leah K. Scott:** I did not enjoy it at all.

*[Laughter]*

**Ms. Leah K. Scott:** Did not like it at all. But you know, it is an amenity and so it may be an attraction that people want to utilise when they come to Bermuda.

I have spoken with the Minister who has reminded me that this is his piece of legislation and so he is providing the means for the vehicles to be licensed in Bermuda and providing the regulations and things that are going to govern those vehicles. But there is also a component of this which comes under the Minister of Public Works. And as everyone is aware, there has been a huge outcry in terms of the utilisation of these ATVs on the Railway Trail and other places. I know that the Bermuda National Trust has been extremely vocal in their concerns.

It is one of those situations where you are kind of darned if you do, and darned if you don’t. And,

you know, I understand that there has been some consultation, and the consultation involved several people against, and I guess a couple of people that were for this. And I recognise that the Minister of Public Works has, at his discretion, to do what he chooses to do. So, I cannot say that consultation was not held. I cannot say that the decision that was arrived at was not fair. I think that any consultation is a challenge. A consultation does not necessarily mean acquiescence. But I think that sometimes where there can be some sort of middle ground met, if it is possible, that we should try to achieve it.

Again, I understand that we have to enhance our tourism product, not only for the sake of the pull of our economy, but we are being so challenged by the things that are happening with international business. So we have got to do things that are going to raise the profile of Bermuda, and make it a destination that is appealing, and a place where people want to come to.

So, in terms of, you know, the legislation, I had some questions, some technical questions that I shared with Ms. Aideen Ratteray Pryse, which she satisfactorily answered them for me. So, I do not have any other concerns in terms of the legislation. I do have a couple of things that I will raise when we get into Committee. But, outside of that . . . I have heard the concerns of the Bermuda National Trust and for other people. It is almost like, I think Minister Burch said, *It is the culture of no*, that we say *no* for change, and we say *no* for things that we do not understand.

But there was a time when people did not want jet skis to come to Bermuda either, and jet skis are here. They have been here. They were concerned about the reefs and all kinds of other environmental issues, and jet skis have now been in Bermuda for 20–30 years, and they are working. So, you know, I think that . . . we have got to give it a chance.

And as the Minister of Transport reminded me, legislation is ever evolving. If we find that something is not working, we can change it. If we find that something needs to be enhanced, well, then, we can do that. But I think that . . . I sympathise with the Bermuda National Trust. It is just a really hard situation. You know, you have environmentalists who want to protect the environment. But I also believe that no one is going to pass a piece of legislation with the intention of destroying Bermuda.

So, with that, I do not have any other comments on the legislation. I do have some questions that I will want to ask in Committee. So, thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 8, Mr. Simons.

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

**The Speaker:** Yes.

**Mr. N. H. Cole Simons:** Mr. Speaker, as my colleague has said, we have to make progress.

And I support her in that endeavour. But, Mr. Speaker, I do have concerns in regard to our parks and nature reserves. Mr. Speaker, we are under the impression and understanding that these vehicles will be used for Hog Bay Park. And I would like for the Minister to reconcile how this can be allowed when our Parks Act prohibits the use of vehicles in our parks and reserves. I would have no problem if they park outside and did walking tours within the parks. But to actually drive through the parks, we are in violation of the Parks Act . . . I think 1976 or 1986—1986. So, I would like for him to speak to that.

In addition, it has been said that this tour is of overriding public interest. Mr. Speaker, based on the information that I have gathered, this is for commercial interest and not necessarily overriding public interest. So, I would like for him to walk me through how this would be of overriding public interest.

But, Mr. Speaker, as I said before, the main issue that I have for this is how are we going to reconcile this piece of legislation with the use of vehicles in our National Parks and Reserves? I mean, Mr. Speaker, I would hate to see these vehicles used down at Cooper's Island, a pristine piece of property. It is probably one of the most beautiful sites in Bermuda. There it is peaceful. There is calmness, there are reserves. There are—

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

**The Speaker:** Yes?

#### POINT OF ORDER

*[Misleading]*

**Hon. Walter H. Roban:** I believe the Honourable Member, perhaps unintentionally, is misleading the House. He has mentioned Cooper's Island. And I did not hear him qualify by saying he said that he hopes this is not used at Cooper's Island. There has been no association with Cooper's Island with any of the proposals that have been made public. And I think it is a little mischievous, perhaps not intentionally, to suddenly mention one of our very important reserves as a part of this debate when it has no material connection with this discussion.

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

**Mr. N. H. Cole Simons:** I would thank the Deputy Premier for his comments, Mr. Speaker. I am saying this because my concern is that this may start a precedent. If it starts in one park, what is stopping another businessman from starting a similar project in other parks within Bermuda?

**The Speaker:** Mm-hmm.

**Mr. N. H. Cole Simons:** And that is where my concern lies. I am not just speaking with this case. I am looking down the road and in the future. So, I would like for him to speak to how they are going to reconcile the vehicle issue in our parks and reserves, because, to me, they should be preserved as one of our gems for this country.

The other issue, Mr. Speaker, that I would like to speak to is the issue that was [mentioned] earlier. They had public consultation. I give them credit for that. And there were 636 people, I believe, against it and two who were for it. And I recognise that the public consultation is advisory for the Minister. I mean, he does not have to adopt what the public says. I would support him if he clearly demonstrated that this decision was made for the benefit of the overriding public interest. But to me, this issue is strictly a commercial venture, and not necessarily for the overriding public interest, Mr. Speaker. Thank you.

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

**The Speaker:** Honourable Member, first of all, thank you for your comments.

I see there are few members jumping on this side.

**Lt. Col. Hon. David A. Burch:** Yes, Mr. Speaker. The first thing—

**The Speaker:** Minister, you have the floor.

**Lt. Col. Hon. David A. Burch:** Thank you, Mr. Speaker. The first thing I would like to say is I believe that Honourable Member who just took his seat was sitting in the Cabinet of a former Government that gave permission to one of the operators to actually import ATVs into this country, Mr. Speaker.

**Some Hon. Members:** Oh! Oh!

*[Inaudible interjections]*

**The Speaker:** Members! Members! Members.

**Lt. Col. Hon. David A. Burch:** So, Mr. Speaker, I presume they had some type of discussion during that exercise.

Mr. Speaker, let me try and address this whole question of . . . well, no, let me go back, let me first try and address what I perceive as slaying imaginary dragons.

**The Speaker:** Mm-hmm.

**Lt. Col. Hon. David A. Burch:** First, you create them.

And so the creation is that these ATVs are going to go to Cooper's Island. I can say, Mr. Speaker, without fear of contradiction, that just now is the first time I have ever heard Cooper's Island enter into this conversation. And so, in that respect, I get what it is. It is designed to generate the sort of opposition that has existed.

Let me address, Mr. Speaker, this whole question of public consultation, and the fact that a significant number of people were against and very few people were for. First of all, Mr. Speaker, the people that were against, they had three issues. And you will know that a whole lot of people got bent out of shape when I said, *If you live east of White Hill, your opinion does not count.*

I know that, you know, if some other people had said that, it would be fine. And the reason why I said that, Mr. Speaker, is because I looked at those people who objected, and their objection was because the noise was too loud.

Mr. Speaker, I am not quite sure how you can hear the sound of anything riding on the Railway Trail at Somerset Bridge if you live in Southampton where I live, or (worst of all) in St. David's, Mr. Speaker, where one of the objectors was. The sole objection was that the noise would be effective. And they lived in St. David's. And so, Mr. Speaker, with that information, I warned the Minister of Transport that he should expect that the same objector is going to lodge an objection to the sound of Boeing 737s and 777s leaving L. F. Wade International Airport, because they make considerably more noise than ATVs.

Mr. Speaker, the fact that there were more objectors than supporters . . . I did not just dismiss the objections, Mr. Speaker. What I decided to do was . . . first of all, you had an entrepreneur who was going to provide a new experience for both tourists and locals, who the former Government had allowed to import eight ATVs into this country. All right? And you expect that I am going to tell a businessman that, *Oh, no, we are going to follow one.* And just because we object, we are going to say, *No, you cannot operate this business and later for you with your eight ATVs,* and the investment that this family business had made in that enterprise.

So what I decided to do, Mr. Speaker (and I might add with the cooperation and sometimes with the suggestion of the operator), was to do a number of things. First of all, the Minister of Transport and I did not take anybody's word for the noise, or the speed, or anything else. We organised (with the operator) to go to Somerset and ride the things so that we could experience for ourselves before making any decision about how we were going to proceed in that regard.

And what impressed me, Mr. Speaker, during that visit, and I think it impressed the Minister of Transport as well, is that even though that was a one day, one-hour event, where they had to travel about two miles to get to our location, the operator went and

got insurance. He already had a licence, and he went and got the proper permission. And during the course of that interaction with him, he provided us with all of the documentation that you would expect in any type of professional operation: waivers for people to sign, information on the route that would be taken, the fact that no one could ride off on their own, and it would only be guided tours.

Taking all of that into consideration and the fact that the actual route is on two types of ground, Mr. Speaker, not the grass that the Honourable Member was talking about earlier, it is either going to be on paved roadway or service roads. And so these are areas where vehicles heavier than an ATV traverse at present, Mr. Speaker.

And I can tell you Mr. Speaker, I also was a little surprised at the objection from, certainly, some of the farmers in the country. Because, as you know, I come from Somerset. And unlike those people who have objected, who continue to refer to this as the "Railway Trail," wording always gives away where you come from, you know, Mr. Speaker. And I know that most of these people . . . all the people that refer to this road as the Railway Trail probably arrived in this country on a plane. Because every Bermudian that I know refers to it as the "Tracks." Okay?

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** And so on that basis, I knew that I had to take . . . and so as someone who has played and ridden my pedal bike on those very same tracks, having lived in Somerset (a lot of years ago now, it seems, Mr. Speaker), one of the things that I experienced then, and I suspect it still happens now, was a tractor trailer driving on the tracks to go to plough some farmland. And all we did, Mr. Speaker, was not act like some people are acting today: *this is mine and no one else should be able to use it*. We pulled our bikes to the side, and let the tractor go by. And then we rode on about our business. Everyone was happy in that circumstance, Mr. Speaker.

Now, I also believe that we have taken a completely measured and intelligent approach to how we have looked at this whole concept of allowing this exercise. Because I can tell you, Mr. Speaker, there are people in our caucus, in our party, who live in Somerset who object to this.

**An Hon. Member:** Correct.

**Lt. Col. Hon. David A. Burch:** And they objected to it on the basis of many other people. A lot of the people of those who registered their objections objected to things that were not, in fact, going to take place.

**An Hon. Member:** Correct.

**Lt. Col. Hon. David A. Burch:** And so it has been suggested to me, and to us as a Government, that we should just take the number, no matter what they said—does not matter what they considered in their objection—we should just take that number and that should rule the day. It did not. What it did do, Mr. Speaker, was encourage and influence us to come up with a measured approach.

**An Hon. Member:** Correct.

**Lt. Col. Hon. David A. Burch:** And that measured approach was "guided tours only" with a tour guide front and back on specific areas of the Railway Trail and parkland, i.e., tarmac roads or service roads.

And we also threw in another one, Mr. Speaker. Because unlike some of the people who have commented on this, we cannot see into the future. And we cannot figure out in a year's time what this is going to look like as a business enterprise, and as a tourism attraction, and all the other factors that must be taken into consideration.

So what did we do, Mr. Speaker, which is what I consider to be a more than reasonable requirement of the operator? And I do not mind saying, it was originally suggested by him. And that was to give him a one-year trial, so that he had the opportunity to prove to the naysayers that all of their criticisms about what was going to go wrong in this commercial enterprise, this small family business, would not come to fruition.

Now, the last thing, Mr. Speaker, that helped push me over the edge, and I never shared it with my parliamentary colleagues until we actually got to the point where we had made a decision that we were going to go down this road. Mr. Speaker (and this is the first time, I think, I am expressing it publicly), the genesis of this exercise and the genesis of this enterprise comes from the position of a family deciding that, instead of allowing a young person (the son of the original proprietor who could not get a job in this country, with a degree in actuarial science) Okay? Could not get a job in this country. They said, *Oh, no, we are going to come together as a family and come up with a business that is going to provide him with a livelihood so that he can put food on his table for his family*.

And I can tell you right now, I get that many people in this country who objected, [did so] for the mere fact that the PLP are in Government. I get that, Mr. Speaker. Because I never heard a word from them, when the Honourable Member, who is not presently in his seat, decided that ATVs could come in this country long before an election was called, and we came to Government, Mr. Speaker.

I get that much of that objection and much of that resistance is just because it is us. And so in many respects, my criticism of us as a people in terms of being the "country of no," only applies to some of us.

Because there are some of us who are only interested in saying *no* when the PLP forms the Government. And they do not look at our track record, they do not look our actions in terms of justice and fairness for everyone in this country. Now the fact that you do not get what you want all the time, none of us do. But they start with *no* and stay with *no* where the PLP is concerned, Mr. Speaker. And so from our point of view, we are taking an entirely measured approach, an entirely reasonable approach.

And let us do another relative comparison, Mr. Speaker. I know it does not make any noise, but it is certainly a brand-new idea in terms of what is going to happen in this country, because there are people in this country of all strengths and sizes and colours that are coming up with ideas because they get it, Mr. Speaker, that if we as a country . . . first of all we need to decide (and I think we have) that we want to stay in the tourism business. Second of all, I think we have decided that it is far better for us to have people employed than continue to increase the amount of the budget for Financial Assistance.

The other aspect, Mr. Speaker, is that I think we have also decided we are going to stay in the tourism business. The only way that is going to work though, Mr. Speaker, is if we also decide that we cannot tell tourists what it is that they can and cannot enjoy. Because if we do, then they are going to continue to go and vacation somewhere else. And so we have to provide opportunities and experiences for tourists and locals, Mr. Speaker.

I think that the Deputy and Minister of Transport, during our . . . I mean, we started to visualise having our own little ATV tour parties, especially for those people that come from the east that only ever come to the west, you know, during the month of August for two days. And they cannot find their way anywhere other than to Somerset Cricket Club, Mr. Speaker.

**An Hon. Member:** Empty-handed they go back.

**Lt. Col. Hon. David A. Burch:** Yes, all the time.

*[Laughter]*

**An Hon. Member:** They have for many years now.

**An Hon. Member:** Empty-handed.

*[Laughter and inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, this actually ties in very nicely with the page that I am on. Because I also believe that Cup Match is probably one of the better advertisements for bringing tourists to this country. We are the only country in the world that has a two-day holiday, well, four days really, to play cricket.

But, Mr. Speaker, I think that we have taken an entirely measured approach. And I would just invite those who are so committed to trying to protect every aspect of this country for such a small and select group of people to just give an opportunity to a businessman who, I mean, everyone knows, Mr. Speaker. I would think that any businessman going into this business . . . most people that go into business go and they do the plan, and they launch the business, and people find out then.

But there has been so much attention paid to this particular exercise, I do not believe (and I do not think anyone who has half a brain believes) that . . . everyone is going to be watching this operation like a hawk. And the moment he steps one inch out of line of the parameters that have been set for this operation, everyone's phone, everyone's email . . . no, they do not do any of that.

Someone will run to the quiet of their air-conditioned secret room and get on their computer and post something on 'Spacebook,' and expect that those who make decisions are going to actually get that message. I am one of those dinosaurs who probably will not get that message until one of my colleagues, like Famous, WhatsApps it to me and says, *Look what is going on around the place.*

But I do not think, Mr. Speaker, that any infractions . . . and I do not expect any, quite frankly. I do not expect any. But I do not think any infractions will go unnoticed or unreported.

And my last point on this, Mr. Speaker, is that in the Deputy Premier's, Minister's, and my visit to Somerset . . . do you know the thing that impressed us the most? It was not Mr. Hollis, Senior. It was not Mr. Hollis, Junior. He had a young man who was going to be part of this enterprise who was about 17 years old who actually interacted and expressed what was going to happen on this exercise, and how excited he was that he was going to have a job and be able as a young person to express, share, and demonstrate to visitors to this country about *his* country. He was also impressed that two Ministers (I do not understand why) had actually come to Somerset to actually witness this for themselves. That was the most impressive thing about this exercise, Mr. Speaker.

And I can assure the people of this country that I have no doubt that this operation is going to be run in a precise, responsible, respectful manner that is not going to infringe on anyone else's enjoyment of the Railway Trail, or any other aspect of public parks in the West End, or anywhere in the Island. And Mr. Speaker, what I would say to everyone in this country who is watching like a hawk is, give it a chance. Give it an opportunity to be a success. Give it an opportunity to give tourists and locals an experience that they would not get anywhere else in this country.

I believe, Mr. Speaker, that there are going to be other opportunities and other ideas that entrepre-

neurs are going to have as we go forward by encouraging them to use their imagination and their experience in this country to bring new ideas here for tourists to enjoy. Mr. Speaker, being the Minister responsible for WEDCO, I know that 12,000 tourists land in this country when we have two ships in the Dockyard every week. Not all of them want to go to Horseshoe Bay or any beach. Not all of them want to do what, traditionally, tourists have done. Some of them (as part of the research has indicated to us) want activities and family-type activities. And this is one that mother, father, and children of a certain age can enjoy.

And I would submit, Mr. Speaker, let us get off the negative page about how wrong and how this is going to go pear-shaped, and give an opportunity to a young Bermudian family to be able to make a success of an idea that I intend supporting personally. Just as a Bermudian who has friends who come to visit, I will recommend to them that this is an exercise and activity they should participate in, and I suspect that it is going to be a resounding success.

And we will be back here in a year's time saying, *Do away with the one-year trial. The trial has been a resounding success and none of the scare-mongering that was anticipated prior to its implementation has come to fruition, and all the criticism* (not all because that is never going to happen, but a lot of the criticism) *will have gone away*. Thank you very much, Mr. Speaker.

**The Speaker:** Thank you Minister.

Does any other member wish to speak? I recognise the Honourable Member Mr. Richards. Honourable Member Sylvan Richards, you have the floor.

**Mr. Sylvan D. Richards, Jr.:** Thank you, Mr. Speaker.

Mr. Speaker, I really did not have any intentions of speaking on this Bill today, because I spoke to the Minister earlier and I said that I supported what he is doing and that I support the whole endeavour.

But I am on my feet now because I have to put some context into what the Member who took his seat said. When I was the Minister, I met with Mr. Hollis and his son because they wanted to pitch a new tourism experience to me. And when I asked my Permanent Secretary at the time what the meeting would be about she said, *ATVs*. I said, *Hmm. This should be an interesting meeting. Why?*

Because I remember years ago when jet skis were first brought to Bermuda people complained. And they lost their minds, and they said that jet skis would pollute the environment, and they would destroy the reefs, and people would be speeding up and down and having accidents and running into pleasure boats and all that good stuff.

And I am an ex-jet skier, enjoyed jet-skiing for many years. I did it recreationally. I also used to race

jet skis. So I know a lot about jet skis. And one thing about a jet ski, it does not pollute. It is just water going in through a grate underneath the ski and it is propelled out the back. Everything—gasoline, oil—is contained within the hull of the jet ski. So, I understood as someone who loved jet skis and used to ride and race jet skis that the initial reticence to bring them here was unfounded.

Now our tourists can come to Bermuda, they can go to a jet ski rental business, rent a jet ski, and it is a guided tour. Everybody enjoys it, locals and tourists alike. It is another amenity for our tourism product. So when I was told that I was going to be meeting with a gentleman who wanted to start ATVs, or bring ATVs to Bermuda, I was automatically intrigued.

I had done it in other countries. I have done ATV'ing, I have done dune bugging in the mountains. I have done all of that stuff because I like motorised sports. I like extreme sports. I ride motorcycles and I like speed. I like all of that. And when I go on vacation, I go to places where I can do this sort of activity. But that is just me.

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** So let me bring it . . . let's refocus. There is a lot of side commentary going on here. I am trying to stay focused.

So, I met with Mr. Hollis and his son and they were very professional in their pitch. They had PowerPoint presentations. It was professionally done. And that was what impressed me. At the end of it . . . now, what the Honourable Member said was not quite correct. At the end of our hour and a half long meeting I said to Mr. Hollis, *I am going to give my provisional support to this venture*.

Why? Because the Bermuda Tourism Authority (BTA) is marketing towards millennials. Okay? Those are younger tourism visitors who come to a destination, whether it is Bermuda, Jamaica, the Bahamas, Dominican Republic, wherever, and they do not want to just sit on the beach all day. They do not want to sit at a bar and drink all night. They want to get out and explore the country in different and exciting ways. And ATVs appeal to this demographic, the very demographic that the BTA, at that time, was trying to attract to Bermuda. And they have done a good job of attracting them also.

So, I went in with that in mind. So I said, *Mr. Hollis, I will give you my support, as Minister, subject to you obtaining all of the necessary licences*, because it was clear that the ATVs at some point would [have to] go on the main road and that they would have to be licensed and insured and get any other permissions that you may need from Parks, from the Ministry of the Environment, so on and so forth. I gave my conditional *support*. I did not give permission for the vehicles to be imported into Bermuda. I did not give my permission for the vehicles to be imported

into Bermuda because we were not at that stage at the time that I met with them. Let's make that clear.

However—

*[Inaudible interjection]*

**The Speaker:** Speak to the Chair. Just direct it to me.

**Mr. Sylvan D. Richards, Jr.:** However, it became public knowledge. People talk. And maybe two weeks later somebody sent me a Facebook message saying, *Man, they are slamming you on Facebook about these ATVs.* I said, *Okay.* I looked at what was being said. And it was clear to me that whoever was agitating against the possibility of ATVs coming to Bermuda had totally misconstrued the whole concept, because the picture that was on Facebook that I saw was a guy in motor course gear and a helmet kitted out on a 600 cc ATV popping a wheelie. And that is social media. I get it. It is social media. It happens to all of us, right? But once I saw that, I knew that I was going to have a bad day and a bad week.

And I started reading the comments. And it was clear to me that a lot of those comments were coming from people who I knew supported the OBA. So, when the Member who took his seat complained and said people complained about *when the PLP are in power . . .* well, that is nonsense. Okay? People complain because people complain, regardless of what kind of tie you wear or socks you wear. They complain. We are a country of “no.” We automatically default to “no” for everything. So you have to understand that you are going to start from a position of “no” and then you have to educate people, hold their hands and bring them along and tell them everything is going to be okay.

That is what happened. And I got slammed for weeks and weeks. I was called all sorts of names by our own supporters, all sorts of names. But I have broad shoulders. I can take it, because if we are going to be in the tourism business we have to be in the tourism business. And a lot of what the Honourable Member (who just took his seat) said, I agree with. We have to stop telling tourists when they come to our country on vacation, *You can't do this; and you can't do that*, and try to make them fit into what we want to be an experience. We have to give them what they want. And I saw this business, this ATV guided tour to point out historical areas of Bermuda and points of interest along the Railway Trail . . . I thought it was a great idea then, and I do now.

So, with that being said, I just need to clarify some of the things that were said earlier, because it is a little off base. But I support the ATVs. I support the people behind it. I know they are going to do a great job. They are going to do a very good job, because they are professionals. Thank you, Mr. Speaker.

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

Boy; screams over there.

**Hon. Michael J. Scott:** Yes, Mr. Speaker, I am trying to get to Somerset to that funeral.

*[Inaudible interjection]*

**The Speaker:** Honourable Member, thank you for your comments.

I recognise the Honourable Member from constituency 36.

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

Mr. Speaker, I think that what he forgets, the Honourable former Minister speaking of his ministerial experience as a black Minister of the OBA, is that he was a black Minister. That is the point. And I am not saying that to be unkind. It happens to be a reality.

Here is what is going on. I am concerned. And I have had notes, texts, to vote against this Bill, and I know [where] it is coming from. But I am concerned that the wider distribution of commercial opportunities for black players in this country has been afflicted by a tide of white resistance.

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

**Hon. Michael J. Scott:** That is the topic. That is where we are.

Let me give you a list. Jet skis, the white fear we have heard about, this great preserve by the National Trust, Honourable Members. It is an area largely for . . . it has been infiltrated by white foreign nationals who gain status. That is their preserve. It is how they become Bermudians. They take part in this preserve, or in the Pink Ladies preserve. I have been watching it. So that is the National Trust.

McDonald's was resisted centuries ago in this House. I was in Singapore the other day. Singapore has McDonald's because Lee Kuan Yew believes that you keep an open . . . you keep your options open. And cryptocurrencies. A black Minister, a black Government seek to bring this and we have got the Honourable Member Michael Dunkley, former Premier of this House, now Michael Fahy, all going against it. I am getting sick and tired of it. And this one is falling in the same genre. So I stand to defend it.

So when the Honourable Member Cole Simons asks and makes the distinction it is highly commercial rather than it is an opportunity for national interest . . . *it is* national interest, black national interest getting involved in enterprise in this country. And it needs to be encouraged. If the Member needs an answer for that being in the national interest, there it is. Just open your eyes and see it. So let us stop this fictional, deceitful thing that gets constantly carried on in this country, where we resist the development of black entrepreneurial activity.

Just as soon as you add black . . . jet skis over there at the Fairmont Hamilton Princess . . . the vast majority of users of those are whites. You rarely see blacks. No problem with it. It seems to be quite fine. Jet skis by and large used by black young men, everybody is on them. And it did not have the problem that it had.

Horses. I am glad that the Honourable Member, Mr. Cole Simons, spoke on this matter. Horses tramp up and down our beaches, through the parks, along the trails. You do not get a whisper. Let us stop the deceit. And I am glad that the Deputy Opposition Leader speaks in favour of it. She is being realistic. She is a member of a community that has suffered under this double standard for too long. I am glad that my cousin, the former Minister, Sylvan Richards, supports it, because it just makes sense. And we should stop engaging in the silly deceitfulness of *let's pile on*, if there is a black entrepreneur seeking to get an opportunity. And it is perfectly okay when it's white.

That is what I want to say. And for those who tweet me or email me and say I should vote against this, I am grateful for the honourable and gallant Honourable Member Colonel Burch reminding us that a young, black family with young members in it is going to be enthusiastic about driving this opportunity. And it will give rise to other . . . it will set a . . . they will disciple perhaps others in the black community, because that is where we need the balance to be struck in our country, and that is going to bring us deeper peace, deeper equality, in our midst.

So, I am continually concerned that we have Members of this House leaving, departing from here, and engaging in a social media storm outside of the House whereas here, where we have the opportunity to give reasoned submissions, rational submissions, and to be faced by counterarguments and challenges . . . don't do so, and I insist that this is the place where we have Members from the other side put their arguments here so they can be checked, questioned, cross-examined, and have their arguments vetted by true debate.

Mr. Speaker, the Honourable Member Colonel Burch mentioned WEDCO, and the opportunities out there. We need deeper involvement of black entrepreneurship there. As the Member who represents that constituency where WEDCO operates, it is confounding how lily white the arrangements are there. And I have raised this somewhat indirectly with the Minister responsible for public works. But these arrangements must change.

There is a vendor up there, the vendors up there who are in the substantive arrangement, where there is the greatest opportunity for making money in the brick and mortar leasing arrangements of those buildings and in the malls. They are all black . . . I beg your pardon, they are all white. And the black opportunities are scattered to the pop-up opportunities, like Chris Furbert's son. And there is a hotdog-stand man

up there who approached me and was about to lose his opportunity. So even when we are present we are under attack.

These arrangements must change. WEDCO has got to do a much better job as well. They really must. And I will continue to take this matter up at the appropriate place. So, those 632 who were against it, fall into this category of this preserve of the parks, the National Trust, the preservation of Bermuda's heritage, is a preserve and confine for a segment of the society. And they believe it is theirs, like some sacred cow, to continue to engage in. But it is here for all of us, all of our children, all of our grandchildren. And people need to get a better grip, wake up, and understand this to be a time where enough is enough about there is a way of doing things.

Members of this House and Members of this Progressive Labour Party Government will stand and say that distribution of economic activities and opportunities must be more fairly distributed, must be more fairly managed. And this is a . . . we need not even apologise that it is going to be well managed. Of course it is going to be well managed. It just needs to be gotten on with. And greater opportunities need to be taking place so that there is a balance, so that there is peace in the community and equality in the community on the commercial front on the entrepreneurial front. We will all be happier as a consequence of these kinds of arrangements. And now I shall take my leave, with your leave, Mr. Speaker. Thank you.

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

Does any other Member—

I recognise the Honourable Member from constituency 10. You have the floor.

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

Let me start by saying that I do not think anybody disagrees with part of what the Honourable Member said about there needs to be equality and there needs to be opportunity across the board. But a lot of what I heard from the Honourable Member, I had to listen very carefully, because I just could not believe where he was coming from and how the Honourable Member can take this, after what I believe was a constructive debate, into a black/white issue.

Mr. Speaker, I find it unbelievable, because, as the Honourable Member had said, the Minister who gave the initial approval to start to look into this, provided that consultation was followed, was a black Member. It had nothing to do with a black/white issue in any way, Mr. Speaker. And if it is a black/white issue, I hope the Honourable Member who just spoke, who had contact from people trying to talk to him about how he would debate and how he would vote on this Bill, if they were white, I hope he told those [people] to get lost, because [they] don't count, because that is what the Honourable Member was infer-

ring here, Mr. Speaker. And he can correct me if I am wrong.

Clearly, this is not a black/white issue. This is an issue in the community. And I agree with Minister Burch to this extent, that too often we are a community of “no.” When something comes up, people want to shoot it down right away without even looking at all the facts. I remember, probably about a year and a half ago, Mr. Speaker, there was a young entrepreneur—yes, he was a black entrepreneur—who wanted to run jet skis out of, I believe, Coot’s Pond. And he was blocked because the community started to complain about it, and he ran for cover. And we were trying to cover all the bases—

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** And I hear Honourable Members saying that I do not know the whole story. But, Honourable Members can stand up and talk about it all they want.

*[Inaudible interjections]*

**The Speaker:** Members! Members, don’t get out of order. Speak to the Chair.

**Hon. Michael H. Dunkley:** Mr. Speaker, this is about a change that a lot of people are not comfortable with. And that is why you have the objections. And the former Minister who spoke just two Members before me, has clearly laid out his point in the time after the decision that he had made surfaced. And, like he said, he took a lot of stick over the decision he made, but he was clear that he thought the opportunity should be looked into, but it should go through the proper channels.

Now, I am aware, I think we are all aware, that there are members in the community who have objected, simply by the 636 people who are against it, and the 2 people who were for it. So if we want to make it a black/white issue, then perhaps the Minister can break down the numbers of those 638 people, how many were black and how many were white. It might be a useful exercise if that is the direction you want to go. But I do not think it matters. What matters is the fact that people had objections. They were given the opportunity to be heard, to file their belief on what they thought, and they moved forward.

The Honourable Minister of Public Works who said in his comments, and I wrote it down, that people objected just because the PLP is the Government, well that is not correct. We know under the OBA there were objections all the time. And some of them were quite vociferous and lasted over time. So every Government faces objections. People are free nowadays. They know they can get up and they can say their piece and their voice will be listened to, if it is done in the right way.

So, through this consultation process . . . and, Mr. Speaker, we should not take this process lightly, because it is set up in the Act that allows for consultation. So the process has to be followed properly, and we have to listen to it. People are given the opportunity to be heard, and that is why you had hundreds of people come out and speak. That is why you have hundreds more getting involved with petitions. That is why you had BEST [Bermuda Environmental Sustainability Taskforce] and the Bermuda National Trust get involved. That is the mandate of those last two groups, to look at the development of Bermuda, to look at what they believe are the best interests and how to protect our open space to make it sustainable. So why should we just dismiss it without proper thought content to it?

And I am not saying the Minister did that, because what I heard today from the Minister was that for the first time . . . I heard that the Minister did take on board a lot of these concerns. Because the original statement where the Minister was quite cavalier—and those are my words, not the Minister’s—was that anybody who lived east of White Hill should not be counted.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** You know I hear the Honourable Member who has not spoken yet say it was just politics, or whatever he said. But, that is what the Honourable Minister said, that if you live east of that you can’t be counted.

But I think everyone has their say because these are all our national parks, no matter where you live. Whether people accept it or not, people from St. David’s go to Somerset, not just to watch Cup Match, because that is a wasted trip. They go to Somerset for many different things.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** You’re a little bit slow, but you caught it!

*[Laughter]*

**Hon. Michael H. Dunkley:** I hear the Deputy Premier saying he’s with me!

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** But they go for many things. They go for many things, because from one end through the Island, Mr. Speaker, there are things to do in Bermuda. We need to take advantage of what Bermuda has to offer.

Me? I live in the middle of the Island. But I go all over the Island. So it is not unusual for people to go from one end of the Island to the other. And it is not

unusual for people to feel strongly about something in Somerset when they live in the East End of the Island. And their voice counts. And we should take it on board.

But I think every government comes to this understanding, that governing is never easy. Every single government in the history of mankind will say, *We're going to consult; we are going to be the best consultants you ever had—not the paid ones, but the ones who listen to people. We are going to do the job; we're going to listen to everybody. We're going to open it up; we're going to let people come in.* But at the end of the day, Mr. Speaker, just about everything you consult on is a tough decision. But you have to make the decision. And those people to whom you said, *We're going to listen to you, we're going to consult, we're going to take on board your concerns*, all of a sudden, after they have filed their submissions and the Minister stands up and says, *We don't pay attention to people who live east of White Hill . . .* what do they think? That they were not listened to. But you still have to make a tough decision.

So in this case when you talk about your parks, when you talk about the use of land and how land has continued to be developed, along with immigration, and violence and crime, and education and some others . . . these are the toughest debates that we have, because everybody is embedded in the debate and they have their views. And they believe their view is the most important view out there. So, of course, the Bermuda National Trust feels that they are in touch with the pulse of the community and they are going to stand up for protecting our open spaces, and they have valid points about it.

Mr. Speaker, if you take a look at it, one of the things that we are getting better at, and I am not blaming any Government, whether it be the OBA, the former PLP, the current PLP, the UBP, I am not blaming any of them. But one of the challenges that we have is, quite often, it takes us awhile to get to a comprehensive plan. We have gotten there with tourism. The BTA has helped, and there is starting to be a comprehensive plan on entertainment on the beaches and things like that. But even that is showing that people are having challenges with that. But here is one area that, with the Government's desire to move forward with these ATV tours, is going to happen because there is an overwhelming majority.

But here is one area where we need to do a better plan. We need to make sure that we have a comprehensive national parks plan. And that is tough, because it takes resources. It takes a commitment to move it forward. And it takes people to make it happen, and have buy-in from the community. And right now, the resources are limited in many areas. Let's face it, since 2007 or 2008, when Morgan's Point was moved, and Southlands became the embryo of a national park, very little has been done because we do

not have the resources to make it happen. And that is what we see from one end of the Island to the other.

Just over the weekend, Mr. Speaker, I was down at Devonshire Bay. I like to go to Devonshire Bay on regular occasions, a nice place to just chill for a while, go out to the end, see who is catching fish, whatever. The grass there was 18 inches long! The grass that grows naturally was 18 inches long. The grass that is legal to grow naturally was 18 inches long.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** And one of the gentlemen who fishes there all the time has carved a trail through the uncut grass that will be cut by Parks, not by somebody else, has blazed a trail through the grass because the grass is so long!

So here we are now, we are going to make a decision today that changes the landscape of how parks are being used up in the West End. And yet, without a comprehensive plan on how we are going to manage them naturally, no wonder there are people who are concerned in the community, over 1,000, and no wonder organisations who look out for development, such as BEST and National Trust, are rightly concerned. I believe they have a good cause to be concerned about that, Mr. Speaker. Today, the Minister has given a better outline for it. But up until then it has been unclear how it is going to be managed and what the impact will be. And without a comprehensive plan for our parks, people will have their concerns about that.

So I look forward to a deeper commitment by all of us, because I started my comments about the development of parks, saying no Government was to blame. I look for a deeper commitment to make sure that, 1) we have a plan; and 2) that the people of Bermuda can buy into that plan, because our parks are some of the most peaceful, enjoyable places you can go.

Mr. Speaker, my daughter was training for May 24<sup>th</sup> . . . no, I think you have to call it "Bermuda Day" now. I will come back to that subject another time. She was training for Bermuda Day and was training with Lamont Marshall. And Lamont has a favourite route he runs in the Arboretum. It is about nine miles with a loop that he runs. And my daughter trained with him once a week running through the Arboretum. So a couple of days I went in there just to see how they were training. And it is such an enjoyable place to do so many things. The Government has put in a new exercise station there. Every time I went in there individuals were working out. There is plenty of space to run, plenty of places to go just sit down and have a picnic. There is plenty of space to just go and read a book.

But I raise the Arboretum because it is maintained by Roger Parris and his crew, and it is always in good shape.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** The Parks Department. Yes, everyone knows. Everyone knows that this place . . . when you go there you will be able to enjoy it because it is maintained to a very acceptable level. We cannot say that about some of the other parks in Bermuda, as I have just mentioned Devonshire Bay Park.

And one has to wonder, once this change is made for ATVs, will that be maintained at an appropriate level. Because, let's face it, all the Minister said is that they will stick to asphalted areas or tracks that are there. There will be some erosion, so there is going to have to be some maintenance. And if it becomes very popular then there is going to be more erosion than you would imagine.

So, these are the questions that Government needs to answer. These are the issues that Government needs to address. And these are the pieces of confidence that people who are concerned about what we are doing with our parks do not have yet, hence, the concerns from over 1,000 people. Black or white, wherever they live in the community, people deserve to be heard, as well as the organisations which fight to keep some open space in Bermuda, to allow us to continue to be sustainable, to allow development to occur, but not to step over the boundary.

So I was pleased to hear one Somerset MP speak. But I thought he would go down a different path and say why he supported the development in this area with this type of vehicle.

Now, Mr. Speaker, I also remember when we first had the Bill for the Twizy. Honourable Members will remember the concern there. We had to hold that Bill over to have further meetings with taxi owners, because rumours had spread, just like this, that it was going to be something entirely different, that they were going to be used in different ways, and there were going to be masses of them all over the place. And that was dealt with, and look at what has happened with the Twizy. I think they have been a great addition to the product that people can use in Bermuda.

So, while I understand the concerns of individuals, and by those groups that have voiced their concerns, the Government has the mandate, the majority to pass the legislation, it behoves them to take on board those concerns and not make it just an entrepreneurial issue or black/white issue, but show the community that as we allow development in certain areas, that we make sure we control it in appropriate ways. So that all the things that happen in that park and every other park in Bermuda currently can still be enjoyed, whether it is the farming, whether it is the family outing, whether it is the peace and tranquillity, all of those things can still be enjoyed to the extent

that people have, because that is what people look for. They look to get away.

Not everyone has a boat. Not everyone can go out on the water on the weekend. Not everyone enjoys a jet ski. People still complain about jet skis. Whether people will admit it or not, there are still a lot of complaints about jet skis. So we do not want to hear the same concerns about the ATVs in this park.

So with those comments, Mr. Speaker, I appreciate MPs taking them on board.

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

Does any other Honourable Member wish to speak?

I recognise the . . . the Honourable Members are late coming to this jump, but it looks like your colleagues are yielding to you.

Honourable Member De Silva, you have the floor.

**Hon. Zane J. S. De Silva:** Thank you, Mr. Speaker. And I appreciate my colleagues, indeed.

Now, Mr. Speaker, first of all let me congratulate and thank the Minister for making this change and creating history in our country. But let me also say that I am a little disappointed in the former Premier Dunkley who just took his seat. I hope I am going to have time to finish, because he made me think of some other things. And when the Honourable Member gets up on his feet, Mr. Speaker, and says this is not a black and white issue, you know, we are making it a black and white issue . . . see, that is the problem with a lot of white people in this country. They are in denial, Mr. Speaker.

And I can tell you, when I listen to Colonel Burch speak, and when I listen to the Honourable Member Walter Roban speak, and they are not afraid to tell the people of the country that this is an opportunity for a black family to not work for someone else, but to work for themselves, it gives me great joy. And it gives us great joy on this side.

But for the Honourable Member to say it is not a black and white issue, and he spoke about the National Trust and BEST, it struck a nerve with me, because you will know, Mr. Speaker, that there is a piece of property next to my piece of property in Devonshire where Island Construction sits, and we used to rent that from the National Trust for about 40 years. And the rent was paid every month. Every month it was paid. Never missed it, ever. But when I decided to run for the Progressive Labour Party, all of a sudden there was an issue. All of a sudden I was not the right kind of tenant, Mr. Speaker.

So, when you talk about it is not a black and white issue, many things in this country are black and white issues. And it is because of the history. I do not have to go into detail. I mean, [MP] Rolfe Commission could talk about it. I could talk about it. Every Member on this side could talk about it. In fact, a lot of

Members on the other side could talk about the black and white issue issues in this country over the last 400 years. So, Mr. Speaker, I was a little disappointed when that Honourable Member said that it is not a black and white issue.

If you look at the number of businesses in this country that are owned by whites and the significance of the wealth that is created from some of those businesses, then you start to see a clear picture. And many of our people, Mr. Speaker, know that when they branched out and tried to start a business . . . what has happened to them in this country, Mr. Speaker? There are many stories that could be told. So, yes, we encourage, we support black entrepreneurship in this country.

Some people do not like to hear that, when we talk about black and white in that context, Mr. Speaker. But it is about black and white. We have to be able to talk about that. The Honourable Member said that it is not about that; it is very much about that.

You had 636 people, Mr. Speaker, and I think he even said, that Honourable Member, former Premier Dunkley, that he would like to see the racial breakdown. I would like to see the racial breakdown for a lot of things that come out on the blogs in this country. Pick the topic. Pick your poison. Anything you wish to talk about. Maybe that is the next thing we should do. No more anonymous blogs in this country. No more anonymous letters.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** That would start telling . . . you want to talk about black and white? That would start showing some pictures.

So, Mr. Speaker, the Honourable Member talked about we should have a comprehensive plan for our parks. Now, I know they are the shortest Government in our history, four and a half years, but certainly they could have gotten that accomplished in four and a half years. So I think it is a little rich for the Honourable Member to come here and say there is no comprehensive parks plan, when they were in Government. I know it was a short four and a half years. I know that.

But the other thing that got my attention from the Honourable Member former Premier Dunkley, Mr. Speaker, was when he said there were petitions to dismiss this project. Well, you know, if my memory serves me correct, when Mr. Dunkley was the Premier of this country, right below these steps he was presented with a petition.

**An Hon. Member:** Yes. He was deputy.

**Hon. Zane J. S. De Silva:** Was he deputy at the time?

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Well, he was Premier in waiting. He was undercover.

But, Mr. Speaker, he was presented with a petition right below this House at the steps. And what did he do? Did he support it, or did he dismiss it?

You had Lamb Foggo Clinic threatened to be closed.

Now, Mr. Speaker, I just want to correct one thing because the Honourable Member Dunkley . . . I do not know how much he listened to Minister Burch or Minister Roban talk, but he said (and I quote), *You can't discount the people from the east. And we didn't listen correctly.*

Well, he did not listen correctly, Mr. Speaker, because Colonel Burch very specifically stated . . . he looked at the 636 people that disagreed and he said that the majority of those people lived in the east, or east of White Hill, but their objections were that it was going to be too loud. That is why he did dismiss them. He did not dismiss them because they had a legitimate . . . they said that it was going to be too loud.

And speaking of the East End, of many people living east of White Hill Field, when you talk about if they are going to object because of noise . . . seriously? And Colonel Burch mentioned the jets. I will go a little further. We had our planes. How about our power boats up and down Ferry Reach for, I don't know, four, five, six hours when they race? How about the go-carts every Sunday? And the scramblers down there? And we have had enough talk about the jet skis, which are quite loud. See? That is where he gets black and white issues. Look at some of the players, some of these owners.

Now, you all might remember that we had a plane that used to circle the Island on a regular basis, weekly basis, doing tours. How about Smatt's Helicopter? It used to come hovering around my house. I used to get ticked off. It was quite noisy. But where were the 636 people that were objecting to that? But we are not going to talk about black and white and who owns those particular tourist amenities, are we? Where were they?

Now, Mr. Speaker, let's talk about the tracks for a minute, because I grew up in Somerset too. I spent a lot of time up Fort Scaur doing a lot of things.

**The Speaker:** This ain't time for confession, you know.

**Hon. Zane J. S. De Silva:** No, no confessions.

**The Speaker:** This ain't time for confessions. You go to church every weekend for that.

**Hon. Zane J. S. De Silva:** I will give you a little bit of confession, but it won't be dirty.

But, Mr. Speaker, seriously speaking, I know you are from Somerset. We have a lot of West End

people on this side of the House. And I tell you what, we byes used to take our scramblers up Scaur Hill.

**The Speaker:** Well, well, don't confess your stories now.

**Hon. Zane J. S. De Silva:** We used to go all over Scaur . . . now, I do not know if you guys . . . I do not know how much you know . . . I used you used to know Fort Scaur like the back of my hand.

**The Speaker:** I knew the whole course.

**Hon. Zane J. S. De Silva:** Yes siree. Oh yes. We byes used to take our scramblers down the track and we were all up and down those hills. All up and down the hill.

So, when I heard about this new business, and I heard some of the objections, I had to laugh. I really had to laugh, because, you know, I know that area. And I know what we byes used to do up Somerset. And I listened to the Minister talk about guided tours. And I listened to him talk about where the tours are going to be. And, quite frankly, at the end of the day, you know, if I were Minister Roban, I would say, *Well, you know what? I am going to read my brief, I am going to sit down, someone on the other side is going to say 'We agree; let's move on,' and in 15 or 20 minutes it's done, Committee is done.* Why are we taking a few hours?

**The Speaker:** It would have been nice to have seen that happen.

**Hon. Zane J. S. De Silva:** It would have been lovely. It should happened.

**The Speaker:** Yes. Very nice.

**Hon. Zane J. S. De Silva:** But when you get the Opposition to make some of the statements they make we have to get up and set them straight.

**An Hon. Member:** No you don't.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** And again this week, it's another two.

Now, I know they have half of their Members out this week.

**The Speaker:** Well now, let's just speak to the Chair. You know all Members can't stay in their seats all day.

**Hon. Zane J. S. De Silva:** I know that, Mr. Speaker. I know that.

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

**An Hon. Member:** They get all upset.

**Hon. Zane J. S. De Silva:** That's right.

But, Mr. Speaker, let me finish with this. In our platform last year when we were elected, we had a couple of messages on our platform. One was *Bermudians First*, and the other was *Bermuda for Bermudians*. And this, I think, is one of those boxes checked yet again. Our Ministers gave you a litany of boxes that have been checked, and this is just another.

And, Mr. Speaker, I hope, because I heard someone on the other side say, *Well, I hope these things don't pop up all over the Island* . . . Mr. Speaker, I am a little different. I hope they do. Now, I am not saying every park. But I tell you what, if it means another business created, another job created for one of our people, or two of our people, or three of our people, I say bring on an ATV even in the Bible Belt if we have to. Okay? Even if we have to bring it to the Bible Belt. Because I know my cousin Derrick likes our people getting jobs and being able to work.

**Hon. Derrick V. Burgess, Sr.:** Well, we have camels down there.

*[Laughter]*

**Hon. Zane J. S. De Silva:** On that note, Mr. Speaker, I would just like to say thank you to the Ministers for having the steadfastness of sticking to the grind and bringing this to the House today. And look, we cannot wait to get—

**The Speaker:** Member, I think your colleagues missed your comment about making it short.

**Hon. Zane J. S. De Silva:** Pardon?

**The Speaker:** I think they missed your comment. Others are still jumping up. I thought you were wrapping up for everybody. It looks like others of your Members would like to speak too.

*[Laughter]*

**Hon. Zane J. S. De Silva:** You know what, Mr. Speaker? I think sometimes what happens in this House—

**The Speaker:** I thought you were closing for everybody that time.

**Hon. Zane J. S. De Silva:** Well, you know, I have a feeling, Mr. Speaker, that there are going to be a few other comments made from this side of the House because, like I said before, it should have been one of those that comes, a Minister speaks, Opposition says they agree, and we move forward—Committee, gone; next Bill.

**The Speaker:** Well, I think they all had their say.

**Hon. Zane J. S. De Silva:** But I have a feeling that we are going to have a little bit of history come forward in a few minutes, Mr. Speaker. So on that note, I will take my seat and let them rock.

**The Speaker:** You two decided who is going to go next? You yielded for everybody else just now, you know?

Minister, would you like to go next? Minister, you have the floor.

**Hon. Wayne Caines:** Mr. Speaker, I do not disagree with my colleagues on any of the points that I have heard. But I can tell you what is important to me is our national parks. The position of preserving our tracks, the position of road safety as it relates to these ATVs. I am very, very passionate and concerned about those elements, specifically our environment, specifically how things look when someone is on the road or in the track.

I actually live on Lighthouse Lane. My family and I actually use the tracks on a regular basis. So when I first heard of the ATVs coming and going to be on the tracks, I had concerns. But in the absence of the facts I was left to suppose and to put my own narrative together. And I think that is, indeed, a mistake. There is a false narrative that this endeavour has not considered the sacred nature of our national parks, the road safety elements, and everything that will protect our ecosystem.

Now, we have to put aside for a minute the economic arguments that we have heard. And, Mr. Speaker, those elements have been discussed *ad infinitum*. We have heard the aspects of this as it relates to the race disparity. And I believe that those aspects of the discussion have been discussed. But I do believe that the false narrative is that this has not been thought through from a safety or a national parks perspective, and that is not correct.

When you look at the over 600 applications that we have seen, there was a clear indication that when making the decision and putting rules and regulations in place they discussed how this would affect the ecosystem, in other words, the tracks in Bermuda and the stipulations that have been put in place with reference to the time of day, how many people on the tour, having to have a driver's licence. There are specific things that have been put in place, and the main reason why they have been put in place is to give benefit and to give safe harbinger and to protect the ecosystem that is our tracks. So we have allowed ourselves to be taken off the tracks (pun intended) to focus on the personality of this endeavour.

I believe that when you look at the legislation and you listen to what Colonel Burch said this afternoon, every element with reference to protecting our ecosystem, our environment, and making it safe was

included. As a matter of fact, it was given the temporary licence for a year. So at the end of the year, if it is outside of the realm of being safe, and not protecting our environment, we have the opportunity to come back and look at it and discuss this further or scrap the idea altogether. And those are the [things] that we now have to look at and take outside the personalities, and look at the Act and listen to what the Minister said.

Every element has been put in place to protect our ecosystem, to protect our tracks, to ensure . . . and I, like MP Richards, when I first saw it on Facebook, I saw the ATV with the guy in the scrambling gear and it was so evocative. And it was given to the people of Bermuda in such an evocative and provocative way that it was almost designed to pit us against each other. Having considered all of the naysayers, considering all of the facts, a plan has been put in place that is balanced. It balances what is best for the ecosystem in Bermuda.

And again, and I will say this for the third time, it is a false narrative that the Progressive Labour Party's only focused on the economy and putting black Bermudians to work. Of course, that is important to our party. But the viewpoint that we are not concerned about the beauty, the pristine nature of our flora, fauna, and everything in between, is a false narrative. It is important to us. And this Act shows in the highlighted elements that we will always protect that which is important to us. That is our National Trust, our parks, our waterways, and everything that makes us uniquely Bermuda. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister. I appreciate that. Nice and short.

Honourable Member from the east, can you follow suit?

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

**The Speaker:** Can you follow suit? I know it's a Somerset man you are following, but can you take a lead from him—nice and short?

[Laughter and inaudible interjections]

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

Mr. Speaker, let me declare my interests. I am a Hog Bay boy. I grew up in Hog Bay.

**The Speaker:** He can't hear down from St. George's.

**Mr. Hubert (Kim) E. Swan:** And I just felt it my duty to provide a little historical context on that area of which I know all too well.

In defence of my colleague who had to go to a funeral, the Honourable Member Scott from constituency 36, who quite rightly pointed out the racial disparity. And in defence of my colleague and cousin

from Somerset, MP Scott, who was challenged by the former Premier, let me just take this opportunity to remind all of those that the division that exists with regard to race in this country is spelled out geographically as clear as clear can be when you look at the constituencies in Bermuda, and when you look at how the constituencies that represent the One Bermuda Alliance are played out.

When you look at what is left of the United Bermuda Party constituencies, you can go in Southampton and see coastal areas represented by the One Bermuda Alliance. Well, you bypass Warwick.

When you go to Paget you will see areas that encompass Great Bay [Road] and Harbour Road. When you go to Pembroke, you will see areas that encompass Fairylands, Mill Shares and Point Shares and Spanish Point and the like. When you go to Devonshire, you will see areas that the Honourable Member Mr. Dunkley referred to as Devonshire Bay. When you go to Smith's and Hamilton Parish you would see areas that include Harrington Sound and the like. And when you go throughout this country you will see the division on racial lines more clearly than how it is played out.

When you debate a National Park [Act] that this touches on as it relates to the ATVs, I think the Minister of [Public] Works, who has been there looking at this, pointed out clearly the challenge. I have listened to the narrative of the Opposition of late. They are trying to create a narrative about Bermudians first. This is an example of a Minister doing due diligence to do just that. And I think what speaks clearly to the declaration that the Minister painfully had to acknowledge, because it is personal to a family, that a young man, qualified in actuarial science in this country has to defer to becoming an entrepreneur simply because in the land of plenty, and the land of fruit and many—for some—is not his dream. That is the reality. And it is racial, and it is real in this country.

And until the One Bermuda Alliance embraces the real challenges and does not try to gloss over the superficial cosmetic, you know, *I look the part of diversity, and do not act the part of diversity*, you will continue not to get it. Not to say that you do not have Members who do get it or live it. But it is real.

Back to Hog Bay. You just need to google Hog Bay Park and see some things, and see that beautiful beach over there. It's not too far from Wreck. That is very difficult to get to. It's a beautiful beach at low tide where maybe my great-great grandfather might have cleaned his fish. You would see that. You would know if you traversed that area. The Honourable Member DeSilva talked about riding bikes from Fort Scaur. Trails exist. We did not only ride bikes at Fort Scaur, you could ride a bike from Hog Bay right along down to Granaway on a trail that still exists today.

How do I know? A couple of young *byes* from up White Hill stole my golf cart on Easter when we

were having our Easter family. And I was determined to find that kid—

[Laughter]

**The Speaker:** They borrowed it, Honourable Member. They just borrowed for a ride.

**Mr. Hubert (Kim) E. Swan:** And it was on Easter! And I was out there in Spring Benny with family members.

[Inaudible interjection]

**Mr. Hubert (Kim) E. Swan:** And I took a trip. I said, *I think these byes don't know this area quite as well as I do.*

And, yes, I went to Woodlawn, and, yes, I went through Mr. Virgil's yard. And, yes, I got up there on Fairhaven Drive, and, yes, I went down there past JB's. Oh, and yes, I went down on that Railroad Trail on that path (that still exists today) on my golf cart. And I am reliably informed by the Minister that it doesn't make too much noise too dissimilar to that.

And in that journey, as I was somewhat vexed by those little *byes*, I knew one thing. I knew that unless they crossed the road they had to be somewhere between Port Royal Golf Course and Wreck Road. And I knew they were not going to take it across the main road, because that main road was the dividing line for us growing up in Hog Bay. Don't you dare be going around Wreck Road with your bikes. Don't you dare! Why?

**Some Hon. Members:** Why? Tell us.

**Mr. Hubert (Kim) E. Swan:** Unless your auntie or your momma worked on Wreck—

**An Hon. Member:** Worked on Wreck . . . ah!

**Mr. Hubert (Kim) E. Swan:** —you better not be around Wreck Road riding your bike, you little children.

And Members want to come up here in the place where you have to in order for Bermuda to get over the problems that we have. Be truthful! There are a lot of things when Bills come up and then, to try to jam up the Government of the day, the Progressive Labour Party, you will say, *Oh, well you're right. I'll pass and say, 'You're not for Bermudians' or whatever*, when clearly a Minister or Ministers are doing due diligence in this very space. It is called being intellectually dishonest—the worst type, because you have enough intellect to be able to twist the subject to make masses of people think contrary to what the real objective has always been for many, many decades and centuries in this country.

So when you start looking at the division of land, like when I lived in Alabama and played in Mis-

issippi and Louisiana, and all down there in Tennessee and Georgia, and northern Florida and west Florida, when you knew there was one side of the railroad tracks you should not be on after dark, that unspoken word existed right here in this country. And in many ways could subliminally still exist.

Let me tell you something. I challenge any adult in Bermuda right now to get a Bermuda map. Or, more particularly, drive up and down Bermuda, and make a left turn in Hamilton Parish, in Smith's Parish, and see parts of this country you have never, ever seen before.

Now, all credit to the National Trust, they will have an annual walk and people will get a window into that. Hog Bay Park is now . . . was formerly [owned by] the Myers and the Fordhams and the Jameses, the government now owns it. Still has plenty of poison ivy out in that place. But, Mr. Speaker, you would know the trails exist.

I am encouraged that the Minister of [Public] Works and the Minister of Transport[at]ion who have to deal with this in particular, in a legislative way, appreciate that they had to go to bat for this family who wanted to start a business. But why not find ways to allow Bermudians and our visitors to actually see parts of Bermuda that many Bermudians do not even see, because of the nature of the social environment?

I hear people who will . . . and I glory in their spirit. They are empathetic towards animals, they are empathetic towards the environment, but they cannot find or muster up that same empathy for the social conditions that occur simultaneously in this country that impact disproportionately black people.

*[Inaudible interjection]*

**Mr. Hubert (Kim) E. Swan:** I have a problem with that, because as a human being, as a person who lives diversity in my own family, we are obligated and we as black people are the most fair-minded people, particularly in this country. And maybe it is because those who have inherited a sizeable leg-up are weary of how they got where they got, how they got the leg-up, that they would think that one way that fair-mindedness that our forefathers instilled in us will evaporate. Well, I am here to tell you it is not going to, because we come with a stronger sense of pride in our people, pride in ourselves, and respect for our forefathers, notwithstanding any challenges that are up before us.

But I am certainly not going to let any Member come here and try to sugar coat something, or denigrate a very sincere comment made by a colleague of mine as he walked out the door heading to a funeral, knowing that he could not stand. Duty bound.

And, Mr. Speaker, you asked me to be brief—

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

**Mr. Hubert (Kim) E. Swan:** And I just knew that you would appreciate that as a, you know, I claim my Death Valley roots, I claim my Granaway roots, I love my St. George's community, and I will be with pride and joy when I come across Somerset Bridge with the Cup more than anybody else from St. George's.

**The Speaker:** You know . . . are you ordering a wheelchair? Because it is going to be a long time before that happens.

**Mr. Hubert (Kim) E. Swan:** But I am a Hog Bay *bye*, the grandson of John Anderson and his father was Peter Anderson and they had their boats in that community.

**The Speaker:** Thank you, Honourable—  
Minister, you are joining the fray as well. Okay. Minister.

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

**The Speaker:** Minister Simmons, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you.

This conversation involves an area and a park in the area that I have the privilege to represent. It represents a community that my ancestors were enslaved in when we trace back to the first generation up on Wreck Hill. If you trace my relatives who were of that community, the descendants of those slaves still live in that community.

Mr. Speaker, I had the great pleasure during canvassing for the last election to actually meet with Mr. Hollis and his family, and the gentleman and his product that he wished to bring forward. And he told the tale of how he had gotten as far as he had under the previous Government, but had not gotten any further.

And I had an opportunity to see these vehicles. They are not loud. I had the opportunity to see the proprietors, they are professionals. I had the opportunity to see the plan. It is sound.

Mr. Speaker, I am a person who believes that for black people to prosper in this country entrepreneurship is one of the key pillars to advance ourselves, because of the issue that the former Premier was so easily able to dismiss, the issue of race. Mr. Speaker, we all know, the census data shows it, that there are disparities in wages, there are disparities in opportunities. There are disparities at virtually every level of our society. And where the former Premier has the power to dismiss that is because of white privilege.

White privilege enables you to say that this is not a racial issue. Well, you have no capacity to know because you do not have the history and experience. But you have the power and the privilege—

**The Speaker:** Let's not make it too personal now.

**Hon. Jamahl S. Simmons:** —to dismiss.

But, Mr. Speaker, I feel that it is so important that as this Government . . . I was not elected by the people of constituency 33 to maintain the status quo. I was not elected to keep things as they are. Just because something works does not mean it cannot be improved. Understand me. Just because something works, does not mean it cannot be improved.

When my grandfather (on my mother's side) came to this country he remembered when the car was introduced in Bermuda. And he wrote in his diary about how Bermudians laid in the streets to try and stop cars from being on the road. So we have a history, because the horse and carriage worked just fine. But just because something works does not mean it cannot be improved.

So, we must push innovation. We must push progress. But we must also be cognisant of the fact of the history of our country and the need to progress in a manner that is acceptable to the community. And the reason I say that, Mr. Speaker, in terms of acceptable to the community, is because we heard previous Members speak about the issue of noise and other issues that were raised by people who clearly are not from the community. And I asked this question. There are motocross bikes going through the tracks and through Hog Bay Park every day. But I do not see you marching for that, for the people who live in that community who have to be subjected to that noise.

**An Hon. Member:** That's right.

**Hon. Jamahl S. Simmons:** I do not see you marching for the damage being done to the park by those bikes. No. Because, to be honest with you, you do not care. You do not care because you do not have to live there.

So we have been working with the community beat officers to try and abate that problem, but this has been . . . I have not seen the protestors and the people who are concerned about the noise of that. And you have to ask why. And there are things like that which make people question, really, are we all in this together? Are we really all in this together?

Mr. Speaker, I took the opportunity to talk to many of my constituents about their concerns. And I was very pleased when I saw a presentation on this, a formal presentation on this shortly after becoming Minister of Tourism, where the issues of noise were addressed as far as I was concerned. The issue of damage to the park was addressed. They are using service roads that trucks and tractors and all matter of other things use all the time, and, besides, if you are worried about the grass, the motocross bikes are messing up the grass anyway. So, you know . . . anyway, this is not going to be affected.

But I think an issue that has not been raised is that as part of the condition of him being able to do [is he has] to maintain where he progresses with these vehicles. So we have an opportunity to add an amenity with maybe eight or so of these vehicles. We are not going to have a huge drive away from the buses or the people trying to get to Horseshoe Bay or Snorkel Park. But it is going to be something different. It is something for people to enjoy. It is part of Bermuda, the tracks that we grew up with, riding our bikes through and experiencing . . . it is a beautiful part of Bermuda.

We have an opportunity to share this with the world, to share the beauty of our country and have a 100 per cent Bermudian operation hosting it and showing people a part of the community that we are proud of, all back behind Heydon and some of the historical landmarks there, all through the area that our grandparents and great-grandparents rode the train to get to work. It is an opportunity to take an underutilised resource and only for a few hours a day, for only a few days a week, for only a few decibels of noise, to give a family an opportunity to provide for themselves, to do for self and provide for themselves and, potentially, create employment for others.

Now, I am not going to get into the issue of the scaremongering that was raised about this all of a sudden being all throughout the Island, because in the Ministry of Tourism we believe that we have to have a managed process as we enhance our product. Bermuda is a unique product. It does not make sense for us to become like everywhere else, because we are not like everywhere else. So we should add things that make sense. We should add things that enhance our value proposition; we should add things that enhance our product. But we must do so in a manner that is responsible. And I believe that having reviewed this proposal, having met the owners and operators, and having seen where they look to go and what they look to do, I am satisfied that this will be an exciting addition to our tourism product, and it will be something that I believe will be instagrated and snapchat- ted around the world [which will] enhance Bermuda's value as a destination of choice to people who may never even have known where we are. Thank you, Mr. Speaker.

**The Speaker:** Boy, . . . the Chair now recognises the Member from constituency 32. Honourable Member, it borders near your boundary as well.

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

I have the luxury of living on Overplus Lane, so I would like to take this opportunity—

**The Speaker:** Yes, I am familiar with where you live.

**Mr. Scott Simmons:** —to congratulate and thank my Member of Parliament for seeing to the cycles, those

scramblers that race up and down the track road on . . . I should say up there in Hog Bay Park on a regular basis. So thank you, Minister Simmons.

I rise today, Mr. Speaker, on this, the second reading of the Motor Car Amendment (No.2) (Tour Quadricycles) Act 2018. But I also disclose and say quite clearly that I am the chairman of the Bermuda National Parks Commission.

Mr. Speaker, I will be very brief. I believe that everything that has been said so far has been absolutely positive and very helpful in this regard. I recognise that there are those in our community who do have an interest in every part of our country, on what goes on in our national parks. They are well used. And since becoming chairman, Mr. Speaker, I have to say that it was a shock, almost, to my system the amount of interest by the groups that were represented on the Parks Commission, and also those individuals on the commission who took a personal view of it. So on the commission that I chair, there was a lot of concern as it relates to this.

I can say that when I first heard . . . so I join the Minister of public safety [National Security] in that when I first heard about it I have to confess that I was absolutely concerned. Within minutes of me being concerned, my next door neighbour came across the street and she said to me, *Mr. Simmons, I am not sure about having these vehicles on the Railway Trail.*

What I think the entire country has been able to benefit from since receiving the 600 or so letters that have come in, the 600 or so expressions of concern in the community over this matter, I do believe that we have seen a Minister who has been very helpful in providing the information that has advanced us in our understanding. And also we see today from a Minister who is prepared to accept the responsibility after a position was taken by a former Government, an entrepreneur took the position, imported, and then began the process of moving forward with his plan.

What we see happening here today, Mr. Speaker, is a caring Government that recognises the significance of entrepreneurship, that sees that you cannot leave people out there, hang them out to dry, and not assist them in moving forward. It is a discerning Government that cares about its citizens and has helped. It just does not speak to this one individual, it speaks to our entire ethos. It speaks to the fact that in making the decisions that we make to move entrepreneurship along and to advance our country, we are prepared to back that up with laws that support this entrepreneurship. So the Minister and his Ministry have been phenomenal in their response in making sure that we provide the opportunity to back entrepreneurship and this particular venture.

At the simplest level we act. It speaks to a national plan. It speaks to Bermuda as a whole. The question has been asked whether or not there is a national plan for our parks. I believe that there is a focus. The Minister has made it clear in a prior debate

as it relates to us moving forward. He brought it to this House that we must begin the process of opening up our national parks, increasing the size of them, and making them available, our beaches and the rest. Begin the process of making them available. I do not want anyone in the public, and also my colleagues here, to feel that the Parks Commission is not debating, is not . . . because if you sat in the meetings that I sit in over at the Botanical Gardens, not a day goes by that we meet, like every other board in this country, and there are individuals from every side. And what comes out of that is what we see here.

Prior to my arrival the Commission did not agree, felt that the vehicles themselves were . . . should be set aside. But we have to remember one important thing. A Government agenda is led by its Government and its Ministers. We recommend to the Minister, we have our view. But the weight of that decision is based on it. The Minister has made it clear that he has weighed it all. And he has not just weighed it all by himself, there is a Cabinet. And there is also a caucus. And we sit together and we decide. That is how it works.

So we have a responsibility to move this agenda along. We cannot ignore the community. The community has made it clear as it relates to how they feel about the particular subject. But I believe that this Government was brought here, was given an opportunity to govern based on the fact that things in Bermuda have to change. We have to see things differently, and we have to accept that there are those in our community who did not have opportunities before and must be given opportunities now.

This is a new Bermuda. A precedent has been set. The Minister has allowed this to occur based on a whole lot of other things. And I have to make this point, because I think it has been lost. No one has mentioned it. The entrepreneur himself, who I believe did find himself in the *Royal Gazette* at one particular time, made it clear that even though he is operating on those tracks he will take a responsibility for the area in which he operates. It is a responsible response to this.

At every turn he has adjusted and said he will assist in every way. We must help. This help must come from us in this House. So I give my support to this particular measure in its first instance, its second instance is what we see the number 2 coming here right now. And I do believe that this speaks to a responsible Government alongside of the due diligence which says that after a 12 month period we are going to look at his impact on this Railway Trail. We are not going to leave it unattended. Twelve months, and then an impact assessment will be made.

The department itself will take a long, hard look. The entrepreneur himself will reflect. Everyone will go to the track and have a look at what impact is it going to [have]. And all of the stakeholders will have a say then. The naysayers will say, *See? We told you*

so. *This is to destroy the tracks.* Or, we will all draw the conclusion that giving an entrepreneur an opportunity in their own country to move forward was a wise and prudent thing to do. We cannot stand in the way.

Therefore, Mr. Minister, I appreciate what you have brought today. The Minister of Public Works, I appreciate him in the first instance. And I appreciate the former Government for seeing even provisionally the responsibility that we have to provide an opportunity for entrepreneurs in this country. We are listening, we are working together. Let us continue to work together rather than find ways so that we can pull this country apart. Thank you, Mr. Speaker.

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

Minister, it looks like you can finally have the floor back.

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

I wish to thank all for their contributions today, particularly the Minister of Public Works, upon which some responsibility is shared; from the Minister of Economic Development and Tourism and the Minister of Public Works, [who have], certainly under this Government, the greatest [familiarity] with the proposal.

I also thank the Honourable Member who sits in constituency 32 who speaks for the parks because he brings the perspective of the Parks Commission that has through its own remit given careful consideration of this proposal, and those other members of the Sandys community who I know were confronted with considerable discussions, concern, debate around this, and have gone through a similar process with their own constituents and their Government to come to a position of comfort around this Bill. So for that I thank all for those contributions. The Minister of National Security.

And as has been clearly stated . . . what I understood, Mr. Speaker, was that most of the concerns raised about this Bill are within the remit of the parks area of the Minister for Parks, who quite eloquently got up and exhaustively (if I can use that word)—

**The Speaker:** Yes, I agree with that word.

**Hon. Walter H. Roban:** —explained the path and process that he and his Ministry and those attached, including the Parks Commission, have gone through to get to this point.

I am carrying a separate piece of this which is under the responsibility of Transport. So, with that, Mr. Speaker, I do move that the Bill be committed.

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

Mr. Deputy.

**House in Committee at 6:47 pm**

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

## COMMITTEE ON BILL

### MOTOR CAR AMENDMENT (NO. 2) (TOUR QUADRICYCLES) ACT 2018

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for consideration of the Bill entitled [Motor Car Amendment \(No. 2\) \(Tour Quadricycles\) Act 2018](#).

Minister, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman, and I request to move all six clauses.

**The Chairman:** Okay, numbers 1, 2—

**Hon. Walter H. Roban:** It is not a long Bill.

**The Chairman:** No.

**Hon. Walter H. Roban:** There are six clauses.

**The Chairman:** Okay. You move clauses 1 through 6? Continue.

**Hon. Walter H. Roban:** Yes. Thank you, Mr. Chairman.

The Bill seeks to amend the Motor Car Act 1951, to include provisions for a quadricycle tour livery scheme including the types of quadricycles that are available for use on guided tours, the specifications of and licence duty for those quadricycles, the licence fee applicable for the operation of a quadricycle tour livery, the provisions also modify the definition of a motorcycle to include those with three wheels, and to make other consequential amendments.

Clause 1 is the short title. This Act may be cited as the Motor Car (No. 2) (Tour Quadricycles) Act 2018.

Clause 2 amends section 24 of the principal Act in the definition of “motor cycle” to expand the class of vehicle considered to be a motor cycle to include certain three wheeled vehicles.

Clause 3 inserts Part VIB into the principal Act providing—

(a) in sections 101E and 101I that—

(i) a person must have a licence to operate a tour quadricycle livery, which can be obtained on application to the Minister and creates an offence for operating a tour quadricycle livery without a licence;

(ii) a person must have a licence to operate a guided tour quadricycle livery, which can be obtained on application to the Minister;

(iii) the Minister has the power to grant or refuse a licence, or grant a licence with such conditions as the Minister deems fit,

or revoke a licence in specified circumstances;

(iv) a tour quadricycle can only be used in a guided tour with a guided tour consisting of no more than seven quadricycles;

I would like permission to read that particular clause again—

**The Chairman:** You may.

**Hon. Walter H. Roban:** —because it is a principle to some of the questions that may come up around this here in the House and in the community.

(iv) a tour quadricycle can only be used in a guided tour with a guided tour consisting of no more than seven quadricycles;

(v) protective headgear shall be worn while driving or riding a tour quadricycle and creates offences for a tour livery operator who does not provide protective headgear for driver and passengers and for a rider or passenger failing to wear protective headgear;

(vi) the make or model of a quadricycle may be approved by the Minister by notice in the *Gazette*;

(vii) no tour quadricycle shall be rented for use on a guided tour to a person under the age of 18 years or a person who does not hold a valid driver's licence for that class of vehicle;

(b) in section 101J that the Minister has the power to regulate by order the design or build of a quadricycle;

(c) in section 101K that the Minister has regulation-making powers.

Clause 4 amends Schedule 1 to the principal Act to provide the specifications for a tour quadricycle.

Clause 5 amends Schedule 2 to the principal Act to provide the licence duty for a tour quadricycle.

Clause 6 provides consequential amendments to—

(a) the Government Fees Regulations 1976 to insert the annual licence fee for the operation of a tour quadricycle livery;

(b) the Public Holidays Act 1947 to include a guided tour quadricycle livery in the specified categories of retail shops that can conduct business on a public holiday;

(c) the Motor-Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 is amended to prohibit the engines of tour quadricycles being upgraded to increase the cubic capacity of the motorcycle to more than a maximum of 150 ccs;

(d) the Traffic Offences (Penalties) Act 1976 to insert the penalty for an offence under section 101H(3) of the principal Act (driving or rid-

ing a quadricycle without protective headgear).

Thank you very much, Mr. Chairman.

**The Chairman:** Thank you.

The Chair recognises the Honourable Member, Deputy Leader of the Opposition, Leah Scott.

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

I say this every time I get up, but I just cannot thank the Minister and his PS enough for taking the time to reach out to me before we have a debate to go through legislation, because it helps me address a lot of issues and save us time when we are in the House. So I would just like to say thank you once again.

I just had a couple of questions under [clause 3] section 101G(8). “No tour quadricycle livery shall hire a tour quadricycle to a person—(a) under the age of eighteen years; or (b) who does not hold a valid driver's licence.”

And I guess I raised the issue that there is a minimum age, but should there not be a maximum age? And I just think that you can get some people . . . no, seriously, because I have ridden on those ATVs and they have that kind of steering that is not like regular car steering . . . is it rack and pinion they call it?

**The Chairman:** You don't want to have age discrimination do you?

**Ms. Leah K. Scott:** Well, it is *safety* discrimination, Mr. Chairman. I am just saying, suppose you get some—

**The Chairman:** That can happen at any age.

**Ms. Leah K. Scott:** Okay. Well, I just think that if you get some 90-year-old who thinks they can ride an ATV and they cannot, then what?

**The Chairman:** Some 90-year-olds look just as good as you.

[Laughter]

**Ms. Leah K. Scott:** Okay, Mr. Chairman. I am just saying. That is just a concern of mine. And probably when I am 90 and I want to ride one and they say, *Well, you didn't want to have that in the legislation . . .* but anyway, just saying.

The other question is under [section] 101H(2) for guided tours. Seven tour quadricycles seems like . . . what is it? The length of one of those trains that goes . . . those train things. I think five would be a better number . . . but again, it just seems like that is a lot.

And then the last question was the protective headgear. And because the quadricycles will be on

the tracks, who is going to police whether or not they are wearing their headgear?

**The Chairman:** That is normal. On the streets you—

*[Inaudible interjections]*

**The Chairman:** Yes, I am sure you can, Minister. Please do.

**Ms. Leah K. Scott:** I think that is all I wanted to . . . that is all I had to ask. Thank you.

**The Chairman:** Minister, go ahead . . . I'm sorry. The Chair recognises the Honourable Member Pat Gordon-Pamplin.

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

Mr. Chairman, I just have . . . the answer may be obvious to everyone else, but it is not quite there for me, and that is with respect to clause 2, where it indicates that we are amending section 24 of the principal Act, by inserting “or three” after “two” where it first appears, which basically says that . . . section 24(5) reads at the moment, “In this section, ‘motor cycle’ means a motor car designed to travel on two wheels, which is equipped with two or more gear ratios or the motor of which has a cubic capacity exceeding 50 cubic centimetres, but, subject to subsection (1), not exceeding 150 cubic centimetres.”

So this now says, “or three” . . . “two or three” wheels. But these quadricycles, don't they have four wheels? I think we may have amended this when we did the Twizy in some way, shape, or form. But there are four wheels on these things, are there not? Well, just the name “quadricycle” would suggest four. I have not seen the actual instrument itself. So, as I said, it might be obvious to the Minister, but “quad” denotes four. So I am just curious.

**The Chairman:** Yes.

Any further speakers?

Minister, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman. I will answer the last question first.

Clause 2 has to do with motor cycles alone. That is amending the definition of “motor cycle” from being a two-wheel vehicle to being three. As I stated in my brief, the market now has very safe and suitable motor cycles that have three wheels. And that has exclusively to do with motor cycles, not with any of the other vehicles that we have dealt with in the past, or with this particular one.

The question by the Honourable Member concerning the licence, if a person has a proper licence, no matter what their age for this class of vehicle, there is no reason to refuse them. If they are 80

years old, but they have a valid driver's licence that we can recognise, there is no reason other than if they are observed, perhaps, to be not quite steady. But certainly they are qualified to operate as long as they have a valid driver's licence. Of course, 18 is the threshold minimum. But above that . . . you might have people older than 18 who do not have a driver's licence. They clearly will not be allowed to operate these. So the age threshold is at 18. But if you have a valid driver's licence, no matter what age, you're fine.

Your other question about the length of—

*[Inaudible interjection]*

**Hon. Walter H. Roban:** Yes.

Well, that seven is equal to two tractor trailer containers, but as well as the train. This is the length that we are comfortable with. We were not going to go over that, because that is a length that Bermudians are comfortable with, likely not to experience too much cautious driving by those who might find themselves confronted with a line of ATVs. So we kept it to a length that is a norm for our roads in the use of vehicles.

So the train, this is the length of that train that everybody often deals with when [they are] on the road, and clearly, that train spends a lot of time on the road and people manage to drive when it is there.

I cannot remember the other question. What was it?

**Ms. Leah K. Scott:** The headgear.

**Hon. Walter H. Roban:** Oh, the headgear.

Well, all liveries have certain criteria to meet for headgear. And so, that is the same criteria that will be applied here, and that headgear has to be approved by TCD.

**Ms. Leah K. Scott:** No, that was my question.

**Hon. Walter H. Roban:** Transport Control Department will do its usual inspections, as it does for liveries. The same type of regime of inspection we do for cycle liveries will be deployed for these, as well.

*[Inaudible interjections]*

**The Chairman:** Member, we do not act like that up here.

**Ms. Leah K. Scott:** I am sorry, Mr. Chairman. Thank you.

I mean, when they are actually on the Railway Trail? Like, say there is an ATV.

And the other . . . I wanted to ask one more question, because you know how when you are—I have been on a jet ski tour. And you know how you have got the person in the front who is leading? And I

am always the last one. And then, so what happens if you are on an ATV tour and the tour guide is way ahead, and you are way back? Like, are they going to have a tour guide in front and somebody in the back so that there is a sandwich so that nobody gets left behind?

*[Inaudible interjections]*

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

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member Susan Jackson.

**Ms. Susan E. Jackson:** Hi. Thank you, Mr. Chairman.

My question is around people with disabilities. So, there are folk in Bermuda who do have their valid driver's licence. And this is a wonderful opportunity for people who would not otherwise get to see some of our parklands and beautiful views. And so, they too may want to rent these vehicles in order to gain access to areas that they could not, otherwise. And I am just wondering how we will make the four-wheel quadricycles accessible to those who are living with disabilities and how that might work, given that they would still have a driver's licence?

**The Chairman:** Any further speakers?

Minister, you have the floor.

**Hon. Walter H. Roban:** I think the one question is from the Honourable Member who sits in constituency 20 concerning disabilities. We will discuss how that will go forward. That is not really something that I think we have discussed at this point with the operator. But we want to ensure that all of these opportunities are accessible to everyone. So we will discuss perhaps their developing a disabilities policy on how they will manage, because there are, clearly, disabled people who operate similar-type vehicles, as we know. We have seen some on our roads already. So we will discuss how they manage allowing them to be a part of the experience.

**The Chairman:** Any further speakers?

Minister, do you want to move these clauses?

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

I wish to move clauses 1 through 6, as printed.

**The Chairman:** It has been moved that clauses 1 through 6 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 6 passed.]*

**Hon. Walter H. Roban:** I wish to move any Schedules, as well.

**The Chairman:** Do the preamble first.

**Hon. Walter H. Roban:** I wish to move that the preamble be approved, Mr. Chairman.

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

Are there any objections to that?

There appear to be none.

Approved.

**Hon. Walter H. Roban:** I move any Schedules, as well, Mr. Chairman.

**The Chairman:** It has been moved that all of the Schedules be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: The Schedules passed.]*

**Hon. Walter H. Roban:** 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.

Approved. The Bill will be reported to the House.

*[Motion carried: The Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 7:04 pm**

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

## **REPORT OF COMMITTEE**

### **MOTOR CAR AMENDMENT (NO. 2) (TOUR QUADRICYCLES) ACT 2018**

**The Speaker:** Good evening again, Members.

Are there any objections to the Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018 being reported to the House as printed?

No objections. So reported.

That brings us to a close of that matter.

We are now moving on to the final Order on the Order Paper today, which is actually listed as [Order] No. 7. And it is the St. George's Resort Act 2018, in the name of the Minister of Economic Development and Tourism.

Minister Simmons, would you like to have the floor?

**Hon. Jamahl S. Simmons:** Yes, please, Mr. Speaker.

**The Speaker:** Continue.

**Hon. Jamahl S. Simmons:** I move that the Bill entitled the St. George's Resort Act 2018 be now read the second time.

**The Speaker:** Continue.

## BILL

### SECOND READING

#### ST. GEORGE'S RESORT ACT 2018

**Hon. Jamahl S. Simmons:** Mr. Speaker, I am very pleased to introduce the Bill entitled St. George's Resort Act 2018, which incorporates a number of amendments submitted by the developer. Mr. Speaker, you may recall that, in 2015, the previous administration brought before this Honourable House legislation supportive of hotel development in the East End of the Island that was designed to facilitate the construction of a hotel and condo units for the purpose of re-invigorating the former capital city of Bermuda. However, as with any legislation, there will be a need for amendments from time to time, and the Bill before the House today is no exception.

Mr. Speaker, when I assumed responsibility for this Ministry just over a year ago, I met with the developers to assure them that this Government was supportive of the development and that this Government would work with them to ensure that the opening of the hotel became a reality, after so many false starts. The developer soon brought to our attention, Mr. Speaker, that there were a number of issues with the original Act that could hinder the development. I therefore requested that they submit their proposed amendments that could make the Act work for them from a practical, logistical, and commercial perspective. To that end, Mr. Speaker, the developers and the Ministry have worked tirelessly over the past few months on the volume of proposed changes with the Bill before the Honourable House, the culmination of the same.

Mr. Speaker, as there are so many changes, it was actually determined that the title of the Bill be changed from the St. George's Resort Act 2015 to the St. George's Resort Act 2018. During my presentation, I shall attempt to highlight additional changes, with the remaining changes covered in Committee.

Mr. Speaker, this Bill also seeks to amend certain definitions in the 2015 Act, such as the "developer," "resort," and "freehold." It includes the development plan as a new Schedule 5, and it proposes to enable parts surrounding the golf course to be developed as golf residences.

Mr. Speaker, under section 2, Interpretation, of the 2015 Act, the current definition of a "Developer" means "HotelCo Bermuda Holding Ltd., a local company incorporated under the laws of Bermuda on 17 July 2015 and includes, for the purposes of section 3, any local company that is a wholly owned subsidiary of the Developer and has been granted consent under section [4A] of the Companies Act 1981 to hold land.

This definition was somewhat limited and would only include HotelCo Bermuda Holding Ltd. (or HBHL), and its landholding subsidiaries and not, for example, the wholly owned general contractor or developing company, which all fell under HBHL.

Mr. Speaker, the Bill also seeks to re-designate Lot 7 in Schedule 5 of the Act for a fractional development instead of Lot 5, which HBHL intended to develop in the second phase. You will note in the Schedule, Lot 7 comprises 0.618 hectare, or 1.528 acres. Lot 5 was identified by the developer as the appropriate lot due to its location next to the hotel and because they considered that this lot should be one of the first residential lots to be developed, simultaneously with the construction of the hotel. But the developer and the future hotel operator decided to postpone the fractional development for the second phase.

Mr. Speaker, the proposed new Schedule 6 lists the various subdivisions to the site, which also required amending the Act together with the terms of the landholding sanctions, section 4A, consent, of the Companies Act 1981, for both Lot 5 and Lot 7, since the sanctions specify the intended use of the lots for a fractional development and condominiums, respectively. In order to enable parts surrounding the golf course to be development as golf residences and leased to an appropriate landlord company in place of the company that owns the golf course, the wording in section 3(1)(d) of the Act has also been amended.

Mr. Speaker, as relating to the concessions, the Bill amends Schedule 1, Hotel Concessions, of the Act, that is intended to further enable the Department of Customs and the Tax Commissioner's Office to apply the concessions. A further amendment in this Schedule is the definition of "operational equipment," which includes all of the equipment purchased for use in the day-to-day operations of the resort, such as large refrigerators, freezers, HVAC systems, laundry machinery, and larger lawnmowers that are used in the maintenance upkeep of the golf course and other greens.

Mr. Speaker, with all of these proposed changes, I am comfortable that the developer can proceed with the construction of a world-class resort that provides additional hotel rooms and jobs for Bermudians, and is in line with the National Tourism Plan objectives and provides continuous stimulus to the Town of St. George's, specifically, and Bermuda in general. Thank you, Mr. Speaker.

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

**The Deputy Speaker:** Thank you.

Any further speakers?

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

**Ms. Leah K. Scott:** Thank you, Mr. Deputy Speaker. I am not going to be long.

Mr. Deputy Speaker, as we know, this was a Bill that was started under the One Bermuda Alliance. The 2018 version of the Bill has added a lot of items that make the legislation more robust. I actually did spend some time comparing the 2015 and the 2018 legislation and found out, as I sat down with the Minister this afternoon, that the online version that I compared to the 2018 version was incorrect. There were some portions of the legislation that I thought needed editing, but they actually do not.

Overall, I think it is a good thing that they are going to have a hotel in St. George's. I know it will make my good friend, MP Ming, very happy, since they are going to lose the Cup Match. But she should be happy that they are going to have a hotel.

**The Deputy Speaker:** Member, be careful. Be careful.

[Laughter]

**Ms. Leah K. Scott:** So, oh, sorry. Ms. Jackson, too!

Anyway, I support this legislation. I am glad that they have started building it. And as I said, it is going to create jobs for Bermudians. It is going to give the people of Somerset somewhere to go when they do not have anything to do sometimes. So, I thank the Minister for bringing it forward.

And again, I would like to thank the Minister and his PS for reaching out to me to spend time with me explaining the changes to the legislation. I actually was not here at the time; I was away. But my colleague, Cole, met with Mr. Rochester, and I am happy with the Bill as it is. So, thank you.

**The Deputy Speaker:** Any further speakers?

The Chair recognises the Honourable Member Renee Ming, from constituency 1, down there in the Town of St. George's, the home of the Cup Match Champions 2018.

[Laughter]

**Mrs. Renee Ming:** Thank you, Mr. Speaker. Good evening, listening audience, as well.

I rise today and I hope to give some clarity to this Bill, because I am actually happy to hear my colleague say that she supports the Bill, because she

knows what it can do for St. George's. And when I think about this Bill from a historic standpoint, I actually in 2015 did not approve of this Bill. I was actually the only person who did not approve it, from a parliamentary standpoint. And I think that the fact that I am a St. Georgian at heart, been there all of my life, never ever going to live anywhere else . . .

[Inaudible interjections]

**Mrs. Renee Ming:** I am never going to live anywhere else.

There were many reasons, but, in particular, I think it was the lack of clarity and definition of the Act that caused me to feel that way and to feel strongly enough about it to not give it my support. Over the years since that time, Mr. Deputy Speaker, I think I have spoken about it on many occasions. I have questioned what the 2015 Act meant in terms of reasonable access, the fact that it did not clarify *reasonable access*. And so, it never ever allowed us to, I guess, effectively manage any expectations for the public that used the beach.

During that time, obviously, we were under a different administration. And I know that I called, on several occasions when I sat in another place, for consultation with regard to this—several times, Mr. Deputy Speaker. And that never, ever happened. And even though one time one of the Independent Senators, because he himself had heard me talk about it on several occasions, even said it. He said, *Would it be so hard to have some public consultation with regard to this?* This was the first hotel development in Bermuda in 35 years. So, it was something of significance. And so, the path that we took in terms of going forth and just doing it probably was one, and I guess in hindsight, that maybe we could have, and we should have, done it in a better way.

I know for sure it is not for lack of me saying definitely we needed to have public consultation. Because we cannot take legislation and just think we can force it down someone's throat. There are people who would be impacted by it, and not just St. Georgians. I heard my colleague earlier speak about the legislation and say that, you know, people all over Bermuda . . . and so when it came down to the hotel Act, the 2015 one, there were comments that were flying over social media. I know people were stopping me on a regular basis and saying, *What's happening down there?* I know, even during my canvassing, you know, people were very distraught and not understanding. And I think, even when the work started on the hotel, Mr. Deputy Speaker, it was even more perplexing, because there were some people who did not realise that it was going to be a beachfront hotel. And so, the changes were monumental for my small community, who can be very protectionist at times. So, we have talked about it. We continued to raise awareness to the questions that we had on it.

One of the other questions I had was in terms of our UNESCO [United Nations Educational, Scientific and Cultural Organization] designation. That is not in any way a small feat. And if anyone knows anything about UNESCO designations, it is admirable that we, as small as we are in Bermuda, have that title. And we have it because, if you know, it says our UNESCO designation is attached to our fortifications. And the reason for that is because the assessors of UNESCO were able to use our forts to determine our history and how long something has existed. So, we have it, and it is very clear. It says, *St. George's and surrounding areas and her fortifications*. So, Fort St. Catherine would fall into that. Fort Victoria falls into that. Gates Fort falls into that. Fort Albert falls into that, as well.

So, that was something else that would have been of serious concern. And I think it is still a concern, Mr. Deputy Speaker, at this time. Unfortunately, at that time, I do not think anybody was listening in terms of the Government. And at the end, you know, we were making the noise. We were raising the questions. We were even saying, *Maybe ask your representatives*. But at that time, no one was listening.

**The Deputy Speaker:** But we have moved on.

**Mrs. Renee Ming:** But we moved on. We moved on. Clearly, I sit here in this House today—so.

We knew . . . the new one, I am happy to see it. I also know we have some discussions from an amendment for it. I do see that there are some things in there that will bring some relief, because we have now started construction. We have a new road as the result of the hotel developers who are trying to, I guess, assimilate themselves into the community and understand the culture of Bermuda and St. George's. And we still continue to . . . I know at times, and if you go, especially on social media, because social media can be funny, you have some people who will say to you, *I still don't like where that hotel is located!* And that may be the case at this time.

But we have accepted what we cannot change, because I know in St. George's, one thing for sure is that there was an interview done in the *Royal Gazette* a few months ago. And they reported that St. Georgians were embracing the new development. And I know I scoffed when I read it. But, hey, that is the *Royal Gazette* for you. And I said, *No. We are accepting what we cannot change*. Because that would mean—I mean, we cannot stay stopped somewhere. So, we are moving forward. We are accepting what we cannot change. We are doing the best that we can.

We know the positive attributes of having a hotel in St. George's in terms of vibrancy, maybe even rejuvenation. And so, we can look at those things and say, *Okay. Well, the positives, if there are any, Mr. Deputy Speaker, are those things*. I know my colleague spoke about jobs and the economy in St.

George's on the whole, as a result of . . . so, we continue to accept what we cannot change. We are hopeful that this Bill will truly address some of the concerns that we have had.

I thank the Minister for taking the time to listen and, I guess, to actually just being nurturing in terms of a community, because we are a small community in St. George's. But we are pretty tight and very prideful. And so, what we saw . . . I am switched to a Somerset vibe now—

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

**The Speaker:** Still looking for some red down there.

*[Laughter]*

**Mrs. Renee Ming:** What we see as a positive for us in some ways, we know that there are some impacts, as well.

And I do not think that the people of St. George's are unreasonable. I think they accept that there are times when we, too, will be flexible on certain things and that we will adapt.

The history, though, when you think about Fort St. Catherine beach, which is actually Gates Bay . . . you know, I had this conversation with cousin last week about Gates Bay versus Fort St. Catherine. Fort St. Catherine is probably the more modern name for it. But the real name is Gates Bay. And I gave him a little history lesson on what happened in 1609.

*[Inaudible interjections and laughter]*

**Mrs. Renee Ming:** Okay? I know it was his cousin's, but I got the story right and I gave him that history lesson.

But it is definitely one of the most historic beaches in Bermuda. Because when Sir George Somers and his crew capsized off of Bermuda, that is the beach that they came up on.

**Some Hon. Members:** Yes.

**Mrs. Renee Ming:** Yes. And so, the history that surrounds that Gates Bay, aka Fort St. Catherine Beach, is monumental, as well. And so, the protectionist side of us, and those of us who are history buffs even, would definitely want to make sure that it continues to be our beach that can be used by us who are here today, and future generations to come.

I remember doing some research back in 2015, Mr. Speaker, and then there was even an article one time, and a lady who was named Kathy Cervino. And I cut it out, because she was talking about the hotel and the beach thereon. And the title of it is, if you do not mind my having a reference to this . . . I will not read the whole thing.

**The Speaker:** Being that you sought permission, you can continue. How is that?

**Mrs. Renee Ming:** Thank you very much.

It was a Letter to the Editor. And she called it “Sacrificing nature for whims of a developer.” And she talks about the impact of a beachfront hotel and what it means. And she felt in her way that we had . . . well, it was just like that, *sacrificing nature for the whims of a developer*.

When you go and you have a look at the plans, Mr. Speaker, for this hotel, I do appreciate that having five stories looming behind me when I am sitting on the beach would definitely be something I would have to get used to, as well. Right now it is unobscured. There are trees. And so, there are many . . . I believe there are changes that will come. I am hopeful; actually, I am more than hopeful. I am pretty sure that St. Georgians will be pleased with the amendment, especially the one here, because the access to the beach was key. And *reasonable access* was a question that was never answered by the former administration—never. And so, we continued to wonder, *What does that mean? And what can we expect with that?*

So, as we progress through the years, Mr. Speaker, because we are now in 2018. So, the 2015 Act based on this is now being repealed, and it is being replaced with the 2018 Bill. I believe that the people of St. George’s are going to be pleased. And sometimes, we do not always get everything we want, Mr. Speaker, and we have to work it out. So, I think that this is something, and this is a product of working it out. And I think this actually speaks volumes of the Progressive Labour Party Government, that we can do that. Because that approach of pushing it at you and just saying, *This is what you’re going to get*, does not always work. And when you represent people, and you are hearing these concerns all of the time, you have to take it to heart. You need to remember who it is who put you here, because just as quickly as they put you here, they can take you out, as well.

And so, the 2018 Bill, with the amendments when we talk about them (I will make sure to get up and talk about that), I believe that, like I said, I think we are in a good space. I believe that we will have some work to do in terms of our UNESCO designation, and I am very hopeful that, as a Government, we will be sure to maintain that. And I pray that, like I said to you, other generations continue to enjoy this beach. I do. I enjoy it. I have not been swimming for this year, though, which is funny. I have sat on the beach.

**The Speaker:** Well, you are late, you know.

**Mrs. Renee Ming:** I have not been in the water yet.

**The Speaker:** You are late, you know.

**Mrs. Renee Ming:** Yes. I actually swam in December in Fort St. Catherine Beach, a little birthday swim.

**The Speaker:** Birthday suit?

**An Hon. Member:** Swim in the winter and don’t in the summer.

**Mrs. Renee Ming:** I will let my colleagues—you know, she can run her mouth. But maybe, offline, we will make a little bet about when we were in Cup Match. She can come down and have a swim.

But, in a nutshell, Mr. Speaker, I believe that I am supportive of this. I think that we are on a path of listening and consulting. And I believe that, when I go to my constituents on this Bill, the amendment, that they will be pleased—

**The Speaker:** Be comfortable with it.

**Mrs. Renee Ming:** —that we can be comfortable.

So, with that, Mr. Speaker, I close my comments right now. Thank you.

**The Speaker:** Just remember, when the British discovered, they were red, you know. Right. Redcoats.

Opposition Leader, would you like to have your comments at this point?

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

**The Speaker:** I like that red dress, yes.

**Hon. Jeanne J. Atherden:** Of course. Well, I do not have my blue on, but I will have it on, on the day—on the day.

Mr. Speaker, I just want to say I, obviously, was very pleased that the hotel is going ahead, because I remember Kenny Bascome, you know, pushing us, saying, *Gotta get the hotel up. You’ve gotta have it going*. I guess what I am concerned about is the fact that we still have not gotten to the stage where we can (what I call) come together and be comfortable in terms of uniting for things that are good for the country. We still have what I call this sort of partisan thing that, *We did it* versus *They did it*. I am disappointed that we seem to feel the need to have to change the Act, because the Act came into place . . . and I have seen amendments to a particular Act so that you do not go back and change the date on the Act. Now, I could be being cynical. But it just felt like, *Well, okay. You can’t have the 2015 Act; you have to have a—*

**Hon. Jamahl S. Simmons:** Point of order, Mr. Speaker.

**The Speaker:** Point of order.

**POINT OF ORDER***[Misleading]*

**Hon. Jamahl S. Simmons:** I am sorry. The Honourable Member is misleading the House, perhaps unintentionally.

The changes brought to the Bill were as a result of talks with the developer to enhance their ability to develop the project, not because . . . whatever you were saying. Thank you, Mr. Speaker.

**The Speaker:** Member, continue.

**Hon. Jeanne J. Atherden:** Sorry, Mr. Speaker. I was not saying that the Act did not need to be changed. But I have seen Acts changed . . . so what I was trying to clarify was, I have seen Acts like the 2015 (No. 2) Act, and that is why I was not sure whether it had to be the 2018 Act. I knew that the developer wanted the changes because we actually met the developers. We actually had some conversations with them about what was important to them. Because even though we are no longer the Government, we still support projects that benefit Bermuda, and we still try to make sure that things that are happening down there we are aware of and support it. So that is why I was just curious about that.

And I guess, maybe, what made me feel about this was the fact that, having just had the discussion on the ATV, where we had all of this to-ing and fro-ing about what is happening in a particular area versus, you know, *Does it make any difference to one area versus the other?*, I am hoping that, ultimately, we will get to a stage where we can say, *These things are good for Bermuda, and we will get behind it.* We will ask questions, because I am always saying that we should ask questions. But we should not shoot messengers if they do ask questions. And we should not get into circumstances where we start to almost scaremonger people to sort of say, *Oh, this is never going to occur.* And then you get people creating negative reactions to something which should be very positive.

And I say that because, at the time when we were talking about the beach and at the time that we were talking about the resort, you know, there was all this about, *Was the public going to have access to the beach?* And, of course, as I say, I know Kenny Bascome was always very, very much saying, *You've got to have these things for St. George's. You've got to have this because it is important to us.* And so, we actually realised that what is happening for St. George's is important to Bermuda, and it is important for us to be supportive of it. So, I do not know why people would feel that we would not be just as interested in making sure that good things happen there, and that we would not necessarily be supportive of the right way.

And I guess what I was concerned about, Mr. Speaker, is the fact that, you know, you look at a number of things that occurred. And I know that I am really pleased that they are making some changes, and I see that things with respect to the golf course and golf villas . . . because I was so disappointed. One, I was disappointed that the golf course was allowed to deteriorate. And I believed it was allowed to deteriorate because it was a political agenda. And I am hoping that we will stop having political agendas.

And it is the same thing like having the clubhouse torn down. Too often, what we do is we do things where you have assets and you have resources. And by doing things, you actually move things backwards. Because, having a golf course which was still operating, functioning, to me, would have been easier to renovate than having something that is totally overgrown.

So, Mr. Speaker, what I just want to say is the fact that I would like to think that, as we go forward, we will be supportive on our side. We know that the Government, just like us, wants to make sure that the resort gets built as quickly as it could be. And I must admit I was pleased to see how fast it was developing, and it was nice to see all of the workers who were down there, the Bermudian workers. And so, from our perspective, I think that, even though the previous speaker talked about its speaking volumes of the PLP, I think it speaks volumes for the OBA in the sense that we got it started. We got the ground turned over. We had the project started. And as I see it moving along, I am pleased because the more quickly we can get that hotel up and running, the more we can add to our tourism product. This is what is going to be really good for Bermuda because we, obviously, want people to be working in the hotel industry; we want guests to be coming to the Island.

And so, from our perspective, asking questions will be important. As we go along, we will be looking forward to hearing the Government come and give us updates, progress on what is happening. And I think we all have gotten to the stage where, as we have said, we want less red tape and more red carpet so that there will, obviously, be the opportunity. And I think I just want to say that, as we start to ask questions over time, I just want to say right from the get-go that I am certain that my Honourable Members on this side are going to ask questions just to make sure that they clearly understand what is happening.

It will mean that when we are talking to St. Georgians, because we do still talk to St. Georgians. You know, people on this Island talk to both parties. They do not just talk to one party. Because they need to find out what is happening. They know that we are up here and that we should be helping out. And so, we want to be able to respond to them in terms of what is important and make sure that we are asking the questions that are going to give them the answers, or if there is something that we need to draw to the

Government's attention that we actually deal with it properly. Because I do not believe that anybody wants to have a Bermuda-versus-St. George's; I think we are all trying to do things for Bermuda.

And with that, Mr. Speaker, I think everything else—I mean, as I say, I know that I have read it. I am very intrigued about the golf villas, because I think that is a nice addition to the product. And it is interesting in terms of some of the concession issues. And I will look forward to the Minister explaining them when he goes through the Bill in detail.

And, Mr. Speaker, with that, I would just say that I must admit I did not see any financial impact statement. So I just would have to ask whether that is something that would normally happen. I thought a Bill would normally have a financial impact statement. So, perhaps the Minister can indicate whether it—

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** Oh, only when we were the Government we would have financial impact statements? Okay. All right.

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** Well, I guess . . . I guess . . . I guess—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** No, no. But as I say, the reason I say that is because I am believing that this is something that one would want to have as a matter of good financial rules. So, I am just assuming that you would have wanted the same thing, that it was good financial . . . I am assuming that it was something that might have been asked.

*[Inaudible interjection]*

**Hon. Jeanne J. Atherden:** So, that is why I was asking the question as to why it was not there. But perhaps they decided that they do not see the benefits of it.

But, thank you, Mr. Speaker, and we look forward to hearing some more about the progress of this very important hotel in the East End.

**The Speaker:** Thank you.

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

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

Does any other Honourable Member wish to speak to this matter?

Honourable Member from St. George's, I am sure the night would not have passed without your

taking the opportunity. So, would you like to speak now?

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

**The Speaker:** Of course, Honourable Member. Go right ahead. The Honourable Member Swan, from constituency 2.

**Mr. Hubert (Kim) E. Swan:** And let me start off by saying, Mr. Speaker, I am very supportive of efforts to increase commercial business viability in St. George's.

**The Speaker:** Mm-hmm.

**Mr. Hubert (Kim) E. Swan:** And I am pleased that the development is making progress, and I applaud the Minister for progressing this along. I will take this opportunity to make note, Mr. Speaker, that there were concerns that were raised about the close proximity of the hotel structure to the beachfront and also concerns about the access to the beach. And I think there has been some compromise afforded to give persons, particularly St. Georgians, some satisfaction and appreciation for access to what, in fact, is discovery area in Bermuda. Most of us trace our origins of Bermuda to this very part of our Island, and for good reason.

Certainly, Mr. Speaker, as it relates to the golf course, I have always been one, in my travels . . . and I declare my interest, my trade, and my profession of that of a golf professional. And I have managed golf courses in my career. And in my travels and journeys internationally, it is usually customary for the golf courses in developments to be built first, and then the development and the villas galvanise around it. You know, as a student in West Palm Beach, a very, very famous residential area—it is Quail Ridge in Boynton—I was there when they opened their first nine holes. I became very connected with it as years and years went by, through friends. And, you know, you would never realise that places like that and places like Wellington in greater West Palm Beach, where there are now luxury homes, when they were first developed, they built the golf course first. And then it grew out with a vision, from there.

I have to note that, in the amended version here, golf course villas have been flagged for some seven units per acre, which stretch down to the Wellington area and run all the way from the westernmost area up to the easternmost area of the property. So, I will just make known that I will certainly feel that the development of the golf course should be put up the pecking order so that the demarcation of that is established. And why should that take place? Because . . . you know, I certainly have to take the opportunity to look with great optimism. But you want to ensure that, going forward, those two entities work hand in hand.

And for the benefit of anyone who holds a property around a golf course, your property value does increase. And persons recognise that, and they certainly recognise the depreciation in property values that occur when it does not exist. So, from that point of view, the very fact that this Bill makes mention and continues to make mention of the golf course bodes well. And with the units per scale, we would expect that there will be a knock-on effect, from a positive standpoint of view, from persons who are looking to benefit from an uptick and an upsurge in their property values.

Mr. Speaker, the preservation of the UNESCO designation in Bermuda, in St. George's in particular, which has been mentioned, is of great importance. And I have always taken the opportunity to encourage persons who have invested in hotel businesses in St. George's that one of the greatest assets in a small community such as St. George's is indeed the people. And it is the people who live, who grew up and visit the town, who appreciate the town, who will help to enhance the product of the hotel that has been envisioned and is getting started and being built.

And so, from that point of view, you will hear persons encouraging developers to make sure that, at every turn, Bermudians can be hired, from the building of it. And we do know that there are persons who are there, in that stage, who come from overseas. But we also look for greater numbers of Bermudians to be a part of the development, the construction of the golf course, the building of units that are connected with it, and also from an operational standpoint.

It is a plus when a community has the opportunity for those who choose that area to live, to have an opportunity to not only live there, but to work there. In addition to the absence of a long commute, there are many social benefits that spill over from there. Increased time with your family, the ability to have quality schools in the neighbourhood all lend themselves to a beneficial nature to people and the quality of life that they are hoping to live. And so, from that point of view, notwithstanding the concerns that my colleague and others in the community feel it necessary to raise on the work in progress, I certainly feel it is of benefit for us to have a vibrant business entity, as such, functioning in our community.

As you look at the outline of the Schedules, it is important to note that St. George's can look forward to having a spa and casino listed there in different areas on the property. And with that will come the opportunity to encourage more people to make destination St. George's their part of the Island of choice. And notwithstanding that, I always say, when I managed one of the largest facilities in the community for many years, that we need to create the necessity for people to not only visit St. George's at least once, who might be in the other part of the Island, but spend hours there, and to increase the number of dollars that they will leave in our community. And so, there will be other

knock-on-effect opportunities and challenges that present themselves as things progress.

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

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

I now recognise the Honourable Member—I am going to come across the floor here. I recognise the Honourable Member from constituency 8.

The Honourable Member Simons, you have the floor.

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

Mr. Speaker, I rise just to make a short contribution.

**The Speaker:** I appreciate that.

*[Laughter]*

**Mr. N. H. Cole Simons:** Mr. Speaker, first of all, I would like to congratulate and give credit to the developers for their commitment to Bermuda, and sticking it out and working with us to bring this project to fruition. These people have stuck to their word, and they are respectful of the Government of the day, irrespective of which government was in power. And they have made a commitment to hire Bermudians. And recently, I saw an ad. They had a piece that indicated that 75 per cent of the employees working on the site were Bermudian. Again, I applaud them for their commitment to hiring Bermudians.

Mr. Speaker, I also would like to thank the Minister and the PS for meeting with me. I had some questions, and they went through them, and they satisfied most of the answers. So, again, thank you for their invitation, and thank you for allowing us to be better informed and better prepared for this debate.

I would like to also recognise the Economic Development Committee that was in place under the OBA Government. For a major project like this, we thought it would be efficient for the developers and Government if we sat around the table for major economic capital projects. And the Economic Development Committee, we met every Tuesday for hours and hours. And around the table were the PS's of Works and Engineering; Tourism; Immigration; Finance, Planning; and the Environment; and the Ministers. And we all used our collective wisdom and resources to get things done. And this is why we have what we have here today—a project that Cabinet worked on collectively. And we were there getting progress reports every week. We were responsive to the needs of the developers. We were responsive to what needed to be done in law.

So, again, I would like to recognise their contribution in making it happen so that, at the end of the day, this project got off the ground with the diligent

planning and work of the OBA Government. So those are my thank-yous.

**The Speaker:** Are you finished?

**Mr. N. H. Cole Simons:** Mr. Speaker, no.

**The Speaker:** Oh. I thought you had finished, Member.

**Mr. N. H. Cole Simons:** So, Mr. Speaker, I have just got about three or four points, and then I will be done.

We have made a number of changes to the 2015 Act. And I have read through the 2015 Act, and I have compared it with the 2018 Bill. And I have satisfied myself that these are changes that I can live with and that they are good for the progress of this project. I listened intently to the Minister's presentation. And while I was sitting here, looking at the changes, I was wondering if the Minister had been advised, or are there any changes to the Master Development [Agreement]? Because, to me, that would dovetail nicely with the legislation as far as St. George's hotel development is concerned and the concessions. So, if he could confirm whether or not we are still operating under the Master Development [Agreement] that was crafted in 2015, or if we have an updated one? Just a question.

The second issue that my colleague, the Opposition Leader, raised was the issue of financial memorandum. Mr. Speaker, I know that in 2015, I have a copy of the St. George's Resort Bill's 2015 Financial Memorandum. And it estimated that approximately \$30 million will be the total amount assigned for these concessions for this development over 10 years. Has this changed? Are we sticking to that \$30 million concession? Or because of the progression of the development, has this changed?

And I would like to break it down a bit for the House and for the listening audience. As far as customs duty relief, in 2015 we said that we can expect to give them relief for customs of somewhere between \$8 million and \$10 million. For hotel occupancy, we said we will give them a minimum relief of \$15 million. For payroll relief, we said we will give them relief of \$5 million over a 10-year period from the opening of the plant, or the opening of the hotel. So, I would like to know whether this has been updated and whether these numbers will vary much. Because the Minister did not provide any information for us in regard to the update and in regard to the financial memorandum—just for transparency and clarity.

While on concessions, it is my understanding that the developers will be building residential properties on the campus, so to speak, and around the golf courses. Most of these will be in the voluntary pool. They will be, basically, part of the tourism stock. But a handful of them may not be. And they will be built under the auspices of the developer and St. Regis. So,

my question to the Minister is, If we have properties that are not included in the voluntary stock, and they are built under the auspices of St. George's resort development, under this Bill, and the attending concessions, how are we going to claw back the concessions that are used to build these residential homes that have not been added or will not be added into the tourism pot or the rental pool, knowing that, when these residential properties are developed, they are developed with the concessions? So, what mechanisms do we have in place to claw back the concessions for residential apartments that are used that are not going into the voluntary pool or increasing the rental of tourism places in Bermuda? So I would like for an answer in that space.

The other issue (and if I can read my writing) that I would like to speak to is the issue of the environment. I am, as the Member from [constituency] 2 is, delighted that the developers have embraced and respected our UNESCO designation. I am delighted that they are, as I said, good citizens and are respecting the UNESCO designation. In addition, the overall plan itself, I think, respects Bermuda's architectural heritage. It respects our environment. For what they are doing, I do not believe it is very invasive. They try to be environmentally sensitive. And again, I would like to applaud them for that endeavour. I know it is not easy. But based on what I see, I have been down to St. George's a couple of times and walked around and looked at it, I feel that they are trying to do their best to ensure that our environment is not negatively impacted and that they are trying to preserve the architectural heritage of St. George's and Bermuda.

The last thing that I would like to speak to, Mr. Speaker, is the issue of access. Mr. Speaker, let me read and compare the legislation from 2015 and 2018. And I will start with 2018, Mr. Speaker, if you will allow me. It says [at clause 3(4)] the following:

"Any conveyance or lease granted by the Minister to the Developer under this Act shall be subject to the following rights of access—(a) the public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ."

That is the 2018 Bill.

The 2015 Act, Mr. Speaker, and I will read that.

**The Speaker:** Yes.

**Mr. N. H. Cole Simons:** It says [at section 3(3)], "Any conveyance or lease granted by the Minister to the Developer under this Act shall be subject to the following rights of access—(a) the public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ."

Mr. Speaker, so to my friend, the Honourable Member from constituency 1, there is no difference! There is no difference, Mr. Speaker. Under the 2015 [Act] when this legislation was going through, we were

flogged. *No access! No access! What are you going to do?* But now, Mr. Speaker, in 2018, the legislation is exactly the same, and I do not—

**Hon. Derrick V. Burgess, Sr.:** It is not!

**Mr. N. H. Cole Simons:** Well, you have not tabled it yet.

**Hon. Derrick V. Burgess, Sr.:** You ain't got the amendment.

**Mr. N. H. Cole Simons:** So, when the amendment comes through, then we will speak to it. But at this point, based on what is in front of me, the language is exactly the same. And I do not hear any noise from my friend from St. George's.

So, Mr. Speaker, generally speaking, we support this. And I applaud the work that the developers are doing. I salute them for their commitment to Bermuda. And I also want to recognise all of the hard work that was done by the Government, the economic committee, and the Ministry of Tourism and their staff for a job well done. And I am just delighted that the progress is still going and that we will have a hotel in this country, and in St. George's, that was started under the OBA Government and will be completed within the next two or three years. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Minister from the East End. Honourable Minister Foggo, would you like to take a few short minutes?

**Hon. Lovitta F. Foggo:** Yes, I would indeed, Mr. Speaker.

**The Speaker:** Go right ahead.

**Hon. Lovitta F. Foggo:** And as you can appreciate, being a St. Georgian, I think that I am duty-bound to speak on this. And let me first thank the Minister for ensuring that this piece of legislation has come to the House in a manner that has met with the accord of all of his caucus and his Cabinet Members.

I can assure the Member who just took his seat that concerns were raised by several of us who sit on this side of the House. And those concerns were addressed, because at the very least, we wanted to make certain, for those whom we represent in the wider community and eastern area in particular, but generally in Bermuda, that we were here being their voice and bringing to the fore the concerns that they had raised time and again with respect to this hotel development. And let me say that, even as we speak now on this legislation, St. Georgians particularly are still very anxious about this development.

They, more than any part of the Island, want to see this development come to full fruition. They want to see the final product.

And so, the fact that the building which has begun is still not at that final stage is a source for many of our constituents to constantly approach us with questions and seeking updates and the like. *What, if any, are some of the impediments that the establishment is being confronted with?* And one of the things that we have been able to go back to them and say, very clearly and loudly, is that the Minister for Economic Development and Tourism has considered many of their concerns that were heard, both when a former Government was in and again during our tenure. [The concerns] have been looked at and in a way that we made certain, as a Government, that we responded to those concerns.

So, unlike what the gentleman who just took his seat, the Honourable Member who just took his seat, said, even though he speaks to one word as being the significant difference, it is indeed a significant difference! Because [with] that word "reasonable" [regarding] access, one could not explain clearly to anyone in terms of what that meant in real-life situations. And so, in order to make it clear to the public at large that they would be given access, period, having, I guess, if you will, Chambers look at it and other eyes to it, that word [*reasonable*] was removed, because it seemed to create the feeling that *reasonable* might result in situations that many people thought would mean lack of access, for one reason or the other. Hence, we have in the amendment that the public shall have, free of charge, access to any beach.

And as is the case with many hotel establishments that have beachfront enjoyment (I will put it like that), there are times when they are having functions, which may mean that there is not as much beachfront available to the public at large. And so, it gives the Minister the ability to at least notify or at least grant permission and at least inform the public that, if 5,000 of you want to go down to, for instance, Fort St. Catherine, or Gates Beach, it may not be doable since the hotel right now is also having a function that is going to hold another 3,000. And so, you may find that you will all be hard-pressed to find any space to stand on that beach.

But I want to say, for those of us who have enjoyed several decades on this earth, we can appreciate what—

*[Inaudible interjection and laughter]*

**Hon. Lovitta F. Foggo:** We can appreciate what this establishment, once it is fully erected and in place and operational, will mean for the eastern community, the St. George's, the Town of St. George's, because we remember the type of atmosphere that was alive and kicking at a time when hotels were in operation down there. And also, we remember many of the satellite

businesses that grew up around a hotel facility, providing products that those who would come and visit and stay in those hotels sought. And so, what this hotel means for people like that and for those perhaps who were not even around during that time, but understand, having been exposed to environments that do have hotels in operation, what it means is the hope for the ability to be able to engage in businesses that will be able to enjoy success because we now have an environment that caters to people and brings people in, who will seek the services of businesses that have developed to ensure that they can provide the products that our tourists look for.

And those of us who live in the East have heard, over the decades, *St. George's is a ghost town. St. George's is dead*. And those of us who have lived there when it constantly enjoyed cruise ships in the harbour every week and a hotel that was operational, we know the difference. And we know just how vibrant St. George's was at that time. And I can say this, the true entrepreneurs have developed in the eastern area because, in spite of not having a hotel and the benefit of having cruise ships that come to port on a frequent basis, we have been able to establish some businesses that have survived the test of time. And so, I can tell you that has put us in good stead to make certain that we benefit even more so, once we do have a hotel that is fully operational.

Already, my Members, my fellow Members have spoken to the concern that was raised in our communities regarding, *How does this impact the historical product and our standing as a UNESCO World Heritage Site?* Some concerns have been raised, given the infrastructure in St. George's. How will St. George's be able to support the hotel, given some of the roads infrastructure? And this Government has addressed things on a wholesome level, because we already have Works and Engineering and talks with how St. George's can put itself in good stead in order to be able to accommodate the hotel that will go up, and at the same time take care of the community of St. George's when it comes to sanitation matters.

And so, we have not looked at this piecemeal, and this has led to our taking our time and ensuring that, when we brought this legislation today, that it was one that we can say, certainly, at the end of it all, we are going to have a St. George's that will accommodate the hotel, a St. George's that accommodates its town folk, and a St. George's that will, I guess, if you will, return to that day that it definitely, if you will, was the leader. Because we look at things like Harbour Nights—that started at St. George's. Minibus business—that started in St. George's. St. George's has been a first for many things. St. George's will continue to be a first. And when this hotel comes up, people will see what St. George's again has in store for Bermuda and its people, and for the people who choose to come and enjoy our great shores as visitors.

And so, Mr. Speaker, once again I want to say to my Honourable and esteemed Minister of Economic Development and Tourism, thank you for bringing this legislation to us today. Thank you for answering a prayer for many of the St. Georgians. And both sides of the House are appreciative that this is a product that will, in the future, serve our Bermuda Island well, because it is sorely needed. And Bermuda can only benefit. And we will be there to ensure that, as things evolve, it evolves in such a way that it will continue to complement what it is that St. George's has to offer to both its Bermudians and the tourists alike. And so, we are thankful for the developers. We are thankful for all of those who were involved in ensuring that this hotel deal came to the fore. And so, again, Bermuda will benefit. Thank you.

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

Now I recognise the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

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

Mr. Speaker, I am going to go back a little bit, historically, because it is important to say that St. George's had a vibrancy that was perhaps second to none, as I can say *back in the day*, when they used to have Club Med, and even before that, Holiday Inn, on top of the hill in St. George's, the Loews. And it was a vibrant hotel economy that also was surrounded by a golf course that, at the time, was very well run. And, ultimately, for whatever reason, a former PLP Government decided that it was appropriate to knock down the golf club and to undermine that level of the economic benefit for St. George's. And done at that point, it appears, purely for political reasons. That is water under the bridge.

But I want to say the Honourable Member who just took her seat said that it was important to applaud the Minister for taking his time to bring this Bill, the St. George's Resort Act 2018, to the House, taking his time to make sure that we got it right. But let me just say by way of reference, Mr. Speaker.

**The Speaker:** Yes.

**Mrs. Patricia J. Gordon-Pamplin:** We have three amendments—four amendments before we even get to the Bill. So let us not talk about how wonderful time was taken in order to get it right, because we have got significant amendments coming through.

But let me just say, as, I guess, a foreword to what I want to share, that, over the last few years and under former administration, and carried on by this, we brought an airport to the East End. We brought this hotel development to the East End. We brought cruise ships, additional cruise ships to the East End.

And just watch, in a month's time, we are going to bring a Cup back to the East End.

**The Speaker:** You were pretty good until you got to that point.

*[Laughter]*

**Mrs. Patricia J. Gordon-Pamplin:** So, I just wanted to . . . I know they always say that, you know, good luck comes with a three-leaf clover. So if I got to three items that have happened in the East End, then I am kind of overstretching by adding a fourth. But, you know, this is going to be a four-leaf clover because the Cup is going to come back to the East End. And maybe four times will be a charm.

**The Speaker:** You are entitled to your dreams.

**Mrs. Patricia J. Gordon-Pamplin:** Let me also say that it was a great day when Desarrollos made the determination and the commitment to stay, notwithstanding the negativity that came while they were on the ground, trying to determine where to put their dollars in order to have this development. A lesser person, Mr. Speaker, a lesser organisation would have headed for the hills. However, through a lot of persuasion by our former Minister, the late Honourable Shawn Crockwell, deceased . . . let me also say that with the benefit and the cooperation and the coordination of the economic development team that was put in place over the course of the last couple of years, they decided to stay. Because, you know, when we started listening to all of the naysayers at the time of 2015, that *You didn't know what reasonable access was*, what I find extremely interesting, Mr. Speaker, and if I may, with your permission, make reference to—

**The Speaker:** Yes.

**Mrs. Patricia J. Gordon-Pamplin:** —the Park Hyatt (St. George's) Resort Act 2008. And this Act speaks to the issue of leasing of land, under [section] 5, with respect to access.

And it says, under [section] 5(3), "Any lease granted by the Minister under this Act shall be subject to the following rights of access—(a) the public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ." This was 2008! [The] Park Hyatt (St. George's) Resort Act. There was not one peep of concern under 2008! But what happened between 2008 and 2015, Mr. Speaker?

In 2015, the St. George's Resort Act came to this Honourable House and was passed, amid all kinds of criticism. And section 4 [*sic*] of that, if I may also refer, Mr. Speaker—

**The Speaker:** Yes.

**Mrs. Patricia J. Gordon-Pamplin:** Sorry, section [3(3)]. (Let me just make sure I have got the right reference.) Yes, section 3(3) says, "Any conveyance or lease granted by the Minister to the Developer under this Act shall be subject to the following rights of access—(a) the public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ." That is in the 2015 St. George's Act.

Fast forward. We have the original version of the 2018 Act, which says, "Any conveyance or lease granted by the Minister to the Developer under this Act shall be subject to the following rights of access—(a) the public shall have, free of charge, reasonable access to any beach and foreshore on the Property . . ."

So, this is 2018. Not a dicky bird was said concerning this *reasonable access*. It somehow became an issue in 2015, for what purpose? There had been a change in Government. So there had to be some political football that was going to be kicked around to see, *How can I find something that I can criticise? How can I find something that I can suggest to the St. Georgians that, somehow, there is something going on that we don't like, and we need you to stoke it up. So, we want to make sure that you are aware that this reasonable access is not quantified.*

*Reasonable access* was not quantified in 2008; but it was not a challenge. But you know what? I digress. We understand. It is the political nature of people deciding that it is more important to stoke the emotions of people to make it look as though there is something sinister going on—

**Hon. Jamahl S. Simmons:** Point of order, Mr. Speaker.

**The Speaker:** Yes.

#### POINT OF ORDER

*[Imputing improper motive; misleading]*

**Hon. Jamahl S. Simmons:** I think this is a rare instance of not only imputing improper motives, but also misleading the House.

For the edification of the Honourable Member and the former Leader of the Opposition, the difference between 2008 and today was the presence of MP, the Honourable Member Renee Ming, who fought assiduously on this issue up until yesterday to make sure that the interests of the people of her constituency were represented. Thank you, Mr. Speaker.

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

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Speaker, let me just say . . . as I said, I did not hear that Honourable Member in 2008. She was not on the political arena as much as she was in 2015, and certainly not as

much as today. And I accept, and I appreciate, and I understand that.

But let me just say that the issue that has caused such consternation was absolutely verbatim in 2008, 2015, and the original version of 2018. Absolutely verbatim, save and except in the 2015 Act, instead of just saying “any lease granted,” it says “conveyance or lease granted” and “by the Minister to the Developer”—the only difference between 2008 and 2015. And 2018, the original version is exactly verbatim to that which was in the Act of 2015.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** Same developers, Desarrollos here.

*[Inaudible interjections]*

**Mrs. Patricia J. Gordon-Pamplin:** Park Hyatt was different. Park Hyatt was a different developer.

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

**Mrs. Patricia J. Gordon-Pamplin:** Park Hyatt was a different developer. But 2015 and 2018 are the exact same. But the wording was exactly the same, save and except *to the Developer*. And it does not change—

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

**The Speaker:** Yes.

#### POINT OF ORDER

*[Misleading]*

**Mr. Hubert (Kim) E. Swan:** Just one point, that I think the Honourable Member was unintentionally misleading the House.

There is a significant difference that is not being taken into consideration. In 2008, the development was going to take place up on the hillside in the same location as the former hotel. And when the development started to go down on the beach and the artist's rendition saw the beach encapsulated by a building, that raised every alarm bell for residents. I think that is the significant difference. But there were protests in 2008, as well, from an environmental position.

**The Speaker:** Member.

**Mrs. Patricia J. Gordon-Pamplin:** Let me just say, Mr. Speaker, thank you and I appreciate the intervention. But the beach is a beach is a beach.

But let me just say that one of the amendments that we are going to see later today actually provides restrictions that were not there in 2008 and

2015, originally, and even in the original version of 2018. So, we will have the opportunity to discuss that when we get into Committee. But it is important to point out that, as the Honourable Member from constituency 3, Lovitta Foggo, had indicated, the hotel will now have restrictions that could be imposed if the hotel decides that there is something that they want here. They have to do it in conjunction with approval from the Minister. But, basically, according to the amendment that we are going to debate, they have to give *reasonable* notice to the public, and then they can actually exclude the public on certain specific occasions, according to what I am reading here.

**An Hon. Member:** Did you read the rest of it?

**Mrs. Patricia J. Gordon-Pamplin:** I read the amendment.

**An Hon. Member:** Read the whole thing, Member.

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Speaker, if I may, “the public shall have, free of charge, access to any beach and foreshore on the Property (save for any hotel facilities or amenities the use of which may be reserved for hotel guests and the owners or occupiers of any resort residence only) provided that the Developer or any operator of the Hotel may, with the agreement of the Minister (acting reasonably), and subject to giving reasonable prior notice to the public, limit access at specified times and to specified areas of the beach and foreshore for the purposes of special events or for the maintenance or improvement of or repairs to any part of the beach or foreshore or any structures or equipment thereon . . .”

So, that was what will now replace the clause that was in the original 2008, mirrored in 2015, mirrored in the original 2018, but now being changed in 2018 amendment. So, I just wanted to point that out.

So, let me just also indicate with respect to the golf course.

**Hon. Jamahl S. Simmons:** Point of order, Mr. Speaker.

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

#### POINT OF ORDER

*[Misleading]*

**Hon. Jamahl S. Simmons:** The Honourable Member is, perhaps inadvertently, misleading the House. When I was asking her to read everything in context, has she read the lease, the original lease that was provided? Because that, what you are looking at, mirrors the lease. So, this is . . . you know, I am just confused. But you have to read it in context with everything else.

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

**Mrs. Patricia J. Gordon-Pamplin:** I understand. Thank you, Mr. Speaker. And I hear what the Honourable Minister is saying, and I appreciate his intervention.

All I wish to say in respect of that is that, that obviously did not seem to be taken into account when we got this original draft of the 2018 Bill put in front of us. Because this new amendment is not reflected in the 2018 draft. That is all I am saying. And I am saying that 2018 mirrored 2015, mirrored 2008. So, those are the comments that I wanted to make in that regard.

I also wanted to make mention that the ability of the developers to stay the course was one of the reasons . . . or their lives were made a little bit easier and they were preened and massaged through the process because—

*[Noise from electronic device]*

**The Speaker:** Turn it off, turn it off. Thank you.

**Mrs. Patricia J. Gordon-Pamplin:** They were preened and massaged through the process by the original Economic Development Committee, which met to help to ensure that major projects were able to be shepherded through for the benefit of the country in the best possible way. And I do want to applaud them for their fortitude, for their stick-to-it-iveness, because they could very easily have walked.

I also think it is important. I do not believe that we can have a discussion on St. George's without making representation for the yeoman effort that was put forward by the former Member of constituency 1, Kenny Bascome. I know, Mr. Speaker, that even when the golf course had reached the stage where it was not being properly maintained, the Parks Department could not properly maintain it—or whether it was Works and Engineering, whoever is responsible I am not 100 per cent certain, and I am not trying to mislead. But whichever government department was responsible for keeping up the St. George's golf course, and it was not able to be done, I know Kenny Bascome had arranged work crews on a weekend, had me down, when I do not do gardening in my own yard, had me down there with hoe and clippers and everything else, and rakes and everything, trying to keep the area in a sufficiently pristine state for the use of the people of St. George's.

And I believe that he deserves to be applauded for those efforts that he put in in order to ensure that St. Georgians could continue to take pride in an acreage that was in their midst that would otherwise have been left in an extremely rundown condition, but he kind of insisted, *I don't care how you do it. You've got to come. Even if it's an hour that you put on a Saturday afternoon, hot blazing sun. But do it anyhow.*

And you do it not because it is politically motivated. You do it because it enures to the benefit of Bermuda, and certainly the people of St. George's in particular.

Now, I will say that we acknowledge that the footprint of the new development is a little closer to the foreshore than that which was originally determined that it would be in 2008, from Park Hyatt. And, obviously, the developers, in putting this particular project together, would have made the determination as to the least-possible costs of excavation and the like, in order for them to have the footprint that was viable that they could have a project there, and that could, effectively, continue to bring jobs and vibrancy to the Town of St. George's. So, I applaud them for that, Mr. Speaker.

So, all I wanted to add to the comments that I have already made is that I do not think it is necessary to continue to have political footballs on projects that are good for the country. And irrespective of whether we started it, whether you started it, whether we have amendments to an existing Act, whether they have a new Act coming up, the fact is that we want to move this project forward. And in moving this project forward, we are going to ensure that we are supportive of the amendments that are required for the developers to be successful, not for what they are going to get out of it, because obviously, they are putting their money into it, so you do not want them to make a loss, but that they are successful for what is going to benefit the people of Bermuda—the jobs that will be created in St. George's, both now in the construction of the hotel . . .

And I had the privilege of actually going through the work permit applications for some of the early stages of the project to make sure that the management crew was able to be put in place for what they wanted. And I can remember, Mr. Speaker, having a difficult time in some instances, because one of the original advertisements for one of the people whom they wanted, when we looked at the qualifications of the applicant, they did not tie, they did not mesh with the advertisement that was in the paper. And I can remember turning it down. Because I was thinking, *If you want this particular qualification, and this is what you have advertised for, then you have to show me that any application that is coming through to the Ministry is supported by what you are asking for.* And it did not happen in this particular instance, at the outset.

And then, when they realised what it was that was required, what they really wanted, they came back and said, *We have looked at what we have asked for, recognised that it is different, and we would like to modify what it is that we require.* And then we had to balance the situation in terms of, *Are we looking at a tailor-made application?* Because that was a no-no for me, as the Minister responsible for Immigration. Or were we looking for something that could le-

gitimately be defended as being a prerequisite for that particular individual on that particular property?

And after great consideration and discussion with the team, the answer was we could support it. Because it was important to make sure that the team, as a developer, stayed committed. And we did not want to find ourselves in a situation of putting spanners in the works in order to cause them to have second thoughts and to decide that, ultimately, they will pull out. It was important.

It was important because we had seen the failure of hotels to get off the ground, both in terms of what we saw in Park Hyatt, plus in terms of some of the other things that have happened post 2012 in terms of speaking to people who would develop the property, which caused all manner of consternation, both in the country and in this Honourable House, that we ultimately got through. And then, in 2015, to find and to be able to go through the selection process in which there was not just one developer—this was not the only developer. There were others who had put plans and proposals through that the then Economic Development Committee were able to go and vet, and determine which was deemed to be best for the benefit of the country.

So, I am absolutely thoroughly pleased that we have been able to reach the stage that we are at. Obviously, as I said, we may have questions when it comes to the actual concessions. My honourable colleague from constituency 7 asked the question, *Where was the financial impact report?*, which was required. We were dogged about it when we put the 2015 Act. The Honourable Member was able to show or able to refer to the financial impact report that came as a result of the 2015 Act. But we do not have one in relation to the 2018 Bill. So, the Honourable Member asked some pertinent questions, which I am sure the Minister will have the ability to respond to, as to whether the financial impact of what it is costing the Government to provide the concessions that are included in this amendment, whether it is going to be more or less or different, or whether it might just be that there is no significant difference.

But I do recall, as we stood on that side of the aisle and listened to Members of this side of the aisle, it was almost like Chinese torture of dripping water in the same place at the same time, you know, in order to make an indentation. And it was like coming and saying, *Where is the financial impact report? You can't bring a Bill to the House with amendments giving money away out of the Consolidated Fund and you don't have a financial impact report.* Okay? We accepted that; we did it. We also acknowledge that we do not see it here today. So, to the extent that we were required to do it, based on the House rules, the Government has failed to do it based on what they have brought today.

But I am prepared to be satisfied if the financial impact that obtained in 2015 is relatively the

same, or not significantly different that we could superimpose that 2015 financial impact onto the 2018 Bill. Other than that, the Minister, I am sure, if there is any significant difference, will be able to share with this Honourable House what he anticipates that impact to be, that financial impact to the Consolidated Fund.

So, Mr. Speaker, I am anxious. And I also wanted to say that I acknowledge that the Minister did say in his original presentation that there were far too many amendments to embed in the 2015 Act; hence, he has brought a new Bill for 2018. The nucleus of this 2018 Bill is significantly the same as what obtained in 2015 but for some of the amendments. So, we have had the opportunity to go through and determine what was there before, and where are the differences? I was kind of almost thinking that we had a US-style whatever the guy before, whatever 44 did, 45 had to overturn. And I am not thinking that this is exactly what has happened in this instance. I am prepared to accept the Minister's explanation that the amendments that he required, that were required to be made, were too voluminous to make amending an existing Act, making an Amendment Act for what existed in 2015 as opposed to making it a St. George's Resort Amendment 2018, or Amendment (No. 1) 2018, that it was probably more expeditious to be able to have a completely different Resort Bill, notwithstanding that it does involve and it does include a significant amount of what was already embedded in the 2015 Act.

So, Mr. Speaker, I am anxious for the opportunity to see the completion of this particular project. I am anxious . . . I thought I was being exhilarating, but I guess not. Mr. Speaker, I am anxious to see how this project can continue. I am anxious to see the ribbon-cutting. I am anxious to see the benefit to the people of St. George's, who will now have that vibrancy in their midst. I am anxious to see the additional employment opportunities that will enure once this project is finished. And I am also anxious to see the fourth leaf of the four-leaf clover that the Cup will come back to St. George's. Thank you, Mr. Speaker.

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

I recognise the Honourable Member Tyrrell.  
You have the floor.

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker.

Mr. Speaker, I really did not intend to speak today. I was not on the Speaker's list.

**The Speaker:** Well. Well.

**Mr. Neville S. Tyrrell:** I was not on the list, so I will certainly be very, very brief.

**The Speaker:** Thank you.

**Mr. Neville S. Tyrrell:** Especially as most of my colleagues have covered all of the points, the positives of this exercise, anyway.

But I am certainly pleased to have been here today to see my Government present two Bills that will basically benefit both ends of the Island—the West End and now the East End of the Island. Mr. Speaker, I do not come from either end, Somerset or St. George's. Most people know that I am a Back o' Town boy, but I know what is good for Bermuda. And I certainly feel that this Bill in particular is good for Bermuda. It is going to create jobs. It is going to create activity in St. George's, that had been previously called a ghost town. And one of the things that I am also happy about is the fact that it is going to recognise and be compatible with the UNESCO World Heritage status, which we certainly must protect. And I certainly can support it in that light.

Let me also say, Mr. Speaker, with the limited number of friends that I have, some of them do come from St. George's. So I do want to support them in their fight that they have had in trying to get access to the beach, Gates Beach, if I can name it as that. Because for a long time, I have sat in meetings and listened to both sides of the arguments. And I am just glad to know that, today with the amendments that we are bringing forth, common sense has basically prevailed, Mr. Speaker.

Mr. Speaker, as I said, I really just wanted to show my support. I am glad the Minister has brought this forward. He has persevered in this. And again, I show my support for this Bill. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member. That was nice.

Honourable Member, will you be able to follow similar suit?

**Hon. Michael H. Dunkley:** Mr. Speaker, as you know, I always try to go right to the point.

**The Speaker:** Well, right to the point, and keep it nice and short.

**Hon. Michael H. Dunkley:** I will try not to disappoint you tonight, Mr. Speaker.

**The Speaker:** Thank you.

**Hon. Michael H. Dunkley:** I thank the Honourable Member for those comments. And I have to thank the Honourable Member for recognising the two Bills that were both brought today, that were started under the OBA. So he is quite magnanimous in his comments to us, and we really appreciate it.

I wanted to start by thanking my colleagues for their stick-to-it-iveness in this Bill, which started way back in probably about 2014. I want to thank the civil servants for the work that they have done all

through this, because they are the ones who have to carry the ball most of the time when changes are going to be made. And I want to thank the current Government for the work they have done.

And, Mr. Speaker, interestingly enough, as I looked through the Hansard, as I did some preparation for this Bill, it was debated in August of 2015. And the current Minister, when he spoke then, from Opposition benches, said, "Mr. Speaker, this hotel has to happen. It must happen. It has to happen and must happen." So, clearly, there was intent on all sides of the House way back as early as 2014 to make it happen and to make it move forward. And I am glad that that has not changed over time.

Now, you know, in the experience in dealing with major hotel development, there is hardly any major work that goes by without a myriad of changes. And I know it is frustrating for civil servants to have to deal with it, and certainly probably more frustrating for Chambers, as they have to make up all of the changes that take place. And I can just reflect back in time, in some of the major projects that we stewarded through, the Loren was one of them where there were a number of different changes. And the Permanent Secretary, who is sitting in this place today and who does a tremendous job, will shake his head and realise the number of changes that were there. And he probably rolled his eyes more than he had imagined that he could do, because there was another change.

But, what happened because of the dedication and sticking to the job? That hotel is open. That hotel is open, and it is getting great praise across Bermuda and throughout North America and other parts of the world for the quality that it offers to our visitors here. Morgan's Point is another one.

And so, the St. George's Resort Bill that we debate today just follows in along the train of something that could happen when you have major development. And if we continue to take the approach to listen to our developers, to try to work with our developers, to try to understand what they do and make it happen, we will be able to roll out more of that red carpet that we want to roll out. And that is what developers are looking for around the world. You hear it and you see it all the time. When somebody who has money and wants to get involved in the tourism industry or international business or FinTech, they do not just look at one jurisdiction, they look at a number of jurisdictions as they decide where they want to go. And there are a number of things that attract them. The ability to have the government that you are working with understand what you need and agree with what you need, and make it work, and make it work in a reasonable fashion and reasonable time is a key point for the potential for that development.

So, we see now, with this Bill coming today, and our partners, HotelCo Bermuda Holding Ltd., they

<sup>1</sup> [Official Hansard Report](#), 17 August 2015, page 3004

certainly still have the confidence in Bermuda that they had in the first instance when they came to us and they were interested in building a first-class resort.

Now, in looking back, Mr. Speaker, and looking back at the debate that took place in August 2015, and before and after that time, there was a great deal of conversation. Because I think, many people, and certainly Opposition Members, were cynical about the ability for the hotel to break ground and for it to happen. So, through the process for the actual ground-breaking, which was over a year ago, through that process we heard concerns about concessions. We were giving away too many concessions, and we worked through that. We see now with this Bill that those concessions are still there and are going to be extended. And that is important.

I take a bit of this opportunity, Mr. Speaker, to just refer to concessions because some people think we are giving something away. Well, if you are starting with nothing, you really are not giving anything away. What you are doing is you are providing an incentive to get people to come here, because we know that they can go anywhere in the world. So, we support those concessions now, and we supported those concessions in the past, and they are important for us to continue forward. But we heard a lot of conversation about concessions. You will not hear that from the Opposition today. We agree with this Bill. We want to make it move forward.

We heard a lot of conversation about the ability for the developers to get up and going. Well, clearly, their words matched their actions. Because they said they could do it. We as a Government at the time said they could do it. And now the ground is being broken, and we see great progress down there. As my honourable colleagues have said, along with the Leader of the Opposition and two other colleagues, we went down to St. George's and had a meeting with the developers in their offices, and then onsite, so we could get a first-hand understanding of what was taking place. And we were impressed by their continued commitment to the project. But we were also very impressed by the progress that had been made. And so, we slew that imaginary dragon about this project not being able to get off the ground. They are off the ground, and they are working.

Another concern that had continued to be raised was the casino issue. That was debated back and forth. And we seem to have resolved that issue. There were a couple of other areas of concern that the PLP, in Opposition at the time, made a big deal about. And one of those was the hiring of Bermudians. But when we were down at the property last week, we were informed that 72 per cent of the staff are Bermudian. And, clearly, the job was still going on, because it was at the end of the working day, and we saw good chemistry between everyone on that construction site. And that was pleasing to see.

Now, perhaps the biggest issue that has been attached to this development has been beach access. And, you know, I guess lawyers and politicians can run of the same mould from time to time, because lawyers can talk about wording until the cows come home. And politicians can try to learn from that, as well, and that is what we have been talking about for four years now. But it was always very clear to me that that beach was going to [be accessible to] Bermudians, and that was not going to change. And so, I am pleased that the Government is here now, making sure that they are comfortable with that access to the beach, because that was an important part.

The development company always wanted to come to Bermuda and always wanted to fit in with our community, to be part of the fabric of our community. And I think they have worked hard to make that happen. And we need to continue to open our arms to make them feel welcome, not so much in the way that would traditionally come across. But we need to get them to not assume that they understand some of the customs and cultures that we have, but to explain to them why we do different things and why certain things are important to us. And then I think you will see that they will quickly grab onto what is taking place, and they will move forward and embrace that culture, that feel in the community.

Everything that I have talked to and been part of with the developers has led me to believe that they are certainly here to be part of the community, and we need to make sure that they understand what our community is all about. So, I am glad we are here today to deal with this, because this project needs to move forward. I expect that in the future there could be some more amendments that have to take place, just because of the nature of development and things that will take place over time. We see that the progress is certainly moving forward.

And I understand that there have been some concerns from Honourable Members about various parts of the project. One of the Honourable Members from the East End of the Island discussed the golf course. Well, in our meeting last week, we were informed that the construction of the golf course, or the refurbishment of the current golf course, because I understand that they have a prominent architect who is going to be involved with it, and they will pretty much follow the current layout of it—that work will start soon. And it is anticipated, providing that there are no unreasonable setbacks with the construction of the hotel and of the reconstruction of the golf course, that they will both open at the same time in 2021. And that is positive.

I think this developer has got it right, in the sense that, if you are going to build a hotel, if you are going to open a hotel, you have to have a very large part of your footprint ready for people to enjoy it and use it, and it still cannot be a construction zone. And so, they are taking a very appropriate aim in dealing

with this project. They are looking at the main hotel and a couple of blocks around the hotel and the golf course. And so, once those are opened, once those are being used, once those golf courses are being used and the course record is set very quickly in a new golf course, their construction will move to the back side and the outside of the property, which will allow all of their guests and visitors and Bermudians to use the site and to feel that they are getting the major benefit from it.

So, I think they are taking a very positive approach in what they have done. And I am glad that the Government has come today to bring this amendment so we can keep it moving forward. So, Mr. Speaker, trying to keep you comfortable and expressing my point very clearly, I am certainly delighted that we are here today. St. George's has been an area that, when we were the Government, we knew that the East End of the Island needed a great deal of attention because the economy there was struggling more so than in some other areas of the Island. That is why we worked hard to make sure we brought more cruise ships to that end of the Island, and we were successful in negotiating more cruise ships to that end of the Island.

It is a very important part of our history, and with the [World] Heritage designation that it has, it is important that we maintain those certain standards.

But, Mr. Speaker, if you look through the town, there are still too many areas that are struggling, too many buildings that are not being utilised in an appropriate fashion or open for business. And this hotel, in spite of some of the minor concerns that some people might have about the project, this hotel has the ability, after decades of waiting for a new project to be built, after the last hotel to be occupied on that site closed down, after that building was dynamited, after the promises and the commitments that could not be [kept], the OBA Government delivered on that commitment. And this hotel has the ability to create jobs, opportunity, and prosperity for the East End of the Island in Bermuda. And that is one thing that all of us, as Members of this House, and especially the OBA Members who made it happen, can take pride in.

And the Government can be assured that we will work with them to continue to move this project forward, and we will not undermine it. But if we have to be critical of certain things, we will be. But today, they have our full support in what we have to do to move it forward, and we look forward to seeing continued progress in the East End.

Thank you, Mr. Speaker.

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

We now call on the Minister to close, to wrap us up.

Thank you, Minister.

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

I am going to begin where my Shadow began, as well as the Opposition Leader, and talk about collaboration. And I think that it was very important, when we understood the significance of the impact on the project that this amendment had, when the developer brought it to us back in October, we thought it was very important to have the Opposition Members in to have their understanding and buy-in of what we are trying to accomplish.

I truly believe that, with tourism, we can try—try to put aside the partisan foolishness that goes on in some areas and try and move forward. But, however, I have to just take issue with some of the comments raised by the former Opposition Leader, who spent a great deal of time concerned about why the Bill was changed and throwing all sorts of conspiracy theories and wild notions out into the air. But I can assure you that Chambers were the ones who advised us on the need to change the name.

The other issue that was raised in terms of, Why were there no complaints in 2008 when it was substantively the same, even though it was a different developer? And I mentioned at the time that there was the presence of Renee Ming, the Honourable Member who was not part of the equation. But I think that there was another factor that the Honourable former Opposition Leader missed. There was a PLP Government in power at that time. And the people, particularly the people of St. George's, for all the lawn mowing and all the cultivation of the golf course, did not trust the One Bermuda Alliance. And so, that was, I think, the difference that you saw in 2008, without the outcry that you received this time around. The lack of trust that the public had in the former Government is part of the reason why they received so much fanfare and opposition.

But let me say that this is part of the reason why we had to listen very carefully. Because, you know, you can get 10 lawyers in a room and they can say, *There is no reason for you to feel uncomfortable about this wording.* But the representatives from St. George's, the Honourable Renee Ming and the Honourable Kim Swan, represented people who did not feel comfortable with the wording. And as a Government that listens and makes sure that we want our people to feel comfortable, we worked to get a change that would be acceptable to the developer and acceptable to the people of St. George's.

And as I mention the developer, I would like to extend my thanks to him, Miguel Purroy and his daughter, Laura, who have stuck with Bermuda, as many Members have said. And I think that what I appreciate from them is that they truly wish to be members of the St. George's community. They truly wish to be good neighbours. And so, when we talk about things like beach access, it is about ensuring that there is mutual respect between the property and the community, where the understanding is that—I will give you a good example, Mr. Speaker. I share a

backyard with, four apartments altogether, three other apartments. And if I tell my neighbours, *You know, look. Me and Miss Sherri are going out, we're renewing our wedding vows out in the backyard*, neighbours respect that and say, *Cool. Do your thing*. Or if they say they need to have a barbeque, we respect that. And I think that is what I admire about the developers in terms of wanting to be a good neighbour and be a part of the St. George's community.

Now, on the issues raised and questions raised by the Opposition, I have a few here. There will be no changes to the Master Development Agreement at this time. And this Bill actually lines up the legislation with the Agreement that was made under the previous Government.

The Honourable Member Cole Simons asked about the permit of sales of units having to go into voluntary rental programme. Now, this Bill provides that the owner may opt-out of the voluntary rental programme. If this is the case, they will not be permitted to enjoy any of the concessions from that point on. Now, how do we track this, Mr. Speaker? This will be tracked by the Office of the Tax Commissioner when the hotel submits their hotel occupancy returns.

In terms of the other questions, I had a question from the former Opposition Leader about the amendments, the need for these amendments from the floor. Well, Mr. Speaker, if we were all perfect, then we would be . . . if we were as perfect as the OBA, then we would be still be sitting in Opposition. This is an unfortunate and necessary part of the process, one of the amendments specifically dealing with the beach amendment. It was part of negotiations that we felt we had to make, to make sure we got it right. So, we as a Government recognise, and our Premier has said, and many of us have said, we will not always get it right. But we look to get to the end and complete it properly.

And with that, I now move the Bill be committed.

**The Speaker:** Thank you.

Deputy, would you like to sit in here?

**House in Committee at 8:53 pm**

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

## COMMITTEE ON BILL

### ST. GEORGE'S RESORT ACT 2018

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [St. George's Resort Act 2018](#).

Minister, you have the floor.

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

Mr. Chairman, I would like to move clauses 1 and 2.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Clause 1 is self-explanatory.

Clause 2 defines various expressions used in the Act.

And as I have mentioned earlier, there will be an amendment from the floor, with your consent, Mr. Chairman.

**The Chairman:** Yes.

### AMENDMENT TO CLAUSE 2

**Hon. Jamahl S. Simmons:** And we will amend clause 2 as follows.

I move that the St. George's Resort Bill 2018 be amended as follows in clause 2: In the definition of "Property," delete "Department of Land Surveys and Registration" and substitute "Ministry of Public Works."

**The Chairman:** Any further speakers?

There appear to be none.

Do you want to move the amendment?

**Hon. Jamahl S. Simmons:** I move that the amended clause be accepted.

**The Chairman:** It has been moved that the amended clause be approved.

Any objections to that?

There appear to be none

Approved.

*[Motion carried: Clauses 1 and 2 passed, with amendment to clause 2.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move clause 3, which we will also be doing an amendment on.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Mr. Chairman, clause 3 provides for the Minister responsible for public lands to lease to the Developer, for not more than 262 years, land forming part of the Property. The section also provides for the Minister to convey to the Developer a freehold lot of land forming part of the Property.

### AMENDMENT TO CLAUSE 3

**Hon. Jamahl S. Simmons:** And I now move, Mr. Chairman, that the St. George's Resort Bill 2018 be amended as follows in clause 3(4): Delete paragraph (a) and substitute the following: "(a) the public shall

have, free of charge, access to any beach and foreshore on the Property (save for any hotel facilities or amenities the use of which may be reserved for hotel guests and the owners or occupiers of any resort residence only) provided that the Developer or any operator of the Hotel may, with the agreement of the Minister (acting reasonably), and subject to giving reasonable prior notice to the public, limit access at specified times and to specified areas of the beach and foreshore for the purposes of special events or for the maintenance or improvement of or repairs to any part of the beach or foreshore or any structures or equipment thereon; and.”

**The Chairman:** Any speakers to the amendment?

The Chair recognises the Honourable Deputy Leader of the Opposition, Leah Scott.

**Ms. Leah K. Scott:** Thank you, Mr. Chairman. I just have one question. What is “reasonable notice”?

**Hon. Jamahl S. Simmons:** I am glad you raised that, actually. Part of the discussions with the developer, in terms of looking at the lease, was actually to negotiate a specified time. So we actually have a specific time that is reasonable to them, as well as to the community.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member Renee Ming, from constituency 1.

**Mrs. Renee Ming:** Sure. And I think mine is more just asking a clarification, because I have already thanked the Minister for taking the time with this.

It says in clause 3(4), I do not know if I am just not looking at something correctly. No. Never mind. I do see my correction. No. I had to go back and look at it.

But I am just again showing my support for the fact that the word “reasonable” has been removed. I think I would be happy to canvass tomorrow and share this.

**The Chairman:** We are talking about the amendment, Member. We are not—

**Mrs. Renee Ming:** Yes. I am still speaking to the amendment, Mr. Chairman.

**The Chairman:** Yes, but you have got to be specific.

**Mrs. Renee Ming:** Okay. Well, I am speaking with regard to the amendment. I am grateful for that word being removed. Thank you.

**The Chairman:** Member. The Chair recognises the Honourable Member Kim Swan.

**Mr. Hubert (Kim) E. Swan:** Yes, thank you, Mr. Chairman.

Just to make note that this amendment provides the access that I believe the residents would be happy with, and certainly allows the Minister to act—

**The Chairman:** Do you have any objections to the amendment?

**Mr. Hubert (Kim) E. Swan:** No objections.

**The Chairman:** Thank you.  
Minister.

**Hon. Jamahl S. Simmons:** Thank you.

I move that clause 3 be approved—

**The Clerk:** That clause 3(4) has been approved as amended.

**Hon. Jamahl S. Simmons:** I am moving that clause 3 be approved as amended.

**The Chairman:** It has been moved that clause 3 be approved as amended.

Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 3 passed as amended.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move clause 4.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Clause 4 grants planning permission in principle for the Development.

**The Chairman:** No speakers?  
Minister.

**Hon. Jamahl S. Simmons:** I move clause 4 be approved.

**The Chairman:** It has been moved that clause 4 be approved.

Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 4 passed.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move clause 5, and there will be an amendment in clause 5, as well.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Clause 5 grants planning permission for the subdivision of the Property as set out in Schedule 6 and, with the consent of the Minister, for the further variation of the final plan of subdivision.

#### AMENDMENT TO CLAUSE 5

**Hon. Jamahl S. Simmons:** I now move that the St. George's Resort Bill 2018 be amended as follows: In clause 5(1), delete "Department of Land Surveys and Registration" and substitute "Ministry of Public Works."

**The Chairman:** Any further speakers?  
There appear to be none.

**Hon. Jamahl S. Simmons:** I move that clause 5 be approved as amended.

**The Chairman:** It has been moved that clause 5 be approved as amended.  
Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clause 5 passed as amended.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move clauses 6 through 11.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Mr. Chairman, clause 6 gives permission for an islet that forms part of a national park to be used as part of the golf course component of the Resort.

Clause 7 requires the development of the Property to be compatible with the UNESCO World Heritage Site status of the Historic Town of St. George's and Related Fortifications.

Clause 8 allows commercial vehicles used in the development and servicing of the Property to travel on certain routes that would otherwise be restricted by the St. George's Traffic Ordinance 1967, provided the vehicles are driven at speeds that will not cause damage to the roads or surrounding structures.

Clause 9 approves the hotel concessions set out in Schedule 1.

Clause 10 repeals the St. George's Resort Act 2015.

Clause 11 is self-explanatory.

**The Chairman:** Any further speakers?  
The Chair recognises the Deputy Leader of the Opposition, Leah Scott.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker. I just have one question.

In the 2015 Act, under section 7(4), it says, that in this section, 'forts' means Fort Albert and Fort Victoria and Fort William, Gunpowder Tavern. That has been taken out in the 2018 legislation. Is there any reason why?

**The Chairman:** Any further speakers?  
Minister.

**Hon. Jamahl S. Simmons:** I will endeavour to get that answer for you, Member.

*[Inaudible interjections]*

**Hon. Jamahl S. Simmons:** Yes, that's okay. My technical officers are confused. All right.  
I move clauses—

**The Chairman:** One second, Minister.  
Any further speakers?  
There appear to be none.  
Minister.

**Hon. Jamahl S. Simmons:** I move clauses 6 through 11 be approved.

**The Chairman:** It has been moved that clauses 6 through 11 be approved.  
Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clauses 6 through 11 passed.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I would like to move Schedule 1.

**The Chairman:** Yes, continue.

**Hon. Jamahl S. Simmons:** Which will have an amendment, with your consent.

**The Chairman:** Mm-hmm.

**Hon. Jamahl S. Simmons:** Schedule 1 sets out the hotel concessions given to the Developer.  
I would like the Act to be amended as follows:

#### AMENDMENT TO SCHEDULE 1

**Hon. Jamahl S. Simmons:** In paragraph 2(1)(f) of Schedule 1, delete "installing such equipment in the Hotel or some other part of the Resort, for a period of ten years beginning with the execution of the lease" and substitute "installing and using such equipment in the Hotel or some other part of the Resort, for a period beginning with the date of coming into operation of this Act and ending on the tenth anniversary of the

opening date of the Hotel or other component of the Development.”

**The Chairman:** Any further speakers?  
There appear to be none.  
Minister.

**Hon. Jamahl S. Simmons:** I move that Schedule 1 be approved as amended.

**The Chairman:** It has been moved that Schedule 1 be approved as amended.  
Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Schedule 1 passed as amended.]*

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move Schedules 2 through 6.

**The Chairman:** Continue.

**Hon. Jamahl S. Simmons:** Schedule 2 lists “operational supplies” referred to in paragraph 1 of Schedule 1 (which qualify for full relief from customs duty under certain of the concessions).

Schedule 3 contains the Property Plan.

Schedule 4 sets out a list of the definitive boundary plans of the Property that can be inspected at the office of the Senior Land Surveyor with the Department of Land Surveys and Registration during office hours.

Schedule 5 contains the Development Plan.

Schedule 6 contains the Subdivision Plan.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Member from constituency 2, Mr. Swan.

**Mr. Hubert (Kim) E. Swan:** Yes, thank you, Mr. Chairman.

Minister, just on Schedule 5, as it relates to the Development Plan, notwithstanding the Planning in principle, does the matter still require the plans to be included on the Master Development [Agreement] and amended, and so?

**The Chairman:** Any further speakers?  
Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman, for your indulgence while I get that answer.

The Department of Planning still has to sign off on that.

**The Chairman:** Any further speakers?  
Minister.

**Hon. Jamahl S. Simmons:** I move Schedules 2 through 6 be approved.

**The Chairman:** It has been moved that Schedules 2 through 6 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Schedules 2 through 6 passed.]*

**Hon. Jamahl S. Simmons:** I move that the Bill be approved as amended.

**The Chairman:** It has been moved that the Bill be approved as amended.

Any objections to that?

There appear to be none.

Approved.

**Hon. Jamahl S. Simmons:** I move that the preamble be approved.

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

Any objections to that?

There appear to be none.

Approved.

**Hon. Jamahl S. Simmons:** I move that the Bill be reported to the House as amended.

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

Any objections to that?

There appear to be none.

Approved. The Bill will be reported to the House.

*[Desk thumping]*

*[Motion carried: The St. George's Resort Act 2018 was considered by a Committee of the whole House and passed as amended.]*

**House resumed at 9:04 pm**

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

## **REPORT OF COMMITTEE**

### **ST. GEORGE'S RESORT ACT 2018**

**The Speaker:** Good evening again, Members.

Are there any objections to the St. George's Resort Act 2018 being reported to the House as amended?

No objections?

So reported.

That now brings us to the end of the Orders of the Day. So we will now do our third readings.  
Minister.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Wayne L. Furbert:** Mr. Speaker, I move that Standing Order 21 be suspended in order for me to move that the Bill entitled the Payroll Tax Amendment (No. 2) Act 2018 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections, read on.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### PAYROLL TAX AMENDMENT (No. 2) ACT 2018

**Hon. Wayne L. Furbert:** I move that the Payroll Tax Amendment (No. 2) Act 2018, be read a third time by its title only and passed.

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

*[Motion carried: The Payroll Tax Amendment (No. 2) Act 2018 was read a third time and passed.]*

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** Good night, Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Insurance Amendment (No. 2) Act 2018 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections. Continue, Deputy.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### INSURANCE AMENDMENT (NO. 2) ACT 2018

**Hon. Walter H. Roban:** I move that the Bill, now be read a third time by its title only and passed.

**The Speaker:** Thank you.  
So passed.

*[Motion carried: The Insurance Amendment (No. 2) Act 2018 was read a third time and passed.]*

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

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Electricity Amendment Act 2018 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections, continue on, Minister.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### ELECTRICITY AMENDMENT ACT 2018

**Hon. Walter H. Roban:** I move that the Bill, now be read a third time by its title only and passed.

**The Speaker:** Thank you.

*[Motion carried: The Electricity Amendment Act 2018 was read a third time and passed.]*

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

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections, continue on, Minister.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### MOTOR CAR AMENDMENT (NO. 2) (TOUR QUADRICYCLES) ACT 2018

**Hon. Walter H. Roban:** I move that the Bill, now be read a third time by its title only and passed.

**The Speaker:** Thank you.

*[Motion carried: The Motor Car Amendment (No. 2) (Tour Quadricycles) Act 2018 was read a third time and passed.]*

**The Speaker:** Thank you, Mr. Deputy Premier.  
Minister of Tourism.

### SUSPENSION OF STANDING ORDER 21

**Hon. Jamahl S. Simmons:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the St. George's Resort Act 2018 be now read the third time by its title only.

**The Speaker:** Any objections?  
No objections, continue on, Minister.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### ST. GEORGE'S RESORT ACT 2018

**Hon. Jamahl S. Simmons:** I move that the Bill, now be read a third time by its title only and passed.

**The Speaker:** No objections?  
Bill passed.

*[Motion carried: The St. George's Resort Act 2018 was read a third time and passed.]*

**The Speaker:** That brings us to the end of the Third Readings.

Before we move on to asking the Deputy to rise and move to the motion to adjourn, I believe the Honourable Member from constituency 21 would like to seek the indulgence of the House, if the House sees fit to provide that indulgence.

Honourable Member.

### SUSPENSION OF STANDING ORDER 21

**Mr. Rolfe Commissiong:** Thank you, Mr. Speaker.  
I move that Standing Order 21 be suspended to enable me to move a Notice of Motion.

**The Speaker:** Any objections?  
No objections.  
Continue on, Member.

*[Motion carried: Standing Order 21 suspended.]*

## NOTICE OF MOTION

## CONSIDERATION OF REPORT OF PARLIAMENTARY JOINT SELECT COMMITTEE ON THE ESTABLISHMENT OF A MINIMUM/LIVING WAGE REGIME

**Mr. Rolfe Commissiong:** I hereby give notice that at the next day of meeting I propose to move the following motion:

BE IT RESOLVED that this Honourable House consider and approve the "Report of the Parliamentary Joint Select Committee on the Establishment of a Minimum/Living Wage Regime" together with the recommendations contained in the Report.

**The Speaker:** Thank you.

It has been moved that it be on the Order Paper for the next sitting of the House.  
Deputy.

## ADJOURNMENT

**Hon. Walter H. Roban:** Mr. Speaker, I move that the House do adjourn until July 27, Friday.

**The Speaker:** Thank you.

Does any Member wish to speak to that?

I recognise the Honourable Member from constituency 23, the Honourable Member Gordon-Pamplin. You have the floor.

## PARLIAMENTARY REGISTRAR

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

Mr. Speaker, I would beg your indulgence to allow me to refer to my notes in this particular comment.

**The Speaker:** Yes.

**Mrs. Patricia J. Gordon-Pamplin:** Mr. Speaker, in my comments in this Honourable House on June 8<sup>th</sup> on the motion to adjourn, I indicated that the Parliamentary Registrar, specifying "she," had followed the precedents of her predecessor in allowing the download of the Parliamentary Registry information. The Parliamentary Registrar [PR] indicated that she did not allow such a download.

Further, I indicated that I had received a letter from the PR. In fact, the letter was from the Governor about the interaction with the PR and not the PR herself. So it is important that this information is corrected also. There was no attempt to malign the PR personally. I know what it is like to be accused of doing or saying something that is not true.

Mr. Speaker, I can confirm that these matters were addressed in a press conference earlier this week. However, as the original comments were made in this Honourable House, it is imperative that the cor-

rection of such information also be made in this Honourable House for the record.

**The Speaker:** Thank you for doing so.

**Mrs. Patricia J. Gordon-Pamplin:** However, Mr. Speaker, there are egregious matters which emanated from the letters of concern which were exchanged on this matter. And it is imperative that these be addressed and allowed to stand on the record.

The PR, on 7/14/18, in response to the OBA Chairman's complaint of 7/13/18, indicated that she had commenced an investigation into the matters set out in the correspondence and, once concluded, she would advise the OBA of the outcome. We underscore that our concerns arose from complaints that we received as a party in 2017, so it is illogical that the reference to a process that existed in 2014 would have been the cause of our concerns when the emails of complaints were being received in respect of new registrants who had provided their information to the PR's office in 2017.

The report from the PR's office was presumably forwarded to the Governor and, given that we have not received a copy of the full report, which is apparently in the possession of either/or both the PR and the Governor, we still do not know the full outcome of the investigation. We therefore call upon whomever is responsible to release the full report so we can give support to the assertion that the PR's office operates in an a-political environment and, if need be, to have conducted a forensic investigation so that the public of Bermuda can be comforted that the information that they send to the PR's office is maintained in an atmosphere of utmost confidentiality.

Mr. Speaker, that completes my prepared remarks in respect of this matter. And I certainly hope that it serves to put the record straight in terms of what we were dealing with.

I do, though, also wish to make reference to the fact that we have had over the course of, I guess, the last few days, information with respect to the one-year anniversary of the change of Government. And let me say that you will know, Mr. Speaker, that when we change Government, when the Government changed on July 18, 2017, there were events which occurred that, in fact, allowed me to serve in the capacity of interim Leader of the Opposition.

Mr. Speaker, I took those responsibilities extremely seriously, and want to confirm to this Honourable House that any matter that I undertake, I will always do to the best of my ability. If I ever find myself in a situation in which I have said or done something that may be incorrect, I am always ready to admit if there is something wrong. And I am ready to walk back on anything that I might have said that would exacerbate a situation that by want of a simple apology or simple reference or clarification would be able to be corrected.

So, as we look back on the things that the Progressive Labour Party has done during the course of the last year since they reassumed the Government . . . let me just point out a couple of things, Mr. Speaker, that I find to be hopefully able for us to move forward as a House of Assembly with a level of . . . I wouldn't say cooperation, certainly with a level of respect one for another, notwithstanding that our positions on different matters may be different.

And I look at what we had in terms of the approach toward some of the steps that were taken under the previous administration that would have enabled us to try to ensure that the country came back to its even keel financially and that we were always looking out for the better good of the people of Bermuda.

Mr. Speaker, let me say that since I have been in this Honourable House for the last nearly 20 years, there was never a time that the best interests of this country have been anywhere other than at the forefront of my mind and of my responsibilities. Mr. Speaker, let me also say that I will continue to critique those things that we deem to be in the best interest of the people of Bermuda, we will defend those things which we believe to be appropriate to defend, and, Mr. Speaker, we will also continue to support the Government on initiatives they advance that we deem to be appropriate for the better good of the country.

So as I expect a barrage to come back from Members opposite, and I do not have a problem with that, Mr. Speaker, let me just say that I have no difficulty with criticism. I have always wanted to give my utmost and my very best to every endeavour that I have ever undertaken. And it is in that regard, Mr. Speaker, that I will continue to do so as a Member of this Honourable House, mindful of my responsibility that if anything should go wrong it is my obligation, as far as I have direct control, to be able to put it right. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

No other Member? Premier . . . I recognise the Premier . . . Honourable Member from constituency 21.

## PLP GOVERNMENT ACCOMPLISHMENTS

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

Mr. Speaker, sometimes it can be very easy to say *promises made; promises kept*. I am not going to attempt to try to use that language right now. As you know, we are celebrating the first year of a PLP Government. And it has been a very productive year, Mr. Speaker, as you know, although some would tend to disagree with that, and try to devalue the very real achievements that have occurred here.

Mr. Speaker, this Government has had significant success over that year. And we anticipate that it

is going to continue. I have a list of those achievements. They are somewhat exhaustive, so I am going to have to do a little editing on the fly. But if I may have your indulgence, I would just like to share with those listeners—

*[Inaudible interjection]*

**Mr. Rolfe Commissiong:** I only have 20 minutes, I know. Thanks for reminding me, Member.

But I just want to share very quickly, Mr. Speaker, some of those achievements with the listeners out there in radioland.

As you know, the Premier gave a national address, just yesterday. In a series of media appearances he outlined the very real, tangible, and dynamic achievements of the PLP Government, achievements that our supporters and those who voted for us on July 18, 2017, are aware of and are very happy about, Mr. Speaker, because it has restored hope and optimism in the Bermudian community and engendered confidence from businesses on down.

Mr. Speaker, during that address the Premier mentioned about the recent census, and how it states that we are an ageing population. I spoke to that last week on the motion to adjourn, and I want to return to that very quickly, because this PLP Government is not only talking about these statistics . . . which are quite sobering, I might add. For example, we know that at least 20 per cent of our population are going to be 60 years and older. This Government, however, is preparing for that. As you will know, when it comes to providing comfort and security for those in their golden years, this Government has made a commitment to ensure, through the Bermuda Housing Corporation, that there is going to be interest-free loans, up to \$15,000, to ensure that this growing population of seniors, where it can happen, will be able to stay in their home and have those homes outfitted in a way that is going to make their ability to stay in their homes easier and leave them not having to worry as much about being carted off to a facility, for example. We think with this expanding population that is the way to go.

So, Mr. Speaker, we have the issue about Lefroy House and the commitment that has been made to ensure that we are going to have a facility up at that end of the country which will rival what took place down at St. George's with the Sylvia Richardson [Care Facility] home. We think this is the way to go.

Some of this infrastructure, for example, and even with respect to some of our school infrastructure is ageing. Many of the schools built throughout the Island were probably built in the 1950s and 1960s, particularly some of our primary schools. And that plant is now reaching the end of its useful life. We have a commitment, moving forward, to address that.

Mr. Speaker, the ability of our party to move to implement STEAM education in our school system

has been another significant achievement, especially when we have a country now that is moving to diversify in the area of FinTech and Distributed Ledger Technology. Bringing in and working with companies that are going to be at the forefront of this cutting-edge technology, this party is committed to ensuring that our young people are going to be able to take their place in this emerging industry which represents long awaited diversification of our economy over the next 10 to 20 years. This is a commitment that we have made, and a commitment that we are now implementing so that we can keep.

Just moving on, Mr. Speaker, just going through some of the ministries here. In Education (and I am quoting here), "We kept our promise and introduced the first science, technology, engineering, art and mathematics education (STEAM) programme to Bermuda's public schools at the primary level."

Mr. Speaker, you may recall, going back over four years ago when we were in Opposition, we were the first party in this House to talk extensively and consistently about the need to implement STEAM and/or STEM education into our school system.

We introduced a National Workforce Development Plan that was delivered and tabled in this House only a week or two ago, Mr. Speaker. Again, a commitment to ensure that when it comes to education and training that we are going to create a symbiosis, and link that and the real world of economy, something which we as a country have not successfully been able to do in the modern era, I might add.

We are also providing a 5.5, or have provided a \$5.5 million increase to education and training to ensure that our people are prepared for the jobs of the future.

Moving on to health, Mr. Speaker, we have initiated a programme through the Bermuda Housing Corporation to facilitate interest-free home improvement loans, as I mentioned earlier, for up to \$15,000, for families that need help modifying their home, or that of a senior loved one, to allow our seniors to live at home. Again, this is a forward-thinking Government ensuring that when the demographic crisis begins to really take root in this country, we are going to have the infrastructure and commitment to help those families who need it.

Just moving on, Mr. Speaker, in the area of national security, for example, we removed the forced conscription of young Bermudian men and will create new career opportunities for them within the role of the Bermuda Regiment. This is a long-sought objective that both Governments had to deal with over the last 10 years. And we have now delivered on that promise to ensure that we are going to have a Royal Bermuda Regiment that is even more fit for purpose, including a Regiment that is going to have a maritime arm that is going to allow for search and rescue and most of those other responsibilities in relation to Bermuda's waterways, providing a great opportunity for

learning and training for our young men and women who are going to be volunteer soldiers in that newly reconstituted Regiment.

Mr. Speaker, in the area of Cabinet reform, [we] successfully negotiated, under the leadership of Ms. Lovitta Foggo, the Minister, new agreements with the Bermuda Public Service Union, Bermuda Industrial Union, Fire Services Association, and the Bermuda Union of Teachers. Collective bargaining agreements have been consummated with all of those public sector unions. We made a commitment when we were in Opposition leading up to the election, that these unions that had been long seeking to get raises that they so deserved, Mr. Speaker, we are going to get them. And that was achieved.

Mr. Speaker, moving on, Tourism and Economic Development, we created a summer entrepreneurship programme for our Bermuda youth to cultivate and encourage entrepreneurship while creating an opportunity to earn money over the summer. Again, another critically important initiative.

In the area of Public Works, Mr. Speaker, a ground-breaking, innovative, and long-sought objective was reached by opening the Land Title Registry Office after five years of OBA delay to protect Bermudian home ownership.

Moving on. Created 37 internships for summer students within the Ministry. I repeat: created 37 internships for summer students within the Ministry. Again, not only the commitment to our seniors, which is vital and necessary, but understanding that we also have to ensure that we have enough investment for our young people. And those types of initiatives are throughout this document, chronicling what has been done over the last year, Mr. Speaker.

Moving on. In terms of finance, reduced payroll taxes on all persons making under \$96,000, and also removed the provision that allows high earners to actually declare notional income. We had a discussion about that earlier today. We know in Bermuda there has been a tax system that has allowed the richest, the most powerful, the most affluent persons to actually pay less in taxes than a person making only \$50[,000] or \$40,000 in terms of being a percentage of their overall income. It was iniquitous, and it was wrong. And that has been corrected by this PLP Government. There are more changes to come as well.

Mr. Speaker, I just want to very quickly talk about the social development in sports, the decriminalisation of cannabis under seven grams to reduce the number of black males entering our criminal justice system and prevent them from future opportunities due to non-violent drug possession.

And in the area of Cabinet reform (getting back to that), this is an critically important initiative, Mr. Speaker, and it was part of our election platform. And that was to introduce a new procurement policy which I and others have been talking about of late to ensure that more black Bermudians, women, and

those with disabilities will have a preference when it comes to government contracts. This too is long overdue.

And if I may just say, Mr. Speaker, in addition, and this is not something that is official Government policy yet, but we need to ensure that within the white dominated corporate environment that there is more inclusion in the diversity of our black Bermudians and others in those companies. It is going to be critically important in terms of the future sustainability of Bermuda.

Mr. Speaker, in closing, there have been so many achievements on so many fronts when it comes to this PLP Government, but the challenge before us is still massive. We do not have the luxury of time when it comes to the ageing nature of our population in terms of the extraordinary cost of health care, in terms of diversifying and revitalising our economy, the educational reform that is needed to ensure that our young people are going to have their opportunities to succeed in this 21<sup>st</sup> century economy.

Moving on. Time, quite frankly, again, is not on our side. And we cannot lose sight also of those geopolitical threats that are currently facing us with respect to the decisions on the part of the UK Government in terms of beneficial ownership, or with respect to the European Union about those companies that are domiciled here in a file cabinet at CD&P [Conyers, Dill & Pearman] and Appleby's, but which have no real presence here in terms of doing actual business in Bermuda. These are the geopolitical threats that our Premier and his team, in terms of the Cabinet, supported by a strong and committed backbench, are determined to face resolute in moving forward the interests of Bermuda. So I say that despite what was said in that *Royal Gazette* paper, this PLP Government deserves at least an A for the achievements it has had over the last 12 months!

*[Desk thumping and general uproar]*

**Mr. Rolfe Commissiong:** And I know you would agree.

**The Speaker:** Members, Members, Members!

**Mr. Rolfe Commissiong:** And I might say in closing, Mr. Speaker, it is only going to get better!

**Some Hon. Members:** Yeah!

**Mr. Rolfe Commissiong:** You hang in there Bermuda, because we've got your back!

**An Hon. Member:** Bravo!

*[Desk thumping]*

**The Speaker:** Mr. Premier, it's a welcome [sight] to see you on your feet this evening.

You have the floor, Mr. Premier.

**Hon. E. David Burt:** Oh, Mr. Speaker, after that powerful speech by the Member from constituency 21, I did not feel the need to keep us here all night.

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

**“ONE BERMUDA ALLIANCE ACCESSED VOTERS’ CONTACT DETAILS IN 2012”**

[<https://politica.think.bm>]

**Hon. E. David Burt:** I am sure there are a few people who want to make it to Eastern Counties tomorrow. And in a year and a day, that is exactly 365 days from the time that this new Government was sworn in, I think that it is fitting that we had a speech which covered the totality of the work which we have done. Some of which we have been able to share with a broadcast through a national address, others which we have been able to share through press conferences and speeches. And, while people may take out advertisement in green in the newspaper, we will spend our money on making sure that we can provide for the needy inside our community.

[*Desk thumping*]

**Hon. E. David Burt:** But on a week of distraction, Mr. Speaker, on a week where the Opposition started with a press conference talking about the fact, and crying foul about how they lost an election—

**An Hon. Member:** Heavy hearts.

**Hon. E. David Burt:** —and heavy hearts . . . you know, all lined up, all five of them, lined up to complain, complain and try to distract. Now I know why they were deflected.

**Some Hon. Members:** Ooh!

**Hon. E. David Burt:** Because it is amazing, Mr. Speaker, that the journalists in this country . . . and I am not going to read this entire article, Mr. Speaker, because I believe that the journalist who has now provided this information to the public . . . people should go on his website “Politica[.think.bm]” and read it for themselves, because his work . . . he should be compensated for his work, because now the country knows.

**An Hon. Member:** Investigative reporting.

**Hon. E. David Burt:** Absolutely. Investigative reporting at its best.

And if you wish, Mr. Speaker, if you will allow me, I will read the title. And the title said, and I quote “One Bermuda Alliance accessed voters’ contact details in 2012.”

**Some Hon. Members:** Ooh! No!

**Hon. E. David Burt:** The byline goes on to say, Mr. Speaker, that the plan was the brainchild of Michael Branco, the then deputy chair of the One Bermuda Alliance.

**Some Hon. Members:** Ooh!

[*General uproar*]

**The Speaker:** Members! Members!  
Members, I need to hear the Premier.

**Hon. E. David Burt:** So, Mr. Speaker, after a press conference, which we saw the former Opposition Leader have to issue an apology that was demanded by the Governor himself—

**An Hon. Member:** Whoa!

**Hon. E. David Burt:** —for giving incorrect information to this House, now we find out that the charade of a press conference, where they were asking for people to come clean, they did not even tell the public that they had access to emails!

Now, Mr. Speaker, let's go forward. Here is what it says. It says, “According to persons with direct knowledge of the matter the data was made accessible to both parties via web services set up by the Parliamentary Registrar’s technical team following a request from the then OBA chair, Michael Branco.”

It goes on to say, Mr. Speaker, and I quote, “Branco, an IT expert, wanted a system which would allow his party to push email messages to registered voters using the contact details on the Parliamentary Registrar’s database.”

[*General uproar*]

**The Speaker:** Members! Members! I need to hear the speaker. I need to hear the Member who is on his feet.

**Hon. E. David Burt:** it goes on to say, Mr. Speaker, that no mention was made of the fact that the OBA had access to the contact details in the database in 2012 at their press conference.

It goes further to say “and our questions about the then deputy chairman, Branco’s, role in 2012 were shut down at the press conference.”

**Some Hon. Members:** Ooh.

**An Hon. Member:** By Trevor Moniz.

**Hon. E. David Burt:** Oh, by Trevor Moniz? That would not surprise me, the master of concealment.

It then goes on to say—

*[Laughter]*

**The Speaker:** Speak to the Chair; continue to speak to the Chair.

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

It then goes on to say, and this is the best, and now I understand why the press conference was not done by the Opposition Leader, but it was done by the former Opposition Leader, because the article then goes on to say, “But Scott told us that he had informed the One Bermuda Alliance Leader, Jeanne Atherden, last month that Branco had initiated the idea of accessing the contact details via the Parliamentary Registrar’s server in 2012.”

**Some Hon. Members:** Ooh!

*[Inaudible interjections]*

**The Speaker:** Members!

**Hon. E. David Burt:** Mr. Speaker—

**The Speaker:** Members!

#### PLP GOVERNMENT ACCOMPLISHMENTS

**Hon. E. David Burt:** Mr. Speaker, now here is the thing, and this is just a simple piece of advice that I will give, because there is important work that has to be done. In a year after we have seen students be able to go to Bermuda College when they were unable to before. In a year we have made our taxes more fair and reduced employee payroll taxes to the lowest level in recent memory. In a year where we have been able to execute our promises of ending conscription, decriminalising cannabis, making sure that we made health care more accessible, making sure, Mr. Speaker, that we provide the education which is required to our students, in the year that we were able to provide, Mr. Speaker, in the year that we were able to start reopening health care clinics, start making sure that we have community health services again, start making sure that we can have better standards in our senior care homes, Mr. Speaker, executed on our promise to create a new type of dwelling unit, reversed the One Bermuda Alliance’s immigration policy which went against our local musicians, Mr. Speaker, at the time we are able to boast that we have 43 FinTech companies in a stage of incorporation inside of this country, that we have appointed a gang violence reduction coordinator that led into the reduction

of gang violence by tackling the root causes, Mr. Speaker, the way that we are able to introduce a procurement policy that will, for the first time, make sure that we can reverse the historic trends, Mr. Speaker, in this country which were laid bare in the census report by ensuring that the Government takes action to get small businesses who do not have access to inherited wealth to make sure that they can compete at a time that we have reduced the amount of money that we spend by putting our information online, at the same time we doubled the guarantee capacity for the Bermuda Economic Development Corporation, Mr. Speaker, made more money available to entrepreneurs, made sure that we have training programmes where we see people up and down this country getting into jobs and getting into work.

In this last year when there was no hope under that side, Mr. Speaker, I happen to think that the One Bermuda Alliance should dedicate themselves to making more time for constructive criticism in Opposition than making foolish press conferences without giving the full information to the people of this country, Mr. Speaker.

We have had a year. And as the Member who just took his seat said, the best is yet to come. Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Honourable Members, that brings us to the close of today’s proceedings. The House stands adjourned now until Friday next, the 27<sup>th</sup> of July at 10:00 am.

Members, have a good weekend.

**Some Hon. Members:** You too, Mr. Speaker.

*[Gavel]*

*[At 9:37 pm, the House stood adjourned until 10:00 am, Friday, 27 July 2018.]*

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