

2017/18 SESSION
of the
BERMUDA
HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT

15 June 2018
Sitting number 31 of the 2017/18 Session

(pages 2353–2470)

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

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BERMUDA HOUSE OF ASSEMBLY

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15 JUNE 2018
10:06 AM

Sitting Number 31 of the 2017/18 Session

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

PRAYERS

[Prayers read by Mrs. Shernette Wolffe, Clerk]

The Speaker: Good morning, Members.

[Gavel]

CONFIRMATION OF MINUTES

[Minutes of 8 June 2018]

The Speaker: Good morning, Members.

The Minutes of the 8th of June have been circulated. Are there any amendments or corrections to them? No amendments or corrections.

The Minutes will stand as printed.

[Minutes of 8 June 2018 confirmed]

MESSAGES FROM THE GOVERNOR

The Speaker: There are none.

ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

APOLOGIES

The Speaker: There are announcements this morning.

First, I would like to announce the Members who have indicated that they will be absent today. And we have the MP Sylvan Richards, MP Neville Tyrrell, MP Curtis Dickinson. And MPs Tinee Furbert and Susan Jackson are both out overseas on a CPA [Commonwealth Parliamentary Association] conference. They will be absent next week, as well, and I will be absent next week because I will be joining them at the conference next week.

STANDING COMMITTEES AND JOINT SELECT COMMITTEES CHANGES

The Speaker: Secondly, I would like to announce some changes to some of the standing committees and joint select committees. The **Members' Interests**—the former Member Gibbons served on that committee and is now being replaced by the Honourable Member Ben Smith.

On the **Private Bills Committee**, the former Member Jeff Baron had served on that and is now being replaced by the Honourable Member Sylvan Richards.

The **CPA Executive**—the former Member Baron served on that and will be replaced by the Honourable Member Cole Simons.

The **Child Protection Joint Select Committee**—the Honourable Member, former Member, Baron served on that and will be replaced by the Honourable Member Susan Jackson.

And the **Joint Select Committee for the December 2nd, [2016] Pepper-Spraying Incident**—the Honourable Member [Michael] Scott is being replaced by the Honourable Member Scott Simmons. And those are the respective changes.

MESSAGES FROM THE SENATE

The Speaker: There are none.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

The Speaker: There are none.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: Yes.

This morning we have, I believe it is, nine Statements from Ministers. And we will start with the Premier. Premier, would you like to do your Statement first?

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

The Speaker: Good morning.

FINTECH DEVELOPMENT FUND

Hon. E. David Burt: Mr. Speaker, Honourable Members will be aware of the various Memoranda of Understanding that have been signed by the Government of Bermuda as part of the development of the FinTech industry in Bermuda.

Mr. Speaker, with this push to develop another pillar of Bermuda's economy, this Government is determined to cultivate local and overseas investment as we develop this new industry. We promised to create an environment in which Bermudian businesses can thrive, in which opportunities for Bermudians can be created, and in which capable, qualified Bermudians can benefit from opportunities to train, work, and succeed at every level.

Mr. Speaker, the memoranda contain undertakings that will see the various partner companies invest significant sums of money to support the training of Bermudians in this area and, in one case, focus on nurturing a proper pipeline for creating basic, intermediate, and advanced software development engineers. It is important that the Government is ready to receive these funds and to ensure that they are paid out in accordance with the terms of their investment.

Therefore, Mr. Speaker, I am pleased to advise this Honourable House that today the Government will introduce a Bill that will create a FinTech Development Fund for the specific purpose of holding funds to be used to invest and train Bermudians in the disciplines needed to support a FinTech economy.

Mr. Speaker, Honourable Members will be aware of such other funds into which monies are paid from specific sources and the disbursement of sums from those funds is regulated by specific, statutorily prescribed criteria. Most notable are the Confiscated Assets Fund, established under the Proceeds of Crime Act 1997; and the Government Reserves Fund, established under the Public Treasury (Administration and Payments) Act 1969.

Mr. Speaker, it is proposed that disbursements from the fund will be with the approval of the Minister of Finance and the Minister responsible for eCommerce, subject to consultation with the Minister responsible for workforce development and, where necessary, consultation also with the Ministers responsible for youth development, health and sports.

Mr. Speaker, it is further proposed that monies shall be disbursed from the fund on the following criteria: (i) to support educational programmes or initiatives providing training for Bermudians in software engineering and distributed ledger technology; (ii) to support the development of regulatory compliance capacity in FinTech and distributed ledger technology; (iii) to support the activities of any advisory body appointed under any Act or otherwise in support of FinTech and distributed ledger technology; (iv) to support such community-based initiatives or organisations in the areas of youth development, sporting clubs, health care or seniors care; and (v) such other educational initiatives as appear to the Minister of Finance to be relevant for the development of FinTech and distributed ledger technology in Bermuda.

Mr. Speaker, in keeping with the general administrative principles ascribed to other funds under the auspices of the Government of Bermuda, it is proposed that the monies in the Fund be invested in accordance with the Public Funds Act 1954 with any income paid into the fund; the financial year end of the fund shall be the 31st of March; there shall be a duty to keep accounts, and a copy of those accounts shall be provided to the Auditor General; and there shall be an annual reporting requirement and a statutory requirement to table a report on the audited accounts, in the Legislature.

Mr. Speaker, there has been some background noise that seeks to diminish the work that the Government is doing in the establishment of this industry for Bermuda. Mr. Speaker, we are in no way deterred from our goals by these criticisms and attempts to cast doubt in the minds of the people.

There are steps to be taken in growing an economy, and we are following those steps in a prudent manner, engaging best practice and advice in the development of legislation and regulations in support of FinTech and digital asset business. No step in this process has been taken without the involvement of the Bermuda Monetary Authority [BMA], whose reputation as a regulator is exemplary. For the avoidance of doubt, every company seeking to engage in a digital asset business in Bermuda must meet all of the criteria established by the BMA.

Mr. Speaker, Bermuda is doing what it does best—building a sound regulatory environment for an emerging global industry. Bermuda's leadership in establishing a strong regulatory regime is the very reason that companies are interested in bringing their FinTech businesses to Bermuda.

[Desk thumping]

Hon. E. David Burt: Mr. Speaker, this Government is committed to ensuring that Bermudians are equipped to fill the jobs that will be created and to ensure that this industry provides support for needs in the wider community. The creation of this fund is another critical step that this Government is taking as we execute on our promise to provide real support for sporting clubs and our seniors, and career development opportunities for Bermudians. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Mr. Premier.

The next Statement on the Order Paper this morning is that of the Minister of Health. Minister.

BLOOD DONATION IS FREE AND SAVES LIVES

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

Mr. Speaker, every year on June 14, people around the world will donate blood in honour of World Blood Donor Day, a celebration to raise awareness of the need for blood and to thank all voluntary donors.

Transfusions of blood help save millions of lives each year. As stated by the World Health Organization, blood donations can help patients with life-threatening conditions live longer, support surgeries, and help emergency response teams after a natural disaster and more.

Mr. Speaker, every day people lose blood in accidents and injuries, and desperately require transfusions to compensate for the dangerous loss. The problem is that the body can produce its own blood to a certain limit, so the external sources are needed to help the organism to recover. According to the statistics, one in seven hospitalised patients needs blood, and it is especially important for treating cancer and injuries, and supporting the body during surgery. According to the American Red Cross, because the blood cannot be manufactured in the clinical setting, there is a high demand for eligible persons ready to donate blood regularly.

There are many cases where blood is needed to save people's lives and make treatment more effective and timely. For example, Mr. Speaker, women with complications of pregnancies can require transfusion to survive after traumatic childbirth. Young patients with severe anaemia also need blood to recover, and so do cancer patients and people undergoing serious surgeries. Oftentimes, given Bermuda's large percentage of road traffic accidents, blood is needed to help people with severe traumas received in these traffic accidents.

To ensure that all of these people receive timely treatment, a hospital is required to have a regular blood supply stored for such times as these. Donating blood is definitely an act of goodness. Many hospitals and clinics are in constant need of blood donors.

Mr. Speaker, on average, our body has between four to five litres of blood, which can be donated every three months in the case of men and every four months in the case of women. Furthermore, there is no denial of the fact that donating blood has many benefits. It is not only safe, but offers a number of advantages.

Number one, Mr. Speaker, you save the lives of people. There are many people who are in urgent need of blood, and by donating you can easily give them the gift of life. This satisfaction is the biggest thing that you will ever experience. It gives you a feeling of pride that you have helped to save someone's life. So, by giving blood, you can certainly give life to people.

Number two, Mr. Speaker, it refreshes your system. After you donate the blood, the cell count decreases, due to which new cells regenerate. This is a healthy process which defines that a person is fit and fine. So donating blood can result in a much healthier body, which is something that I am sure we all want.

Number three, it adds to the blood quantity. Blood is not only required in case of accidents or injuries, but sometimes a patient may need plasma or platelets, as well. In this case, if a sufficient amount of blood is available in the blood bank, the patient can be treated without any problem. Thus, donors should give blood on a regular basis so that people can receive the treatment at the right time.

Number four, one final benefit of donating blood is that a person receives a quick and free medical check-up. Before you are ready to donate blood, the hospital professionals will make the necessary diagnosis of your iron content, cholesterol, haemoglobin, et cetera, and all of these benefits can be received in what amounts to just an hour of your time!

The health benefits of donating blood include good health and a reduced risk of cancer and haemochromatosis. It helps in reducing the risk of damage to your liver and pancreas. Donating blood may help in improving cardiovascular health, as well other health benefits. Therefore, Mr. Speaker, it is critical for health care providers to encourage eligible and healthy people to donate their blood. It is important to understand that the decision to give one's blood can save someone's life, while it will cost nothing to the donor. Donors need to realise that they help real people, who rely on their decision and have no other choice than to wait for someone to give their blood.

The blood donation process, Mr. Speaker, is quick, easy, and painless. A person ready to donate one's blood should register and undergo a short check-up, which includes pulse, temperature, and blood pressure. The actual process takes no more than eight to ten minutes, during which time a donor sits comfortably while nurses or other medical staff take the required amount of blood. One needs to understand that donation is totally safe and sterile, and that the donor's health is not impaired. After the donation, it is recommended to have a nutritious meal and drink, and then return to their daily activities with a feeling of pride and accomplishment.

Mr. Speaker, another benefit is that a donor may feel the sense of pride for having helped to save someone's life. This experience makes people more conscious and empathetic, and allows them to feel their contribution to society, which positively affects their emotional well-being and self-esteem. Thus, one may summarise that blood donation is beneficial for both the patients and the donors.

In closing, Mr. Speaker, we need to educate the community and raise the awareness of the importance, noting that it is both a safe and fulfilling experience that creates invisible bonds among people

and contributes to high social awareness and responsibility. And, in addition to this, Mr. Speaker, donating blood helps save lives. Thank you.

The Speaker: Thank you, Minister.

The next Minister who has a Statement this morning is the Minister of Works. Minister Burch, I believe your first Statement is on the water plan.

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

The Speaker: Good morning.

WATER PLANS FOR THE SUMMER —MINISTRY UPDATE

Lt. Col. Hon. David A. Burch: I rise this morning to provide an update on the state of water supply and distribution in advance of the anticipated high demand this summer.

The Bermuda Weather Service is indicating that rainfall in Bermuda is below normal expectations. The total rainfall for the year, to date as of June 3rd, is 20.62 inches, which is 1.43 inches below the normal average for this time of year.

As background, Mr. Speaker, the government water system provides piped water to approximately 2,000 households, businesses, the King Edward VII Memorial Hospital and the Mid Atlantic Wellness Institute, and is also the safety net for two-thirds of households, being the principal supplier of trucked water on the Island. During times of drought, some 40,000 Bermuda residents will rely on water truckers to meet their water needs. For the first five months of this year, the Water and Sewage section has sold 9.6 million imperial gallons to water truckers. For the same period last year, the section sold 10.2 million imperial gallons of water.

Mr. Speaker, in the last 12 months, the Water Section has made several improvements to the overall operation of the water system to respond to peak demand, some of which include the following:

1. The installation and commissioning of a third abstraction well for the Tynes Bay Reverse Osmosis Plant, to increase output to 1 million gallons per day, with the ability to increase output further, should the need arise.

2. The installation and commissioning of a new central area pump station with power generator backup to ensure a reliable water supply to the Cedar Park and Mary Victoria communities, as well as the King Edward VII Memorial Hospital and the Mid Atlantic Wellness Institute. The manufacturers were on Island last month for the successful commissioning of the pump station. Mr. Speaker, in layman's terms, what this means is significant financial savings, as the new pump station is very efficient and will operate through power failures to meet the drinking water demands from residents and water truckers alike.

3. Installation and commissioning of a remote monitoring and control system for the central area, capable of monitoring demand 24 hours a day, seven days a week. This data can be accessed directly on operations staff mobile devices, which facilitates early detection of distribution mains breakages, low or high tank levels, high flow alarms, and power and communications outages. The system is currently being expanded to provide remote monitoring and control in the Southampton and St. George's areas.

4. The replacement of 2,000 feet of obsolete, corroded, and leaking pipelines. This replacement was mostly in the Fort Prospect area where there were large amounts of cast iron piping.

5. Replacement of the North Shore trucking outlet water tank, and installation of remote level monitoring at that location.

Mr. Speaker, the Tynes Bay Seawater Reverse Osmosis Plant is the main source of water supply for the central parishes and is presently operating at almost maximum capacity. The central parishes' water supply is also being supplemented by water production at the Fort Prospect plant, with reduced capacity, as only one of the five production units is operational, due to obsolete equipment failures and unsupported control systems. The other central area production facility, at Devon Springs Road, is no longer operational, due to obsolete existing control systems and equipment, as well as structural issues with the building.

For the western parishes, Mr. Speaker, the Tudor Hill Reverse Osmosis facility is down to one out of four production units for the same reasons as Fort Prospect.

And for St. George's Parish, we have a single RO [reverse osmosis] plant supplying water under contract. You will recall, however, Mr. Speaker, that in February this year I reported on the Strategy for Sustainable Water and Wastewater Servicing, which contained recommendations on how to provide more robust water and wastewater servicing for St. George's Parish. That initiative is advancing as the template for water and sewage management and, once completed, will serve as the model for Island-wide water, waste and sewage management.

The production from all plants is meeting current demand. The reservoirs at Fort Prospect (the central distribution hub) are presently being maintained at between 50 [per cent] and 90 per cent capacity.

Mr. Speaker, the West End Development Corporation (WEDCO) is assisting in the West Zone by providing supplementary water supply to a section of the Ministry's distribution system, located between Dockyard and Watford Bridge.

As with all types of infrastructure, any catastrophic failure of the aforementioned plant or infra-

structure will likely necessitate reduced access to water by piped and water trucker customers until such time as the failure is corrected and backlog of demand is met.

Mr. Speaker, the following activities are being performed to further mitigate the effect of a possible dry spell and other issues outside of the control of the Water and Sewage Section:

We are in the process of retrofitting existing ultra-filtration units into modular, standalone systems that can produce up to an additional 200 gallons per minute per unit at the Fort Prospect plant. This will greatly assist in lessening the impact of future dry spells and unforeseen issues with other entities that may impact the public water supply. The first retrofitted unit should be completed and commissioned by August 31st this year.

Mr. Speaker, we are also retrofitting the existing quarry pumping station to more closely operate like the Devon Springs and Fort Prospect booster stations. This retrofit will be connected to the expanding remote monitoring and controls system, and will provide real-time monitoring that will allow us to deliver a more consistent service to customers in Hamilton Parish.

In the latter part of the year, the remote monitoring and control system is to be expanded with the installation of seven new electromagnetic flow meters at strategic locations, and four tank level monitors to provide feedback in real time on demands and all tank levels in the water distribution system.

Mr. Speaker, the Ministry's Water Section has also been working to support tourism and the building of a new hotel in St George's. To that end, a new supply main has recently been installed to supply water for construction of the new hotel. Furthermore, it is hoped that, before the end of this financial year, there will be standby power generation for the St. George's water plant, as well as the installation of new water mains to feed the St. George's water truck outlet and a refurbished/replaced storage reservoir at Fort Victoria, St. George's.

Mr. Speaker, the major threat to managing during a drought this summer is suffering mains breaks in a very old infrastructure. All in all, though, we believe we have taken major steps to minimise any challenges this summer. Mr. Speaker, you will know that we have increased the budget for the Water Section in excess of $800,000 this financial year so that proper investment in both staffing and infrastructure can occur.

We are currently working on a multi-year capital development programme to include detailed condition assessment of the assets, and design and phased implementation of the strategy to provide for improved services to all customers over the next few years.

With all that said, Mr. Speaker, there still is a need for all Island residents to be conscious of their water usage this summer, regularly check their tanks and, above all, conserve water.

Mr. Speaker, I am sure you will agree that the Water and Sewage Section have been very busy over the course of the last year. They currently are staffed by 17 individuals, all of whom are Bermudian, ably led by Principal Engineer, Water and Sewage, J. Tarik Christopher, who joins us in the House today. Mr. Speaker, you will know that he comes from a distinguished line of public servants, being the middle son of Dr. Joseph and Mrs. Marlene Christopher, both of whom are retired distinguished civil servants.

The Sewage Section take tremendous pride in their work, and I wish to publicly commend and thank them for all of their efforts on behalf of the people of Bermuda in this very critical area.

[Desk thumping]

Lt. Col. Hon. David A. Burch: I am certain that their efforts will contribute to minimal challenges this summer with water production and delivery.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

I understand that you have a second Statement.

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

The Speaker: Would you like to do that one at this time?

LAND TITLE REGISTRATION

Lt. Col. Hon. David A. Burch: Mr. Speaker, it is with considerable pride that I advise this Honourable House that the long-awaited implementation date of the Land Title Registration Act 2011 will be July 2nd, 2018.

Mr. Speaker, work on this initiative commenced in 1999 when the then-Government first took steps to recognise that much relief would be afforded members of our community by the implementation of a parcel-based land registration system to replace the deeds-based property transaction system currently in place. The then-PLP Government perceived significant benefits accruing to the public as a result of the implementation of a Land Title Registry.

This system will provide for the guarantee of legal ownership of land and the simplification of conveyancing transactions. Currently, property transactions can take months to complete, and at significant expense. Once a parcel of land is registered, the register will become the definitive record of title, and subsequent transactions can be carried out in a fraction of the time and at a fraction of the cost. Further, once a title is registered, title to that land is guaranteed and cannot be lost or stolen.

Mr. Speaker, you will no doubt be aware of the long and sad history that surrounds the exchange of certain lands in this country. Many of our senior citizens have experienced the injustice of their family land being taken by what some might describe as unscrupulous professionals, and even at times by family members.

Mr. Speaker, many can tell the tale of land being swindled; many still feel the pain of that theft. This Act is intended to bring an end to this sorry and deplorable practice. It has been a long road from 1999 to today, and, if you permit, I would like to share with this House a brief history of the journey to this place.

The Speaker: Mm-hmm.

Lt. Col. Hon. David A. Burch: Mr. Speaker, in 2005, the Government approved the appointment of a project manager and the implementation of Land Title Registration. Between 2006 and 2007, further progress was made, including the staffing of a Land Title Registration Office and the procurement of a Land Title Registration information system. This system was tested, using the government estate, where all of the government's land holdings were entered onto the register. At the same time, a policy paper was drafted and consultation held with stakeholders. This led to the Land Title Registration Act 2011, which passed successfully through both Houses of the Legislature and received Royal Assent in December 2011. In 2012, secondary legislation in the form of the Land Registration Rules was drafted, and the professional stakeholders were advised how the new system would work in practice. Full implementation of the Land Title Registration Act was scheduled to come into force in early 2013.

Mr. Speaker, I do not need to remind you that in December 2012 there was a general election, which led to a change of Government. For the next five years, Land Title Registration stalled, as the then-Government during this period decided that the Land Title Registry and the Deeds Registry should be merged, and amendments to the legislation suggested by some conveyancing attorneys were considered. Some of these amendments were the subject of the Land Title Registration Amendment Act 2017.

Mr. Speaker, it would be remiss of me not to acknowledge and agree with successive reports of the Ombudsman for Bermuda on this subject, and I specifically quote an excerpt from the [2014] report. And I quote: "For reasons not entirely clear the Government has not launched Bermuda's land title registration regime. It was surprising to learn that Bermuda was so far behind much of the developed world in its exclusive reliance on a deed-based property transaction system. The length of time taken for Bermuda to adopt a title-based registration system and bring this office on line frankly is embarrassing and expensive. There also has been lost revenues from fees the LTRO" (Land Title Registration Office) "could have generated.

"We understand that the Government anticipates that, with amendments to the Land Title Registration Act and the required rules and regulations finalised, the public will be able to start registering land in 2016. This will be an important step in Bermuda's administration of land rights. We anticipate that the Government will ensure this is not delayed any further and will proceed with all necessary steps." (End quote.)

Mr. Speaker, clearly that did not happen, but presently under the legislation, voluntary registration by members of the public is permitted, providing the deeds have been first checked by an attorney who will certify there is a good route to title. The attorney will also carry out additional searches to ensure that there are no judgments, private mortgage, or court orders concerning a divorce attached to the title before it is presented to the land registry.

Mr. Speaker, the ultimate goal is to give landowners who wish to voluntarily register their deeds absolute title, which also gives them the cover of the indemnity. It is unconscionable to this Government that landowners would have to pay lawyers' fees for this service, so we will amend the Act to remove the requirement for a lawyer to examine the deeds for a voluntary registration, and, instead, suitably qualified members of the Land Title Registration Office will examine the title, carry out the relevant searches and grant an absolute registered title to the land. Of course, there are various fees associated with this service, dependent upon the type of service requested. And a copy of those fees is attached to this Statement.

Mr. Speaker, we anticipate great interest from members of the public to have their properties registered. So, in the initial stages following the launch, voluntary registration will be by appointment only so that the office can adequately manage the workload and members of the public are not frustrated by any teething pains.

Mr. Speaker, over the years, significant stakeholder consultation has taken place, including [with] the Bar Association, surveyors, the Bank Association, realtors, and the general public. In particular, the Land Title Registry has developed an excellent working relationship with the local banks and anticipates that, upon implementation of the Act, the banks will be a major source of data and revenue for the registration of private land. The staff of the Land Title Registration Office will, between now and July 2nd, once again reach out to the professions and the public with information and training to facilitate the smooth transition from deeds-based conveyancing to electronic title registration. A full media campaign will follow this Statement over the weeks ahead leading up to July 2nd so that those who have waited so long for that day will know first-hand the process to follow in order to get their properties registered.

Mr. Speaker, as you will appreciate, the Land Title Officer's position is a very specialised field that, understandably, suffers from a lack of qualified Bermudians. Over the years, staffing generally has been a real challenge, with various Bermudians electing to secure employment elsewhere. To meet the July 2nd operational deadline, we have sought qualified and trained staff globally, recently recruiting four Land Title Officers, one from the UK who started in April on a six-month secondment, and three from Jamaica, arriving tomorrow, on a one-year contract. Concurrently, we are in discussions with a not-yet-fully-qualified Bermudian to assume the role as a trainee Land Title Officer, with the view of ultimately filling a Land Title Officer post, and looking to employ a Bermudian to undertake the position as Office Manager. Once operational, the Registrar and her staff will participate in career fairs and school visits to encourage other young Bermudians to consider a career in this area.

Mr. Speaker, from July 2nd, 2018, Bermudians will finally be able to register their land on the Land Title Register, and when they do so, their real estate will be secure. The land that they worked so hard to obtain, their "piece of the rock" that they want their children and grandchildren to inherit and maintain after they are gone, their legacy, will be forever safe. No one will be able to take it from them, saying, *I have the deeds*.

Mr. Speaker, we could not have arrived at this place without the work of the staff of the Land Title Office over many years, ably led by Land Registrar, Mrs. Debbie Reid, who joins us in the House today, who in fact has been with the office since its inception, first as Legal Officer and now as Land Registrar. The commitment and dedication of Mrs. Reid and her staff are so significant that I wanted them present in this House today, and members of her staff join us in the Gallery, to personally witness this announcement—

[Desk thumping]

Lt. Col. Hon. David A. Burch: —and to receive our thanks on behalf of the Government and people of Bermuda for the outstanding work that they have done.

Mr. Speaker, the days of deeds are over. The age of a modern, efficient, safe and secure way of recording ownership of land and rights in land is upon us, and it starts on July 2nd.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

The next Statement is that of the Minister of Government Reform. Minister Foggo, you have the floor.

GOVERNMENT REFORM—PROGRESS REPORT II

Hon. Lovitta F. Foggo: Good morning. Good morning to the House and to Radio-land, and Mr. Speaker.

I rise this morning to inform this Honourable House of the progress made towards Government Reform.

Mr. Speaker, as shared in October 2017 in this Honourable House, reform is all about modernisation and change. And this Government's goal is to enact substantive and meaningful changes for the betterment of Bermuda. To this end, the Ministry for the Cabinet Office, with responsibility for Government Reform, has partnered with PricewaterhouseCoopers Advisory Limited [PwC] to deliver a strategic plan that, over time, will change the way that government delivers its services.

Mr. Speaker, in February 2018, PwC submitted a proposal in response to the Government Request for Proposal for a strategic planning consultant for the Government Reform Initiative. Ultimately, PwC determined that the strategic importance of this initiative was aligned with its purpose—to build trust in society and solve important problems—and agreed to provide their services in kind.

Mr. Speaker, following the standard due diligence process and execution of letters of engagement setting out the terms and conditions of service, work commenced in March 2018.

Mr. Speaker, to be clear, PwC will deliver project outcomes without incurring any expense to the public purse.

Mr. Speaker, to date, with the assistance of a number of stakeholders, which included technical officers, union partners, and my Cabinet colleagues, we have already set out our shared vision. Mr. Speaker, our vision is *a* future-forward Government for the people of Bermuda. Underpinning this vision is a Government that is transparent, agile, talented, citizen-centric, accountable, innovative, and digital and data driven. Mr. Speaker, our purpose is to enhance the lives of the people of Bermuda.

As part of the effort to determine ways of improving government operations, input from the public officers, who deliver public services, is an imperative. A consultative survey was released to public officers on June 6th, seeking thoughts and opinions that will help direct the development of the strategic plan.

Today, June 15th, marks the deadline for responses from public officers. Early indicators suggest that a wide cross section of officers have already participated in the survey, and it is anticipated that many more will do so prior to the end of the day.

Mr. Speaker, the goal is to have the draft Government Reform Strategic Plan completed by summer 2018, and, subject to approval, implementation will commence immediately thereafter.

Mr. Speaker, this Government is very much aware of work commenced under the public service

reform initiative banner by the previous administration. An in-depth review of that work has been undertaken, and the output of the former working groups has been considered. This Government has a deep appreciation for the many public officers who were engaged in the research, analysis, planning, and implementation of the many reform initiatives previously commenced.

We have not rested or paused to undertake strategic planning in the absence of progress. Initiatives that are consistent with our vision have continued, some of which have been implemented, and new work that represents new innovative thinking has also commenced.

Mr. Speaker, by way of example, work to advance the "future state organisational structure" for the government's human resources [HR] function is nearing completion. It is expected that consideration will soon be given to the integration of the government's human resource services via a shared service model for transactional activities, leveraging technical knowledge, skills, and systems.

Mr. Speaker, the existing decentralised HR model that currently exists within the Government has proven hugely inefficient. HR services are currently delivered in a fragmented and dispersed manner, which results in duplication of effort, inconsistent service delivery, and an inordinate amount of time to execute basic functions. The stage is now set to overhaul internal service delivery for the human resource function.

Mr. Speaker, on the matter of good governance, the Code of Practice for Project Management and Procurement has been finalised, approved, and, subject to completion of staff training, will be implemented at the end of the month. Further, a review of the almost-200 government boards and committees is currently underway to determine which of these bodies should be discontinued or merged, or if other operating changes may be required. Also, Mr. Speaker, the terms of reference for the feasibility study that will see the Bermuda Post Office add new services and use its existing infrastructure to become Government Customer Service Centres has now been executed, and the review is now in progress.

Mr. Speaker, these are but a few modernisation efforts currently underway as this Government takes the necessary steps to establish *a* future-forward Government for the people of Bermuda.

I will endeavour to keep this House informed of our ongoing progress as we work to evolve public administration and operations for the betterment of Bermuda. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

We now recognise the Honourable Minister of Tourism, who has the following Statement.

Minister, would you like to present your Statement?

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

The Speaker: Thank you. Good morning to you.

BERMUDA HEROES WEEKEND 2018

Hon. Jamahl S. Simmons: Mr. Speaker, Bermudians are again getting ready for the music, parades, parties, and pageantry of the Bermuda Heroes Weekend [BHW] Carnival, a cultural and colourful spectacle that has become, in just a few short years, one of our Island's most significant events.

Bermuda Heroes Weekend Carnival is owned by BHW Ltd. and is run by a team of volunteers led by Mr. Jason Sukdeo. That team is to be commended for literally building something from nothing. And this year, even tourists from as far away as China are making the journey to Bermuda to experience and enjoy what has been described as the world's fastest-growing carnival!

Mr. Speaker, as all of the carnival events are very social media friendly, when the colour, energy, and motion of carnival is added to the natural beauty of Bermuda and the warmth and beauty of our people, interest in Bermuda's tourism, and cultural and natural assets, can only grow stronger and stronger.

Bermuda Carnival has been deemed a "signature event" by the Bermuda Tourism Authority, and its growing significance to Bermuda's tourism product is actively encouraged by the Government. Therefore, I am proud to announce that the Government has partnered with BHW Ltd. in order to deliver another Bermuda Heroes Weekend Carnival in 2018. Accordingly, the Government is today announcing sponsorship of the 2018 Heroes Weekend Carnival for $125,000. Mr. Speaker, this dynamic new partnership will ensure that Heroes Weekend Carnival is sustained long into the future and will be cemented onto Bermuda's social and cultural calendar.

Under the agreement, the Government will provide the human and financial resources to ensure a solid foundation that underpins the event's operations and assists in addressing old debts, all while the leadership of BHW Ltd. continues to execute their unprecedented and hugely successful promotional, logistic, and organisational operation. With the Government securing the base and BHW doing what it does best, Bermuda Carnival will continue to *mas* from strength to strength.

The Ministry has analysed both the return on investment and the economic impact associated with sponsoring the 2018 carnival, and we anticipate that, on both criteria, the investment will produce tangible and intangible benefits far greater than the amount invested. For example, Mr. Speaker, the 2017 BTA *Year in Review* stated that the Bermuda Heroes Weekend, which was held from 16 to 19 June 2017, was a resounding success, based on visitor feedback.

The final visitor numbers reached 686, while monitoring throughout the weekend showed more participants at each of the scheduled events, more spectators lining the streets of the parade, and more revellers out for the raft-up celebration, than ever before.

The images and footage shared on social media, websites, and blogs by visiting artists, journalists, and guests provided Bermuda with heightened exposure on various channels targeting a younger demographic. Feedback on this year's event indicates that BHW's continual product enhancement has made Bermuda a must-go destination among carnival enthusiasts and adventure seekers.

Visitor arrival stats for BHW show the following: 1) 172 in 2015; 2) [1]516 *[sic]* in 2016; 3) 686 in 2017 (a correction on number three).

Mr. Speaker, we continue to break the image of Bermuda as a destination only for the newlywed or nearly dead. Our visitor numbers show we are attracting younger, more diverse visitors to our shores—and the buzz about Bermuda continues to grow.

Yet, Mr. Speaker, we are not content with just the growth and expansion of Bermuda Heroes Weekend Carnival as a local cultural highlight and as an event with international appeal. We must not forget the true meaning of Heroes Weekend—recognising those Bermudians who, through their work, sacrifice, and leadership helped move the dial on freedom, justice, and equality in Bermuda. Going forward, the honouring of our heroes will be restored to prominence.

Furthermore, Bermuda Heroes Weekend will once again be more closely linked to our historical traditions such as the Annual Comet Race.

In closing, Mr. Speaker, we wish BHW Ltd. good luck over the next week, and we trust that everyone attending, whether local or visiting, will have a safe, fun *Bermudaful* experience. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Minister on the Order Paper this morning is the Minister of Education.

Minister. [It is] very timely for you to get up, Minister. It looks like you have got school students joining us.

An Hon. Member: Yes.

Hon. Diallo V. S. Rabain: Yes.

The Speaker: And if I am correct, I believe they are from the West End of the Island, from West End [Primary] School; are they?

An Hon. Member: Ah!

Hon. Diallo V. S. Rabain: Yes.

The Speaker: Welcome! Good to have them here. Yes. And their teacher, Mrs. Lambert. Nice to have you here this morning.

Hon. Diallo V. S. Rabain: Welcome. Welcome, Ms. Lambert.

BERMUDA TEACHER INDUCTION PROGRAMME

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

Mr. Speaker, I am pleased this morning to share with you, and Members of this Honourable House, a report on the teachers who have successfully completed the Bermuda Teacher Induction Programme.

Mr. Speaker, the Bermuda Teacher Induction Programme (BTIP for short) is a programme which formally began in 1989. This programme assigns mentor teachers to novice teachers for the purpose of providing individualised support, coaching, and professional development during their first and second years of teaching within the Bermuda Public School System.

Mr. Speaker, new teachers, or inductees, as they are called while participating in the Bermuda Teacher Induction Programme, receive from experienced mentor teachers sustained support that is grounded in research-based best practices and which is focused on fostering excellence in the classroom.

Mr. Speaker, Bermuda's strategic plan for education, Plan 2022, includes a strategy for the Bermuda Teacher Induction Programme. As we endeavour to enhance the quality of teacher practice and strengthen professional learning and support, we will "Continue [with] a broad review of the Bermuda Teacher Induction Programme, . . . with the view of implementing more rigorous standards and upgrading the requirements for successful completion of the programme."

Mr. Speaker, in keeping with our intent to implement more rigorous standards, the 2018 BTIP Inductee cohort took on the special challenge of completing new induction programme requirements. These new requirements required inductees to be more reflective and to take time to document evidence of successful pedagogical practices. These practices were captured in comprehensive professional portfolios inclusive of a video lesson analysis, instructional artefacts, and a reflective essay.

Mr. Speaker, I am pleased to report that this year, 14 teachers met the more rigorous requirements for successfully completing the Bermuda Teacher Induction Programme.

Given that this is a notable achievement, please allow me to share some information about each of our Inductees.

[1] See Minister's correction at page 2376

Mr. Speaker, Ms. Alanna Furbert is a special education teacher at East End Primary. She began her career as a middle school learning support teacher, transitioning during her second year in response to an urgent need at the primary level. What matters most to Ms. Furbert is how she impacts students. She understands that every child has a different learning style and pace and that each child is unique and capable. Ms. Furbert is a graduate of CedarBridge Academy.

Ms. Swaynisha Outerbridge teaches English and English as a Second Language at CedarBridge Academy. A CedarBridge Academy alumnus herself, Ms. Outerbridge knows that her passion for education was ignited by inspiring teachers in her own educational career, and she endeavours to do the same for her students.

Jodi Maronie is a teacher of Mathematics at T. N. Tatem Middle School. Mr. Maronie has always found mathematics very interesting and knew that he would pursue a career in the numbers field. Coming to math education from a background in financial management, he seeks to share his passion for the subject and continues to grow professionally in order to meet the needs of all students.

Dani Usher is a member of the staff at Sandy's Secondary Middle School. As an English teacher, Mrs. Usher has fully embraced the challenge of serving students, saying that it is not what she does, but who she is. Another graduate of CedarBridge Academy, Mrs. Usher has developed a reputation for forming strong bonds with her students.

Ms. Carla Emery has served the Bermuda public school system in a number of capacities for over a decade. Ms. Emery is a professional graphic designer, but now serves as the Art teacher for Dalton E. Tucker and Somerset Primary Schools. She is dedicated to using the arts to build connections with students, focusing on compassion, tolerance, and understanding in her classroom.

Mrs. Shawnette DeRosa began serving students as a para-educator at CedarBridge Academy 16 years ago. After years of service, she transitioned to the position of Learning Resource teacher in September 2016. In this role of increased responsibility, Mrs. DeRosa collaborates with General Education teachers to ensure that students with learning disabilities have the support needed to meet their full potential.

Mrs. Severin Tucker is an English teacher at the Dellwood Middle School, where she has worked since 2014. In her practice, Mrs. Tucker has made it a priority to provide students with a dynamic, engaging, and enjoyable classroom environment. Her goal is to help students immerse themselves in the process of writing. Mrs. Tucker also owns and manages a Pilates studio.

Mr. Bryce Williams, a teacher of Spanish at Dellwood Middle School, is committed to enhancing the instruction of the Spanish language by exposing students to the culture of Spanish-speaking countries around the world. He promotes a resilient work ethic and hopes that children will leave his classroom knowing that anything is possible with dedication, consistent hard work and effort. And, Mr. Speaker, just a quick aside.

The Speaker: Yes.

Hon. Diallo V. S. Rabain: Mr. Bryce Williams was a 2005 Beautillion contestant.

Mr. Abimbola Bademosi is a long-time music teacher who has served the Bermuda public school system. Mr. Bademosi is currently a Peripatetic dedicated instructor, who shares his passion for music through lessons in chorus, recorder, and percussion.

Ms. Brendal Simons has been working in early childhood education for the Bermuda public school system for seven years. Initially working as a substitute teacher, Ms. Simons became a full-time lower primary teacher at Francis Patton School in 2016. In September 2017, she shifted up from primary one to primary two, juggling new curricula, multiple ESL students (and for those who do not know, ESL stands for English as a Second Language), and several students reading below expectations. A highly reflective teacher, Ms. Simons shifted gears and implemented new strategies in order to reach all learners.

Ms. Chardinae Wilson-Trott teaches at St. George's Preschool. She has focused her attention on using intentional language, as well as [deepened] her understandings around student observation, assessment, and data collection. She has also proven diligent in her quest to better understand *The Creative Curriculum*, undergoing more than 10 hours of independent online study, including the Teaching Strategies GOLD Interrater Reliability Certification for Preschool and Pre-K.

Karene Smith is a teacher at St. David's Preschool. Ms. Smith has a deep understanding of her students' needs and a strong understanding of their developmental stages. Not only is academic progress at the forefront of her intentions, but also [children's] social development. She demonstrates a genuine commitment to student growth and building strong relationships with her students and families. Ms. Smith is a graduate of the Berkeley Institute.

Monique Paul has been with the Bermuda public school system since 2010. Initially hired as a para-educator for Special Education students, Ms. Paul subsequently earned a Master's Degree in Special Education and now works to effectively reach a range of students with academic and behavioural challenges.

And lastly, Monica Smith teaches at East End Primary. Monica's journey saw her shifting down a grade level after her first year, with a commitment to the challenge. She has found these initial two years of teaching a most rewarding experience.

Mr. Speaker, as part of the changes to the BTIP Programme requirements, for the first time inductees had the opportunity to be honoured as completing BTIP with Distinction. To be eligible for Distinction, inductees were required to complete all portfolio requirements, including securing membership in a professional organisation. Inductees who completed the programme with Distinction were first nominated by their principals to receive the honour, and then confirmed via a review of portfolios and the decision of an Assistant Director Vetting Team.

Mr. Speaker, we congratulate Ms. Alana Furbert, Mrs. Dani Usher, Ms. Brendal Simons, and Ms. Chardinae Wilson-Trott for completing the programme with distinction.

Mr. Speaker, this year BTIP also recognised the second annual New Teacher of the Year. The New Teacher of the Year award was established to *celebrate excellence in teaching* by highlighting a novice teacher who demonstrates: 1) commitment to professional growth; 2) a high degree of efficacy in instructional practices; and 3) clear passion for and commitment to the teaching profession and school community.

Mr. Speaker, I celebrate Ms. Alanna Furbert and Ms. Dani Usher as finalists for this award, and congratulate Ms. Karene Smith as the BTIP New Teacher of the Year winner for 2018.

Mr. Speaker, the effect that teachers have on student achievement is well documented and ensuring that our teachers are prepared for the classroom is a priority. These teachers have demonstrated a vested interest in our students. Likewise, our mentors, Mrs. Leone Charles, Ms. Laurel Burns, Mrs. Linda Holdipp, and Mrs. Jeanna Bean, have shown a vested interest in the personal and professional development of our novice teachers. I thank them for their efforts and their contributions.

Mr. Speaker, our mission is to provide all students with equitable access to holistic, varied, and high-quality instruction that is culturally relevant and empowers students to reach their full potential.

Mr. Speaker, the Bermuda Teacher Induction Programme is committed to this mission, and our Government remains committed to this mission.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Minister I would like to recognise is the Minister for National Security.

Minister Caines, would you like to take the floor now?

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

The Speaker: Yes.

ROYAL BERMUDA REGIMENT— SECOND QUARTER REPORT

Hon. Wayne Caines: Mr. Speaker, over the last three months, the Royal Bermuda Regiment has engaged in several activities related to local and overseas training, defence engagement, as well as recruiting. As such, I wish to provide this Honourable House with an update.

Mr. Speaker, the leadership of the Bermuda Regiment is currently concluding a strategic review that was initiated in [December] 2017. Subject to approval by His Excellency the Governor, this review will form the basis of a five-year plan and an associated timeline. This plan will be aimed at better aligning the Regiment's structure and training to operational output and capability.

Mr. Speaker, the Regiment will invest in its soldiers by increasing training opportunities for individual soldiers and aligning training with real-world standards to ensure portability of qualifications. Further, over the coming years, the Regiment will increase interoperability with partner agencies on the Island and armed forces in the region, through initiatives such as the Royal Bermuda Regiment Coast Guard.

Mr. Speaker, Honourable Members will recall that a decision was made to cancel this year's overseas training camp as a result of the ongoing strategic review, and to have a greater emphasis that was being placed on the [creation of a] full-time maritime role and better aligning of training with operational output. This saw elements of the Regiment train on the Island for a week in May. A second week of training involving a joint services test exercise will take place in October.

Mr. Speaker, the May training included the following:

Joint training with the Bermuda Police Service [PSU]. This involved Alpha Company's Operational Support Unit (OSU) training with the BPS in order to maximise interoperability, particularly with crowd control tactics.

Special Constable Training. Soldiers who recently joined Alpha Company, the Boat Troop, as well as the Regimental Police Unit underwent special constable training, comprising a law and procedure module, as well as an officer safety module. This training complements the mission-specific training, which was completed in the lead-up to the America's Cup. The result is a special constable capability that can be called upon when needed.

EMR Course. Four members of the Medical Section completed a 100-hour Emergency Medical Responder course with the St. John's Ambulance Brigade.

GED programme. This period has also seen 10 soldiers participate in a General Education Diploma programme, which the Bermuda Regiment has

offered internally. The first phase of this programme has been completed, and the majority of soldiers are on track to earn their high school diploma equivalency this year.

Mr. Speaker, though the annual overseas camp was cancelled, certain members of the Bermuda Regiment participated in smaller overseas training exercises, including the following:

Junior Non-Commission Officers' Cadre. Thirty soldiers travelled to Camp Lejeune in North Carolina to participate in the test exercise phase of the JNCO [Junior Non-Commissioned Officers] Cadre. This command and leadership course equips soldiers with the skills to lead a section of eight men and women, the first promotion in their regimental careers.

The Senior Musicians Course. The Royal Bermuda Regiment Bandmaster designate, Colour Sergeant Sheldon Fox, recently completed the Senior Musician's course at the US Naval School of Music in Virginia—the first time a Bermuda Regiment soldier has attended the US Naval School of Music in Virginia.

ACSC. Two Majors attended the first phase of the Advanced Command and Staff Course (reserve) at the Defence Academy of the United Kingdom. This course prepares suitable officers to lead the Bermuda Regiment. It should be noted that, outside of wages, the Royal Bermuda Regiment is able to participate in the courses in the United Kingdom at no cost.

Royal Navy Small Boat course. Two private soldiers (a male and a female) from the Boat Troop attended a small boat course in the Cayman Islands. This course covered coxswain and small boat engineering training. This course was entirely UK funded.

Mr. Speaker, five lines of defence engagement have been conducted during this [second] quarter. First, the Barbados Coast Guard Study. In March, two officers from the Barbados Coast Guard completed a four-week study to develop a concept for the Royal Bermuda Regiment Coast Guard. This concluded with a presentation to the stakeholders and forms the basis of the Royal Bermuda Regiment's plan for undertaking a maritime role.

The Royal Bermuda Regiment attended the Caribbean Region Information Operations Council Meeting in Jamaica. The Royal Bermuda Regiment's participation in this meeting was funded by US-NORTHCOM [U.S. Northern Command]. This is the fifth year in which the Regiment has participated. Over the past two years, NORTHCOM has donated vehicles to the Royal Bermuda Regiment, sponsored a combat camera team visit in 2017 to generate promotional content, and this February sponsored combat camera and operations security training, locally on Island.

In May, the Foreign and Commonwealth Office sponsored the Royal Bermuda Regiment's participation in a disaster management conference in Miami, where the Bermuda Regiment made a presentation on the deployment on Operation Ruman in the aftermath of Hurricanes Irma and Maria.

The Royal Bermuda Regiment further participated in a UK Defence Minister-sponsored meeting in the Cayman Islands to discuss the Regiment's future deployment in support of disaster relief operations in the region. The Royal Bermuda Regiment Executive Officer was asked to deliver a presentation regarding the Royal Bermuda Regiment's support to Operation Ruman. Bermuda's contribution was well-received and appreciated.

In order to scope out [options] for overseas training in 2019, the Royal Bermuda Regiment visited the Belize Defence Force, the Belize Coast Guard, and the British Army Training Unit in Belize.

Mr. Speaker, for the first time, the Regiment will conduct a second recruit training camp within this calendar year. A six-week PR [public relations] campaign was established to encourage civilians to make the transition into military life. More than 25 people have begun the enlistment process, and it is estimated that the full 25 will start the camp.

Mr. Speaker, with 42 recruits starting in January, this is estimated to bring the recruit intake for this year up to 67 recruits, which is in line with the volunteer intake in 2016 and 2017. The Regiment's strength currently stands at 343, which it deems sufficient to conduct its mission and to accomplish [its] task.

Mr. Speaker, the Regiment has seen a decline in band members. In order to counter the decline of musicians and to ensure the sustainability of the band, the Royal Bermuda Regiment has instituted a Junior Musicians programme. This programme currently has 20 participants and allows high school aged musicians to perform with the band and be paid for it.

We are grateful for the Royal Bermuda Regiment's support during the MS Amlin World Triathlon Series in April. In order to ensure the safety of both the public and athletes, 49 soldiers were fielded, to include marshals, rescue swimmers, boats, and a liaison officer at the event control centre. The event organiser covered direct costs associated with the Royal Bermuda Regiment's participation.

Mr. Speaker, the Royal Bermuda Regiment has a significant role in the safety of Bermuda. The Ministry of National Security remains committed to supporting the Bermuda Regiment through its transition to an all-volunteer force.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister. I understand you have one more Statement. Would you like to do that Statement, Minister?

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

The Speaker: Continue right ahead.

Hon. Wayne Caines: Thank you, sir.

CUSTOMS DEPARTMENT REPORTS— QUARTERS 1 AND 2

Hon. Wayne Caines: Mr. Speaker, this morning I wish to provide this Honourable House with a report on the activities of the Customs Department for the first and second quarters of 2018.

The department has now officially relocated to Custom House, at [131] Front Street, Hamilton, where they will occupy the 1st and 2nd floors. The relocation has already provided benefits, as the proximity of operational units has reduced the timing and transmittal of sensitive documents. The department continues to perform its border protection functions, which include the collection of revenue, and the interdiction of drugs and other contraband, inclusive of uncustomed goods.

Mr. Speaker, the Customs Department began the year with the celebration of International Customs Day, on January 26th. This year the theme was "Digital Customs: Progressive Engagement," and a number of events took place throughout the week. Officers and staff members attended church services at the St. Paul's AME (African Methodist Episcopal) Church. And on Tuesday, January 26th, an open house was held at #6 Cruise Ship Passenger Terminal dock on Front Street, which included a series of displays and demonstrations, giving the public the opportunity to interact with customs officers.

The department also hosted a "Random Acts of Kindness Day," and concluded the week with a staff celebration, recognising members of staff for long service and outstanding work performance.

Mr. Speaker, in March 2018, the department advertised for 10 Trainee Customs Officers. Mr. Speaker, there were 487 applications. Skills, standard fitness and drug testing all were performed in April and May. There is currently a shortlist of candidates being interviewed by the recruitment personnel, and they will be psychometric tested, prior to the final selection, and offering of contracts will be to the [successful] applicants.

Yes, Mr. Speaker, 487 applications for 10 positions.

Mr. Speaker, the Bermuda Customs express-package clearance process comes highly recommended by various international courier companies. As a result, Cayman Customs recently visited Bermuda to conduct an onsite visit of our Courier Facilities. The Cayman representatives wanted to adopt an electronic submission process for their courier operations and turned to Bermuda Customs, who indeed are a leader in the field, for guidance and support, and to see how we do things locally.

Mr. Speaker, during the first half of this year, training has been an integral part of the department's operations. An advanced post-clearance audit and risk-management training was conducted by Mr. Stephen Mendes, Administration Advisor for Caribbean Technical Assistance Centre (CARTAC), based in Barbados, and Mr. Jerry Wellans, who hails from the United Kingdom, to a select group of managers and customs officers. These gentlemen delivered an introduction to risk management in October and started the process for Bermuda Customs to develop a risk-based system for importers and a trusted-trader programme. This training will move certain customs functions to a solid risk-based analysis for importers of goods.

Mr. Speaker, the Customs Department continues to forge a solid relationship with CARTAC and has benefited from sponsored overseas training for its officers. This training has been extended to include a week-long training course in the Dominican Republic, at the CCLEC [Caribbean Customs Law Enforcement Council] Training Centre.

Mr. Speaker, the interdiction arm of the Bermuda Customs Department continues, as the officers are faced with both drug and illegal contraband smuggling. During the first and second quarters, the department was successful in interceptions at all ports of entry. Of particular note, Mr. Speaker, the recent start of the cruise ship season has already seen an increased number of [arriving] passengers in possession of illicit drugs in various forms being intercepted at the port of arrival. The excellent working relationship between the ships' security and the department's cruise ship enforcement team (CSET) has produced positive results.

The department continues to be heavily involved with the National Anti-Money Laundering Committee (NAMLC) assessment. Bermuda is scheduled to be assessed in the coming months, and the department has formed a team with senior managers, which includes leading the process. Anti-money laundering training will be introduced to all customs officers in the next few months.

Mr. Speaker, on May the 1st, 2018, the department announced two promotions at the senior management level. Senior Customs Officer Ahmed-Troy Caines was promoted to the rank of Principal Customs Officer; and Principal Customs Officer Sharmette D. Pond was promoted to the position of Assistant Collector of Customs. Both PCO Caines and ACOC Pond have over 30 years of experience with the department and have been posted to operational areas within the investigative, training, enforcement, and administrative units.

I wish to congratulate them on their promotions and look forward to the good service they will continue to offer the people of Bermuda.

Mr. Speaker, as we look toward the remainder of the year, the Customs Department will work toward the World Customs Organisation Diagnostic Study—Integrity, Corruption and Bribery; foundation training for New Trainee Customs Officers; attending at the World Customs Organisation Conference in Brussels;

Fusion and Drone Surveillance Unit; additional joint teams with other agencies; the NAMLC assessment and training.

Mr. Speaker, I have every confidence that the Collector of Customs and her team will meet all of the objectives that we have just mentioned. The Ministry of National Security remains committed to supporting the work of the Bermuda Customs Department.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

That brings us to a close of the Statements by Ministers and Junior Ministers.

REPORTS OF COMMITTEES

The Speaker: The next item on the Order Paper is Reports of Committees. There are none.

QUESTION PERIOD

The Speaker: We now move to the Question Period.

Although there are some seven Members who have indicated that they would like to put questions to Ministers in reference to Statements read this morning, we will begin with the written questions that have been submitted.

I believe that there are two written questions to the Minister of National Security from the Member from constituency 10.

Member Dunkley, would you like to put your questions now?

And a reminder to Members that the Question Period is a 60-minute session, which starts now.

Hon. Michael H. Dunkley: Good morning, Mr. Speaker, and good morning to colleagues.

The Speaker: Good morning.

Hon. Wayne Caines: Excuse me, Mr. Speaker. I apologise to the Member.

Mr. Speaker, these are oral . . . the response should be an oral response, Mr. Speaker.

The Speaker: Yes.

Hon. Wayne Caines: Okay. You know, I thought he said it was written; I apologise.

The Speaker: No, no, no. They are written questions.

Hon. Wayne Caines: Oh.

The Speaker: But they require an oral response. Yes, yes.

Hon. Wayne Caines: My apologies.

The Speaker: No problem.

QUESTION 1: PAID CONSULTANTS IN MINISTRY OF NATIONAL SECURITY

Hon. Michael H. Dunkley: Thank you.

The first question to the Honourable Minister: Will the Honourable Minister please inform this Honourable House as to whether the firm Brand Lion has been hired by the Ministry of National Security? And if so, please provide details on contract terms, scope of work, and remuneration for the firm.

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, Brand Lion has been hired by the Ministry of National Security to assist at advancing the Government's aims in the FinTech space. Brand Lion is providing public relations and marketing management to help the Government achieve the following goals: to demonstrate to the community that we are making credible moves; to be a country of choice for new and existing companies in the FinTech space; to present the international community the integrity and the regulatory environment to support FinTech development in Bermuda; to highlight the interest in crypto and blockchain development and to create a favourable environment for investment in Bermuda; and to promote Bermuda in the Fintech space.

Details of responsibilities—to lead in the development of local and international PR and marketing plan; to develop a FinTech prospectus with key materials, setting out key personnel, key goals and next steps, and set out the FinTech ecosystem; to execute a strategy to show how we would deliver the message and plan to the people of Bermuda.

Controlling the narrative, ([since] there is a real risk around the endeavour), and to manage key messaging. To create a social media campaign which includes, but is not limited to, social media campaign and setting up a website and orchestrating the setting up and management of a website; to lead in the development of a town hall strategy and other types of meetings and information videos and PR materials; and to educate the public on FinTech. The remuneration is $22,000. The length of the contract is two months. The contract commenced on April 17, 2018 and ends on June 30, 2018.

The Speaker: Thank you, Minister.

Any further questions or supplementary?

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

The Speaker: Supplementary?

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

The Speaker: Okay.

SUPPLEMENTARY

Hon. Michael H. Dunkley: First supplementary to the Honourable Minister, Was the contract bid?

Hon. Wayne Caines: This contract followed an RFP process. Yes, Mr. Speaker.

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

Mr. Ben Smith: Supplementary.

The Speaker: Yes.

SUPPLEMENTARIES

Mr. Ben Smith: When was the bid put out?

The Speaker: Minister.

Hon. Wayne Caines: The bid process was in the month leading up to the process. It went through the necessary procedures, with the OPMP [Office of Project Management and Procurement] process. It was the regular RFP process.

The Speaker: Thank you, Minister.
Supplementary?

Mr. Ben Smith: Supplementary.
How many other applications?
The Speaker: Minister.

Hon. Wayne Caines: There were three other firms.

The Speaker: Thank you.
Any further supplementaries?
New question? New question?

Hon. Michael H. Dunkley: Second supplementary, Mr. Speaker.

The Speaker: Go ahead.

Hon. Michael H. Dunkley: Second supplementary: Was the item budgeted for?

The Speaker: Minister.

Hon. Wayne Caines: No.

The Speaker: Supplementary? No.
Do you want to move on to your next question? Okay.

The Honourable Member from constituency 10 has a second question. Continue.

QUESTION 2: PAID CONSULTANTS IN MINISTRY OF NATIONAL SECURITY

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
To the Honourable Minister: Will the Honourable Minister please inform this Honourable House of all other paid consultants currently in the Ministry of National Security, and provide details of their responsibility, remuneration, and length of contract?

The Speaker: Minister.

Hon. Wayne Caines: HM Customs, consultant—Mr. Jeremy White, Limited. His responsibilities are to assist the Ministry of Finance to draft project plans through tools, consultations; record findings, draw conclusions, make recommendations, provide incidental advice as required; to assist the Ministry of Finance to formulate a detailed legislative objective, providing incidental advice as required; assist the Ministry of Finance to draft instructions [for] parliamentary counsel; to advise and draft clauses to assist the Ministry of Finance to respond to queries raised by Parliamentary Counsel; to advise on implementation, including public notices, the guidance of staff and training, NMLAC duties and policies. The remuneration for Jeremy White Limited is $80,000. The length of the contract is one year.

The Bermuda Police Service, consulting—Diana Dithington. Details, crime scene investigator. Remuneration, $95,000. Length of contract, one year. Consultant—Victoria Holden. Details of responsibilities, crime scene investigator. Remuneration, $95,000. Length of contract, one year. Consultant—David Scott. Details of responsibility, cold-case reviewer. Remuneration, $91,000. Length of contract, one year. Consultant—Carlton Adams. Responsibilities, cold-case reviewer. Remuneration, $91,000. Length of contract, one year. Consultant—John Ashington. Details of responsibility, financial investigation. Remuneration, $91,000. Length of contract, one year. Consultant—Simon Haran. Responsibility, financial investigators. Remuneration, $91,000. Length of contract, one year. Consultant—John Briggs. Details of responsibility, financial investigator. Remuneration, $95,000. Length of contract, one year. Consultant—Andrew Jones. Details of responsibility, intelligence analyst. Remuneration, $76,000 per annum. Length of contract, one year.

Ministry Headquarters—Samantha Knight, Special Aide to the Minister, Logistics and Operations. Special projects, to assist with FinTech initiatives, to assist with various projects assigned by the Minister. $75,000 a year. Length of contract, one year. Pastor Leroy Bean, Gang Violence Reduction Coordinator. To reduce tensions and activities amongst gangs,

prevent situations from escalating into violence, creating programmes to reverse the rate of recidivism, to introduce preventative strategies and programmes, negotiation and mediation, to . . . at reducing the levels of gang violence, presentations to educate stakeholders and interest groups, to implement programmes in the corrections system. Remuneration, $92,000. Length of contract, one year. Consultant—Darren Woods. Duties of responsibilities, part of the Gang Violence Reduction Team, to introduce programmes in the schools to discourage at-risk youth from joining gangs, to introduce programmes to discourage at-risk youth from engaging in antisocial behaviours, to implement programmes that encourage youths to make positive life choices. Remuneration, $85,000 a year. Length of contract, one year.

ICT Policy and Innovation—Loretta Joseph. Details of responsibility, FinTech consultant services; assistance with developing policy, regulation, requirement for the Digital Asset Exchange; assistance with developing procedures and advice around AML, KYC, and compliance requirements; assistance in developing strategy around ICO (initial coin offerings) and regulatory requirements; to assist in the development of e-identity policy and regulatory requirements; assistance with developing the policy and regulatory requirements for the creation/distribution of local digital tokens; providing other project-based assistance and coordination as needed. Remuneration, $20,000 a month. Length of contract, February 2018, ending August 10, 2018.

Graham Wood—details of responsibilities, PIPA [Personal Information Protection Act] consulting services; monitoring the national/international privacy landscape for developments that may have implications for the Personal Information Protection Act 2016; the lead harmonisation between PIPA and other legislation that address the personal information [incentive], personal information, including holding working sessions with entities responsible for that said legislation; to hold discussions with the Attorney General's Chambers and relevant stakeholders to lead the research into the adoption of electronic identification, trust service, and electronic transactions; to prepare related documentation to the Minister in Cabinet briefings; to identify and assist in the preparing of materials for briefings; and continuing to monitor the international strategy/internet environment for the developments and regulatory policy implications in that area; to manage the relationship between Government and the relevant legal advisors; to undertake duties as requested by the Minister.

Hogan Lovells—

[Inaudible interjection]

Hon. Wayne Caines: My apologies. My apologies.

Remuneration—he is paid $150 an hour at a maximum of $84,000 per annum.

Consultant Hogan Lovells—he is also responsible for GDPR [General Data Protection Regulation], implementation and consultancy services, which is PIPA in Bermuda; research and advice on the harmonisation of PIPA and PATI [Public Access to Information] Acts; research and advice on the amendments to the PIPA and to ensure its compliance with international best practice, including, but not limited to GDPR; research and advice on the amendments of PIPA due to any changes in Bermuda's circumstances, social and political requirements; advice to the Government on the set-up and support of the Office of the Privacy Commissioner; such research and advice as needed on an ad hoc basis. Remuneration, $45,000 per annum. Length of contract, one year.

Information and technology consulting—Michael Oatley. Details of responsibility, project management; oversight for tax information reporting system for the Ministry of Finance. Remuneration, $100 per hour, ad hoc and as needed. Length of contract, started on January 1, 2018, and ended on March 31, 2018.

The Bermuda Fire Service—Consultant Mark Fields. Details of responsibility, managing a comprehensive, preventative maintenance programme for all vehicles; providing reports on the maintenance programme; to delegate, supervise the preparation of maintenance of all records pertaining to the costs and repair history of all fire trucks and support vehicles; to review the maintenance work plans and prioritise work to be assigned, and to communicate the work objectives to staff; to prepare a damage assessment report and provide timely estimates related to the Bermuda Fire and Rescue Service vehicles and for all staff-involved accidents. Remuneration is $48 per hour, maximum 35 hours per week. Length of contract, one year.

Total consultants, Mr. Speaker—18.

The Speaker: Thank you, Minister.

Are there any supplementaries?

Supplementary?

SUPPLEMENTARIES

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

Supplementary number one. Have all consultants been budgeted for in this financial year?

Hon. Wayne Caines: No.

The Speaker: Further supplementary?

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

Second supplementary: Are there any other consultants planned?

The Speaker: Minister.

Hon. Wayne Caines: That is actually a good question—

An Hon. Member: They are all good.

Hon. Wayne Caines: —and a difficult question to answer. And let me say why. We are in a space that is actually, as the Members in this House understand, that is rapidly evolving. As I take the instruction of the Premier, we are going into charted *[sic]* territory, and our main thing is to make sure that we are covered from AML.

[Inaudible interjections]

The Speaker: Uncharted, uncharted.

Hon. Wayne Caines: What did I say?

The Speaker: Charted*.* You said *charted.* Uncharted*.*

Hon. Wayne Caines: Thank you to the Members. To uncharted territory.

And our main effort is to make sure that we cover our bases at all times. We go into an area, and we realise that we might need guidance and expertise in that area. Rather than go down without the requisite information or expertise, we fold our cards. And if we need to get an expert, Mr. Speaker, under the guidance of the Premier, we will then get the services that we need to make sure that we govern ourselves correctly, Mr. Speaker.

The Speaker: Thank you, Minister.

Supplementary? I will take the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin.

SUPPLEMENTARY

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

Mr. Speaker, as the Minister indicated, the last consultant to whom he referred was for the fire service. The individual, I believe, had initially been brought in to work with the Transport Department. So, is this being done in conjunction with, or instead of? I am just curious.

The Speaker: Minister.

Hon. Wayne Caines: I specifically know that this is the contract that he has with my Ministry. I cannot speak of any other contract, Mr. Speaker. I can endeavour to get that information.

The Speaker: Thank you.

No further supplements?

Oh. The Honourable Member De Silva. You have a supplementary.

SUPPLEMENTARIES

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

With regard to the Police Service and the investigative consultants in that area, the Minister gave us the amounts that are being paid and per year.

My question to the Minister is, How long have they been doing this work?

The Speaker: Minister.

Hon. Wayne Caines: I crave your indulgence, Mr. Speaker. I have to do some . . .

[Pause]

Hon. Wayne Caines: Mr. Speaker, Mr. Carlton Adams, special investigator, six years. Mr. Speaker, Mr. John Ashington, special investigator, three years. Mr. Speaker, Ms. Diana Boyland, crime scene investigator, six years. Mr. John Briggs, special investigator, five years.

Mr. Speaker, Mr. Simon Hashran, special investigator, two years. Mr. Speaker, Victoria Holden, crime scene investigator, four years. Mr. Speaker, Mr. James Andrew, special investigator, six years. Mr. Speaker, Ms. Roselle Pearman, accounts administrator, just over three months. Mr. Speaker, Mr. David Scott, special investigator, six years.

The Speaker: Thank you. Thank you, Minister.

Any further supplementaries?

We recognise the Honourable Member De Silva again. You have the floor.

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

Now, Mr. Speaker, as the Minister was reading out the years, I was trying to do a quick calculation. So, you know, this is not in stone. But, certainly, certainly, my . . .

The Speaker: Ah! Ah! Ah! Minister. Minister. Yes.

An Hon. Member: Sorry. Taking too long.

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

Minister, if I do a quick calculation, and like I said, subject to confirmation by the Minister, but it appears to me we are looking at, over this period of time, if you take an average over the years and an average of the amount of money each was paid—

[Inaudible interjection]

Hon. Zane J. S. De Silva: I am getting to it, Mr. Speaker. I think I have to justify my question.

The Speaker: Well, put your question. Put your question to me.

Hon. Zane J. S. De Silva: My question is going to be, based on that estimation, we spent between maybe $3.1 or $4 million during this period. So, my question to the Minister is, What success rate have, you know . . . $4 million of the taxpayers' money. What success rate have we had? What results have we had so far to date?

The Speaker: Thank you.

Hon. Wayne Caines: Mr. Speaker, this is the Investigation Unit. I cannot speak to its success rate, Mr. Speaker.

The Speaker: Thank you.

Supplementary?

I will take the Deputy Speaker.

SUPPLEMENTARIES

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

The question is, how many non-Bermudians are employed on this investigation?

The Speaker: Thank you.

Hon. Wayne Caines: Mr. Speaker, there is not one investigator; there are nine investigators. Excuse me . . . there are eight investigators, and there is one accounts administrator. Out of the eight investigators . . . out of the eight investigators, only one is Bermudian.

The Speaker: Only one. Okay.

Supplementary?

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

The question is, In those salaries that you stated, do they get food and board allowances, and travel?

The Speaker: Minister.

Hon. Wayne Caines: I cannot speak to those parts. I can endeavour to look into the other parts and report. I can endeavour to find out more about the benefits package and report to the House, Mr. Speaker.

The Speaker: Thank you, Minister.

Supplementary?

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: Yes, Mr. Speaker. I do have a supplementary.

As the Minister indicated the numbers of years that some of these investigators have been on board, he had also indicated that they had not been budgeted, that all had not been budgeted. I wonder if the Honourable Member could advise us, which of these have been budgeted, because if they have been there for a significant period of time. In the absence of vitiating the contract there must be some budget for those people who have been there for a significant period of time.

The Speaker: Minister.

Hon. Wayne Caines: We have been through a list, Mr. Speaker. And there were 18 people who were budgeted for . . . excuse me. There were 18 consultants in total. Whilst this does form a significant [number], there are a few of them who were not budgeted for, we must be clear that we will not be asking for a supplementary. We will be looking at ways to cut and trim the budget to make sure that everything, all of the consultants, fit within the budgetary requirements.

And I am not clear, Mr. Speaker, if you . . . I ask for your guidance. Was my learned friend, or my friend, the Minister, the Member, asking about the police investigators? What was the specific question? I missed it, Mr. Speaker.

The Speaker: Just for clarify, Member, the Minister is asking for clarification as to whether your question was directed specifically to those who are involved with the police investigation side, or was it in reference to all 18 of the consultants?

Is that correct, Minister?

Hon. Wayne Caines: Yes, Mr. Speaker.

Mrs. Patricia J. Gordon-Pamplin: Yes, Mr. Speaker. I was curious about those who had served long-term, because the Minister indicated that there was one three-month individual, Ms. King, I believe the name was.

The Speaker: Well, the members that he—

Mrs. Patricia J. Gordon-Pamplin: It was three months. I was not asking for that because he already said that they were not, but—

The Speaker: Well, let me clarify that then. The consultants that he listed time lengths [for] were consultants who were involved with the police investigation of old cases.

Mrs. Patricia J. Gordon-Pamplin: Right. Correct.

The Speaker: And so, you are seeking information on those members who are listed under that category of consultants.

Mrs. Patricia J. Gordon-Pamplin: That is correct. I just wondered whether those had been budgeted, given that their standing had a longer period of time.

Hon. Wayne Caines: Mr. Speaker, just for a point of clarification, they were not just cold-case investigators. There were a number of financial . . . there were financial investigators. There were crime scene investigators. And there were cold-case investigators out of the eight. Out of the eight investigators, all of those were budgeted for in this fiscal year.

The Speaker: Thank you.

No further questions, no further supplementaries?

We will now move . . . Oh.

SUPPLEMENTARY

Hon. Derrick V. Burgess, Sr.: Sorry, Mr. Speaker.

Mr. Speaker, I heard the former Attorney General say there are many investigations going on. Can the Minister confirm how many investigations are going on at this time?

The Speaker: Thank you.

Minister.

Hon. Wayne Caines: I cannot confirm that, Mr. Speaker.

The Speaker: Thank you.

Hon. Wayne Caines: I do know that, for obvious reasons, the fact that they are hired and they are doing work and that it is budgeted for, they are conducting investigations. So, from the cold case, we know that there are a number of unsolved murders in Bermuda that are being investigated. With reference to the financial investigation, we are aware that there are ongoing financial investigations. With reference to the crime scene investigators who are also involved, we know that there are ongoing forensic elements to investigations. And whilst we get the specialty locally up to power, we are going to use consultants on things until things get up to par, Mr. Speaker.

The Speaker: Thank you.

That brings us to a close of the written questions that had been put forward to the Minister.

We will now move on to the questions as a result of Statements that were made today. And I believe there are some seven, eight Members who have indicated that they have questions. The first question would be to the Premier in reference to his Statement on FinTech. And that question comes from the Opposition Leader.

Honourable Member from constituency 19, you have the floor.

QUESTION 1: FINTECH DEVELOPMENT FUND

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

Mr. Speaker, I would ask if the Premier could clarify something for us with respect to his Statement. He indicated that the money shall be disbursed from the fund on the following criteria, and criteria number iv (Roman numeral iv) was to support such community-based initiatives or organisations in the area of youth development, sporting clubs, health care or senior care.

I wondered if the Minister could clarify what the basis would be for sporting clubs, as opposed to youth development.

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I will admit that I am unclear as to the full . . . what the Opposition Leader is trying to get me to answer.

May I ask if she could clarify, Mr. Speaker?

The Speaker: Honourable Member, could you simplify it a little bit? You gave a long lead-in. Could you just get to your key question?

Hon. Jeanne J. Atherden: My question is, could the Minister clarify the difference between community-based initiatives—i.e., in the area of youth development and sporting clubs?

The Speaker: Premier.

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

I will, I guess, try to take the opportunity to educate the Opposition Leader on the difference between the two. Community and sporting clubs are the community and sporting clubs that, you know, may be a part of the Bermuda Football Association or the Bermuda Cricket Board and all of those various items.

When we are talking about youth organisations, there are a number of youth organisations in Bermuda that do various amount of things. So they are a question of whether or not it is specific assistance to sporting clubs, with some of the memoranda of understanding actually refer to, as some people want to direct their energies and efforts in assisting in certain places inside of our community, whereas others may want to promote youth development, things for maybe at-risk youth, maybe to make sure we can buy programmes or after-school programmes and different things. So I think it is all of those types of items.

So that would be the difference. Community sporting clubs would be sporting clubs, and youth things would be for youth programmes.

The Speaker: Supplementary? Further question?

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Just for clarification. So, the Minister is indicating that community-based initiatives for youth development would be different from just a contribution to a sporting club, with no youth development.

And would there be any criteria in terms of why you would make a contribution to a sporting club?

Hon. E. David Burt: Mr. Speaker, I remember when there was another time when we sat on that side and people sat on this side. And there was a former either Minister of Finance or former Opposition Leader who would hold up the Digicel crystal ball and say, *I cannot predict what the future will have,* Mr. Speaker.

What I can say is that we are establishing a FinTech development fund that will enable us to solicit funds to assist in community development and to make sure that companies that set up in Bermuda will be able to provide benefits to the people of this country who so desperately need them. They are partners who are looking to engage, and they want to make sure that they are corporately and socially responsible. And we are making sure that we can establish a fund so this matter can happen.

And not only will it happen, it will be audited and tracked. So, the persons on that side who like to say certain things will not have the ability to question.

The Speaker: Thank you, Premier.

Supplementary? No.

Hon. Zane J. S. De Silva: I have a supplementary, Mr. Speaker.

The Speaker: Supplementary from the Honourable Member from constituency 29. Honourable Member.

SUPPLEMENTARY

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

Premier, do you think that this fund may, just may, produce another outstanding athlete like maybe Flora Duffy?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, what I can tell you is that I cannot look into the crystal ball and tell you on what the future will rely . But what I can tell you, Mr. Speaker, is that the Honourable Member is on the right track. Because what we are trying to do is to ensure that the growth in our economy will allow those companies that wish to make sure they make investments in the people of this country and into the social needs of our community, that there is a vehicle which will enable them to do that which is transparent and which will withstand scrutiny, Mr. Speaker.

It is our job to make sure we set the highest standards. And with this fund, we will be setting those very standards, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Premier.

Supplementary? Supplementary? Supplementary?

[Inaudible interjection]

The Speaker: Okay. All right. No further supplementaries. Premier, you have another question that was requested by the Honourable Member from constituency 8.

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

[Inaudible interjections and laughter]

The Speaker: Members, Members. Members. Now, remember, we have got a young audience observing you today, and I expect you to be on your best behaviour. Thank you.

An Hon. Member: From Somerset.

The Speaker: Yes, from Somerset.

QUESTION 1: FINTECH DEVELOPMENT FUND

Mr. N. H. Cole Simons: Can the Premier give us an estimated size of the proposed asset base for this fund?

The Speaker: Premier.

Hon. E. David Burt: Mr. Speaker, I am going to look for that crystal ball somewhere, because it seems as though Members are asking me to predict the future. And I am not going to stand up here and predict the future.

What I can say is that we are establishing a fund. So, for the companies that have indicated that they wish to support the development efforts, they will have a place for those monies to go and a place for those monies to be disbursed in a transparent fashion that can be audited so that the people of this country will know how the funds were given and how the funds were used.

The Speaker: Thank you.

Supplementary?

Mr. N. H. Cole Simons: Supplementary.

The Speaker: Continue.

SUPPLEMENTARY

Mr. N. H. Cole Simons: Will the benefactors of those funds have a place on the Investment Policy Committee or the Beneficiary Committee of the fund?

The Speaker: Premier. Yes or no.

Hon. E. David Burt: I am going to try my best to make this very clear. Inside of my Statement, Mr. Speaker, I said that this fund was very similar to other funds such as the Confiscated Assets Fund and/or the Government Reserves Fund. They are funds of which are established under the Constitution to receive money for specific purposes. They are not funds that are set up for investments and otherwise.

If Honourable Members on that side will be aware of how the Confiscated Assets Fund works, where monies are paid into the fund for a specific purpose and are disbursed under the power of Ministers in order to do so, that is the exact same way as this fund. That is how this fund functions and operates. There is no such board. There is no such type of investment committee for all the others.

The money that is inside of those funds is invested in accordance with, as was stated in my Statement, the Public Funds Act 1954, which states how funds are handled and invested. There is no change in those particular laws, Mr. Speaker. The intent of this fund is to set up a separate fund, as I said, to allow a vehicle for the partners that the Government of Bermuda is engaging with to assist in our community activities (1) to make sure we provide education and training to develop Bermudians in this area; and (2) to assist other social needs as they may arise.

The Speaker: Thank you.

No further questions. No supplementaries.

We will move on to the next Statement. The next Statement that Members would like to ask a question on is the Statement by the Minister of Works in reference to the water plan.

And, Minister, the Honourable Member from constituency 12 would like to put a question to you. Honourable Member Cannonier, you have the floor.

QUESTION 1: WATER PLANS FOR THE SUMMER—MINISTRY UPDATE

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

I promise this is not a crystal-ball question. But, in the Statement, the second and third paragraphs, it was mentioned that we are behind in our rainfall expectancy. And I was just curious, in the third paragraph it was mentioned that we sold about 600,000 fewer imperial gallons of water than last year this same time period. Just curious as to what might have caused that factor of 600,000 fewer imperial gallons?

Maybe it was because of maintenance or upgrading; I do not know. Just curious as to what might have caused that, knowing that we are behind and it is dry.

The Speaker: Sure. Thank you.

Minister. Yes.

Lt. Col. Hon. David A. Burch: Mr. Speaker, I have no clue.

The Speaker: You will endeavour to find out. How is that?

Lt. Col. Hon. David A. Burch: No, I will not.

[Laughter]

Lt. Col. Hon. David A. Burch: Mr. Speaker, Mr. Speaker. There are 40,000 people whom we supply water to. Do you want me to poll them all and find out why? I suspect that people had individual challenges. There were tanks and leakages and whatever. And I am way out on a limb, speculating.

I will ask the question. The principal water engineer who was here this morning, he is pretty sharp. He would be a miracle worker if he could predict why we sold more water.

Some Hon. Members: He would know. He would know.

Lt. Col. Hon. David A. Burch: Thank you.

The Speaker: Thank you.

Is there a supplementary?

Supplementary. We recognise the Honourable Member from constituency 23. You have a supplementary for the Minister.

SUPPLEMENTARY

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

Mr. Speaker, I just wondered if the Minister could clarify whether there have been any ongoing, specific maintenance programmes that may have made some of the pumps unavailable for provision of water supply—specific maintenance programmes?

The Speaker: Minister.

[Crosstalk]

Lt. Col. Hon. David A. Burch: I am not . . .

The Speaker: The Minister is formulating his answer.

Lt. Col. Hon. David A. Burch: I am trying to formulate the *question*, Mr. Speaker.

Mrs. Patricia J. Gordon-Pamplin: Shall I clarify it?

Lt. Col. Hon. David A. Burch: Yes, clarify it, please.

The Speaker: Member, just restate your question.

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

Mr. Speaker, the Minister indicated that there was less water that was provided. And it was just a simple question to ask whether, in fact, by providing less, not necessarily based on external demands, was there a *maintenance programme* that might have shut down any of the availability? You know, was there a maintenance programme—

[Crosstalk]

The Speaker: The question is, Was less water sold because of a maintenance fault?

Mrs. Patricia J. Gordon-Pamplin: Was there a maintenance programme that stopped the availability of water?

Lt. Col. Hon. David A. Burch: No, Mr. Speaker.

The Speaker: Thank you, Minister.

Any further supplements? No further supplements; no further questions. We will move on to the next Statement that has questions. And that is, again, for the Minister of Works. Minister of Works, you have questions with reference to your Statement regarding the Land Title Registry.

And that question is from the Honourable Member from constituency 9. Honourable Member Moniz.

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

I have two questions. Mr. Speaker, I refer the Minister to the paragraph in the middle of page 2 of his Statement, where it says, "So we will amend the Act to remove the requirement for a lawyer to examine the deeds for a voluntary registration, and, instead, suitably qualified members of the Land Title Registration Office will examine the title, carry out the relevant searches, and grant an absolute register title to the land."

So, I have two questions with reference to that.

The Speaker: Well, put one at a time.

Hon. Trevor G. Moniz: Okay.

Hon. Wayne Caines: Point of order.

The Speaker: Yes.

POINT OF ORDER

Hon. Wayne Caines: Mr. Speaker, just generally, I think the Honourable Member should declare his interest as a local firm. I am sure that he does conveyance trade, and I think it would just be in best practice for him to declare his interest.

The Speaker: Thank you.

Member.

Hon. Trevor G. Moniz: Yes, Mr. Speaker. I do have an interest in a firm which does this sort of work. I do not do this sort of work myself, and I do not derive any income from it.

But insofar as I am a member of the practice and a member of the Bar, I do declare that interest.

The Speaker: You declare your interest and you can go ahead.

Put your two questions, but one at a time, though.

QUESTION 1: LAND TITLE REGISTRATION

Hon. Trevor G. Moniz: Okay. The first question is, if Gov-ernment are guaranteeing the title and there will not be any certificate from a barrister, are Government intending to have insurance to cover them for any er-rors that are made?

The Speaker: Thank you.

A straightforward question, Minister.

Lt. Col. Hon. David A. Burch: Yes, it is. Mr. Speaker, the Act requires and provides for Government to guarantee the title already. And so, yes, there will be insurance.

The Speaker: Thank you.

Supplementary, or are you on a new question?

Hon. Trevor G. Moniz: Second question.

The Speaker: Second question.

QUESTION 2: LAND TITLE REGISTRATION

Hon. Trevor G. Moniz: It is related to that, but it is a second question.

The second question is, Who is on staff who is knowledgeable with Bermudian conveyancing law? Do you presently have someone on the staff of the Land Title Registry who is an expert in Bermuda conveyancing law?

The Speaker: Thank you.

Minister.

Lt. Col. Hon. David A. Burch: Mr. Speaker, no.

The Speaker: Thank you.

Supplementary? No further questions?

Okay. We will move on.

The next Statement that Members have indicated that they have a question for is the Statement from Minister Foggo.

Minister Foggo, you have a question from the Honourable Member from constituency 10.

Honourable Member Dunkley, you can put your question.

QUESTION 1: GOVERNMENT REFORM PROGRESS REPORT II

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

Mr. Speaker, to the Honourable Minister Foggo: We are pleased that Government is continuing with the reform, and with the recognition that it started under the previous Government. I am delighted to see that we are actually getting something for nothing in life. And, based on my suspicion, Mr. Speaker, that there has to be something entwined in it— the Minister says in the second-to-last paragraph of the first page, "Following the standard due diligence process and execution of letters of engagement setting out the terms and conditions of service, work commenced March [2018]"—will the Honourable Minister table the agreement with PwC in this regard?

The Speaker: Minister.

Hon. Lovitta F. Foggo: No. There is no need to table the [agreement].

The Speaker: Supplementary or any further questions? Supplementary?

Hon. Michael H. Dunkley: Supplementary.

Yes, Mr. Speaker.

The Speaker: Okay.

SUPPLEMENARIES

Hon. Michael H. Dunkley: In the spirit of transparency and accountability, and without having to go through a PATI request, why will it not be tabled?

Hon. Lovitta F. Foggo: Let me say this. I will take it under consideration for tabling. But at this time I am saying no. But I can tell you that all the due diligence was done, and letters were signed off so that, understanding that this is pro bono, there is no expectation from the business to receive anything other than the fact that, as they declared, this was being done because it aligned with what PwC wants, too. And that is to ensure, I guess, if you will, efficiencies, good governance and the like. That is part of their mandate as a business. And they thought that this was aligned with their business mandate.

The Speaker: Thank you.

Supplementary or new question?

Hon. Michael H. Dunkley: Yes, a second supplementary.

The Speaker: Go ahead.

Hon. Michael H. Dunkley: This might seem like a simple question, but it is not. Businesses operate to make a profit. So, is PwC a business or a charity?

[Inaudible interjection]

Hon. Lovitta F. Foggo: I cannot answer that question for PwC, Mr. Speaker.

The Speaker: Thank you, Minister.

No further questions, no supplementary.

We move on to the next Statement. The next Statement that Members have questions for is the Statement by the Honourable Member, Minister of Tourism.

Honourable Minister, you have two Members who have questions. The first is from the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

QUESTION 1: BERMUDA HEROES WEEKEND 2018

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

Mr. Speaker, the Minister indicated that Government had made a commitment for assisting in the promotion of the BHW [Bermuda Heroes Week]. And the question is whether the $125,000 to which the Minister referred is, in fact, coming from the Government Consolidated Fund, or is it something that is being done by the Tourism Authority, under their umbrella?

The Speaker: Minister.

Hon. Jamahl S. Simmons: Well, to be honest, either way it comes from us. But, yes, it is coming from the Consolidated Fund.

Mrs. Patricia J. Gordon-Pamplin: Yes.

The Speaker: Thank you, Minister.

Any supplementary?

Supplementary or new question?

Mrs. Patricia J. Gordon-Pamplin: A supplementary, Mr. Speaker.

The Speaker: Continue.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: If the Tourism Authority, historically, had provided funding for this BHW, is there any reason why the Consolidated Fund is now stepping in instead of the BTA [Bermuda Tourism Authority] for the promotion of this tourism event?

The Speaker: Minister.

Hon. Jamahl S. Simmons: Mr. Speaker, Cabinet determined that this was the best approach for this year at this time.

The Speaker: Thank you.

Supplementary, yes?

Supplementary from the Member from constituency 29. You seem to be enjoying rising this morning.

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

The Speaker: Put your question.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: All of these topics just, just, just leave one wanting to have some answers.

Minister, when the Tourism Authority was created by the former Government, we were told in this House that it would not be long before they were self-sufficient. Have they not reached the self-sufficiency stage yet?

The Speaker: Thank you—

Hon. Zane J. S. De Silva: And what is the grant at, these days?

The Speaker: Minister.

Hon. Jamahl S. Simmons: Mr. Speaker, no. The BTA has not reached financial independence. And I do not anticipate, unless there are serious changes, that they will be financially independent in the near future.

As for the grant, I believe—

The Speaker: Is your microphone on?

Hon. Jamahl S. Simmons: I believe, off the top of my head, the grant is $25 million, but I will confirm that amount.

Some Hon. Members: Oh! Oh!

The Speaker: Thank you.

Is it a supplementary or a new question?

Mrs. Patricia J. Gordon-Pamplin: It is a supplementary to my initial question, Mr. Speaker.

The Speaker: Sure. Go ahead.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: And that is, the Minister indicated in his reply that this is the best approach for this year. I am just not sure that he has made it clear why the Ministry is treading on ground that appears to be the bailiwick of the Tourism Authority. I just wondered if we could get some clarity for that. Thank you.

[Inaudible interjections]

The Speaker: Minister.

Hon. Jamahl S. Simmons: Mr. Speaker.

The Speaker: Yes.

Hon. Jamahl S. Simmons: We determined that the most effective way to ensure that this event received the financial and logistical support necessary was to do it in this manner.

[Bermuda Heroes Weekend 2018—Correction To Statement]

Hon. Jamahl S. Simmons: And, Mr. Speaker, while I am on my feet, I would like to make a correction to my original Statement on the numbers. There was a typo on the numbers, and I would just like to inform the public that the visitor arrival stats, Bermuda Heroes Weekend, show 172 people in 2015; then 540 people in 2016, up 214 per cent; 686 people in 2017, up 27 per cent.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Any further questions?

No supplementaries? We will move on. Minister, the second Member who indicated that she had a question for you on your Statement on Bermuda Heroes Weekend is the Opposition Leader.

Honourable Member, Leader of the Opposition, you have the floor.

QUESTION 1: BERMUDA HEROES WEEKEND 2018

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

And, Mr. Speaker, most of my questions were asked and answered. But I did have one question. On page 2, the Minister indicated that Bermuda Carnival has been deemed a signature event by the BTA. And I just wondered, because it is a signature event, what type of sponsorship does the Tourism Authority actually give to that?

The Speaker: Thank you, Member.

Minister.

Hon. Jamahl S. Simmons: A signature event is deemed to be of significant value to Bermuda and to the tourism product. As for this year, in terms of their support, I do not have the number in front of me. But I will be glad to provide that information to you.

The Speaker: Thank you.

Supplementary? A supplementary?

Mrs. Patricia J. Gordon-Pamplin: Yes.

The Speaker: Yes.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: Just for clarity, Mr. Speaker, is the Minister saying that the Tourism Authority is, in fact, contributing something in addition to the commitment by Government? Or was it the Government *instead of*? I just want to make sure that we had clarity.

Hon. Jamahl S. Simmons: I will confirm which amount that the BTA has contributed. Yes, I will confirm that with you.

Mrs. Patricia J. Gordon-Pamplin: Thank you.

The Speaker: Thank you.

No supplementaries, no further questions.

We will move on to the next Statement. And the next Statement that Members have indicated that they have questions for is that of the Honourable Minister of National Security, in reference to your Statement on the Regiment. And we have a question from the Honourable Member from constituency 10.

Honourable Member Dunkley, you can put your question.

QUESTION 1: ROYAL BERMUDA REGIMENT— SECOND QUARTER REPORT

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

Mr. Speaker, I appreciate the second-quarter update from the Honourable Minister. In his Statement on a couple of pages, pages 2 to 5, the Honourable Minister refers to the Royal Bermuda Regiment and their Coast Guard implementation. Back in March, I think it was March 2nd, the Honourable Minister said in a Statement delivered to this Honourable House that those funds would be redirected to the development. I just ask for an update on what funds have been available and been redirected to that development?

The Speaker: Thank you.

Minister.

Hon. Wayne Caines: All of the funds will be taken out of the current budget. This is an endeavour that is currently . . . they are in the training phase. The ultimate aim is to get the Royal Bermuda Regiment Marine Section on the water. Right now, they are going through a training phase, and the training phase is that they are working with the current coxswains that they have with the Bermuda Regiment. So it is being implemented. The next phase . . . and I will have to bring back the actual financials for the next phase. The next phase is when we start going into looking at purchasing things. But as we are doing now, we are just in a training phase. As you will have seen, Mr. Speaker, from the report, we had the Barbados Coast Guard come to Bermuda. We did some training locally. We sent some people abroad.

And so, to get our people ready for this, it is not just a financial influx of money that we need. We have to (1) identify a location. We have identified a location, and the location, thanks to the Ministry of Public Works, that has been located and given to the people of Bermuda, is, as you go towards Boaz Island, you will see the facility. That was donated at no cost. If you automatically think about it, that would be something that would have been a significant, significant expenditure for the Bermuda Government. That location has been given to the Bermuda Regiment by a sister government ministry. And so, we are looking at having an established base, making sure that it is fit and it is proper and that it is in its position.

The second phase, which we are not required to have large amounts of money for, is actually the training. We are going into a third phase that is going to be a phase where we are going to need to have the financial background. I do not have that information.

But let me be clear, Mr. Speaker. If you look

at the question, the question is asking for a specific financial allotment. We do not have that [information], which we can give, at this time. As I said most recently in the speech, we have a strategic plan. The strategic plan is in development. It has to be approved by His Excellency the Governor. And so, once we have the direct plan where we are going, we can roll out stage by stage, line by line, precept upon precept what the financial structure will be and what the specific costs are, Mr. Speaker.

The Speaker: Thank you.

Supplementary or new question?

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

The Speaker: Continue.

SUPPLEMENTARIES

Hon. Michael H. Dunkley: Thank the Honourable Minister for that.

What is the actual Regiment Coast Guard budget for this year, then?

The Speaker: Minister.

Hon. Wayne Caines: Mr. Speaker, I do not have that, with reference to that. Again, we are looking at, there is a normal unit within the Bermuda Regiment that deals with the Bermuda Regiment's Maritime Section. What we are doing in this phase is the building phase. We can look at the Regiment's budget, and if it is not budgeted for, we can move things around in our budget. We have the ability to do so. What we are looking to do, again for the Member from constituency 10, is we are looking to get a better understanding of the direction that we are going in, based on the Bermuda Regiment saying, in the middle of this, *Minister, we have to look at the primary roles of the Bermuda Regiment. Would you give us the opportunity to say what our strengths are going to be? We are going to switch. We are going to do specific things.*

The Regiment is coming back to us with an entire plan for changing how the Regiment functions. We get that document next week. Once we get that document next week, we could test and adjust it with the budget. We realise that we have a budget, and we are going to work within the confines of that budget. Until we get the new plan for the Bermuda Regiment that they have been working on for the last six months, I cannot give to the Member from constituency 10 that which he asks, Mr. Speaker. And I am not trying to obfuscate. It is that we are just going into some uncharted territory.

The Speaker: Thank you.

Supplementary or new question?

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

The Speaker: Supplementary. Go ahead, second supplementary.

Hon. Michael H. Dunkley: Again, I appreciate the answer from the Honourable Minister.

I know that during the Budget Debate in February–March, it was commented at that time that the Regiment budget is tight. And as the former Minister of the Regiment, I know that they work within a very tight budget.

Having said that, moving money around might encumber some other programmes. Does the Honourable Minister believe that any other vital programmes in the Regiment . . . and, Mr. Speaker, we all support the Regiment. Does the Honourable Minister believe that any other of those important programmes within the Regiment will be encumbered by this challenge?

The Speaker: Thank you.

Minister.

Hon. Wayne Caines: Again, that is a fair question.

So, right now the Bermuda Regiment has the responsibility for internal security, for national disasters, and for ceremonial functions. The basis, the essence or the core of what the Bermuda Regiment is doing, Mr. Speaker, is looking at those core functions. The reality of it is that the core functions of the Bermuda Regiment, there might be some changes to the core functions of the Bermuda Regiment. But the changes will not affect Bermuda's national vital interests. We have to look, and we are waiting on the document. We have not seen the document. We do not know what the recommendations are going to be.

But what we can say is that we have a budget. If there are some roles that will be taken over from the Bermuda Police Service, well, then, we have to look at the Bermuda Police Service. If they are taking over portions of the Bermuda Police Service, then we have to look at, obviously, taking the money from—*taking the money* is probably a really aggressive phrase.

But the reality of it is that we understand that there is not an infinite amount of money. And if there are changes, the most important thing is actually not the financial piece. The most important piece is to make sure that our country is covered, from a military perspective. In other words, if there is a national disaster, if there is an internal challenge, that we are willing and we are able to cover it. And it is our position that at all times this country will be covered, from a military perspective, whether it is internal security or whether it is a national disaster. And any plan that comes thereupon or thereon, we will make sure that it

is fiscally prudent and that no other helping agency's budget or roles are infringed upon.

The Speaker: Thank you, Minister.

Supplementary?

Mrs. Patricia J. Gordon-Pamplin: Yes.

The Speaker: Yes.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: I have a supplementary from the Minister's response. And, the Minister indicated, we want to make sure that the country is covered in the event of emergency. I am just trying to figure out, how does that dovetail in terms of the numerical strength of the Regiment in the absence of top-up conscription?

The Speaker: Minister.

Hon. Wayne Caines: If you look at the numbers . . . so, I do not like to use the word "top-up" strength. Again, that is actually another very good question. What the Regiment is actually looking at is looking at the numbers, the strength—343 if that is the strength that we have now. But what is the actual number that we need to cover internal security. What is the actual number that we need to cover national disasters? And so, the question that the Regiment is actually asking itself now, through this internal process that is being done in concert with global agencies, is, *What is our real number?*

For a number of years, we have had this number that is 300–400 soldiers. What do we really need? And so, that is the work that they are actually doing now. What we are seeing in the meantime—what do we have? We had 43 . . . we had just over 43 soldiers at recruit camp. And we have 25 who are signed up. And that is in keeping with the numbers that we have. So, if there indeed was a crisis now, we have the requisite number to cover us.

In the not-too-distant future, when the re-jigging (to coin a phrase) comes, there might be a new number. There might not be the same old number. (And I crave for the patience.) What the Regiment is doing is, they are actually, from 1968, they are now looking at, *Okay. This country has changed. Our needs have changed. What is our new normal? What are our new numbers?* And when we have that, the Governor has to see it. It is being localised amongst staff. The Governor has to see it. And next week, I will see it for the first time.

And once we see that, we will come back to this House, and we will be able to have some robust and legitimate discussions around pure and true numbers.

The Speaker: Thank you, Minister.

No supplementary? New question?

New question, yes.

QUESTION 2: ROYAL BERMUDA REGIMENT—SECOND QUARTER REPORT

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

New question to the Honourable Minister. The Minister, in the Statement, Second Quarter update, refers to the Boat Troop on a number of occasions. So I assume, Mr. Speaker, that the patrolling of our shores and off-shores will take place the same as it has the past couple of years, with great coordination between the Bermuda Police Service, who still have the main responsibility, and the Regiment, who have helped out in great areas through many big events, such as the America's Cup, or Heroes Day and stuff like that.

When does the Honourable Minister—for the question—believe that the Coast Guard element of the Royal Bermuda Regiment can actually have a specific start date so responsibilities can be weaned from the police and the Regiment will be in the appropriate position to do what they have to do? What date is the Minister shooting for?

The Speaker: Thank you.

Minister.

Hon. Wayne Caines: And I say this respectfully. It is actually becoming difficult to keep on. This will now be the third time I have risen to my feet to say the exact same thing. And it is actually getting difficult; I will try to do it again.

The Bermuda Regiment has a Boat Troop. The Boat Troop has been training, and they have been going out. They have done special constable's courses. So they are trained to go out in the water and they can effect arrests. They can govern, and they can do what they need to do in our nautical space.

There are people who have been trained, and, most recently, on the Royal Naval Small Boats Course. A male and a female, they have gone and they have been trained. The main effort is to make sure, for this summer, that the waters are policed and that the waters are safe, and that the people are properly trained.

Now, the plan is to get the soldiers and to make sure that they are trained, and so you have a training element. And for that training element to become the Royal Bermuda Regiment's Maritime Unit. Right now, the Boat Troop of the Bermuda Regiment are doing all the policing.

The Member from constituency 10, he wants a start date and the numbers. What I am saying is that, since the last time he spoke, in March, something significant has taken place in our Ministry. The members of the Royal Bermuda Regiment have said,

We're going to look at the very essence of the role of the Bermuda Regiment. We're going to stop and break the Regiment down to its constituent parts. And we're going to look and say what our new numbers should be, what the recommendations for our new roles should be.

They have finished this! They have had an internal discussion. The Governor should see this document. We have not had the privilege of seeing it. We now need to know what the new normal is and what the new numbers are. And once we have those numbers, I can come back with a start date. I can come back with the numbers that we are going to need and if there are going to be any changes thereupon. But I do not have that information now, not because we do not want to—that we are deflecting, or the word is "obfuscating." It is that the Bermuda Regiment are doing some interesting, innovative things to make the Regiment transcend the next few years. And that process has to take its course.

The Speaker: Thank you.

Supplementary? No further questions? We will move on to the next Statement.

And, Minister, Minister . . . well, okay. It is not 60 minutes yet, no. Not yet. Minister, you have a question for your last Statement. And that is from the Member from constituency 10.

Honourable Member Dunkley would like to put a question in reference to your Customs Statement.

QUESTION 1: CUSTOMS DEPARTMENT REPORTS—QUARTERS 1 AND 2

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

In regard to the Customs Department Statement, quarters 1 and 2 report, the Honourable Minister states on the first page that the relocation has already provided benefits, as the proximity of operational units has reduced the timing and transmittal of sensitive documents.

Will the Honourable Minister please inform this House where the bulk of the staff had moved from to go to Custom House on 131 Front Street?

The Speaker: Thank you.

Minister.

Hon. Wayne Caines: The Customs were in myriad places. They have come from a number of different entities. But I do not know the name of the actual building. But it was on Front Street, right across from the Cabinet Office. And they have gone to 131 Front Street. If you have a direct question, please let me know.

The Speaker: Supplementary?

SUPPLEMENTARY

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

So, yes, just across the street is where they moved from.

Mr. Speaker, second question to the Honourable Minister: The Honourable Minister in referring to this Custom House. My question is, is there a savings on rent from one property to the other? And was it bid in accordance with government regulation?

The Speaker: Thank you.

Minister. Minister.

Hon. Wayne Caines: Mr. Speaker, that is a question for another Minister.

The Speaker: Thank you.

Supplementary?

Hon. Michael H. Dunkley: No, other than to say *collective responsibility.* I am sure it can be answered in due course.

The Speaker: Okay. Thank you.

Hon. Wayne Caines: Mr. Speaker. Mr. Speaker, just let us . . . I do not like the inference that, because I did not answer, there was a plan. We will endeavour on the next occasion to have all of the information that the Member from constituency 10 has asked. We will make that available at the next opportunity. There is absolutely nothing to hide.

The Speaker: Thank you, Members.

With two minutes left on the clock, you have almost used the whole 60 minutes allotted for Question [Period]. We have now reached the end of that period, and we will move on to the next order on the paper.

CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Oh, you are on your feet for this. I thought you were still on your feet from your question. Go ahead, Minister. We will recognise you first.

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

I would like to first offer my condolences to the family of Ms. Marie Clarissa Lauretta Trott Smith. She was the mother of a very good friend of mine, Chantel, and the mother-in-law to Dwain. She has recently passed. She was a member of—and associate my colleagues—the Hamilton Seventh-day Adventist Church. She worked in a government department for a number of years. She was a lover of fashion, very

effervescent, and just a significant Bermudian. And I would like to associate a number of my colleagues.

And Mrs. Paulette Ethel Diane Peets, the wife of Robert George Peets, Sr.—

The Speaker: You are associating, because the Honourable Member did it earlier, a couple of weeks back. So, you can associate yourself.

Hon. Wayne Caines: Yes, sir. I want to associate.

But today, I would like to acknowledge the last day of the Commissioner of Police, Mr. Michael DeSilva. Mr. Speaker, he joined as a cadet in 1985. He attended the Warwick Academy School, where, at that age, as you know, Mr. Speaker, you could leave. You could be a cadet. In 1987, he graduated from the Police Training School with a Baton of Honour, and that is the leading cadet. In 1994, he became a sergeant. And he led the Cycle Crime Unit, as well as, he worked in Narcotics. He has a number of placements, which include 2001 being promoted to the rank of Chief Inspector and leading the community's safety in community policing element. In 2006, he became a superintendent and had the responsibility for divisional command.

I have had the opportunity to work with the Police Commissioner over the last year. He had been a person whom I have had great affinity and affection for and time with. He has always been balanced in our discussions, in our deliberations.

He can be directly connected to the decrease in gang violence in Bermuda, based on the policing strategy. As we know, there was a proliferation of gang violence and gang-related offences in Bermuda. It was under his stewardship and under his leadership that the Bermuda Police Service put together an aggressive policing strategy around the reduction of gang violence and employing and making sure that police officers were in their place.

After 33 years of service to Bermuda, that is yeoman's service. And oftentimes, we forget the sacrifice that people in Bermuda make to serve at the very highest level in Bermuda. He has served this country with distinction, and I would like to take the opportunity to congratulate the Commissioner of Police on serving this country, on behalf of my colleagues and the Bermuda Government.

The Speaker: Thank you.

Does any other Member wish to speak?

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

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

Mr. Speaker, first of all, I would like to have condolences sent to the family of Ms. Marie Clarissa Lauretta Trott Smith.

[Inaudible interjections]

The Speaker: That was just done. You can associate yourself with the Minister.

Hon. Jeanne J. Atherden: I am sorry. I did not hear him. I would associate myself with those remarks. For me, Mr. Speaker, we would know Marie as Miss Bermuda from way back.

Hon. Derrick V. Burgess, Sr.: She was the first Miss Bermuda.

Hon. Jeanne J. Atherden: That is what I am saying. And she, obviously, was someone who we—

Hon. Derrick V. Burgess, Sr.: From Hamilton Parish, from the Holy Land.

Hon. Jeanne J. Atherden: Well, not only from Hamilton Parish. But she was actually someone who went to school with us at Berkeley. And, therefore, we will always remember her as someone who held herself very regally.

The Speaker: Yes.

Hon. Jeanne J. Atherden: And I would like to be associated with those remarks.

Also, I would like to have condolences (and I do not think this one was done) sent to the family of Mrs. Paula Elizabeth Lightbourne Johnson, because, of course, when you look in the paper and you see people whom you know and went to school with, you suddenly realise that time is catching up on all of us. But I [ask], Mr. Speaker, if condolences could be sent to her family.

And on a happy note, I would like to have congratulations sent to the organisers of the Hiscox Under-11 Celebrity Cricket Tournament. I think that every year I am amazed at the people who come out and do things that their bodies have not done all year, but—

The Speaker: I understand you had pads on that day, too?

Hon. Jeanne J. Atherden: I did not have pads on. But I made sure that I got some cricketing fielding in.

The Speaker: All right.

Hon. Jeanne J. Atherden: And also, with respect to the organisers for the Pow Wow down at St. David's. This was my first time for going, but I know that some of my colleagues, like Suzann Roberts-Holshouser, have been quite involved. And I was really appreciative of the legacy inherited.

And last, but not least, if congratulations could be sent to all of those who associated with the Portugal Day, the reception, because, as we remind ourselves, the Portuguese community is very big. And like lots of other countries, their citizens come here and they make contributions to us, because Bermuda really represents almost a mini-UN in terms of people who come together and contribute.

Thank you, Mr. Speaker.

The Speaker: Thank you.

We recognise the Honourable Minister of Education. Minister, you have the floor.

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

Mr. Speaker, this year the Ministry enacted a programme that probably should have been done eons ago, and that is we have now instituted an annual Father of the Year essay competition between our primary schools. Mr. Speaker, I would like to thank, I would like to congratulate Tristan Robinson, from Port Royal, whose essay was the overall winner and was awarded his certificate and his prizes in assembly last year. Due to the overwhelming response to the competition, Mr. Speaker—we got over 160 essays from P4, P5, and P6 students—we decided to award second-place prizes for each zone. And so, we have Miss Viquan Chambers of Elliot Primary School; Shia Bean, of Paget Primary; and Jace Donawa of West End Primary. And they were all awarded, and they were all given presentations in their assemblies today.

It is just one way of our highlighting that we need our fathers to be more active in our schools. And I could not think of a better way to draw the fathers out and to show that we do appreciate what they do, by having their children write these wonderful letters of appreciation for them.

Mr. Speaker, also, congratulations sent to Greenrock, who held their Eco-School Programme awards ceremony this week. Since 2013, Greenrock has operated within our schools, educating our young people and not-so-young people about environmental education.

Lastly, Mr. Speaker, congratulations sent to the Education Officer for the Arts, Dr. Shangri-La Durham-Thompson, who organised a Spring into the Arts 2018 programme. This is an annual programme that is done through all four middle schools, that showcases talent of not only the middle schools, but the primary schools that feed into those middle schools, as well.

For Members who have not been able to attend any of these wonderful, wonderful concerts that have been put on, there was one on May 17 at Whitney; May 31st at Clearwater; and June 14, last night, at CedarBridge, which would have been the Dellwood one. There is one left, June 26, at Sandys Secondary Middle School. And the events start at six o'clock. So if any members out there in the public, or Members within these Chambers, can actually make it, I would greatly appreciate it, because the students really do like seeing the adults come out and see what they can produce.

Lastly, Mr. Speaker, this is someone who has become quite special to me. I would like—and I am sure most of my colleagues will be appreciative and associate themselves with this—to wish Ms. June Famous a very happy birthday. She turned 75 yesterday.

[Desk thumping]

Hon. Diallo V. S. Rabain: I think the mother of MP Famous, from constituency 11.

Thank you, Mr. Speaker.

The Speaker: There you go, Minister.

We have two minutes left. Do you want to take your two minutes now, your time now?

Okay. We recognise the Honourable Member Gordon-Pamplin. You have the floor.

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

Mr. Speaker, I would like to be associated with the congratulations going to Hiscox on their Under-11, because it was indeed an interesting event. I think, as the adults go out there, the key for them is to make sure that they do not get out for a duck. I saw an Honourable Member from our Chamber get cleanbowled. I am not going to say who it was. However, let me just say that it was a very interesting day, and while we were hoping that our fortunes would be placed on the last two batsmen, it was not to be. And the children actually won. So that was really quite exciting.

I would also like to be associated, Mr. Speaker, with the remarks of condolences to Paula Lightbourne Johnson. You will know it was probably just about a year ago when I stood on this honourable floor to give condolences to the family of Deborah Tannock, Deborah Lightbourne Tannock, who is actually sister to Paula Lightbourne Johnson. Paula, as I said before, was my best friend from elementary school days. She was an incredibly regal young woman, a gifted artist, and a delightful person. And she will certainly be missed by her entire family.

I would also ask, Mr. Speaker, that this Honourable House send condolences to the family of Edmund Junior White, of Ord Road.

The Speaker: Yes.

Mrs. Patricia J. Gordon-Pamplin: Junior White was the husband of Shirley White, who is a former teacher at Sandys Secondary School.

The Speaker: Sandys.

Mrs. Patricia J. Gordon-Pamplin: Junior White I knew through my involvement with softball. He was an amazing coach of his softball team. And I know that, you know, I have had spirited conversations with him over the years. And I certainly am very, very saddened to hear of his passing and would ask that condolences be sent to his wife, Shirley.

Also, Mr. Speaker, I would like to be associated with the condolences being sent to the family of Marie Trott Smith. And again, a regal lady who represented Bermuda extremely well, not just in the Miss Bermuda Pageant, but as she went abroad to represent Bermuda in the Miss Universe Pageant. And I would like to offer condolences to her family.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Before we recognise any other Member for this order of condolences and congratulations, we are going to pause and recognise the Premier to take a moment's break.

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

Mr. Speaker, I move that the House do now adjourn for lunch and return at 2:00 pm.

The Speaker: Thank you.

Members, the House now stands adjourned for lunch. We will resume at 2:00 pm.

[Gavel]

Proceedings suspended at 12:32 pm

Proceedings resumed at 2:03 pm

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

The Speaker: Honourable Members.

[Gavel]

CONGRATULATORY AND/OR OBITUARY SPEECHES

[Continuation thereof]

The Speaker: For the benefit of our listening audience we are resuming, and we were on the Condolences and Congratulations . . . and Obituary Speeches. And if any other Member would like to add to that . . .

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

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

I start on a sad note today. I would like to extend condolences to the family of Gina Smith and also associate MP Swan with these comments. Gina Smith—well known amongst us St. Georgians—also MP Cannonier as well. She was quite a colourful character with a very flowery mouth. So if I had to describe her, Mr. Speaker, that would be one of the best ways I could do it.

Gina was . . . she had her challenges, but through life and through the trials and tribulations of life she was able to build a relationship with God. So we know that she was a child of God and I know that heaven will not be the same with Gina there.

[Laughter]

Mrs. Renee Ming: I would also like to send a few congratulations. One to East End Primary School's graduating class of 2018. They had their ceremony last evening and it always warms my heart to hear about our young people and the positive things that they are doing.

And also a shout-out to United Dance Productions, they had their annual recital last year, which is actually 25 years of dancing.

And to my church, Richard Allen A.M.E. Church, which is actually the only A.M.E. church in the UNESCO World Heritage Site. They celebrated their Annual Children's Day Sunday last week Sunday and, as usual, it was fun-filled, full of children, and an awesome event learning about Christ.

So, Mr. Speaker, those are my few messages for today. Thank you very much.

The Speaker: Thank you very much, Honourable Member.

Does any other Honourable Member wish to speak? I recognise the Honourable Member Smith. Honourable Member Ben Smith, you have the floor.

Mr. Ben Smith: Good afternoon, Mr. Speaker.

I just want to give some congratulations to Ras Mykkal on the launch of his new book yesterday on nicknames and how we got our nicknames. I would just like to say congratulations to him for continuing to try to do things for Bermuda and bring attention to . . . kind of items that are important to Bermuda that do not really get highlighted. I know he does a great job taking photos of young people, and most of that that he is doing has not been given its due.

So I just want to give congratulations to him and . . . have a good day.

The Speaker: On that I am just reminding people that we do not use the nicknames in here though, even though we all have nicknames.

Any other Member that would like to speak?

I recognise the Honourable Minister Burch.

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

I would like to be associated with the congratulations to Suzy Harvey.

And I would also like congratulations to be extended to Susan Wainwright-Stovell, Mr. Speaker, who nobody in this House probably knows other than perhaps former Ministers of Public Works. She retired last week Friday from Public Works after serving—

The Speaker: A long time.

Lt. Col. Hon. David A. Burch: —for 41—

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: —amazing years, Mr. Speaker.

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: They had a luncheon for her last week Friday at the Port Royal Golf Club and I asked them . . . and then they invited me, I said, *Well, you know I cannot come on Fridays to lunch.* But what they were able to get out of me was a drive to Southampton during the lunch hour from the House, a few remarks—

The Speaker: A few remarks.

Lt. Col. Hon. David A. Burch: —of congratulations and a presentation of a gift and then a drive back to Hamilton and try and find lunch. So, the principle—

The Speaker: They were supposed to serve you lunch while you were there, Colonel. You could have asked them to put your lunch in a brown paper bag for you.

Lt. Col. Hon. David A. Burch: Huh? They were trying to give me a take out, but—

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: —it would have been cold by the time I got back to town.

But Mr. Speaker, in my remarks I really congratulated Ms. Stovell because I remember her from a decade ago when she was at the Ministry. She does not look like she could have worked anywhere for 41 years. And I said to her how remarkable—she and everyone else—how remarkable it was that somebody could have been in one job for 41 years when in this day and age we struggle to get people to stay in a job for 41 minutes. And so, I really would like for the House to extend congratulations to her on her service to Government and to wish her the very best in retirement. Thank you. Mr. Speaker.

The Speaker: Thank you.

And other Members want to be associated with that Minister—the whole House, in fact—because there are many former Ministers of Works in this room still.

I now recognise the Honourable Member from constituency 10. Member Dunkley, you have the floor.

Hon. Michael H. Dunkley: Yes, good afternoon and thank you, Mr. Speaker.

Mr. Speaker, I would like to be associated with the congratulations sent to the Pow Wow. I enjoyed the opportunity to go down there last Sunday afternoon and was pulled out to do a dance. Certainly I found that quite interesting and much easier than dancing with the Gombeys for sure because it is much . . . it is much slower paced, but congratulations to them. Anytime we have the opportunity to continue to look into and support the culture of our community it should be applauded in every way.

I want to piggyback on the congratulations the Honourable Minister of National Security gave to the Commissioner of Police. I am pleased to see that support. I can recall [that] while he retires at his last official day at work today, I believe, I call recall the . . . for Honourable Members here the first day the Commissioner took office a number of years ago. I think it was about eight or nine years ago. It was just after we had very tragic murders in our community. And so there is no doubt the Commissioner, with the support of everyone in the Bermuda Police Service, has made some good strides along the way in making Bermuda a safer place, but work remains. And I wish Commissioner DeSilva and his lovely wife all the success and happiness in the next phase of their life.

Mr. Speaker, on a sadder note, I would like to be associated with the condolences sent to Mr. Robert George Peets (that had already been provided to this House) on the passing of his lovely wife, Mrs. Paulette Peets. I had the opportunity to represent them at one stage and I found them to be a very strong Bermudian family. And it is too young for somebody like that to be called to their next reward.

I would also like to send condolences to the family of Mr. Edward Paiva (or better known as "Piza"). He leaves behind his lovely wife, Jean, and children Kevin, William, and Mark and numerous grandchildren. I have known the Paiva family for many, many, years. In fact, they have been long-time supporters of mine and my colleagues and worked hard for the party canvassing up and down the hills of Devonshire and Smith's Parishes for us. So it leaves a tremendous void in the family with the passing of a good man, a man whose sense of humour I always appreciated, and his calm manner in every way . . . he never got upset by things that might be taking place

around him and he set a good example for his family and friends, and he certainly contributed greatly to our community. So, during this period of mourning for his family and friends, I wish that this House send condolences and hope that they find some comfort during this difficult period. Thank you, Mr. Speaker.

The Speaker: Thank you.

Any other Member?

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

Mr. Hubert (Kim) E. Swan: Yes, Mr. Speaker.

Mr. Speaker, I would like to be associated with the condolences offered to Ms. Paula Lightbourne Johnson from round there in Slip Road right next to the great St. George's Cricket Club, the iconic location right on the field.

And also offer association to condolences being offered to probably one of the most colourful characters in St. George's, the passing of Gina Smith from right across from that location on Mullet Bay. And anyone who knew Gina will certainly know of her very unique qualities and tendencies and she will be, certainly, sadly missed by all her friends and family. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak? No other Honourable Member?

We will now move on. That brings a close to the Condolences and Obituary Speeches.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

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

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: There are two Government Bills to be introduced, both in the name of the Premier.

We recognise the Junior Minister.

Junior Minister, are you introducing for the Premier?

Hon. Wayne L. Furbert: Yes, Mr. Speaker.

The Speaker: Oh, go ahead.

FIRST READING

INTERNAL AUDIT AMENDMENT ACT 2018

Hon. Wayne L. Furbert: Yes, Mr. Speaker, I am introducing the following Bills for their first reading so that they may be placed on the Order Paper for the next day of meeting: The Internal Audit Amendment Act 2018—

The Speaker: Yes.

FIRST READING

FINTECH DEVELOPMENT FUND ACT 2018

Hon. Wayne L. Furbert: —and the Fintech Development Fund Act 2018.

The Speaker: Okay. Thank you.

No Opposition Bills, no Private Members' Bills.

NOTICES OF MOTIONS

The Speaker: There are none.

ORDERS OF THE DAY

The Speaker: Orders of the day. We understand that there are two Orders on the Order Paper that are to be done today.

The first is the second reading of the Development and Planning Amendment Act 2018 in the name of the Minister of Home Affairs.

Minister, would you like to take the floor?

BILL

SECOND READING

DEVELOPMENT AND PLANNING AMENDMENT ACT 2018

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

Mr. Speaker, I move that the Bill entitled the Development and Planning Amendment Act 2018 be now read the second time.

The Speaker: Continue Minister.

Hon. Walton Brown: Mr. Speaker, I rise to introduce a Bill entitled the Development and Planning Amend-

ment Act 2018 (the amendment Act) which seeks to amend the Development and Planning Act 1974 to better facilitate the enforcement of Planning control.

Mr. Speaker, currently under the Development and Planning Act 1974 the enforcement of breaches of Planning control or unauthorised development is slow and inefficient because it is structured in a manner that makes it difficult to obtain useful and timely information. In most cases the only option available for imposing penalties is through the courts, making the enforcement process cumbersome and ineffective.

Mr. Speaker, as a result, the culture of *build now, then ask for forgiveness* rather than seek permission, is more pervasive amongst landlords and contractors. The amendments proposed in this Bill seek to improve the enforcement processes enabling it to achieve greater efficiency resulting in more effective outcomes.

Mr. Speaker, you may ask the question: Why the increased severity of the offences? Why the increased penalties, and why now?

Mr. Speaker, I am sure that many of my honourable colleagues have a story to share about persons building apartments and renting them out without Planning permission. Some red flags that would arise when there is no Planning permission include:

1. A rental apartment without an assessment number. Renters end up using the assessment number of a relative or friend who does not own a car.

2. Apartments with doors to the main house and must share toilets or kitchen facilities with other members . . . other renters or the landlord.

3. Apartments where there is no separate electricity meter and the renter has to rely on and trust the information that the landlord is providing.

4. Even more serious is where owners build border or retaining walls that have no rebar and are too tall. We have been very fortunate that, except for one very well-known tragic case at the Bermuda College, no one has recently been badly injured or killed by a falling wall.

One of the more egregious cases occurred when an owner built a standalone structure, a swimming pool, and an apartment so that he could profit from the America's Cup. He did not ask permission, but just as we were going to issue a demolition order he quickly applied for retroactive permission. Although the fee is very high for retroactive permission, this person still made a significant profit.

In each of these instances these transgressions impact the life or livelihood of persons, whether they be the owners or potential renters. Oftentimes persons are desperate for properties and become potential victims.

Mr. Speaker, once this Bill is enacted I would encourage persons who might be aggrieved in such instances to make a complaint to the Department of Planning or the Consumer Affairs section. Both are in the Ministry of Home Affairs and are well placed to address these complaints.

Mr. Speaker, the amendment Act contains the following provisions:

1. Expanding the provisions under which Planning permission can be made to include provisions to disallow the grant of retroactive Planning permission where development has been carried out in breach of Planning control unless the applicant shows to the satisfaction of the Board that he or she was not responsible for the breach of Planning control or that at the time the development was being carried out he did not know and could not reasonably be expected to have known that the development was in breach of Planning control.

2. Introducing a one-year time limit from the date on which the Director becomes aware of a breach. Currently the time limit for taking enforcement action is limited to six years from the date when the contravention occurs. If the director learns of the breach after six years has passed then he is prevented from taking enforcement action. This new provision enables for the latter of either the six years or the one year from the date that the Director becomes aware of the breach, whichever period ends later.

3. Creating a Development and Planning Appeal Tribunal to hear appeals against the decision of the Director.

4. Removing the reference under section 70 "Powers of entry" to the Minister proposing to serve or make a notice, and add a paragraph referring to the "Director" proposing to serve or make a notice.

5. Making a consequential amendment to the Government Fees Regulations 1976 to set a fee of $650 for an application for a certificate for the lawfulness of existing use or development.

The amendment Act not only ensures that any development be granted Planning permission under the principal Act, but the development must also be carried out in accordance with such Planning permission and any conditions subject to such Planning permission as granted.

The Bill further adds offences in respect of a person who: 1) does any act in any area designated by the Development Plan as processing natural features of special value in designated areas being an act by section 28 and the Fourth Schedule; or 2) does any act in an historic area being an act for the doing of which section 31(2) provides that Planning permission is required.

The amendment Act introduces civil penalties. It transfers authority under the Act to issue enforcement and related notices from the Minister to the Director of Planning, and gives the Director the authority to impose civil penalties. This is similar to the powers provided to the Chief Immigration Officer to impose civil penalties under the Bermudian Immigration and Protection Act 1956.

For criminal offences, Mr. Speaker, there will be increased penalties for criminal offences under the Bill ranging from $5,000 to $100,000 with imprisonment of up to two years. Currently, the principal Act provides for summary convictions only. This limits the time in which prosecution for an offence can be initiated to no more than 18 months after the offence is committed. The Bill will provide for both summary convictions and convictions on indictment, which would have the effect of removing the 18 month limit in respect of offences committed after the commencement of the amendment Act.

Mr. Speaker, the Director (under the Bill) will be able to impose civil penalties on persons who are in breach of Planning control. Civil penalties will be introduced for the following contraventions. A development that:

- is undertaken without Planning permission,
- is not in accordance with the approved plans,
- is in contravention of the condition of the Planning permission, or
- damages or destroys natural features or special values in designated areas, for example, a nature reserve, woodland or a beach.

In imposing a civil penalty the Director must give the person a warning notice of the amount of the penalty he proposes to impose, the reasons for imposing the penalty, and the right of the person to make representation within seven days of the date of the warning notice. Then the Director must give a decision notice of whether or not he is imposing a civil penalty. If he imposes a penalty he must state the amount of the penalty, the reasons for the decision, and advise that there is a right to appeal the decision to the Supreme Court.

Mr. Speaker, the civil penalties are structured such that a development that constitutes a breach of Planning condition will result in a lesser penalty than a flagrant breach, such as a development occurring without the benefit of any Planning permission that occurs in a designated area and cannot be easily remediated. As such civil penalties will range from $1,000 to $50,000.

Mr. Speaker, the amendment Act introduces the following notices:

1. The Planning Contravention Notice. The Planning contravention notice will be served on any person who is the owner, occupier or user, or is carrying out an activity on the land, requesting information about the use or activity on the land and requiring such information to be furnished within a specified time, not exceeding 21 days. The Planning contravention notice will require the submission of more detailed information about the possible breach of Planning control in order to facilitate the expeditious conclusion of the investigation. Lack of information has been a severe hindrance in the past. It should be noticed that the penalty has been significantly increased for failing to give requested information or knowingly making a misstatement to the Minister from $200 to a fine not exceeding $5,000.

2. The Enforcement Notice may be served on a person in breach of Planning control. The Director may serve an enforcement notice on the owner, occupier or other relevant person. If the person does not comply with the requirement of the enforcement notice within the time period specified (not being a period of less than 28 days) the person is in breach of the notice. However, if the person appeals the notice within the time specified in the notice, the operation of the notice shall be suspended pending the final determination or withdrawal of the appeal. Currently such appeals are through the courts. The Bill would make the appeal to the Tribunal and where the person is aggrieved by the decision of the Tribunal, that person can make a further appeal to the Supreme Court.

3. The Breach of Condition Notice. The breach of condition notice can be served on a person who is not compliant with a condition of the Planning permission. This notice enables the Director to serve on a person requiring him or her to secure compliance with the conditions contained in the notice within the specified time period. Persons that fail to comply with the notice will be in breach of the notice.

4. A Stop Notice. A stop notice, Mr. Speaker, replaces a special enforcement notice. The notice is served in those cases where it appears to the Director to be necessary in the public interest to require the immediate cessation of any development or plan. He may serve a stop notice on the owner of the land, the person in occupation of the land, and on any person who appears to the Director to have an interest in the land or to be engaged in an activity or use of the land. A stop notice shall have effect immediately or on the expiration of such period specified in the notice. Currently appeals for a stop notice are to a Court of Summary Jurisdiction.

5. And then, finally, the Certificate of Lawfulness. The certificate of lawfulness enables a person to apply for and obtain from the Director a certificate of lawfulness for an existing development or use of land if the use, activity, or other matter is lawful by reason that the time for enforcement action has expired. This certificate will provide landowners with confirmation that his or her property will not be subject to enforcement and, therefore, has no encumbrance to the conveyance of the property to any prospective buyers.

Mr. Speaker, a person who is guilty of an offence for failure to comply with a notice would be liable: 1) on summary conviction, to a fine not exceeding $5,000; or 2) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine of $25,000 or both; and 3) in cases of continuing failure, to a further fine not to exceed $1,000 for every day after the first day during which the failure to comply with the notice continued.

Mr. Speaker, I would like to thank the Planning team which has worked on this legislation for

some time: Assistant Director, Larry Williams, and Enforcement Officer, Sheldon Fox. I would also like to thank Mr. Brian Eden, the Parliamentary Counsel who directed the legislation.

Mr. Speaker, I now move that the Bill entitled the Development and Planning Amendment Act 2018 be read for the second time.

The Speaker: Thank you, Minister.

Does anybody want to speak to that?

I recognise the Honourable Member from constituency 23. Honourable Member, you have the floor.

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

Mr. Speaker, on behalf of the Opposition we have one or two observations that, perhaps, may be appropriate in terms of the actual legislation. But just to speak to the general gist of what is intended, we certainly do not object to the changes that are being made by the Minister.

The Minister has stated in his presentation that there are some circumstances in which Planning permission may be withheld, and he has identified some of the mischiefs that are intended to be corrected by virtue of making these amendments to the Development and Planning Act. And he spoke of things such as an apartment that might have a shared entrance, or if there is no separate meter in an apartment, which can actually give cause to a tenant occupying an apartment that might be an illegal apartment (for the purposes of restrictions in the Act) being billed back by the landlord for his share of the electricity that is being consumed as a result of the shared meter, and there is no ability to differentiate or discern exactly what the responsibility of the tenant actually might be.

Things such as building of retaining walls with no rebar, certainly, that is a critical issue because there are significant personal dangers that can be foisted upon an unsuspecting member of the public. The Honourable Minister made mention to the very unfortunate and tragic circumstance that happened fairly recently—well, not fairly recently, but it happened a while back—at the Bermuda College as being one of those in recent memory. And, obviously, any one such tragedy is one too many and, therefore, it is important that the structural soundness of that which is being undertaken is critically important to make sure that we get it right.

Now, Mr. Speaker, I do know that the Minister had not spoken to the intent of the department to have any kind of aggressive look at the application process that might be in effect, because one of the challenges that I think people have found themselves in is the idea of wanting or knowing that there is an addition that they want to put onto their property and then they find that they go through the architectural phase, or sometimes they do not need to go to an actual architect (there are some things that permit them to do their own sort of sketches), and then it is submitted to the department. And within what they deem to be a reasonable time they may not have heard and, therefore, they continue to do whatever it is that they wanted to do in terms of additions and development. I think that some people have determined that perhaps it is better to ask for forgiveness than it is to ask for permission when things take an inordinate length of time in order to process. And I believe that this is one of the mischiefs that the Minister is attempting to correct in this legislation.

The Minister might want to consider whether, in fact, we can impose a condition under which everybody needs to get permission prior to even moving a stone. And if that is able to be effected then we will not have a lot of the situations in which *ex post facto* we find ourselves having to look at this retroactive permission.

So the Minister wants to outlaw retroactive permission. I think we heard, *ad nauseam,* from the Honourable Member from constituency 24 concerning a particular development in his constituency that caused an egregious reaction by his constituents. And certainly we understand the purpose for which that was intended. We understand the concern that was expressed. And we obviously want to ensure that those types of things have permission prior to.

So, as I said, people sometimes think it is easier to ask for forgiveness than for permission, if they know that somewhere down the road there is going to be a retroactive permission given anyway. *And who cares? We are just going to go ahead and do it.* But when an enforcement order is able to be served and a stop order is made, then I believe that the person who has fallen afoul of the rules and regulations may now be made more acutely aware of the importance of making sure that the proper permissions are in place first and foremost. And this is not a new problem. This is a problem that has existed, perhaps, from time immemorial.

But I do have a concern when you have a cease and desist order, an enforcement notice, that you might find yourself in a situation, Minister, in which there is a tenant that is occupying a place that unknowingly the landlord has done something that is *ultra vires* the law. And as a result the stop order being now served on the owner of the property the landlord may find himself in a situation where the tenant now is being forced to move out because his apartment is not “legal” (if I can use that word, in quotes) and, hence, a tenant, if he does not have the ability to find a suitable accommodation in short order that works with his budget, that works with his space needs and the like, to be able to keep his family intact, might find [himself] put on the street as a result of a landlord’s egregious behaviour.

And certainly that is something that I would want to know that there may be some kinds of protections that exist for a tenant who might find himself in that situation.

The Speaker: Mm-hmm.

Mrs. Patricia J. Gordon-Pamplin: Because I do not think that any tenant who goes . . . you know they go in good faith, and they are interacting with the landlord who effectively says that they want to . . . there is a lease agreement that is drawn up. The tenant wants to be able to rent the property; the landlord agrees to let the property. And it is all done in good faith from the tenant's perspective. The landlord, if he knows that he has completed an apartment that is not a legal apartment, has effectively entered into this agreement not in good faith, and could find that the tenant is the one who, ultimately, has to suffer the consequences of being displaced under circumstances that are of no fault of his own.

And that is one of the reasons why I suggested that if we can, perhaps, get to a stage where everybody has to get permission before they move the first stone, then at least that helps to minimise some of the challenges that a tenant might face when he believes that he has done everything in good order and that . . . you know, things will go along well.

Now, when it comes to the awareness of a breach which is now six years . . . the Minister indicated in his brief that once you get to six years, if you get past six years there is no ability for the Director to go in and say that we are going to put some kind of enforcement for something that is over six years old. But the Minister is now changing the legislation to indicate that now it could be a year from the date on which the Director [becomes] aware of the breach.

So with that proviso being brought in, it actually almost makes a nonsense of the statutes of limitations because that really, to all intents and purposes, from what I am seeing here, has gone away. And I say that from the perspective . . . not that I want to have anybody who is going against the rules and regulations to find a way out or to be able to find a loophole around which they can work in order to justify their poor behaviour, but I think what is more important is that . . . let us say a breach occurred in something where an apartment is not supported by the plans that have been submitted for that apartment, or whatever, construction. It was done say 20 years ago, but the breach, which historically would have a six-year estoppel clause, is now going to be subjected to one year from the date on which the Director [becomes] aware of the breach. This could be a situation that could be significant years old.

So I am wondering if the Minister might also consider having some kind of clause that effectively stops, or has some kind of length of time. In other words, if a breach is discovered by the Director, or the Director is now made aware today that something has happened, the Director has a year in which to act. But if the actual breach happened 15 years ago, that person would have been outside of the tentacles (if I can put it that way) of the Director, based on the existing six-year limitation.

So I wonder if we are closing the loophole enough and not stepping too far overboard if we do not introduce some kind of clause that says, *Okay, if something happened and the Director finds out about it today, but if it happened maybe 10 years ago, that could be the furthest back we are willing to go* in order to be able to effect whatever remedies are now being allowed under the legislation to ensure that people are in order of what they are doing.

Now, obviously, Planning contravention notices, as I said, are . . . or Planning contravention is not a new phenomenon. It is something that has gone on from time immemorial. Sometimes you see a house that you thought was really nice from the front, and when you go back farther onto the property you might find that, *Oh, dear, there are four stories back there,* or there is stuff there that you just . . . that was not intended, that was not given permission.

And, as the Minister indicated, there are times when little things creep in, like, okay, you have got an apartment and you are paying rent, and you do not have an assessment number, so you can come and live in this apartment but you cannot have a car because there is no assessment number to give to you. Hence, you have to suffer as a tenant. And sometimes, in a plight of desperation, you might find that a tenant is willing to say, *I don't need an assessment number, I can't afford a car anyway. But the price of the apartment falls within my budget, and therefore I'm willing to take the chance of staying here.* Now, in that circumstance clearly a tenant will know if a landlord says to them, *I cannot offer you an assessment number,* that should sort of start to trigger some red flags by the tenant—*what is wrong with the circumstance that the landlord is giving me an apartment that does not have an assessment number?*

But, on the other hand, the landlord could conceivably have a legal apartment and an effective assessment number, but still have done some changes and maybe even internal changes where the landlord can say to the tenant, *You can have the assessment number for that apartment,* but the apartment is still illegal.

I think that if we sort of have the ability to nip this in the bud before any construction commences . . . yes, it is one extra step. And yes, it requires one additional, or two additional . . . or however many additional people as inspectors within the department. But it can kind of help to ameliorate the challenges that exist as a result of this legislation . . . of the mischief that this legislation is attempting to fix.

So, those are the comments that I wanted to make, Mr. Speaker, and I think that, you know, obvi-

ously, as has been said, when things are being done that we agree are for the better good, we obviously support . . . and my words at the outset were that we support the intent of this legislation for that very reason. We want to ensure that buildings and properties are not constructed that, as the Honourable Member from [constituency] 24 indicated, we do not have quarries that are being hewn out which will create a major challenge in the landscape of a particular area of a constituency, that the sand and stuff that can come, the debris that can come as a result of hewing something out of the hillside without permission, the health outcomes that can inure as a result of those illegal developments, that we nip these things in the bud.

And the idea that somebody can come back and say, *It doesn't really matter because I can do it anyhow. I can ask for forgiveness rather than ask for permission. I can go back to the department and six months later or a year later* (or after the thing falls down or after somebody has been put out) *because of a stop order . . .* the landlord is like, *Oops! I didn't realise that,* or, *Oops! I didn't get around to it.* So, if we start to put things in order . . . in decency and in order at the outset, then some of these things can be alleviated.

I certainly felt for the residents in constituency 24 to whom the Honourable Member from [constituency] 24 spoke, as I had also occasion to have significant conversations with one of the people at the other quarry on Cobb's Hill that the Honourable Member made reference to. His challenge being that the area was too small to have two quarries. But I know that, having had conversations with one of the residents near to the other quarry in the area at the time . . . I was actually the Minister of Health. And during that period of time to be able to get water samples because the mischief that was being created by the quarrying of that particular property created a problem. It created a health challenge. So while it is not necessarily always a construction issue, it is not necessarily always an aesthetic issue as to whether something looks good in the constituency. It has not just a nuisance factor, but it could have negative health outcomes for the residents.

So it is in that vein that, as I said, we support the intent of this legislation. But I do ask the Minister to consider the comments that I have made, especially in terms of the discovery of something that has caused a grievance, and to not have the ability to go back from time immemorial until the date of discovery . . . that the going back has some kind of limitation within which the Director will be able to enforce his one year of activity in being able to go forward.

Those are my comments, Mr. Speaker, and I thank you for the opportunity to share in this debate.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 24. Honourable Member Scott, Government Whip, you have the floor.

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

I just want to start off by giving a brief history on a very little known person, a Miss Grace Hopper. Miss Grace Hopper was a computer technician in the United States Navy. She was born in 1906, and passed away in 1992. The reason I bring up Miss Grace Hopper is because of the fact that she is the one that coined the term . . . now she had a wealth of knowledge for little sayings. Actually, Mr. Speaker, she is the reason that when we talk about *there's bugs in the system,* or, *there's computer bugs* and things like that, she is the one that came up with that, as she was one of the early developers of computer programming for the United States Navy.

And the term that she came up with that I have heard the Minister use, I have heard the Honourable Member Ms. Gordon-Pamplin use . . . she is the one that came up with *it's better to beg for forgiveness than ask permission.* So I just want to give people an understanding of where that saying comes from because, once again, it was . . . Actually while I was flying in Florida, my co-pilot at the time (who was also my flight instructor) made a wrong turn on our flight path, and we ended up, basically, in Orlando International Airport airspace, and we did not have the proper—

The Speaker: Clearance.

Mr. W. Lawrence Scott: Well, we did not have the proper . . . there is clearance and then there are equipment requirements. We did not have all the equipment requirements at the time. And just for the record I was not the pilot in command (just in case somebody from the FAA was listening)—

An Hon. Member: Yes, you were. You said co-pilot.

Mr. W. Lawrence Scott: And long story short, that is where I actually learned about Grace Hopper, because my instructor at the time was telling me, *Look, we're gonna 'Grace Hopper' this,* and he explained it to me.

But now—I digress—and I bring that to where we are today. The Honourable Member who just took her seat, the Honourable Gordon-Pamplin, did bring up the issue that this is something that is near and dear to me—retroactive Planning abuse—because of the different situations that have happened in constituency 24.

The Honourable Member was Health Minister and she did help out significantly with the situation I had with one of those quarries, with the road quarry. And then now my current Minister, the Honourable Walton Brown, has been working with me, and we

have been working together on a suitable solution for this quarry operation, or potential quarrying operation, that we have in constituency 24 with Gilbert Lopes. So I am ecstatic that this is coming now.

But also the thing is that the first question that was asked . . . I know the Honourable Member Dunkley had asked me this question after I raised it, the news media have asked me the question: did I speak to Gilbert Lopes about this first? And my answer is no; I did not speak to him. And the reason is because this is not . . . this is bigger than Gilbert Lopes. All right? Gilbert Lopes is not the first person to abuse retroactive Planning. Gilbert Lopes . . . well, hopefully, Gilbert Lopes will be the last person to abuse retroactive Planning only because of this Bill that the Minister is bringing now.

And the thing is, Mr. Speaker, Gilbert Lopes is not the worst offender, because from when I brought this up and ZBM ran the piece, and everything like that, many a member in the community—and this goes outside of constituency 24—have come to me with different, I will say, horror stories. Stories of where a contractor had already started a building process, had already started erecting a structure knowing that they did not have the Planning permission, knowing that they were in violation, but went about it anyway. They would talk to architects and make architects believe that they had the Planning permission, but they did not.

And then what did they do? They knew that they would get fined and they said, *Okay, there's a fine.* And what did they do? They would pass that fine on to the client. Pass that fine on to the customer. Mr. Speaker, that is wholly . . . and even in a Trump world, Mr. Speaker, that is wrong.

So, Mr. Speaker, this Bill is looking to stop those types of abuses. All right? Also, the fact that there was a wall that was built . . . my understanding was a 17-foot wall built without Planning permission—

The Speaker: Mm-hmm.

Mr. W. Lawrence Scott: That wall is no longer standing, not because of a demolishment order from the Planning Department. Not because of anything other than it just was not structurally sound, and that wall fell. Luckily nobody was injured. Luckily nobody was hurt. However, just the safety impact or the lack of safety that this creates, is the reason that Planning is here.

The Speaker: Mm-hmm.

Mr. W. Lawrence Scott: Planning is not here to get on our nerves. Yes, it might be a frustrating—

[Inaudible interjection]

Mr. W. Lawrence Scott: It might be a frustrating process. But it is one of those processes that has been put in place for the public's safety, Mr. Speaker, just like a speed limit. Some of us find that frustrating. Speed limits are found frustrating. All these different regulations can be frustrating at times. However, it is for the public safety.

Therefore, I, once again wholeheartedly stand behind the Minister in bringing this Bill. But at the same time, Mr. Speaker, we have to understand that this Bill and the Honourable Member, I believe inadvertently, misled the House by saying that this . . . this is not an attack on the retroactive Planning process period. Retroactive Planning will still be available. Retroactive Planning permission will still be given. But it will be much more difficult to get retroactive Planning permission after this Bill is passed.

And that, Mr. Speaker, is a good thing because, as I said, you have members of the public out there that, I will say . . . what we have been doing so far . . . when I talk to non-Bermudians and I talk to visitors about Bermuda, I tell them that we are a mix, or a blend, or an intersection where the 1950s meets modern-day society. There is a lot that we do in this country that is still on the honour system. All right? There is a lot that is still done on the honour system. And the fact that right now the retroactive Planning is actually . . . basically, it is an example of that [honour system] where Planning says, *You know what? You regulate yourself.* If you need to . . . if something has happened, if you are going along and you are building and something happens that you did not foresee or—

[Inaudible interjection]

Mr. W. Lawrence Scott: Yes. And the Honourable Member, Trevor Moniz, says that there is trust. Yes, there is trust involved. Planning trusts that you will move ahead according to the regulations, according to the policies and procedures.

But what we are now seeing is people that are coming through the system, people that are scamming the system, conning the system, and people that are no longer allowing the Government—no matter which administration it is . . . neither administration can allow for members to scam the system, especially when it hinders public safety, Mr. Speaker.

So this is what we are seeing now. We are seeing that we are now having to . . . I would have said, *maturity is wasted upon the immature.* Planning is being mature by saying, *You know what? Resident Burgess from Hamilton Parish, we anticipate that you are going to build this house and follow our regulations,* and whatnot. And being as though it is "Resident Burgess," he says, *You know what? Instead of doing a one-storey building, I'm going to do two stories*.

[Inaudible interjection]

Mr. W. Lawrence Scott: All right*? I am going to do two stories because I am in Hamilton Parish, and if I go up that extra storey, I can get views of the ocean and all of that. And I might . . . and if I go up high enough I might be able to see the Cup in the West*.

[Laughter]

Mr. W. Lawrence Scott: And so instead of getting permission to go up the second storey he says, *You know what? I've already got a building number. I've already got all this stuff. I can just sneak it in and I'll see if I get caught. If I get caught, then I will go and do the . . .* and that is where the breakdown is. It is these types of individuals. I am not saying that everybody is doing that. I am not saying that every contractor is trying to scam the system. But we do have contractors that are out there doing it, and it is providing and serving as a hindrance to public safety.

And this is what brings me back to the Gilbert Lopes situation, Mr. Speaker, where you have got a quarrying operation, or somebody wants to do quarrying on a cliff face, per se. You have Longtails on the other side of the cliff face. The vibrations, all the dust and debris that comes from quarrying could have the cliff face start to erode a bit faster than Mother Nature would like her to. On the other side you have residents. On the other side.

So on the southern front you have the cliff face, which is being eroded away, the vibrations would or could cause the cliff to start to cave in. You then have Longtails that are impacted, which is our national bird. You then have residents that are there that are going to be impacted to the east. Then you are going to have the Grand Atlantic or the new hotel property that is affected to the west. And then you have got residents that are across the street on the south that now have to have . . . with the prevailing winds on the South Shore coming from the south, that means sand and debris from that goes to the residents, on their roofs and into their tanks.

And the Honourable Member Gordon-Pamplin spoke about when she was Health Minister, she had to help mediate, or help try to remedy our nuisance, which is the sand in the tank and the health implications that hail from that. So, all of this now is taken into [consideration] when you go in and do a Planning application. Right?

Therefore, this is why we have Planning. This is why we have to have and make sure that you follow the Planning rules, because you might not understand, you might not as a resident, as a contractor . . . and I sort of exclude contractors because I believe that contractors have enough knowledge and experience in this industry, going through the Planning process to know better. But yet they are trying to cut the corners, trying to get it done a little bit faster, trying to save a little bit more money, trying to get things done just so that they go onto the next project and make even more money from that next project.

So, once again, Mr. Speaker, I believe that the increases in this Bill—

The Speaker: Mm-hmm.

Mr. W. Lawrence Scott: —if I had to critique, I believe that they could be higher to be more of a deterrent.

But I applaud the increases in the fines because now how do you pass on a $100,000 fine? How do you sneak that into a client's bill, into a client's invoice? But also there is jail time on a summary conviction that has been put there and has been increased. So, now, that should help to be a deterrent, right? I am not saying that I want to see people go to jail, but it is a deterrent and it is a real serious thing. Now, you are trying to really weigh the risks on the benefit analysis.

So with that said, Mr. Speaker, I just want to say I hope that this is not something that we as a Government will have to do moving forward in the sense of having to regulate . . . I will say, bad behaviour or try to stop abuses in the system. I believe that Bermuda is still that place; it is still that country where, you know, mind you, I can leave my door unlocked right now, Mr. Speaker.

An Hon. Member: You have got a big dog.

[Laughter and inaudible interjections]

Mr. W. Lawrence Scott: Well, yes, I do have. And I will discuss that. I do have a dog as well—

The Speaker: That is the next Bill.

Mr. W. Lawrence Scott: —but that is not—

The Speaker: That is the next Bill.

Mr. W. Lawrence Scott: —I do not anticipate a debate, Mr. Speaker, I do not want to anticipate a debate.

But Mr. Speaker, I believe that we are going in the right direction. And the fact that . . . and I want to stress once again, because this is something I have to stress in the media, that there are a lot of times, and more times than not the media (and I see the *Royal Gazette* represented here) will stress and they will sensationalise when both sides of the House disagree. All right? When both sides of the House disagree. But this is something that is important to the country. This is something that is important to the safety of the general public. And there is no disagreement between the two sides.

We both agree in principle on this Bill. We both applaud the Minister for bringing this Bill. This is

what happens when a Government sits and listens to its people. And this is what happens when representatives make sure that their people, their residents . . . when the residents make sure that their representative makes sure that their voices are heard.

And, once again, I applaud the Minister for bringing this, and he has my full support as well as the same thing goes for the whole House.

The Speaker: Thank you, Honourable Member.

No other Honourable Member wishes to speak?

I recognise the Honourable Member from constituency 8. Honourable Member Simons has the floor.

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

Mr. Speaker, I would like to make clear, as my colleague has already indicated that this piece of legislation is something that we will support. It was started during our watch, and it has been brought to fruition during the current PLP Government.

The Speaker: Mm-hmm.

Mr. N. H. Cole Simons: So we will not be objecting to it.

Having said that, I just have a couple of comments I would like to speak to. And as we were talking quite a bit about quarries, I would invite the Minister to actually do an overview of the whole quarrying process in that, as the Minister from [constituency] 24 said, it is not just the Golden Hind area. There are people in Smith's Parish that have had perennial problems with quarrying and people in the S.A.L. area where you have mixed industrial use properties and residential.

I know it is a difficult situation, Mr. Speaker, because you have to balance the needs of the owners of the property and the residents. So I know full well that it is not going to be easy. But I would suggest that a task force or some professional body get together and really examine how best we go forward in crafting policies with the development of quarries. I know in the past we used quarries for slate and building block. Do we do that today? Not much. Not as much at all. So one would question whether the lifecycle of quarrying is over and whether we will continue to allow industrial sites to be in the form of quarries and thereby impact the nearby residents and neighbours.

Impact, as my Honourable Member Ms. Gordon-Pamplin said . . . there is the noise pollution, there is the dust pollution, there is the traffic pollution. And we just need to be able to live in harmony and somehow get together and craft a policy that will address the management and the development of our quarries in this country.

The other issue I would like to raise is the issue of education. Mr. Speaker, I am raising this issue because I reckon some of our young people are violating the laws because they do not know better. Let me give you an example. The Honourable Member, my cousin, Derrick Burgess, he has one of his grandchildren—

[Inaudible interjection]

Mr. N. H. Cole Simons: Yes. He has a grandchild that inherits the old home from his grandfather. It is a home that was built 200 years ago. And you have to rewire it, you have to re-plumb it, you have to . . . you do not have to change the footprint—let us make that clear. And you do not extend beyond the footprint. But you have to, you know, make sure it is structurally sound and make sure it is electrically wired correctly.

And there are question marks on whether you need Planning approval to do such things. One contractor would tell you yes. Another contractor would say no, because it is internal. And so you wonder what the correct protocol is.

So I would suggest that we consider providing an educational campaign for those types of simple internal renovations or improvements so that the community is aware of the law and regulations and what is expected of them and when they need to work with the Department of Planning. I am just saying that to help young people because people do not want to violate the law intentionally. Some people. They are just excited. They inherited a property from their grandparents. They cannot afford to buy a new one and so they try to fix it up themselves, take out the floor, rewire. And then they get in trouble because they did not go to Planning and they do not have the money to go to Planning. And so I would ask that a proper education campaign be implemented there.

An Hon. Member: Good point.

Mr. N. H. Cole Simons: The other issue that I would like to raise is the issue of listed buildings. Now, some people reckon the listed building days are gone. Others like to hold on to history and hold on to Bermuda's architectural history. I fall into the latter part. I like to hold on to our architectural history, but other people believe otherwise.

But I would say this. If you have a listed building it can be very, very, expensive to maintain. And maintaining it can basically cause more work, more aggravation (quite frankly). I know for a fact that with some of those buildings you have to have a wooden frame, wooden shutters, and they have to be placed in a certain way. Now, I am a house owner, and I want to make my house look like a Bermudian architectural home with the Bermudian heritage. But I do not want to paint those shutters every three or four years. I do not want to take the frame out and change it for termites every four years. I want something that is going to last for 10 or 15 or 20 years.

And so I would also ask the Minister to revisit the protocols in regard to listed buildings and how we can make them more operational and more functional in today's society, if we want to preserve our architectural heritage.

Mr. Speaker, the other issue that I would like to speak to is the issue that surrounds contractors and architects that knowingly encourage development of a property for economic gain and do nothing to report to the Department of Planning. It is my opinion, Mr. Speaker, that these people should be held accountable as professionals. And if they are a party to any illegal development, then they should be held accountable and they should be punished as well. I do not see anything in the legislation that speaks to that issue, but I am sure that is something that can be considered, and it is something that if we are serious about putting a stop to *build now and approval later,* then changing that culture will stop when the contractors are on board as well. And by contractors I mean electricians, masons, architects, carpenters, et cetera.

So, Mr. Speaker, those are my brief comments. As I said, I would like to see more education, community awareness. Not everybody who does these illegal developments does them intentionally. There are innocent people that do not know the law and I think if they were better educated we would have half the problems that we have today.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other . . . I recognise the Minister of Education. Minister, you have the floor.

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

Mr. Speaker, I feel compelled to stand today to speak to this Bill. First, to commend the Minister for bringing this Bill and to, perhaps, add some clarity to some of the comments that I have heard today. As one of the only Members, or (maybe, I am not sure) one of the only Members that is an actual agent of the Department of Planning, meaning that I have in the last 14 years submitted hundreds of plans to the Department of Planning, dealt with many appeals, I think I was part of one of the first appeals that actually went to an Appeals Jury in 20-something years for a project that I was working on.

But Mr. Speaker, just to speak directly to some of the things that we are saying, first of all, I commend this. I do commend this legislation because it is going in the right direction. And why is it going in the right direction? I want people to understand that as the current legislation stands if someone does something that does not have Planning permission, the only person that can be fined is the landowner. It does not matter who does the construction. It does not matter what they thought. It does not matter if the contractor told them that they could go ahead and do it. The only person that can be held accountable is the landowner.

What happens is, we do have unscrupulous contractors, as Member Scott had talked about and as Member Cole had spoken about, who know that they need Planning permission to do these things. And so I want to say that . . . there are some of them that will do it and say, *All you've got to do is get retroactive Planning permission*. Sometimes it is small; sometimes it is big. And so the landowners themselves are held responsible and that is where (as cousin would say), Mr. Smith would come and say, *All of a sudden I had a fine of $10,000 and I did not know that. I wish my contractor had told me.* There is no recourse for them to go after the contractor unless they go after them in a civil suit.

So this legislation now gives the Government the power to go and fine the contractor. This is what this does. So I think this almost answers the question that Member Cole was talking about, that he does not see it in here. That is the difference. That is what we are doing here. We are giving the Department of Planning the ability to go after the real culprits in these situations.

I do understand what the Member was talking about [when it comes to] education. Unless you wish to read the Department of Planning's statement, which is from 2008 . . . now it is some 200-plus pages. And throughout that particular document there is a part in there that says "Bermudian-like," which is open to all interpretation, depending on what the planner interprets as "Bermuda-like." But what I think is "Bermuda-like," what the planner thinks is "Bermuda-like" . . . that is where we get clashes.

So when we talk about wanting to develop our houses, wanting to develop something within our home, or we want to develop something on our property that is . . . you are literally arguing semantics when it comes down to it. And sometimes people will do what they need to do to get Planning permission, and then build what it is they really would like to see. And that is unfortunate.

So when we talk about education and we talk about this type of build-up we are doing now, we also need to have a dual conversation where we are talking about putting some more concrete words behind our Planning statement so it is more . . . so what happens in St. George's can be happening in Somerset. Because you see it so many times. As an agent you will get . . . Mr. Speaker, I get clients who say, *Well, my neighbour did it.* And you are trying to explain to them why they cannot do it. And they are saying, *but my neighbour did it,* and it really does not make sense if the neighbour can do something and you are trying to do something similar and then, as I said, the planner may say, *I don't think this fits into the neighbourhood.* And so it leaves a lot of people frustrated. And that sometimes leads to people just doing work without gaining the necessary permission.

In terms of the education, the Member Cole hit it right on the head. It is such a convoluted process and, as I said, we have to talk about reforming Planning at the same time. You have someone who wants to change their windows . . . who just wants to change their windows. There is a process that takes two weeks. There is a process that takes six months. And depending on the situation, somebody will get an opportunity to change their windows within two weeks; someone will have to wait six months. And people look at that and say, *I don't want to wait six months just to change the windows. The window is leaking! I need to fix it!* And we will see them kind of holding on, holding on.

I can speak on a personal level. I currently have someone who needs to repair their roof. The house is too close to the boundary. The roof leaks, so they have to go through the long process when all they want to do is put a new roof on. And so when you get situations like that, people will just say, *I'm just putting the roof on because I want to protect my property. I don't have the time to wait until it goes through all this rigmarole to get to the point where I can just replace my roof.* And so when we look at this we also really need to look at how we do Planning.

I think the Department of Planning does need to be given a little bit more leeway, especially the Director, to approve some of these things that fall outside of the norms, these special cases (I call them).

I can recall one property up in Southampton where this was the scene of a shooting. Two shootings happened in this place. The guy wanted to completely change his building. He wanted to take it away . . . because they were convenience stores, you know, little small stores and [a place where] people would come and hang out. He wanted to do away with that. He wanted to put an apartment there; he wanted to add another apartment. The place was going to look absolutely fantastic. He could not do that because his property was 10 square feet too small.

You know what he did? *I'm not doing anything now.* And it is still the same way—guys standing outside, doing what they do, selling what they sell—because his property was 10 square feet too small to do what he wanted to do. And it would have transformed it into a nice residential unit and done away with that element. So, these are the types of things that frustrate people when they are trying to deal with the Department of Planning when the rules can be so rigid.

Now, I did not get up here to beat up on the actual Department of Planning. I did get up to support the Bill. But I thought it was necessary to show some of examples of why people do the things that they do and to clarify some of the things that had been said. The Bill in itself now allows the Department of Planning to go after the contractor, and that is critically important. Whereas the only person you could go after previously was the homeowner themselves. And so now that you can go after the contractors, I assure you, as Member Scott said, if the contractors are saying, *Yes, let me tell Ms. Smith I can build it. You don't need any Planning permission.* And you find out you, do and the contractor is now fined, he has no recourse . . . the contractor has no recourse to go to Ms. Smith and say, *Give me money now because I lied to you.* The contractor is now on the hook. And this is where this Bill is going and this is why I can stand up and confidently support this Bill.

Well done, Minister.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member, for those comments. It was very enlightening.

We now recognise the Honourable Member from constituency 12. Honourable Member Cannonier, you have the floor.

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

Just very quickly, one of the concerns that I had in trying to establish whether or not there was a distinction between the two was . . . with this particular Bill and supporting it, is you have folk who will build to code but without permission, and then you have people who will build not to code and then seek retro-approval. And I was not quite sure whether the Bill, in going through it, addressed if there was a difference between the two through fines and how it is addressed.

And I was quite glad to hear the Minister of Education as he got up and spoke to this here, clarify some things for me. Also, the Honourable Member Cole Simons was speaking to education because I cannot say . . . I can think of dozens of times where I have heard contractors basically say, *Oh well, don't worry about it. I know you want to get this work done. You know, if I wait another month it's gonna mess up my schedule* . . . such and such and such and such. And they go and start a project without getting the proper approvals.

One of the things that I saw in my former life as a Minister was that when the Registrar (which has not been brought up either) would go out to assess ARV values, then they come across these instances where new things have been added to the properties. Then there is a battle and an argument over, *Well, my ARV used to be this. Why has it gone up?* And then a whole other hornets' nest of issues arise out of the fact that folk are just going ahead and taking for granted that they will get an approval through retro.

It is pervasive . . . this challenge that contractors are going out and starting work without getting the necessary approvals. So I am glad that this Bill will address the fact that the owners, many times, are just completely oblivious as to the rules and regulations, and so we do need to get on an educational campaign to ensure that homeowners, as they seek to improve their homes, and by doing that also with additions in-

crease the government coffers because the ARV exactly, absolutely, will go up, which is important that we are getting the proper revenue through that. So the contractors in many ways have indirectly taken away from the coffers of government because it is not getting its due value through these kinds of unscrupulous, if we will, unbeknownst, unintended consequence of this kind of a thing.

So I do support this Bill. I am glad to see it. I know that our Members, when we were Government, were seeking to move this through here. It is good to see that now it has come to fruition and so I wish the Minister all well as he continues with this here.

One of the other things that I am also concerned about is being able to . . . and having the manpower to manage this. And that is going to be another challenge that we have, and the Government having a challenge as to being able to monitor this. And hopefully as the economy will improve we will see a lot more going on. But we are going to need a way, a system, of being able to manage this here knowing that we are understaffed and do not have the amount of manpower to enforce such a Bill.

So I do want the Minister to take a very close look at that. Maybe there is a way of doing it by shaving back on some other things to improve the ability to man and to manage this Bill as we put these amendments into place.

So, again, I say thank you to the Minister for bringing this forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

No other Honourable Member?

Minister.

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

Mr. Speaker, just to respond to a couple of comments regarding the contractor agent and responsibility for transgressions—they are equally responsible—just to clarify that point. And secondly, regarding the Honourable Member Pat Gordon-Pamplin's comment regarding the . . . what was the issue?

[Inaudible interjection]

Hon. Walton Brown: The timing, yes, of the breach, that if it is more than six years then you cannot hold the person responsible. If it is more than six years, you cannot go after that person. So that is the issue with that.

Okay, Mr. Speaker, those are the only general comments that I wanted to make. I ask that the Bill now be committed.

The Speaker: Yes. Deputy?

House in Committee at 3:21 pm

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

COMMITTEE ON BILL

DEVELOPMENT AND PLANNING AMENDMENT ACT 2018

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled Development and Planning Amendment Act 2018.

Minister, you have the floor.

Hon. Walton Brown: Thank you, Mr. Chairman.

Mr. Chairman, the Bill will amend Part X (Enforcement) as set down in the provisions of the Development and Planning Act 1974 (the principal Act) to better facilitate the enforcement of planning control.

I would like to move clauses 1 through 5.

The Chairman: Continue, you may move.

Hon. Walton Brown: Clauses 1 and 2 are self-explanatory.

The Chairman: Mm-hmm.

Hon. Walton Brown: Clause 3 amends section 20 to disallow the grant of retroactive Planning permission where development has been carried out in breach of planning control unless the applicant shows to the satisfaction of the Board that he or she was not responsible for the breach of planning control or that, at the time the development was being so carried out, he or she did not know and could not reasonably be expected to have known that the development was in breach of planning control.

Clause 4 inserts sections 61A to 61E at the beginning of Part X of the principal Act.

Section 61A (Interpretation of Part X), inserted by clause 4, gives the meaning of the following new expressions used in Part X: "breach of planning control," "enforcement action," "activity," "panel," and "Tribunal."

Section 61B (Time limits for taking enforcement [action], inserted by clause 4, gives the time limits for taking enforcement action. Where there has been a breach of planning control, no enforcement action may be taken after the end of the period of six years beginning with the date of the breach, or one year beginning with the date on which the Director becomes aware of the breach, whichever period ends later.

Section 61C (Development and Planning Appeals Tribunal), inserted by clause 4, establishes the Development and Planning Appeals Tribunal (the "Tribunal"). The Tribunal is appointed by the Minister.

It consists of a Chairman and a Deputy Chairman, who are to be attorneys with at least seven years' standing, and a panel of not more than 12 members. The members of the Tribunal are to be paid such remuneration and such allowances as the Minister, with the approval of the Minister of Finance, may determine.

Section 61D (Hearings before Tribunal), inserted by clause 4, provides that, where the Tribunal is to hear an appeal against a decision by the Director under this Part, it is to consist of three members, being the presiding officer (the Chairman or Deputy Chairman) and two members of the panel selected by the presiding officer. A decision of the Tribunal may be reached by a majority of these members, but any question of law shall be decided by the presiding officer (the Chairman or the Deputy Chairman, as the case may be).

Section 61E (Director's power to require information about use or activity on land), inserted by clause 4, provides that, where it appears to the Director that there may have been a breach of planning control in respect of any land, he may serve notice to that effect (a "planning contravention notice" on any person who is the owner, occupier or user, or is carrying out any activity on the land, requesting information about the use or activity on the land and requiring such information to be furnished within a specified time not exceeding 21 days.

Clause 5 repeals and replaces section 62. It provides that, if a person is in breach of planning control, the Director may serve an enforcement notice on the owner, occupier, or other relevant person. If the person does not comply with the requirements of the enforcement notice within the time period specified in the notice (not being a period of less than 20 days), the person is in breach of the notice. But if the person appeals the notice within the time specified in the notice, the operation of the notice shall be suspended pending the final determination or withdrawal of the appeal. At present, the appeal is to a court of summary jurisdiction. The amendment would make the appeal to the Tribunal and, where the person is aggrieved by the decision of the Tribunal, the person may make a further appeal to the Supreme Court.

Clauses 1 through 5.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Mr. Pearman from constituency 22. You have the floor.

Mr. Scott Pearman: Mr. Chairman, in the spirit of bipartisanship, it is so nice to see the House doing something in a bipartisan fashion.

The Chairman: Mm-hmm.

Mr. Scott Pearman: So let me offer up my observations in Committee in that same fashion. I have three minor amendments which are offered in good faith to improve the clarity of this legislation. All of them deal with clause 4.

If I could take the Honourable Minister to [section] 61B which deals with the issue of time limitations, it was the point raised by the Honourable Member from Paget West where she queried the limitation period. Obviously, this Bill has civil and criminal penalties and, therefore, it is important to ensure that fairness is applied in the Bill, given the repercussions that could occur.

The Minister answered that it would be a six-year period. As currently drafted that is not, respectfully, how I suggest it reads. At the moment [section] 61B(1)(a) applies a six-year period and [section] 61B(1)(b) applies an additional period of one year after discovery by the Director of a breach. And then, therefore, on the wording as it currently stands, that breach could be discovered by the Director 30 years after the breach and the Director would have a one-year period. And so, if the Minister is standing by his statement that this is only to apply for six years from the period of the breach, which would be consistent with the tort period of limitation in the law as Bermuda recognises it, then I would respectfully suggest that [section] 61B(1)(b) can be removed from this section; it is not needed.

Alternatively, if the Minister had, in fact, intended that there would be a power beyond the six-year period where the Director makes a discovery and then has one year to deal with that discovery, I would respectfully suggest that in the context of legislation that visits both civil and criminal penalties, that there should be a long stop date on the Director's power that he or she wields. And I would respectfully suggest, if you were to go the long stop date route, that it would be a period of 20 years and no more than that. Otherwise, Directors could be revisiting entirely innocent breaches from 30 or 40 or 50 years ago, and that does not assist with finality in legislation. And so that is my first of three points for the Minister. And I invite you to consider one of those options.

Minister, my second option also goes to innocent breach and it arises in respect of [section] 61E (for echo) subsection (9). It is where the Bill deals with fines that will be visited in the event of breach. And I anticipate that what is intended here in subsection (9) is that it is not intended to be retrospective.

So again, take the example of someone who breached something 20 years ago. It is discovered today—there is a breach today, there is a fine today. Because the fine in the second half of the clause is $1,000 for every day after the first day during which the requirement of the notice remains unfulfilled. There is a risk someone could misinterpret that clause as allowing someone to impose a 20-year fine of $1,000 a day. I am sure that is not what was intended,

and I would respectfully suggest that the clause could be clarified simply by the insertion after the words "every day after the first day" in the last line of sub-paragraph (9) ", after the giving of the notice." And then there is no doubt that this is not intended to be retrospective fining. It only starts from the date at which the citizenry is made aware of the breach, which is quite proper and valid.

Minister, my third and final point is not about innocent breach, but it is in a desire . . . and I declare my interest as a lawyer, Mr. Chairman—

The Chairman: Mm-hmm.

Mr. Scott Pearman: —but in a desire to reduce litigation.

When we have tribunals stepping in to determine matters, there is a risk that tribunal decisions lead to court cases, lead to appeals. Therefore, let me, if I may, make this very sensible suggestion . . . or what I believe is a very sensible suggestion at [section] 61D (for David), and subsection (5)(b).

Section 61D(5)(b) deals with an instance where a member of a tribunal has a direct or indirect interest in the matter before the tribunal. And [section] 61D(5)(b) says where that interest is identified by the parties before the tribunal, the tribunal may rule upon it and declare whether or not any member of the tribunal does have an interest.

May I, again, in the interest of bipartisanship and to improve this legislation, suggest that it would make far more sense to add in the middle the possibility that the parties themselves consent to the member of the tribunal hearing the matter, regardless of any apparent interest. The reason I suggest that is parties say "we consent" . . . everything . . . and you move on with the tribunal, and it is done. There is no need for the tribunal to rule, there is no risk of appeal, litigation is reduced, money is saved.

And so I would respectfully suggest that at [section] 61D (for David) [subsection] (5)(b) in the second line, after the word "unless", it is inserted: ", the parties to the appeal consent or, if they do not so consent, the tribunal has resolved."

Minister, those are all intended in the best spirit. Thank you.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

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

Mr. Chairman, I just wanted to refer briefly to clause 3 on page 2, and this is for [subsection] (2A) under subsection (b) the following on . . . which says, "unless the applicant shows to the satisfaction of the Board that he was not responsible for the breach of planning control or that, at the time the development was being so carried out, out he did not know, and could not reasonably be expected to have known, that the development was in breach of planning control."

That was the purpose for which I made my earlier comments while we were discussing in the whole, that if we have the ability to effectively be required to seek Planning permission before anything happens—before you move the first stone—then you do not have the excuse of *ex post facto*, *I didn't know, there was no way I could have known,* and then finding that having expended money you end up receiving a stop order that you may or may not be able to revoke at some point in time. So it could be money down the drain unnecessarily when maybe for a fee, to say that this is the application, or this is the start fee being built into the process for the department, that before you start you go to the department and you say, *I'm ready to start this* situation. Somebody looks at it, they inspect it, they say, *Fine, you're good to go.* And then that way you do not have a situation where you come back and say, *Well, I didn't know.* And then find that you have spent the money and been forced to stop something that is midstream.

So I just wanted to clarify how we can fix that particular situation that could really result in financial loss to somebody because (quote) they "did not know, and could not reasonably be expected to have known."

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Cole Hadley Simons.

Mr. N. H. Cole Simons: Section 61D, [subsection] (10) "The Tribunal shall keep an adequate record of their proceedings, and shall include in such record a statement of the grounds on which the appeal is made and a statement of the reasons for their appeal *[sic]*."

[Inaudible interjection]

Mr. N. H. Cole Simons: Sorry, "their decision."

My question is this: Will the appeals tribunal have a dedicated secretary for their meetings? And will that dedicated secretary be responsible for managing the files and all the documents that pertain to the deliberations of the tribunal?

I am raising this issue because I was on a government board and there were no minutes, there were no files. And it was a regulatory board. And I said, *This can't continue. You need to have some discipline, you need someone to manage the information, you need somebody—a resource—to take the minutes so that we can get the work done [and] in case we end up in court and we have to defend our decision.*

[The reply was] *Well, we do not have the resources; we do not have the money.*

Well, that is not good enough.

So I am asking the Minister to provide some insight as to how, operationally, he expects for the minuting to take place. Who will be held accountable? Will the tribunal have a dedicated secretary that will manage their workload for them?

Thank you, Mr. Chairman.

The Chairman: Thank you.

Any further speakers?

The Chair recognises . . . yes, Ms. Gordon-Pamplin.

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

Mr. Chairman, I did have one other comment and that was on the hearings before the tribunal under [section] 61D under [subsection] (9)—this is page 5, [subsection] (9)—where it speaks to the equality of votes, that "the presiding officer shall have, in addition to his deliberative vote, a second vote."

I am just wondering whether it is not tidier to have the deliberative officer . . . I am sorry, the presiding officer, *not* have a vote, and then cast a vote in the event of a tie, so that you do not have one person voting twice? It just seems to me to be better parliamentary process to say let . . . let . . . you know, I am presiding. Let the committee make their rulings. If we have a tie then I, as a presiding officer, [will] break the tie as opposed to saying, *I'm going to vote twice.* Because I might decide to vote the first time in favour of something that I might decide to vote against myself the second time around, I do not know. Sometimes you talk to yourself in the interim and you do not know what answers you might get back—

[Inaudible interjection and laughter]

Mrs. Patricia J. Gordon-Pamplin: So I just wondered whether that might be a more realistic way of discharging this responsibility as opposed to one person voting twice.

The Chairman: Minister?

Hon. Walton Brown: Thank you, Mr. Chairman.

With regard to the Honourable Member Pearman's comments, I will take those under advisement. We will consider the comments that you have made. At this point we are not going to entertain the amendments, but we will certainly consider the full implications of what you have said in terms of helping the process.

In regard to Honourable Member Pat Gordon-Pamplin, the issue is that we do not want to see people who are unfairly penalised. So those people who genuinely did not know of any breach will not be held responsible if they can convince the authorities—the tribunal—that they were not aware of any breach. So that is the reality of that one.

Cole Simons made a point about—

[Inaudible interjection]

Hon. Walton Brown: Yes. You can be assured that the tribunal will be properly and adequately staffed to carry out its work. That will be our commitment to ensure that everything is properly in order to facilitate the work effort.

[Inaudible interjection]

Hon. Walton Brown: And the voting, it is six of one, half a dozen of the other, if we have the person who votes twice . . . that does not seem to be overly troublesome to me that they vote in the first instance and if there is a tie someone has to vote to break the tie, so they vote to break the tie. That seems perfectly in order.

The Chairman: Any further speakers?

Minister, do you want to move those clauses?

Hon. Walton Brown: Yes. I move that clauses 1 through 5 be adopted.

The Chairman: Any objection to clauses 1 through 5 being approved?

There appear to be none.

Approved.

[Motion carried: Clauses 1 through 5 passed.]

Hon. Walton Brown: I now move clauses 6 through to 10.

The Chairman: Continue.

Hon. Walton Brown: Clause 6 inserts section 62A (Breach of condition notice). Without prejudice to the Director's ability to serve an enforcement notice under section 62, where it appears to the Director that a person is not complying with a condition subject to which planning permission is granted, he may serve a breach of condition notice on the person requiring him to secure compliance with the conditions specified in the notice. The period for compliance is stated in the notice. If after that period the person has not complied with the notice, that person is in breach of the notice.

Clause 7 repeals and replaces section 63. It renames a "special enforcement notice," more pertinently, a "stop notice." Notwithstanding that an enforcement notice or a breach of condition notice has already been served in any case, where it appears to the Director to be necessary, and in the public interest to require the immediate cessation of any development or plan, he may serve a stop notice on the owner of the land or the person in occupation of the land, and on any other person who appears to the Director

to have an interest in the land or to be engaged in any relevant activity or use of the land. A stop notice shall have effect immediately or on the expiration of such period as may be specified therein. Currently, appeals from a stop notice are to a court of summary jurisdiction. The appeal will now be to the Tribunal. In understanding that the stop notice is [being] appealed, the stop notice shall continue in operation until the Tribunal (or when further appealed to the Supreme Court) otherwise orders.

Clause 8 amends section 64 (Supplementary provisions as to enforcement) to change the reference from the "Minister" to the "Director" (which is being done throughout Part X in relation to the taking of enforcement action). The amendments also make it clear that in this section "enforcement notice" includes a breach of condition notice and a stop notice.

Clause 9 repeals and replaces section 65 (Penalties for failure to comply with enforcement notices) to provide the penalties for any offence under sections 62, 62A, 63, 64, 66, and 67. A person guilty of an offence for a failure to comply with a notice under sections 62, 62A, 63, 64, 66, or 67 shall be liable: a) on summary conviction, to a fine not exceeding $5,000; or b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine of $25,000 or both; and, in the case of a continued failure, to a further fine not exceeding $1,000 for every day after the first day during which the failure to comply with the notice is so continued.

Clause 10 amends section 66 (Continuing operation of enforcement notices) to make it clear that, in this section, "enforcement notice" includes a breach of condition notice and a stop notice.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

You have the floor.

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

Mr. Chairman, I just wish to speak to clause 7, which is on page 11, with respect to the stop notice. And that is under [section] 63(1) and it indicates that "Without prejudice to section 62 or 62A, and notwithstanding that a notice had been served under either section, in any case where it appears to the Director to be necessary in the public interest to require the immediate cessation of development of land, he may serve a stop notice . . . ."

Now, I mentioned earlier that, obviously, the concern is when you are in the midst of your development and you are able to . . . you know, you get to a certain stage and you move on, and you have dedicated resources and the like, and you get an officious person coming from the department, coming saying you need to stop.

I am just going to cite a personal example to explain this. As I was constructing my house they were doing the boundary wall. And I get this guy who shows up and says, *You have to stop this immediately because we have to be sure that you are set back six inches from the highway* (because my boundary comes out to the highway). *We need to know that your wall is set back six inches.* In order to satisfy that requirement, it was necessary to go and get a surveyor to come back, at great expense, when they came back and said, *You actually are 10 inches back, so you are okay.*

So, I just want to make sure that there is some kind of protection for abuse of this by the officials that we have to make sure . . . I mean, a stop notice if you are doing something that is blatantly illegal, something that is against the public interest, I am fully supportive of it. But when you have situations like that, and you put it down to . . . was this personally driven, was this a personality clash? You know, was I too rude or arrogant to somebody or whatever? You do not know; you never know. But something like that, which clearly could not be in the public interest. It was not a public safety issue—whether I was six inches and then found 10 inches back. But seriously out of pocket for having to go find a surveyor to be able to satisfy this officious person that I was, you know, in accordance with the building process.

I just want to make sure that we are not . . . that we . . . that this clause is actually applied judiciously, because I think that this is the key. And I am sure that the department is not intentionally trying to sort of throw people off, or cause them to spend additional money. But I think it is important that when we pass legislation such as this that we have an understanding that it is going to be judiciously applied.

Thank you, Mr. Chairman.

The Chairman: Any further speakers?

Minister, you have the floor.

Hon. Walton Brown: Thank you.

I can assure the Honourable Member that this matter will be judiciously applied. It is with great care and consideration that the Planning Department undertakes its responsibilities and there will not be any frivolous use of the stop notice order.

I move that clauses 5 *[sic]* through 10 be adopted.

The Chairman: [Clauses] 6 through 10.

Hon. Walton Brown: [Clauses] 6 through 10.

The Chairman: Any objection to clauses 6 through 10 being approved?

There appear to be none.

Approved.

[Motion carried: Clauses 6 through 10 passed.]

The Chairman: Continue, Minister.

Hon. Walton Brown: Mr. Chairman, I move that clauses 11 through 15 be approved.

The Chairman: You may continue.

Hon. Walton Brown: Clause 11 inserts section 66A (Certificate of lawfulness of existing use or development). This would enable a person to apply for, and obtain, from the Director a certificate of the lawfulness of an existing development or use of land. If the use, activity, or other matter is lawful by reason only that the time for enforcement action has expired, the certificate shall include a caveat that such use, activity or other matter (as the case may be) is lawful only because the time for taking enforcement action has expired, and that this does not imply that the use, activity or other matter is deemed (for any purpose other than for precluding the taking of enforcement action) to have planning permission or to comply with any building code under the Building Act 1988.

Clause 12 amends section 67 so that, as with an enforcement notice, a breach of condition notice or a stop notice, it is the Director (rather than the Minister) who is responsible for serving a notice under this section.

Clause 13 amends section 68 to make it clear that not only must any development be granted planning permission under the principal Act, but the development must also be carried out in accordance with such planning permission and any conditions subject to which such planning permission is granted, but also adds offences in respect of a person who: a) does act in an area designated by a development plan as possessing natural features or special enforcement value (a "designated area"), being regulated by section 28 in the Fourth Schedule); or b) does any act in a historic area, being an act for the doing of which section 31(2) provides that planning permission is required.

Clause 14 repeals section 69 (Site excavation licences) because site excavation cannot be done without planning permission and site excavation licences are no longer being issued.

Clause 15 inserts sections 69A, 69B, and 69C in Part X.

Section 69A (Power to impose civil penalties), inserted by clause 15, provides for the Director to impose civil penalties on persons who are in breach of planning control.

Section 69B (Statement of principles for imposing civil penalties), inserted by clause 15, provides that the Director must, as soon as practicable after coming into operation of this section, publish in the *Gazette* a statement of principles in accordance with which he will act in exercising his powers to impose a civil penalty and to determine the appropriate amount of the penalty.

Section 69C (Procedure for imposing civil penalties), inserted by clause 15, provides that when the Director proposes to impose a civil penalty he must give the person a warning notice of the amount of the penalty he proposes to impose, the reason for imposing the penalty, and the right of the person to make representation within seven days of the date of the warning notice.

Then the Director must give a decision notice of whether or not he is imposing a civil penalty. If he imposes a penalty, he must state the amount of the penalty, the reason for the decision, and the right to appeal the decision to the Supreme Court. The Director must cause to pay any civil penalty into the Consolidated Fund.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Pat Gordon-Pamplin. You have the floor, Ms. Gordon-Pamplin.

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

Mr. Chairman, I just want to refer to clause 14 on page 17, which repeals section 69 of the principal Act. The Minister indicated that site excavation licences are no longer being issued so, as a result, that particular clause is no longer applicable.

But I am wondering whether we could not consider staying that particular clause . . . in repealing that section 69, only because if we find ourselves . . . we . . . as I spoke to earlier, it seems to me that if we do have permission up front we could save a lot of grief. So maybe if a site excavation licence is still required we will not have a situation that occurred in say [constituency] 24, which the Honourable Member spoke to, if you know that you have got to have this licence up front.

So I am just wondering whether that is a possibility to consider, if not necessarily for this legislation, then certainly going forward so that we nip challenges in the bud before we get down the road and find people have expended money and then they have a stop order. If they did not get the licence to excavate in the first instance then, clearly, you do not get to the second stage and the expenditure of unnecessary funding.

The Chairman: Any further speakers?

There appear to be none.

Minister?

Hon. Walton Brown: Mr. Chairman, we will take that point under advisement and we will give it further consideration.

I move that clauses 10 *[sic]* through 15 be approved.

The Chairman: [Clauses] 11 through 15.

Hon. Walton Brown: [Clauses] 11 through 15.

The Chairman: Yes. It has been moved that clauses 11 through 15 be approved.

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clauses 11 through 15 passed.]

Hon. Walton Brown: I would like to move clauses 16 through 19.

The Chairman: All right. Continue.

Hon. Walton Brown: Clause 16 amends section 70 (Powers of entry). The first section in Part XI (Supplemental), to remove the reference to subsection (1) to the Minister proposing to serve or make a notice under Part X, and adding a paragraph referring to the Director proposing to serve or make any notice under Part X.

Clause 17 amends section 72 by increasing the penalty for failing to give requested information, or knowingly making any misstatement to the Minister.

Clause 18 makes a consequential amendment to Government Fees Regulations 1976 and sets a fee for an application for a certificate of lawfulness of existing use or development under section 66A.

Clause 19 is self-explanatory.

The Chairman: Any further speakers?

There appear to be none.

Minister?

Hon. Walton Brown: Mr. Chairman, I move that clauses 16 through 19 be approved.

The Chairman: It has been moved that clauses 16 through 19 be approved.

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clauses 16 through 19 passed.]

Hon. Walton Brown: I move that the preamble be approved.

The Chairman: Any objection to approving the preamble?

There appear to be none.

Approved.

Hon. Walton Brown: I move that the Bill be reported to the House as approved.

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

Any objections?

There appear to be none.

The Bill will be reported to the House.

[Motion carried: The Development and Planning Amendment Act 2018 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 3:54 pm

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

REPORT OF COMMITTEE

DEVELOPMENT AND PLANNING AMENDMENT ACT 2018

The Speaker: Good afternoon, Members.

Are there any objections to the Development and Planning Amendment Act 2018 being reported to the House as printed?

No objections?

So moved. It has been reported back to the House.

We now move on to the next Order, which is the second reading of the Dogs Amendment Act 2018, and it is in the name of the Minister of Home Affairs. You have got a second bite of the cherry. That is good.

Hon. Walton Brown: Indeed I do, Mr. Speaker.

The Speaker: I have had fun with this one. Do not bite the dogs now, all right?

[Inaudible interjection]

The Speaker: Yes, I was the Minister who started this way back then.

[Inaudible interjections and laughter]

Hon. Walton Brown: Yes, Mr. Speaker.

The Speaker: I want to see it come to a proper conclusion, though.

An Hon. Member: Well, we will see.

The Speaker: All right.

BILL

SECOND READING

DOGS AMENDMENT ACT 2018

Hon. Walton Brown: Mr. Speaker, I rise to introduce a Bill entitled the Dogs Amendment Act 2018 (the Amendment Act) which seeks to amend the Dogs Act 2008.

Mr. Speaker, the Dogs Act 1978 had regulated the keeping, control, and breeding of dogs. The Dogs Act 2008 was intended to supersede the Dogs Act 1978 by bringing about better control of canines and more efficient and effective enforcement. However, the 2008 Act was never brought into force because of major problems anticipated with practical implementation of some of its provisions, such as, breeding and, in particular, the breeding of dogs being problematic.

Mr. Speaker, the Ministry of Home Affairs recognised the need to remedy the troublesome aspects of the Dogs Act 2008 (the principal Act) which has hindered the implementation of that Act for nearly a decade.

Mr. Speaker, the 2018 Bill seeks not only to remedy the problems with the 2008 Act, but further enhance the controls and enforcement in that Act.

Mr. Speaker, allow me to first address the elephant in the room—that, being the issue of the disposition of the popular pit bull dog. It is indeed intended that certain breeds of dogs that are currently on the prohibited category would now be moved to the restricted category—specifically, the American Pit Bull Terrier, the American Bulldog, and the American Staffordshire Terrier. This change means that dogs of these breeds are eligible for importation and breeding, but done under the strict guidelines and conditions set out by the Department of the Environment and Natural Resources (the Department).

I can assure you, Mr. Speaker, that Bermuda will not have a scenario where *everything goes*. We will still have laws and they will be enforced. You will also note that the penalties are severe. The Department will also publish guidelines for owners of dogs that are currently illegal, but who want to submit application to make them legal.

Mr. Speaker, I acknowledge the success of the breed-specific policies that date back to 2003 that have reduced dog attacks. But the downside of these policies was the seizure, deportation, or euthanasia of family pets because they were of a problematic breed, even if they had not shown any aggression. The animal wardens spend an inordinate amount of time, Mr. Speaker, confiscating and euthanising dogs when, other than being on the prohibited list, have committed no act of aggression. This detracts from their efforts to deal with truly dangerous dogs or dogs that have endured abuse and improper care.

Mr. Speaker, you may be aware that I found the practice of euthanasia of prohibited dogs so abhorrent that I enlisted the help of the charity, Angels Helping Animals, headed by Ms. Leslie Hurd, to relocate prohibited dogs to the United States. Most of the dogs have successfully been placed with good homes in the United States. However, the Department's kennels have repeatedly become full with dogs awaiting transportation to the US, putting more stress on the dog wardens to care for the dogs in the kennels.

With the passing of this Act, we will not be confiscating dogs unless their owners contravene the legislation, do not adhere to the guidelines for the proper care and protection of their dogs, or who are outright negligent, neglecting or abusing their pets. However, we would now be able to re-home them, to foster them in Bermuda, rather than sending them overseas. The 1978 Act would not allow us to legally re-home dogs that were on the prohibited list.

I must add that dogs that have repeatedly attacked other animals or humans will have to be euthanised as is the normal practice in all jurisdictions.

Mr. Speaker, to be clear, Bermuda will also have breed-specific legislation, i.e., a restricted list and a prohibited list. Certain breeds will remain on the prohibited list: wolf and wolf hybrids; the mastiffs which are too large to roam freely in our limited space, are some in particular. Such breeds include the Argentine Mastiff, Brazilian Mastiff, Cane Corso, Presa Canario, Neopolitan Mastiff, and Tosa Inu.

The restricted and prohibited categories listed in Schedule 3 can be updated via the negative resolution process to allow for breeds to be added and removed from the list.

Mr. Speaker, the step of re-categorising the pit bull breeds was taken as an acknowledgement that many of these dogs are already in the community, albeit that they are illegal. Thus the community is already experiencing the impact of the dogs' presence. The re-categorising also recognises the amnesty of 2011 which saw well over 100 pit bulls licensed at that time. And lastly, Mr. Speaker, the re-categorisation is based on our data which shows us that only a minority of pit bulls have been a threat to public safety—not most of them and certainly not all of them.

Mr. Speaker, the purposes of the Dogs Amendment Act 2018 are multifold. Is seeks to remedy the 2008 Act to allow for its enactment; to introduce new options for effective enforcement; and to improve the welfare of dogs.

Mr. Speaker, the Bill proposes to effect substantial amendments to the Dogs Act 2008. The amendments will remedy problematic provisions of the Dogs Act 2008 and will lead to the principal Act becoming operational. Thereafter the community will benefit from the positive provisions that were originally sought in 2008. In other words, these amendments will remove the hindrances and allow the positive aspects of the original Act to come to fruition.

I would like to remind Honourable Members of the provisions contained in the principal Act which include the following:

1. Clarifying the definition of breeding and defining the relevant guidelines and offences.
2. Specifying legitimate points of origin for dogs, i.e., that a legitimate dog originated from a licensed breeder, adopted from a recognised society (for example, the SPCA), adopted from the Department, or legitimately imported.
3. Requiring the microchipping of dogs, a longstanding policy of the Department.
4. Establishing a ticketing system for quick and efficient handling of minor offences, thereby minimising the burden on the judicial system.
5. Enabling recuperation of unpaid revenues owed to the public purse from the registered dog owner. The Department often encounters dogs with expired licences registered to one person but being kept by another. We cannot prove who held the dog during the period of an expired licence so we cannot lay a claim against any person and money goes uncollected.
6. Improving the Department's records by requiring the reporting of the death of the dog or export of the animal.
7. Providing for the attaching of conditions to the licensing of the dog.
8. Providing for the attaching of conditions to a breeder's licence.
9. Providing for the creation of off-leash public areas.
10. Limiting the thickness of a dog's chain.
11. Prohibiting the use of spiked collar harnesses.
12. Extending the validity of emergency orders.

Mr. Speaker, the amendment Act serves to fix the deficiencies in the principal Act which will result in the benefits which I have just outlined finally becoming operational on enactment.

Mr. Speaker, the Bill before you today will effect changes to the Dogs Act 2008. These amendments and the subsequent regulations (which will follow in the near future) will jointly provide for the following:

1. Assurance that illegal dogs will not escape the scope of the Act.
2. Allowance for alternative housing of seized animals during the prolonged court matters.
3. A multi-tiered system of enforcement that will include:
    a. civil penalties for minor offences so as not to criminalise people for minor infractions and to reduce the burden on the judiciary;
    b. a ticketing system to permit out of court settlements for appropriate offences; and
    c. the traditional summonsing of persons before the court for the most serious of offences.

(On the list of what this Act will provide, Mr. Speaker:)

4. The creation of a dog control notice to seek compliance and control of dogs without having to invoke a prosecution and involve the DPP's office and the courts, unless the notices are ignored.
5. Mandatory reporting of injuries inflicted by dogs to the public authority to better capture data on specific canine offenders.
6. The conversion of former policies into regulations to provide the legislative means to appropriately enforce controls for dogs in the restricted categories.
7. Assurance of proper handling of guard dogs.
8. Improved welfare of breeding dogs by allowing regulations calling for health requirements and limitations on breeding.
9. A ban on cosmetic, medically unwarranted, surgical procedures such as tail docking and ear cropping.
10. Provision of an independent appeals tribunal which will hear and determine appeals allowed under the Act against a decision made by the Department, such as breed determination or the rescinding of licences.
11. Traditional powers to allow the owners to legalise illegally bred dogs.

The amendment Act also includes the regulations that govern management of prohibited and restricted dog breeds, microchipping, dog control notices and citations and ticketing.

The much improved Dogs Act 2008 and subsequent regulations will give us a practical, enforceable, and robust regulatory framework for dogs, such that responsible persons who wish to have dogs of a restricted breed can do so safely, but those that choose to contravene the legislation will suffer heavy penalties.

Mr. Speaker, the proposed categories and conditions applied to restricted breeds represents a balance allowing for the ability to own restricted breeds and an assurance that the general public is protected. The legislation provides consequences—both civil and criminal—to illegal activity and negligence on the part of owners, either by not having their dogs properly controlled or properly cared for.

Mr. Speaker, I want to ensure the public that before specific sections of the Act are brought into force we will be providing guidelines to the public, and especially to the agencies that are affected by measures outlined in this Act. For example, we will produce guidelines and hold meetings with the veterinary practitioners and the medical practitioners to ensure that they understand what the reporting requirements are before enacting sections 23A and 23B outlined in clause 16. We will also establish a help desk

to assist the public in understanding the new legislation.

Mr. Speaker, I would like to take this opportunity to acknowledge the contribution of those who brought about this amendment Act. The contents of the amendment Act resulted in extensive consultation. The fourth Canine Advisory Committee was established as part of the consultation process. The Committee was comprised of key stakeholders including: veterinarians, the Society for the Prevention of Cruelty to Animals (SPCA), dog trainers, dog breeders and animal wardens, the Bermuda Working Dog Club, canine security and guarding operators.

In addition, the "Punish the Deed and Not the Breed" and "Fetchfido," both entities against discrimination of certain breeds, made submissions to the Committee. The SPCA submitted feedback regarding amendments to the Act. The majority of the recommendations from the Committee and the SPCA were incorporated into the proposed amendments.

In addition, two town hall meetings were held in October 2017 with the general public to inform them of the proposed amendments and to receive feedback. I thank all of those who contributed to this effort.

Mr. Speaker, I would be remiss in failing to recognise the team that are dedicated to enforcing the legislation relating to dogs. I can assure you that they put their hearts and souls into their efforts, not only to enforce the legislation, but to care for the animals that are often subject to abuse, neglect, and abandonment. They include the Director Andrew Petitt; the government veterinarian, Dr. Jonathan Nisbett; and the dog wardens, head animal warden, Jeffrey Benevides, Allison Roberts Wolf, Herbert Marshall, and Beaman Smith. I would also like to thank Parliamentary Counsel, Anthony Richardson, and assistant parliamentary counsel, Lovette Tannock.

Mr. Speaker, in closing, this Bill strikes the right balance between ensuring that the general public are protected and that there are consequences—both civil and criminal—to illegal activity and negligence on the part of owners, either not having the dogs properly controlled or properly cared for. Some may argue that the new laws are onerous, but the public must be confident that there are severe consequences when persons are found to contravene the legislation.

Mr. Speaker, I now move that the Bill entitled the Dogs Amendment Act 2018 be read for the second time.

The Speaker: Thank you, Minister.

Does any Member wish to speak?

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

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

Mr. Speaker, I would venture to say that if ever there was a piece of legislation that had so many Ministers involved, this is truly it.

Mr. Speaker—

The Speaker: Yes.

Mr. N. H. Cole Simons: I know without a doubt that any Environment Minister that has been appointed since 2008 has had a say or hand in crafting this legislation. I can also venture to say that all the Ministers wanted to bring this to fruition.

[Inaudible interjection]

Mr. N. H. Cole Simons: So, Mr. Speaker, I would like to commend the Minister for finally bringing this to the House. I tried my best—

[Inaudible interjection]

Mr. N. H. Cole Simons: We did a lot of work on it, and at least it is here.

The Speaker: Long overdue.

Mr. N. H. Cole Simons: Very long overdue. So I say to all previous Ministers since 2008, thank you for your contribution. Finally, your work has come to fruition.

Mr. Speaker, dogs are very much a part of our lives here in Bermuda. They provide companionship, they provide security, sport, competition, and an opportunity for our young people to be responsible and learn how to care for another living being, and they teach our young people to have empathy for others.

Mr. Speaker, the large majority of dogs are in loving homes and the animals provide no threat to the security of our neighbours. But there are facets of dog ownership that continue to plague our community and I speak of irresponsible owners. I also speak of dogs that have been used for criminal activities and I also speak to dogs that have been abused and dogs that have been abused cruelly.

Mr. Speaker, as a result we have the legislation that we have here today and some dogs are not allowed to be imported into this country and some dogs are not allowed to be bred in this country.

Mr. Speaker, in an attempt to head off a problem the legislation has been modified over the years. And this policy, by and large, remains intact. And, as you can see, most of the body of the 1978 Act was included in the 2008 Act and a lot of the recommendations in the 2008 Act are included in the amendments as well. So, whether one supports or abhors breed specific legislation or policy, it is undeniable—

[Inaudible interjection]

The Speaker: Hey, hey, hey, hey, hey—

An Hon. Member: Thank you.

The Speaker: There you go.

An Hon. Member: Nice to see you.

[Laughter]

Mr. N. H. Cole Simons: It is undeniable—

[Laughter]

Mr. N. H. Cole Simons: —that if you compare it to 10, 15 years ago, there is a lesser rate of dog attacks in this country and there is a lesser rate of dog collections. The euthanasia has been spoken about by the Minister, and I am delighted that he has come up with some solution in regard to [the] possible elimination of euthanasia.

Mr. Speaker, gone are the days of packs of dogs roaming throughout Bermuda where they would attack other animals, mauling livestock. But it occurs occasionally, and this is what led to the 1978 Act and, as a consequence, the regulations that we have today.

Mr. Speaker, today many complaints reaching enforcement organisations arise out of a lack of simply being neighbourly, and not having respect for the larger community beyond their own desires.

Mr. Speaker, dog attacks are significantly fewer than when the controversial policies were implemented in 2003, 2005, but they remain frequent enough to constitute a significant public health threat.

Mr. Speaker, the Dog Act 2008 was passed by this Honourable House to bring about better control of our canine friends or, perhaps, the Act provides better control of the owners of our canine friends.

Mr. Speaker, the 2008 Act contains some very good ideas, like ticketing for more efficient and effective enforcement, and the ability to put conditions on [the] keeping of individual animals. Dogs may be treated more as individuals than a class or breed.

Mr. Speaker, I pause here to acknowledge the work of the Canine Advisory Committee, the government vet, the dog clubs, the "Punish the Deed and Not the Breed," the team in the Ministry—Dr. Petitt, Dr. Nisbett, the Permanent Secretary, and everyone—because they have all been committed to crafting a right solution for this Act. I know I had my battles with them and I was insistent that we get this thing done now because it has been going on too long . . . and they said, *Minister, Minister, you have to slow it down. We have to make sure that the protocols are in place, the enforcement is in place, and we have to do more work and more work and more work and more work.* And so I listened to them and, finally, we are here today. So I applaud the Minister in that regard.

I would like to get on to the legislation. As was said earlier, the 2008 Act set the regulatory framework, basically the framework for licensing dogs, for the care and control of dogs, and enforcement. For licensing, dogs had to be licensed on a regular interval and requirement fees varied from whether the dog was sexually intact or de-sexed, or whether it was a restricted breed. As far as care and control, the legislation insisted that the owners provide shelter, water, and movement ability for these dogs. They have to be controlled in public places and mitigate any forms of nuisance from them. And the enforcement tools, as was said earlier, are being addressed under this piece of legislation, Mr. Speaker.

Mr. Speaker, why was the Act not enacted since 2008? Well, the old legislation, based on what I read, Mr. Speaker, said a lot of the enforcement required court action or court arbitration or court settlement, and quite frankly this issue was not a priority in our courts. As a consequence, dogs would be seized and they would be held 9 to 18 months and the numbers were swelling continuously and the resources were stretched and the welfare of the animals we were taking care of (because the Department was not structured or did not have the resources to basically maintain these animals for such an extended period of time). The other issue was ticketing. Yes, the legislation said that the officers would be able to issue tickets, but when the legislation was originally crafted they did not address the format of the ticket and the structure of the ticket. So, again, this has been addressed and I am delighted that this issue is behind us. And then we provided more clarity around the constraints of illegal breeding.

Mr. Speaker, as was said earlier, the objectives of the amendment were to establish ticketing regulations, inserting dog control notices to enhance compliance, establishing standards for persons and premises with regard to all licences, breeding, pet stores, simple owner and guarding. In addition, one of the objectives was basically to look at the Schedule of Penalties and, again, this has been addressed so I commend the Minister. The other issue was the welfare standards of care for dogs and that is clearly defined in the legislation and the amendments. The other issue that was not mentioned was the surgical procedures for cosmetic and not therapeutic ventures. You know, we used to dock dogs' tails, trim their ears for like the Boxers we would do their ears and tails, for Dobermans we would do their ears and tail for them to look very smart and astute. That was the way, it was all cosmetic. And so I am delighted that we have introduced legislation that will ban those surgical procedures unless it is a threat to the health of the animals.

Mr. Speaker, we spoke about prohibited breeds and restricted breeds. For the public's edification, Mr. Speaker, "prohibited breeds" means a breed of dog that may not be imported, bred, or used for breeding. The "restricted breed" means a breed of dog

that may be imported or kept only if the Department is satisfied that the conditions for keeping these dogs have been met.

Mr. Speaker, the prohibited breed is very interesting. Yes, you cannot bring them in. But there is only one circumstance where it is allowed, and, historically, we have had a number of dog shows here in Bermuda and some of the dogs that are competing here have been on our prohibited breed list, and we will allow them in with a special licence. But they have to leave within, I think, a week after the completion of the dog show. And if they do not leave and they do not meet the licence requirement that was provided to them when the dogs were approved for entry to Bermuda, the dogs will be apprehended. So, again, I am satisfied with that.

The Minister indicated that we shifted a number of dogs from the prohibited breed to the restricted breed and these are what were perceived to be . . . and I will say what was perceived to be high-risk animals. And they were: the Akita, the Australian Cattle Dog, the American Pit Bull Terrier, and the American Staffordshire Terrier. They were all shifted from the prohibited breed to the restricted breed. And I believe that most Bermudians will be pleased with that. But I would say there is evidence to show that these dogs can be aggressive and, as a consequence, it is incumbent upon the owners to make sure that these dogs are well managed, that their properties are well secured, and that there is insurance in place for any type of public liability.

And I will give you an example, Mr. Speaker. As you know I have a horse. I was riding my horse on the trails down by Shelly Bay and out of nowhere came this humungous Rottweiler. It was galloping and his teeth were showing and he was coming along and I heard this lady screaming, calling her dog . . . *Zane, Zane, Zane*—

[Laughter]

Mr. N. H. Cole Simons: —*come back, come back!*

[Laughter]

Mr. N. H. Cole Simons: And Mr. Speaker, the dog did not pay her any mind.

Mr. Speaker, the dog did not pay her any mind. And so what I had to do was use my 40-, 50-year intelligence, animal skills. I just whipped my horse around and stood still and faced that Rottweiler and the dog screeched to a halt—

[Inaudible interjection]

Mr. N. H. Cole Simons: —and I started to chase him and he went back.

But, again, I am saying that because it was not the lady's fault, quite frankly. I mean, the dog just got loose. He just escaped his property and came out bolting after me. It can happen to anybody . . . it can happen to anybody. And so it is incumbent, you know, that owners be more prudent of the areas in which their dogs are secured. Right next to that there is another homeowner that has a Doberman pinscher and he barks every time we go by. But that dog is always secure and you never see him running loose down the tracks. And so, you know, it is . . . owners have a colossal responsibility when they have these animals.

The other issue that I would like to speak to is the issue in regard to . . . I am delighted that we have codified some of the policies that were in place, because the challenge that the Ministry had was that all the regulations were policies. They were not really enforceable from a legislative point of view. And so the 2008 Act, and even this amendment basically codifies the policies that have been in place by the Ministry of the Environment for years. So I support them in that endeavour and I think it is important that this be done.

Mr. Speaker, I spoke about the ticketing. The ticketing could be addressed more efficiently, and I know when we discussed it . . . I am not certain where this current Minister is (and I am not saying he is not), but we said we would give the owners of the dog a ticket if he violated some law and that owner will have to keep his dog until he has a hearing with the Director or the courts and then, once a decision has been made on any malfeasance or any violation of a law, then we will decide on how to do it. So we said we would not apprehend a dog, we would just give the tickets. And, [as when] you have a parking ticket, you do not go to court right away, you are not locked up. You pay your fine or you have your ticket and you wait until your court date. So it is the same principle we entertain.

I am also delighted that, you know, we have encoded in legislation the five freedoms of animal welfare standards. And the five freedoms are:

1. freedom from hunger and thirst;
2. freedom from discomfort;
3. freedom from pain, injury, and disease;
4. freedom to express normal behaviour; and
5. freedom from fear and distress.

These are international standards, and we have also embedded that in our legislation. So, again, I would like to commend the Minister for that.

The other interesting issue is, again, we have encoded in legislation the issue about leaving our dogs in cars during the summertime. As you will note, in many countries, people leave their dogs in their car . . . they go in the grocery store for 20 minutes, start talking to their friend, come back out and the dog has had a heart attack because it is so hot out there.

[Inaudible interjection]

Mr. N. H. Cole Simons: And they have heatstroke. That is correct. And so, we need our owners to be more cognisant of their behaviour as far as leaving dogs in their cars, especially when it is hot. And I know you want to be loving and take them for a drive to the grocery store, because the dog likes to go for a drive in the car. But, you know, along with that there is a responsibility to protect the dog.

The other issue that came up when I was the Minister is the discouragement and limiting of tethering. Tethering, tying your dog up in the backyard. Well, Mr. Speaker, this came to my attention by the Department staff and they said they had to make it illegal. I said, *Oh, no, you don't. You will not make it illegal under my watch.* We have to manage it because it has been a cultural thing, you know, some people just go to work and tie up their dog, make sure they are sheltered . . . they have a house and their water is there and their food is there and the dogs are no worse for it. And so this tethering [up] to four hours in any 24-hour period is a good compromise. And yes, dogs can be tethered. But, you know, look out for their interests. Make sure that there is shelter from the heat and the weather and make sure that there is fresh water.

The other issue that I would like to speak to is the issue of bird attacks. A lot of people have complained about, *Your dog's gotten loose and killed these roosters, killed these pigeons, killed these birds,* and I have—

[Inaudible interjection]

Mr. N. H. Cole Simons: I know. And so I have been told that given that the . . . this is basically a dog's natural instinct. When it comes to birds they may not be penalised. And so I think that is reasonable. We will see how that goes forward.

Attacking dogs and euthanising dogs . . . well, I agree, and if a dog damages, kills, another person or another animal, they need to: (1) go the courts as the legislation says; and (2) the dog should be taken immediately and should be euthanised. I am saying that from personal experience. and it is interesting, when you go through it, Mr. Speaker, your world changes. And Mr. Speaker, as you may or may not know, my dog was a victim of mauling.

[Inaudible interjection]

Mr. N. H. Cole Simons: Exactly. All dogs go to heaven.

But the issue was, you know, we recovered. And I think we were noble in the way that we managed it. But that incident touched all of Bermuda. For months and months and months and months people were coming to me—I did not know them from Adam—stating, *Mr. Simons, I'm so sorry for you. Mr. Simons, you should sue that man for irresponsible behaviour.*

[Inaudible interjection]

Mr. N. H. Cole Simons: Pardon?

[Inaudible interjection]

Mr. N. H. Cole Simons: Mr. Speaker, Bermudians are very sensitive when it comes to their pets, and when one family feels the pain. I have learned that most of Bermuda feels the pain. I had people send me emails from overseas who had read it. I had Bermudian professionals I work with send me emails and sympathy cards and everything else. And I am saying this issue is a national issue, and it is important because it is a national issue that we embed it in this legislation. So I think it is in the right direction. And I also believe that the community will support you in that aspect of the law.

Identification, obviously, we are talking about chips, the microchips. I mean, there is nothing to present there. That has been in place for a while.

Prolonged kennelling. I agree that the Director has the right to forfeit or take any animal that has been in a kennel for way too long. And if he feels that the caged animal is not being treated in a humane fashion, he should be able to go in for the benefit of the dog to provide him with the support as required.

Dog control notices. Those are in place, they have been in place for a while. We have just added teeth to the notices and, like I said, the warnings should be given by the warden and have it addressed.

Mr. Speaker, the ban on surgical procedures, as I said, cosmetic procedures, sporting procedures . . . that is the right thing to do for the humane nature of keeping a dog and not basically putting him through undue stress because of cosmetic surgery.

Mr. Speaker, I think those are my main comments. Generally speaking, I support the legislation and I . . . Oh! One other thing I wanted to mention.

The issue of false reporting. Again, this is a new feature that is in place, and it is a must because there are bites that occur and they are not reported. The victims go to hospitals, they go to doctors, [and] they go to pharmacies to get medication. The vets see these things, and if we are to really get close to the problem and identify the real, real, source of the issues and get some good data on the information, then these medical professionals, the veterinary professionals, should report their findings to the Director on a regular basis. And I am pleased that this is already included in the legislation.

And the other thing that I was pleased to see is that it is illegal to lay poisoning to kill dogs, because this process is inhumane, and the Department has ceased doing it and everyone else in this country should cease doing it. And if they are caught laying

poison to kill dogs or to put dogs to sleep then they should feel the full brunt of the law.

So, Mr. Speaker, 10 years after the 2008 Act was approved by this Parliament we are finally here to approve the amendment and hopefully the legislation will move forward, pass the Senate, and be gazetted before the end of this parliamentary year.

[Inaudible interjections]

Mr. N. H. Cole Simons: So I am just putting the Speaker on notice that we consider that we have it gazetted, once approved by the Senate, and that it be signed by the Governor.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

It is 15 years since a certain Minister started the process, but, hey.

I recognise the Honourable Member from constituency 24, you can now take that line you started in the earlier debate and finish it in this debate. How is that?

Mr. W. Lawrence Scott: Thank you very much, Mr. Speaker.

The Speaker: Yes.

Mr. W. Lawrence Scott: For those that do not know . . . and I will give you a little bit of history, I am a dog lover. I have to give my . . . and I do have a dog myself, I have a Doberman, which is one of the dangerous breed dogs. And I originally got my dog with a former girlfriend of mine, and it was a . . . at the time it seemed to be a good idea to get a puppy. I figured that if the two of us could cohabitate and take care of the dog and raise a dog, then we could probably raise a child later. But as you can see, Mr. Speaker, nine years later the dog has stayed and the girl has gone.

[Laughter]

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

[Inaudible interjection]

Mr. W. Lawrence Scott: So, at least to the future Mrs. Scott—wherever you may be—I can take care of another life, so . . .

[Inaudible interjection]

Mr. W. Lawrence Scott: But the thing is that the reason I bring up a dog being somewhat equivalent . . . not . . . I am saying equivalent to a child. It is a responsibility. And there are a lot of people out there that get a dog because they like the novelty of having a dog. And dogs are a very big responsibility. Dogs take a lot of work and they need a lot of care and attention. And so, especially when you have a big dog, like myself (as I said, I have a 105 pound Doberman), which is very well trained. And I have to thank Charles Butterfield for helping me. What Charles Butterfield did was he trained me on how to train my dog.

And, Mr. Deputy Speaker, it sounds funny. But that is what I think, that if you are getting a dog you should go through those things. It is Sundays at Botanical Gardens, they have puppy class and all that. I think that those are things that people should be doing because, like the Honourable Member Cole Simons said, if and when my dog was to get out, I have what they call "recall." Meaning that if my dog gets out, if I call him, he knows to come back. And if he does not—

The Deputy Speaker: What happens?

Mr. W. Lawrence Scott: If he does not he will be corrected, Mr. Deputy Speaker. I can just put it that way.

An Hon. Member: No violence to animals.

Mr. W. Lawrence Scott: No, there is no violence. This is correction. In the Bible it says *spare the rod, spoil the child* so, Mr. Deputy Speaker, I am just making sure that is known.

But I want to go and also say that when my dog was a puppy . . . I have had my dog since he was six weeks old, he is now nine years. When he was around 10 weeks old, I happened to be down by John Smith's Bay. I just had the dog out, playing with my dog, and there was another gentleman that was there with his little dog. All of a sudden, he looked up and he said, *It's coming!* I looked at the sky and it did not look like rain or anything. And he said, *No, it's coming.* And he picked his little dog up and ran back to his car.

I happened to look across the street and up on the hill, and there was a pit bull on top of that hill. I said, *Oh, that's a long ways away, why is he worrying about it?* But I then managed to watch the pit bull start walking off the hill and noticed that there was no tether. I noticed that there was no fence or anything of the sort. So, I then had to . . . and that dog had focused on my little puppy (at the time).

So, long story short, a tragedy or an unwanted situation or confrontation was avoided. But those are the type of situations that happen more than not. Those are the type of situations where . . . and what was really disheartening was all you heard on the hill was, *Go get your dog. So and so . . . you know what? Go get your dog, Derrick Burgess, go get your dog!* All right? And who comes down the hill but a little 13-year-old Derrick Burgess. And I am saying to myself that a 13-year-old should not be held responsible for a full-grown pit bull. And these are the types of, I will

say, irresponsible practices that lead to breeds having bad reputations.

And when I was reading this Bill, this Bill reminded me a lot of a girl I dated back in university—

[Laughter]

Mr. W. Lawrence Scott: —and—

[Inaudible interjection]

Mr. W. Lawrence Scott: Well, I know—

[Inaudible interjection]

Mr. W. Lawrence Scott: The reason I say that, Mr. Deputy Speaker, is because I was dating this lovely young lady in university—

An Hon. Member: Many years ago.

Mr. W. Lawrence Scott: Many years ago. And her family was from the Dominican Republic.

[Inaudible interjection]

Mr. W. Lawrence Scott: And—

[Laughter]

The Deputy Speaker: She left you?

Mr. W. Lawrence Scott: No, no, actually—

[Inaudible interjections and laughter]

Mr. W. Lawrence Scott: No, she did not leave me. It was . . . I will tell you this. It comes up in the story, Mr. Deputy Speaker. But what ended up happening was that we got serious, and I got to the point where I was to go meet her family. So she came and she met my parents and they liked her. You know, she passed the test. And then I went down and I met her parents. And her father went and asked . . . actually it was my father—my father—did not pass the test. But I am going to get to that. So the reason is that—

[Laughter]

Mr. W. Lawrence Scott: And the reason that I say that is because when her father found out that my father was a politician, all of a sudden he just cast aspersions—I was no good, they were corrupt politicians, and stuff like that. And the correlation I am building is that you have a few bad politicians out there, but then everybody paints us as—

[Inaudible interjection]

Mr. W. Lawrence Scott: Yes, with this broad brush of being corrupt, being bad, having bad deeds, having nefarious—

[Inaudible interjection]

Mr. W. Lawrence Scott: —merits, right?

Therefore, that is what is happening. And the Honourable Member Wayne Furbert is asking me how does that deal with dogs? I am getting to that, Mr. MP Furbert, all right?

And the reason is that this is where Punish the Deed, Not the Breed comes in—

The Deputy Speaker: Yes.

Mr. W. Lawrence Scott: —because when I say "pit bull" people get . . . if I was to say, *There is a pit bull in the Chamber,* everyone would look and say, *Where is it?* But if I said, *Oh, there's a cocker spaniel . . . oh, where's the cute little dog?* All right? And that is the thing, and that is what is happening now, and that is what I commend with this Bill.

This Bill actually goes and starts putting an onus on the *owner,* and not the dog itself, right? So, we are actually punishing the deed and not the breed.

And, Mr. Deputy Speaker, going into some statistics, more dog bites are done by small dogs than by big dogs, right? And, therefore, when I walk down the street and people are crossing the street because I have got my dog, versus the little cocker spaniel or little shih-tzu, that, once again is, as I said, that stigma that goes with big dogs. But yet it is about the responsibility of the owner themselves, Mr. Deputy Speaker, and making sure that owners . . . like the Honourable Member Cole Simon said, that that owner had no control over her Rottweiler. And if he did not have his horse to be able to stomp that Rottweiler out, you know, we do not know what would have happened. All right?

The Deputy Speaker: Hmm.

Mr. W. Lawrence Scott: Therefore, I think that this Bill goes in the right direction to focus on the owner, make sure that owners provide a responsible habitat for the dog. Right?

I assume people are joking with me when they say that I spoil my dog. I have erected two houses in my backyard for my dog—one faces north, one faces south—depending on the way the wind blows so that he does not get wet. But the thing is . . . and he is fenced in so that he has a good place to roam.

[Inaudible interjection and laughter]

Mr. W. Lawrence Scott: No, but the thing is—

[Inaudible interjection]

Mr. W. Lawrence Scott: But, no, Mr. Deputy Speaker, the thing is . . . and I bring this up to bring levity to a serious situation so that people are listening. I am trying to do it in a creative way. But the thing is that I agree with the ticketing aspect where, if somebody was to come by . . . my dog does not like the trash truck guy, does not like the mailman, does not like people walking too close to the property. But yet, I know and everybody else knows, the public service workers know that they are in no danger when they are in the public space.

Now, I notice that, and I have said it before, my MP has yet to make it to my door. So that just lets you know that he is a trained dog; he does what he is supposed to do. But at the same time, Mr. Deputy Speaker—

[Inaudible interjection]

Mr. W. Lawrence Scott: Thank you.

But then also, Mr. Deputy Speaker, I have my . . . just like other Members during the last Bill, and I am not reflecting on a debate. But I too have my property on Airbnb. So to give you an idea of the balance that happens, I will go by to go feed my dog who is out in the backyard and he is not there. The gates are closed, the gates are locked and I cannot find him outside. He is inside with the guests.

So, Mr. Deputy Speaker, what I am trying to show you is that that is what you can have with a big . . . remember I have what is considered a dangerous breed dog, a Doberman. But when you train them right, when you spend time with them, when you do . . . when you actually follow the regulations that we have in law, you can have a big dog, you can have a dangerous breed dog, but not have them be a danger or a menace to the public and to society.

So the thing is that this Bill is going to now help those that are just getting into, those that are new to owning a dog, those that have come up with bad habits with owning dogs, and now it helps to guide them in the right direction.

The Deputy Speaker: Mm-hmm.

Mr. W. Lawrence Scott: While also not being too punitive. All right?

So, with that said (I am just going to go through my notes), I think that, for me, I would have liked to have seen maybe . . . and I understand why because I have spoken to the Minister and there is a manpower issue where it goes a little bit further by making sure that if you are going to have a dangerous breed dog or restricted breed dog, that you should be licensed to have one. That is where I would like to see this go in the future. So that, you know that if you see . . . if you walk across someone's yard and you see a pit bull, or you walk across someone's yard and you see a Rhodesian ridgeback, you see a Doberman, you know that you can be safe.

And Mr. Deputy Speaker, you have been with me when we went canvassing—

The Deputy Speaker: Yes.

Mr. W. Lawrence Scott: —for the bye-election.

The Deputy Speaker: Yes, we did.

Mr. W. Lawrence Scott: And I will not tell them that you jumped behind me, but that is okay.

The Deputy Speaker: What? Me?

Mr. W. Lawrence Scott: When we were walking down this lane and there was a Rhodesian ridgeback, and for those Members that are out there that do not know what a Rhodesian ridgeback is, it was bred to hunt and kill lions. So it is a huge dog. All right? And then there was also a German shepherd. And we were walking down and I heard this like galloping coming up behind us and I thought it was just . . . I actually thought it was you trying to keep up with me. But then you heard the growling and the barking, and then I felt this . . . this clasp, like this kung fu grip on my forearm. And I turned and it was you, Mr. Deputy Speaker! You were holding on to—

[Laughter and inaudible interjections]

Mr. W. Lawrence Scott: But, no—

The Deputy Speaker: I tell you.

Mr. W. Lawrence Scott: No. And I just jest. But the thing is when you turned around—and both myself and the Deputy turned around—and we saw these two huge dogs running towards us and there was nothing stopping them but invisible fencing, that gave . . . there is a—

An Hon. Member: Alarm?

Mr. W. Lawrence Scott: An unsettling feeling.

And the thing is . . . and I bring that up because there is a clause in the Act that says if a dog causes you to feel fear that that could be seen as an infringement on the dog, on the owner and whatnot. And I just want to make sure that that is sort of clarified a little bit more so that there is no misunderstanding, because I know you and I felt some fear, Mr. Deputy Speaker.

The Deputy Speaker: Not me, not me.

Mr. W. Lawrence Scott: You did not feel fear? Okay. Well, no, because you started praying.

[Laughter]

Mr. W. Lawrence Scott: Yes, so you . . . that is where your comfort came from. It came from above, Mr. Deputy Speaker. And I just had a clipboard. So that was all I had to protect me.

[Inaudible interjection]

Mr. W. Lawrence Scott: I do, I have the Lord in my heart.

The Deputy Speaker: No, you don't.

An Hon. Member: No.

Mr. W. Lawrence Scott: But the thing is, Mr. Deputy Speaker, that what I really want to stress is . . . and, once again, everybody in this Chamber knows that I like repetition. Repetition is the best form of indoctrination—

The Deputy Speaker: Yes.

Mr. W. Lawrence Scott: So I will repeat again that this Bill goes to promote better dog management. Yes. For those that are getting into having a dog it is like having a child, as far as I know from what I have heard.

The Deputy Speaker: Yes.

Mr. W. Lawrence Scott: I hear that dogs are like eternal two-year olds.

The Deputy Speaker: Oh, okay.

Mr. W. Lawrence Scott: So my dog is just forever in the terrible twos. But the thing is that there is so much that goes into it. So when you see somebody like myself and my colleague that sits to my right, the Honourable Minister Wayne Caines, who also is a very good dog trainer and breeder, we make owning a dog look easy. All right? But there is a lot that goes into it. I like how this Bill identifies all the key points.

I do actually, if I am going to be fair, I do sort of have a concern—and it is only a personal concern—with tethering. I think that they should . . . that, depending on the dog, it should be fenced in. But I understand that not everybody has the ability to put up a fence. So it would be punitive to then, and almost discriminatory to say that there must be a fence there. So, therefore, I understand where that comes . . . where we keep the tethering, allowing the tethering to be in there, but also the ticketing.

I am just hoping that the . . . okay, I was just passed a note from one of my colleagues that was explaining the differences between dog ownership and matrimony, so—

[Laughter]

Mr. W. Lawrence Scott: But that is coming from my colleagues. That is an aside. Sorry, that is what just took me off track there.

[Crosstalk]

Mr. W. Lawrence Scott: But I am focusing, I am focusing—

The Deputy Speaker: I hope your date is not listening.

Mr. W. Lawrence Scott: Well, no, my mother and my father both listen intently and so . . . and that is why you keep hearing me bring up marriage and looking for a wife because my mother is—

The Deputy Speaker: You are going to find one.

Mr. W. Lawrence Scott: —bringing that up . . . marriage and looking for a wife.

I am doing it, mom, I am looking, you know, I am looking.

The Deputy Speaker: Yes, you are going to be looking for a long time.

[Laughter]

Mr. W. Lawrence Scott: But the thing is . . . but getting back to this Bill, Mr. Deputy Speaker, and once again I bring levity to something that is actually very serious because, as the Honourable Member Cole Simons says, he has lost a family member. Dogs become a member of the family, like my dog has a personality.

[Inaudible interjection]

Mr. W. Lawrence Scott: And no, he . . . and the Honourable Member next to me, Wayne Caines, disagrees. But, you know, I am just . . . these are the different—

The Deputy Speaker: Your dog is like you?

Mr. W. Lawrence Scott: Ah, I don't know. I don't know, he is—

The Deputy Speaker: He has got a personality.

Mr. W. Lawrence Scott: Yeah, I don't know how to describe his personality.

[Inaudible interjections]

Mr. W. Lawrence Scott: But, Mr. Deputy Speaker, the thing is that . . . getting back to the Bill, because I am getting a little bit too sidetracked—

The Deputy Speaker: Yes.

Mr. W. Lawrence Scott: But getting back to the Bill—

The Deputy Speaker: Mm-hmm.

Mr. W. Lawrence Scott: It is something that I think we need to . . . because I think we have a bad, I will say, pet culture in this country where it is sort of we just let our pets do whatever they want and then complain about other people complaining about our pets. You know? And I think that this is where the ticketing part comes in—and that was where I was before I got sidetracked—the ticketing of the owners. I think that is a fantastic idea because it allows the dog warden to come around, see an infraction, and instead of going through a long, protracted, drawn-out process—

The Deputy Speaker: Just give a ticket.

Mr. W. Lawrence Scott: You get a ticket. You are then made aware of what you have done wrong. Also I do agree with the reporting part of this Bill. My dog, in his day, had to do his job when somebody decided to . . . somebody who was not on my, let us just put it politely, somebody came into my house, they tried to break in, and they did not know that I had a dog and he did his job. And he went, he chased the person out of the house, he went out of the house with him, and a few minutes later he came back and had some material in his mouth—he did what he was trained to do, Mr. Deputy Speaker.

But what I did is that I went through the proper procedures. I called the police. I let them know that this is what had happened, this is my address—4 Kings Lane North. So I would not recommend that anybody come to 4 Kings Lane North unannounced or not on the guest list.

[Inaudible interjection]

Mr. W. Lawrence Scott: She would be on the guest list. The Honourable Member Leah Scott asked *what if it's somebody who wants to get married?* Once she passes a background check and the medical records (given the Minister of Health's Public Service Announcement), you know, recently—

[Laughter]

Mr. W. Lawrence Scott: —then she will be put on the guest list. So, you know, she would be invited in.

But getting back to the reporting, I think that that is what we need so that, once again, you understand the responsibility—

The Deputy Speaker: Mm-hmm.

Mr. W. Lawrence Scott: —that is needed, the responsibility that you must have and must take when you are owning a dog.

So, once again (and lastly), I just would like to bring back kudos to the Minister for being able to . . . and as the Honourable Member Cole Simons had alluded to, many a Minister has tried, but our Minister was the one that was able to bring this across the finish line. Our Minister was the one that was able to bring this Bill in its entirety to the floor of the House and our Minister will be the one that gets it passed.

So thank you very much, Minister Brown, and keep up the good work.

The Deputy Speaker: Thank you, Honourable Member Lawrence Scott.

The Chair recognises the Minister Wayne Caines.

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

Mr. Deputy Speaker, I have had the opportunity to look at the Act, to discuss the Act with my colleagues. I, too, am a person that has a soft spot for dogs. I believe that, as a country, we are known in our community to be a highly regulated country. I think you can tell a lot about the country on how they relate to animals, how they deal with animals and how they regulate animals. And I think this Act is actually a testament to who we are as a people.

It is a humane Act. It thinks through how the tethering process . . . so it is representative of who we are as a people. It does not go too far in certain aspects and it is not too lenient in certain aspects. So when you have a country that is a civilised country—as we are—the legislation bears testament to that fact. And the Minister and his team and all those who were involved should be given the requisite accolades.

Mr. Deputy Speaker, the requirement of microchipping dogs, whilst this has been a long-standing policy, this being placed and enshrined in law is significant. If a dog is lost or if a dog is in a neighbourhood where it should not be, with minimum fuss and bother one can look and find the dogs and find the dogs' owners and reunite them, Mr. Deputy Speaker.

We have all been to countries going around the world and seen in certain cities where there are rabid dogs or dogs untethered and dogs just going in cities milling about. We have no such problems in Bermuda. And that is not just happening by happenstance. There are specific policies, there are specific procedures in place that are determined to make sure that the country is balanced, even with reference to its animals.

I like the ticketing system. The ticketing system that is a civil penalty allows for matters to be dealt

with efficiently and quickly and not, therefore, a burden on the judicial system.

The providing and including conditions to licensing of dogs, providing and putting conditions to the breeder's licence, providing for the creation of off-leash (where you can have your dog off-leash) in specific public places.

The limiting to the thickness of a dog's chain and, as the Learned Member Simons spoke earlier, when you are talking about a dog and making sure that you can tether your dog in your yard because that is a part of who we are. But sometimes if a chain is indeed too heavy, it can be very, very, difficult for the dog to breathe and in certain circumstances be inhumane.

The prohibiting of spiked collars and harnesses, oftentimes people use the Pavlovian model of training dogs and often the Pavlovian model of training dogs actually requires some form of short, sharp, shock and in certain quarters those are seen as being inhumane. The cropping of ears, the cropping of tails, in certain elements of dogs . . . the breed of dogs, whether it is the Great Dane or whether it is Doberman pinschers, and Boxers, the cropping of the dogs' ears . . . there are many that feel that that is aesthetically more pleasing, but many people in dog circles feel that it is inhumane—and docking of tails—and that it serves very little purpose just for aesthetics and it is, indeed, inhumane to the animal.

So, I think that when you look at the spirit of the Act, when you look at the elements and what the Act has done, not only have we . . . and another one that I like is the ability not to euthanise dogs, for dogs to be taken away. And at first people were saying, *Well, this is at great cost to the people of Bermuda.* Well, that is actually not the case. And so the ability to have dogs not euthanised in Bermuda . . . and we were vilifying the pit bull. I believe that there are certain dogs that are more prone to aggressive behaviour than others, but there are mechanisms in place to hold the dog owners accountable, to hold the animal accountable, and even to make certain provisions for dealing with that.

I think that the Act, Mr. Speaker, is a very good mix for the dog lover, for the dog breeder, and for protecting the general public. I think that after an enormous period of time looking at the Act with a consultative process, which has been quite in depth talking with the people in the dog world in Bermuda, talking with the everyday man and woman and the specific body that looked to putting this legislation together.

I believe that the Dogs Amendment Act 2018, presented by the Honourable Walton Brown from the Ministry of Home Affairs, is indeed fit for purpose and it is indeed an Act that we all can be proud of. Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you, Honourable Minister.

The Chair recognises the Honourable Member, Scott Simmons, from constituency [32].

Mr. Scott Simmons: Good afternoon, Mr. Deputy Speaker.

Just as a furtherance to what has already been discussed so far in this Act, and I would like to take this opportunity to thank the Minister for bringing this. This is a very important piece of legislation. I see that . . . as I read it, just like the Minister spent time on it, I think we all did, in discussions, and also looking at it. My phone rang off the hook.

One of the issues that came up during the course of that was (and I will be very brief) as it relates to pet insurance, and that is that I was of the impression from most [people] that they did not know here in Bermuda that you can get pet insurance.

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

[Inaudible interjections]

An Hon. Member: From where?

Mr. Scott Simmons: So, as a result, Mr. Speaker, I was made to understand that you could. One of my . . . as a matter of fact, it was a constituent—

Mr. W. Lawrence Scott: Point of information.

Mr. Scott Simmons: Of course.

The Speaker: We will take your point of information.

You are insuring dogs now?

POINT OF INFORMATION

Mr. W. Lawrence Scott: My colleague did just bring it up and I just let him know that the establishment right there on Harbour Road provides pet insurance, right where Strawberry Hill meets Harbour Road?

An Hon. Member: Yes.

Mr. W. Lawrence Scott: Right there.

The Speaker: Yes.

Mr. W. Lawrence Scott: They do provide pet insurance.

Mr. Scott Simmons: We have established the establishment, Mr. Speaker.

[Laughter]

Mr. Scott Simmons: The thing is that what we have here, Mr. Speaker, is that one of my . . . as a matter of fact, it was the Honourable Member MP Scott's con-

stituent who said to me that she did not take her dog . . . her dog took sick. She said, *I know the price of taking my dog to the vet. It is too expensive.* So the dog had to suffer until such time as payroll came around a week later.

And that is something that we need to . . . and I recognise that if it does exist . . . at first I was concerned because I was wondering whether or not it would be part of this particular piece of legislation. But it is obviously covered under others. And it provides for pet owners to be able to get insurance so that we can match the love and the affection that our animals have for us with the affection and love that we show to them.

I found that to be a continuous question that I was getting. As a matter of fact, a boss at my employment was forced out of bed when his cat was outside. I mean, really sick, having convulsions. He said he rushed the . . . called up the vet. The vet had to open up to kind of let him in to get the cat checked. He said that after the cat had been dealt with, when he got the bill—

The Speaker: He had a convulsion, didn't he?

Mr. Scott Simmons: No, he said, in Florida he is allowed to carry a sidearm.

[Laughter]

Mr. Scott Simmons: He said that he was shocked at the price that he had to pay and he asked the same question. He said, *Man, there has got to be an insurance policy for my pet.*

I actually told him, *I don't think so in Bermuda.* It is not until after I looked into it.

Minister, I apologise, I did a disservice to the gentleman. I will make him aware as of today that there is, indeed, insurance for your pet. I suggest that you do get insurance for your pet because it is the right . . . it is the absolute—this is not a commercial—but it is the absolute right thing to do. No pet should suffer just because you feel as though you do not have the money to take care of it.

Mr. Speaker, I appreciate your giving me just that moment.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak? No other Honourable Member?

Minister, you can get to your feet now. The Member wants to speak.

Hon. Walton Brown: I am very encouraged by the unanimity of support received on this Bill. It is an important Bill. It has been a long time in coming, and I believe it strikes a right balance between ensuring the protection and care of animals, the dogs, and protecting the society as well. I think it strikes a right balance in this regard.

I am very grateful for colleagues' support and I move that the Bill now be committed.

[Inaudible interjection]

The Speaker: Yes, the Bill has to go to Committee.

Mr. Commissiong, will you—

Oh, okay. Hold off. All right.

Deputy.

House in Committee at 5:06 pm

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

COMMITTEE ON BILL

DOGS AMENDMENT ACT 2018

The Chairman: Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled Dogs Amendment Act 2018.

Minister, you have the floor.

Hon. Walton Brown: Thank you, Mr. Chairman.

I did not mean to interrupt your meal.

[Laughter]

Hon. Walton Brown: Mr. Chairman, I intend to propose a series of amendments at some point in the presentation. I will come to that at the right time.

I would like to move clauses 1 through to 7 at this point.

The Chairman: Yes, you may. Continue.

Hon. Walton Brown: Thank you.

The Bill seeks to amend the Dogs Act 2008, the principal Act, to provide for the establishment of ad hoc dog tribunals, citations, and civil penalties, provisions dealing with restricted and prohibitive breeds, the refinement of the existing ticketing regime, regulatory regimes concerning dog breeding, ticketing citations, and corresponding civil penalties, and amendments reasonably necessary for the effective operation of the Dogs Act 2008.

Mr. Chairman, Members will note that I will be moving amendments in clauses, 8, 15, 22, 29, 32, and 33 at the beginning of each of the relevant clauses.

Clause 1 is the citation.

Clause 2 amends section 4 of the principal Act, adding subsection (3) thereby expanding the obligations of a transferrer of a dog to notify the director in writing within 14 days of, (a) the transfer of the dog to its new owner, giving the name and address of the new owner, and the identification number of the dog; (b) the permanent export of the dog from Bermuda; or

(c) the death of the dog. Clause 2 also clarifies, by way of subsection (3), that the duty to give notice under this subsection shall rest with owner of record. The department may request documentation in support of any notice served upon it and the owner of record shall remain liable for any fees outstanding until the appropriate notice has been given to the department and the department has acknowledged receipt of such notice. Clause 2 also adds subsection (4) thereby mandating, in the case of a retail business (a pet shop, et cetera) that engages in the sale of dogs, the obligations of that retail business. These obligations align the practices of a retailer with those of a licensed breeder.

Clause 3 inserts section 4A to the principal Act, thereby establishing recordkeeping offences for pet shop proprietors who fail in relation to each dog that is offered for sale or sold as a pet shop owned by them to keep records in accordance with section 4A.

Clause 4 amends section 6 of the principal Act thereby establishing (a) a "fit and proper test"; and (b) the means by which a person will be determined to be fit and proper.

Clause 5 amends section 9(3) of the principal Act in relation to licences for boarding, brokering, and guarding operations thereby expanding the criteria by which the director shall determine whether or not to grant a licence in accordance with section 9(3). In relation to the guarding operations, this amendment attempts to pre-empt unfortunate or tragic outcomes arising from an unskilled handler or unsuitable dog being used to guard public area events, such as a beach concert. This provision of law has been added to protect not only the public, but also the handler, the dog, and the event organiser.

Clause 6 amends section 10 of the principal Act by adding subsection (7A) thereby allowing for the purposes of determining the breed of a dog the Director shall identify specific laboratories and procedures for testing and such results of a test conducted in accordance with the specified procedures, and that a specified laboratory shall be deemed to be reliable; by adding subsection (7B) thereby clarifying that a dog owner shall be responsible for all costs associated with tests for breed identification. It is acknowledged that breed identification is open to challenge; hence, the amendment will allow the laboratory test to be used to determine a breed.

Clause 7 amends section 11 of the principal Act, adding paragraph (ba) to include persons to whom the licence under section 9 or section 10 has been issued and has failed upon sale to licence a dog to its new owner.

Those are clauses 1 through 7.

The Chairman: Yes.

Any further speakers?

The Chair recognises the Honourable Member Cole Hadley Simons.

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

Mr. Chairman, I am looking at [subsection 6], a dog licence is not permitted for a dog which is being kept at premises in accordance with a licence issued under section 10 [which] is less than one month old and was born at those premises.

The Chairman: You are looking at [clause 2 (c)] referring to subsection (6)(a)?

Mr. N. H. Cole Simons: Hang on. So the amendment is actually on page 2, at the bottom.

They have increased the minimum requirement, from age perspective for a dog to be licenced, from one month old to 10 weeks old. That is two and a half months. Can the Minister give his reasoning why they have shifted from one month to two and a half months in regard to having the dogs first licenced?

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Atherden.

Hon. Jeanne J. Atherden: Sorry, Mr. Chairman. If the Minister could just clarify . . . this is on clause 6, and this is the amendment to (7A). I would just like some clarity in terms of . . . they say for "purposes of determining the breed of a dog the director shall identify specific laboratories and procedures to be used for testing." And only because I am just thinking about those cases where people from abroad want to bring dogs in, I just wondered what was the range of laboratories that the department is utilising.

The Chairman: Any further speakers?

Minister.

Hon. Walton Brown: Well, with respect to the laboratories there will be a section identified, a list of labs that will be identified as suitably qualified for assessing the breed of the dogs. So that is what will be in place.

[Inaudible interjections]

Hon. Walton Brown: Yes, yes.

With regard to the licensing requirement of two and a half months, it was just deemed to be a more appropriate timeframe for doing that as opposed to the one-month period.

The Chairman: Any further speakers?

Minister.

Hon. Walton Brown: I move that clauses 1 through 7 be adopted.

The Chairman: It has been moved that clauses 1 through 7 be approved.

Any objections?
There appear to be none.
Minister, continue

[Motion carried: Clauses 1 through 7 passed.]

Hon. Walton Brown: I move in clause 8—

The Chairman: Uh-huh.

AMENDMENT TO CLAUSE 8

Hon. Walton Brown: Clause 8, in sections 11A, 11B, 11B, 11D—

The Chairman: In the amendment, right?

Hon. Walton Brown: This is the amendment. Right.

The Chairman: Right.

Hon. Walton Brown: Correct.

That in these sections of the principal Act delete the term "ad hoc dogs tribunal" wherever it appears and substitute "Dog Tribunal." So you will replace "ad hoc dogs tribunal" with "Dog Tribunal."

Clause 8 inserts section 11A into the principal Act thereby allowing for the establishment of a dog tribunal and the methods by which the dog tribunal are to function.

I am doing clauses 8 through to—

The Chairman: Well, let's get the amendment approved first.

Hon. Walton Brown: Okay.

The Chairman: Better let the Members speak to the amendment.

Hon. Walton Brown: Okay.

The Chairman: Any speakers on the amendment?
There appear to be none.
Do you want to move . . .

Hon. Walton Brown: So I move clause 8 be approved as amended.

The Chairman: Any objections to approving clause 8 as amended?
There appear to be none.
Approved.

[Motion carried: Clause 8 passed as amended.]

Hon. Walton Brown: So clause 9.

Clause 9 repeals and replaces section 12 of the principal Act thereby allowing a person aggrieved by a decision of the Director not to issue a licence under sections 6, 9, or 10, or to cancel such a licence under section 11, to appeal against that decision to a tribunal constituted in accordance with section 11A.

Clause 10—

The Chairman: Just one second. Minister, you can move clauses 9 through 14?

Hon. Walton Brown: Yes, clauses 9 through 14.

The Chairman: Okay.

[Inaudible interjections]

The Chairman: No, no, [clauses] 9 through 14. Clause 8 has been approved. You want to do clauses 9 through 14 because your next amendment is 15.

Hon. Walton Brown: Right.

So clause 10 amends section 13 of the principal Act thereby setting out the means by which a dog or a relevant record of information may be seized in accordance with the new subsection (1).

Clause 11 amends section 14 of the principal Act, setting out the offence and penalty for leaving a dog locked inside of a motor vehicle or inside of a vessel. This clause addresses incidence of animals being left unattended in a vehicle particularly on a hot summer day. The principal Act is intended to allow police officers, the department, or a recognised society to use reasonable force to extract a suffering animal from the motor vehicle or vessel. The authority is not extended to every instance of a dog being in a car, but only when signs of heat exhaustion are apparent.

Clause 12 amends section 16 of the principal Act thereby prescribing the provisions for the control of dogs in public places.

Clause 13 inserts section 18A into the principal Act thereby prescribing the offence of dogs attacking or causing fear.

Clause 14 amends section 20 of the principal Act adding subsection (12) thereby mandating that any person who fails to comply with subsection (1) is guilty of an offence.

The Chairman: Any further speakers on clauses 9 through 14?

The Chair recognises the Honourable Member Cole Hadley Simons.

Mr. N. H. Cole Simons: On clause 13—

The Chairman: Mm-hmm.

Mr. N. H. Cole Simons: —[new section] 18A(b), dogs causing apprehension and fear. This is a very grey area, in particular, [subsection] (b), causing persons apprehension and fear.

The Chairman: Your microphone is off, Mr. Simons.

Mr. N. H. Cole Simons: Clause 18A(b), dogs causing apprehension and fear . . . cause a person to be put in fear.

I have seen throughout the Island that there are people petrified, petrified, petrified of dogs. And a person can be walking on the trails, the dog is in control, he is paying that person no attention whatsoever, but these people are just horrified. In fact, I have seen them turn and look the other way so that would not have to see the dogs. This, to me, would demonstrate to "cause a person to be put in fear." I mean, the dog did not cause that person to be in fear. She is just petrified, petrified of being in the presence of a dog.

The Chairman: You are talking about a dog on a leash, or—

Mr. N. H. Cole Simons: Yes. There are people who are afraid of dogs—period.

And so I would suggest somehow either reword this one, because it is rather grey and it can be interpreted many ways, and I mean, some people have a phobia about these animals.

[Inaudible interjections]

Mr. N. H. Cole Simons: Pardon?

An Hon. Member: What section is it?

Mr. N. H. Cole Simons: [New section] 18A, that is [clause] 13—

The Chairman: That is clause 13.—

An Hon. Member: Thank you.

The Chairman: —[section] 18A(b).

Mr. N. H. Cole Simons: So I would ask the Minister just to revisit that because I have seen some funny things with people who are afraid of dogs, generally, and the dogs are paying them no mind, and they just like freeze and they are in a state of shock.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Michael Scott from constituency 36.

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

I notice that the words to which Mr. Simons, the Honourable Member, has brought to the attention of the House, say "offence for any person to urge or to allow any dog to cause a person to be put in fear." So there are some active words there that create the offence.

So [with] the passive walking along the trail, leashed to your animal, your pet, it is possible I think for anybody assessing it, whether it is a dog brought into our court, to see the facts. You know, did you urge or cause . . . I mean, I take the Honourable Member's point. But I think he is straining the point because I think the language is adequate to purpose.

The Chairman: Any further speakers?

Minister.

Hon. Walton Brown: Thank you, Mr. Chairman.

I concur with my honourable colleague, Michael Scott, that it is does provide for an active provision whereby the person with the dog has to do something deliberative to cause that fear. And so it is not just a question of someone being in fear of a dog walking on a lease.

So on that, Mr. Chairman, I move that clauses 9 through 14 be approved.

The Chairman: Are there any objections to approving clauses 9 through 14?

There appear to be none.

Approved.

[Motion carried: Clauses 9 through 14 passed.]

Hon. Walton Brown: I move clauses 15 through 22.

The Chairman: Well, let's do clause 15 because you have an amendment to clause 15.

Hon. Walton Brown: Right.

The Chairman: Let's do the amendment first.

AMENDMENT TO CLAUSE 15

Hon. Walton Brown: Yes. Okay.

In clause 15, in section 22(7) of the principal Act, delete "ad hoc dogs tribunal" and substitute "Dog Tribunal." It is the same provision as before.

The Chairman: Any speakers on that?

Do you want to move that clause?

Hon. Walton Brown: Move clause 15?

The Chairman: Yes, as amended.

Hon. Walton Brown: As amended.

The Chairman: Are there any objections to approving clause 15 as amended?

There appear to be none.

Approved.

[Motion carried: Clause 15 passed as amended.]

Hon. Walton Brown: Should I go straight to clause 16 then?

The Chairman: You can go from clause 16 up to 21.

Hon. Walton Brown: Okay.

Clause 16 inserts section 23A and 23B into the principal Act, thereby setting out the conditions of dog general welfare and the obligations of mandatory reporting of any dog causing a bite injury. The new section 23A protects the welfare of dogs by prohibiting cosmetic medically unwarranted surgeries, other than spaying and neutering. The new section 23B establishes an obligation of mandatory reporting of any dog causing a bite injury. Good policy is not possible without good data. A comparison of records of the department—

The Chairman: Where . . . you said clause 23?

Hon. Walton Brown: Clause 16.

The Chairman: Right. Okay. Thank you.

Hon. Walton Brown: A comparison of records of the department of those of KEMH emergency room reveal that approximately 12 per cent of bites upon humans are reported to the department. This obligation has been established in law to better identify dogs that may be a threat to public safety.

Clause 17 amends section 26 of the principal Act, thereby mandating that where a microchip has been inserted beneath the skin of a dog in accordance with subsection (1), the Director shall charge a fee as prescribed by the Government Fees Regulations 1976.

Clause 18 amends section 27 of the principal Act by: (a) repealing and replacing the words "Justice of the Peace" where they appear, with the word "magistrate"; and (b) by repealing subsections (3), (4), (5), and (6) as they have been superseded by the other provisions of this Act.

Clause 19 amends section 28(1) of the principal Act, thereby broadening the obligations under subsection (1) to require a person to produce a dog licence and sets out the consequences for not doing so and for persons who obstruct an officer acting in the course of his duty.

Clause 20 inserts sections 28A and 28B into the principal Act, thereby adding the means by which civil penalties can be imposed for infractions under the principal Act and the procedure for imposing civil penalties.

Clause 21 amends section 31 of the principal Act thereby broadening the categories in which regulations under section 31 can be made.

The Chairman: Any further speakers?

The Chair recognises the Honourable Member Cole Hadley Simons.

Mr. N. H. Cole Simons: [Clause 16, New section] 23B, Mandatory reporting of dog causing bite injury.

Mr. Chairman, [section] 23B(1) reads, "Every person who has information indicating that a person or animal has suffered a bite injury caused by a dog shall forthwith report that information to the Director."

How can we tighten it up whereby if they do not report the incident within two weeks, then they are afoul with the law? Because we said "forthwith," immediately. But, you know, they do not do sometimes. Immediately is when they get there. *I'll get to it.* But if it happens, and we put a time constraint on there, I think they will be more responsive, because "forthwith" just does not put a time limit on there at all.

The Chairman: Any further speakers?

Minister.

Hon. Walton Brown: Well, Mr. Chairman, that is a difficult one because we do not want to criminalise the behaviour or the actions of people, and so we put in a mandatory . . . an obligation to forthwith report it. But if they do not, then there is going to . . . it has to be relied on the goodwill of people. So we are not going to be able to impose it in a way that gives legal rigour to it, as the Member wishes to see.

The Chairman: Any further speakers?

There appear to be none.

Hon. Walton Brown: I move that we approve clauses 16 through to 21.

The Chairman: It has been moved that clauses 16 through 21 be approved?

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clauses 16 through 21 passed.]

Hon. Walton Brown: I am now going to move clauses—

The Chairman: Well, just do clause 22 first.

AMENDMENT TO CLAUSE 22

Hon. Walton Brown: Okay. Let's do clause 22.

In clause 22, in sections 31C, 31D, and 31E of the principal Act, delete "ad hoc dogs tribunal" wherever it appears and substitute "Dogs Tribunal."

Mr. N. H. Cole Simons: No objection.

The Chairman: Minister, do you want to move that?

Hon. Walton Brown: So I move that clause 22 be approved as amended.

The Chairman: It has been moved that clause 22 be approved as amended.

Any objections?

There appear to be none.

Approved.

[Motion carried: Clause 22 passed as amended.]

Hon. Walton Brown: I am going to move clauses 23 through 28.

The Chairman: Continue.

Hon. Walton Brown: Clause 23 amends section 32 of the principal Act by repealing and replacing the words "Summary Jurisdiction Act 1930" with the words "Criminal Jurisdiction and Procedure Act 2015."

Clause 24 amends section 39 of the principal Act by requiring a record of conviction to now be submitted to the Police Commissioner and the Director and a recognised society.

Clause 25 inserts section 39A and 39B into the principal Act, thereby prescribing the respective prohibitions, requirements, and offences relative to the prohibited and restricted breeds set out in Schedule 2 and Schedule 3.

Clause 26 amends section 40 of the principal Act in subsections (1) and (2), thereby broadening the same to include civil penalties for civil infractions.

Clause 27 amends section 41 of the principal Act by broadening subsection (1) to now allow regulations to be made in relation to any ticket that the Minister deems necessary for the purposes of the principal Act.

Clause 28 revokes and replaces the Schedule with a new Schedule 1, which now includes (a) civil penalties; (b) criminal ticketing penalties; and (c) matters that shall be determined by way of the criminal courts.

[Those are] clauses 22 *[sic]* through 28.

The Chairman: Any further speakers?

There appear to be none.

Minister, you want to move the clauses?

Hon. Walton Brown: I move the clauses 23 through 28 be approved.

The Chairman: It has been moved that clauses 23 through 28 be approved.

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clauses 23 through 28 passed.]

Hon. Walton Brown: I now move clause 29.

The Chairman: Continue.

AMENDMENT TO CLAUSE 29

Hon. Walton Brown: In clause 29, paragraph (2) of Schedule 2 to the principal Act, delete "The following prohibition and requirements are in force" and substitute "A dog of Schedule 2 means".

Clause 29 inserts Schedule 2 and introduces the principal Act, thereby setting out in Schedule 2 and Schedule 3 new prohibitions and requirements.

The Chairman: Any further speakers?

There appear to be none.

Minister, do you want to move—

Hon. Walton Brown: I move that clause 29 be approved as amended.

The Chairman: It has been moved that clause 29 be approved as amended.

Are there any objections? There appear to be none. Approved.

[Motion carried: Clause 29 passed as amended.]

Hon. Walton Brown: I move clauses 30 and 31.

The Chairman: Continue.

Hon. Walton Brown: Clause 30 amends the Government Fees Regulations 1976, adding fees in respect to: (a) issuing a dog licence under section 6; (b) application for initial licence in accordance with section 6, to bring about compliance with section 5; (c) licensing premises required to be licensed under section 9; (d) reclaiming a dog seized as a stray and paying for its care expenses under section 20; (e) licensing premises of breeders as required under section 10; (f) reclaiming a dog under section 20; and (g) microchipping of a dog under section 26, for the purposes of the principal Act.

Clause 31 revokes the Dogs Act Appeal Rules 1978 as, on the coming into operation of this Act, the Dogs Act Appeal Rules 1978 will be redundant. (Note: The Dogs Act Appeal Rules 1978 is being repealed by way of section 42 of the Dogs Act 2008.)

Clauses 30 and 31.

The Chairman: Any further speakers to clauses 30 and 31?

There appear to be none.

Minister.

Hon. Walton Brown: I move that clauses 30 and 31 be approved.

The Chairman: Are there any objections to approving clauses 30 and 31?

There appear to be none.

Approved.

[Motion carried: Clauses 30 and 31 passed.]

Hon. Walton Brown: Clause 32, I would like to make an amendment.

The Chairman: Continue.

AMENDMENT TO CLAUSE 32

Hon. Walton Brown: Clause 32, which is a transitional provision, delete clause 32(3) and substitute the following: "[(3)] The provisions of section 42 of the principal Act become subsection (1), and after that subsection, insert '(2) Notwithstanding the repeal of the Dogs Act 1978 by subsection (1), any appeal or hearing commenced under that Act (including any hearing commenced for the prosecution of an offence charged under the Dogs Act 1978) prior to the coming into operation of this section shall continue in accordance with the Dogs Act 1978, as if this section had not come into operation.'"

So I move that amendment.

The Chairman: Any further speakers?

There appear to be none.

Minister, you want to move that clause?

Hon. Walton Brown: I move that clause 32 be approved as amended.

The Chairman: It has been moved that clause 32 be approved as amended.

Are there any objections?

There appear to be none.

Approved.

[Motion carried: Clause 32 passed as amended.]

AMENDMENT TO CLAUSE 33

Hon. Walton Brown: And, finally, clause 33, which is the commencement provision. I move that the following be amended.

Delete clause 33 and substitute the following: "33 (1) This Act shall come into force on such day as the Minister may appoint by notice published in the Gazette. (2) Different days may be appointed under subsection (1) for different provisions of the Act."

The Chairman: Any further speakers to that?

There appear to be none.

Minister.

Hon. Walton Brown: I move that clause 33 be approved as amended.

The Chairman: It has been moved that clause 33 be approved as amended.

Any objections?

There appear to be none.

Approved.

[Motion carried: Clause 33 passed as amended.]

Hon. Walton Brown: I move that the preamble be approved.

The Chairman: Any objections that to approving the preamble?

There appear to be none.

Approved.

Hon. Walton Brown: 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?

There appear to be none. Approved.

You still got to move that the Bill is reported to the House. Did you say that?

Hon. Walton Brown: I just said—

The Chairman: Okay. I'm sorry.

[Laughter]

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

[Motion carried: The Dogs Amendment Act 2018 was considered by a Committee of the whole House and passed as amended.]

House resumed at 5:34 pm

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

REPORT OF COMMITTEE

DOGS AMENDMENT ACT 2018

The Speaker: Thank you, Deputy.

Members, are there any objections to the Dogs Amendment Act 2018 be reported to the House as amended?

No objections; so reported.

Now, I believe that the other four items on the Order Paper are all being carried over. Is that correct?

That takes us now to our third readings.

Minister, would you like to do your third reading for your Development and Planning Amendment [Act 2018]?

SUSPENSION OF STANDING ORDER 21

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

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Development and Planning Amendment Act 2018 be now read a third time by its title only.

The Speaker: Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

DEVELOPMENT AND PLANNING AMENDMENT ACT 2018

Hon. Walton Brown: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Any objections to that?

No objections; passed.

[Motion carried: The Development and Planning Amendment Act 2018 was read a third time and passed.]

SUSPENSION OF STANDING ORDER 21

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

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Dogs Amendment Act 2018 be now read a third time by its title only.

The Speaker: Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

DOGS AMENDMENT ACT 2018

Hon. Walton Brown: I move that the Bill be now read a third time by its title only and passed.

The Speaker: Any objections to that?

No objections; so moved.

Passed.

[Motion carried: The Dogs Amendment Act 2018 was read a third time and passed.]

The Speaker: Mr. Premier.

ADJOURNMENT

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

Mr. Speaker, I move that the House do now adjourn until Friday, the 22nd of June.

The Speaker: Thank you.

Any Member wish to speak to that? No Member?

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

CROSS ISLAND

Mr. Christopher Famous: Good afternoon, Mr. Speaker. Good afternoon, my colleagues, and good afternoon to the listening public of Bermuda.

Mr. Speaker—

The Speaker: Yes.

Mr. Christopher Famous: I am going to read from a book from the Prophet Bob. Know that guy?

The Speaker: Go ahead.

Mr. Christopher Famous: Bob Marley.

The Speaker: Ah-ha.

Mr. Christopher Famous: Chapter 1, "Guiltiness." Let me read out . . . can I read out one of his lyrics, Mr. Speaker?

The Speaker: As long as you don't sing it.

Mr. Christopher Famous: No, no, no, no.

[Laughter]

Mr. Christopher Famous: I will sing some soca tonight, but anyway . . .

The Speaker: All right.

Mr. Christopher Famous: "Guiltiness (talkin' 'bout guiltiness)"

"Pressed on their conscience. Oh yeah.
"And they live their lives
"On false pretence everyday" (. . .)
"These are the big fish
"Who always try to eat down the small fish"
Guiltiness.

Mr. Speaker, for years we heard the narrative that the PLP peddles in nepotism. *The PLP deals are friends-and-family deals.* Well, you and your son are friends and family, but . . .

[Laughter]

Mr. Christopher Famous: *The PLP gives out multi-million-dollar contracts without proper checks and balances.*

Mr. Speaker, a couple of years ago the OBA spent a few million dollars on commissions of inquiry. You remember that, Mr. Speaker?

The Speaker: Yes.

Mr. Christopher Famous: They dragged our civil servants through what could be equivalent to a kangaroo court. They tried to prove that the PLP stole money or misappropriated funds. Well, Mr. Speaker, it seems the OBA were trying to do some deflection to get the public to look one way while they are doing something else a different way.

[Inaudible interjection]

Mr. Christopher Famous: Deflection, you know, hocus-pocus. Look left—while they are doing something on the right.

An Hon. Member: Oh, I see.

Mr. Christopher Famous: That magician's trick.

An Hon. Member: Ah.

Mr. Christopher Famous: You know what I mean, smoke and mirrors.

An Hon. Member: David Copperfield.

Mr. Christopher Famous: Yes, that's it. David Copperfield. Houdini, even.

You see, Mr. Speaker, for years we questioned, *Why would the Michael Dunkley-led OBA spend $50 million?* I repeat, $50 million of taxpayers' funds on an Island that will only be used for two months? Two months, Mr. Speaker. An island that now sits . . . may I show you, Mr. Speaker? An island that now sits as empty as the trophy case down at the east.

The Speaker: Well—

[Laughter]

Mr. Christopher Famous: Cross Island.

The Speaker: Well, there are some St. George's folks who would agree with that.

[Inaudible interjections]

Mr. Christopher Famous: Yes, for now, for now.

Mr. Speaker, the term "pork-barrel politics" . . . you know what pork-barrel politics is, Mr. Speaker?

Pork-barrel politics is when people build a bridge when there is already a bridge. Build a road, and there is already a road. You know, just something to spend some public money, to give to their family and friends' contracts.

Hmm.

At first they told us, *Well, we can't have it anywhere else but up at Dockyard. No, it couldn't be at Morgan's Point, couldn't be in town, couldn't be anywhere else but Dockyard.* That was the rationale.

Okay, fine.

At first they told us WEDCO was going to pay for it. When we asked, *How is WEDCO going to pay $300,000-something a month when they are not even getting that type of money in?* We were told, *Don't worry about all that. We will figure that out.* That was proven to be a big fat . . . what is that word? Lie. Because WEDCO knew from the get-go—

The Speaker: Try to find more parliamentary language.

Mr. Christopher Famous: A big fat mis . . . hmm, what is the word?

An Hon. Member: Economical with the truth.

Mr. Christopher Famous: Economical with the truth.

Because as it turns out, WEDCO knew from the get-go that they could not afford to pay that $300,000 per month bill. Come to find out, as disclosed earlier in this session, that they were pressured by the Ministry of Finance and the Ministry of Works and Engineering.

But let's regress, Mr. Speaker. All of these Ministers answer to one person. It is called . . . what is that word? Collective responsibility. For the listening public that means everybody who is sitting around the table answers to someone, each other, whatever was decided by the Minister was a joint responsibility by all the Cabinet. So let us not just point the finger at one person.

So, anyway, Mr. Speaker, we found out that the people of Bermuda—the people of Bermuda who have no buses, not enough buses, the people of Bermuda who seem to not have any money, the people of Bermuda for which there was no money for what? Fixing up schools. No money for none of that! But they have committed $50 million toward this empty island. Now, I am not good with math, but somebody could figure out what $50 million cost per day.

Let me move on, Mr. Speaker, recently the former WEDCO chair, and let me repeat, the former WEDCO chair, and in 2012 and 2017, a two-time OBA candidate for constituency 36, Mr. Ray Charlton, seemed to have a bout of, *It's time to tell the truth.*

An Hon. Member: Yes, he did.

Mr. Christopher Famous: Mm-hmm. Time to tell the truth. Openness and transparency. And you know what he said, Mr. Speaker? Well, can you allow me to read something from public social media?

The Speaker: Being that you sought permission, yes.

Mr. Christopher Famous: Yes, sir. Thank you.

He said a lot but let me condense it down to the most important parts.

"How is it that a contractor who earned several million" (let me repeat) "several million dollars from untendered contract for the America's Cup gets a Queen's award?"

Now, I am a little slow because I went to government school. What does "untendered" mean, Mr. Speaker? Was a bid put out?

The Speaker: Doesn't sound like it.

Mr. Christopher Famous: An RFP process?

An Hon. Member: No.

Mr. Christopher Famous: Wow! Okay. These are the sorts of things that the PLP was dragged to court for. These are the sorts of things that innocent civil servants were dragged to court for.

An Hon. Member: Yes.

Mr. Christopher Famous: Untendered contracts.

So, again, let me repeat for the listening public. "How is it that a contractor who earned several million dollars from untendered contract for the America's Cup gets a Queen's award?"

Well, I wonder who nominated him?

The Speaker: Mm-hmm.

Mr. Christopher Famous: I wonder. Simply put, Mr. Speaker, the contractor for Cross Island was given a Queen's award. The contractor for Cross Island made millions of dollars in profits. The contract was untendered.

I am waiting for a point of order.

The Speaker: Talk to the Chair.

Mr. Christopher Famous: So you see, Mr. Speaker, the Michael Dunkley-led OBA were using the commission of inquiry as a smokescreen. Smoke and mirrors. *Look left while we do what we want to do on the right to try to bamboozle the public.*

The Michael Dunkley-led OBA peddled in nepotism. Anyone know what "nepotism" means, Mr. Speaker?

An Hon. Member: Yes.

An Hon. Member: Friends and family.

Mr. Christopher Famous: Hmm. The Michael Dunkley-led OBA used multimillion-dollar contracts for their own purposes. The Michael Dunkley-led OBA took care of their friends and family during the $117 million—

Hon. Jeanne J. Atherden: Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER
[Imputing improper motives]

Hon. Jeanne J. Atherden: The Member is making statements that he is not able to substantiate and, therefore, I believe that he is imputing improper motives to the individuals.

[Inaudible interjections]

Hon. Jeanne J. Atherden: And anything that is said, unless it has been backed by fact, is not public fact.

[Inaudible interjection]

The Speaker: I am allowing leniency on it only because it has already been in the public domain, and not only on social media, but also on the television news, and it has been widely publicised in that media, of the news media.

Hon. Jeanne J. Atherden: Point of order, Mr. Speaker.

The Speaker: I will take your point of order.

POINT OF ORDER

Hon. Jeanne J. Atherden: An allegation is not factual.

The Speaker: Okay. And that is why I did indicate I am allowing the leniency on it. When he does stray too far . . . if the Member strays too far, I will call him to order on it, but thus far the comments have only been what has been reported in the news and not any

addition added to it. If any addition is added to it, I will be calling him to order on that. Thank you.

POINT OF ORDER

Hon. Jeanne J. Atherden: Point of order, Mr. Speaker.

And the reason I say that, if he is repeating persons allegations, then each time he says that he should say *"the allegation is"* because if the listening audience do not hear that, they will believe that these various statements are factual.

The Speaker: Okay. Well, that is a point that I will hold to, meaning, Member, you can just refer to it as an allegation that has been made in the public news.

Hon. Zane J. S. De Silva: Point of clarification, Mr. Speaker, if I may.

The Speaker: Yes, you may.

POINT OF CLARIFICATION

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

And if I could refer to Hansard, December 1, 2017, and I quote Mr. Grant Gibbons. This is not hearsay, Mr. Speaker, this is from the former Minister Grant Gibbons, December 1st, 2017 [page 792].

And I quote, "I am going to thank some other people when I get toward the end of what I have to say, but I think at this point it would be useful just to say that Alan Burland and BCM McAlpine should be commended for what I think was an extraordinary contribution. I am talking about the period leading up to the announcement in December of 2014. Because on a pro bono basis, they did an extraordinary amount of costing of . . . the various" (types of) "options. . . ."

He went on to say, "We all know that BCM McAlpine was chosen very quickly after the announcement to be the project manager."

Without tender.

The Speaker: Thank you.

Member, continue.

Mr. Christopher Famous: Yes, Mr. Speaker.

The Speaker: And just be mindful, if it is a piece that you can just indicate that it is alleged based on the public news.

Mr. Christopher Famous: Okay. The *alleged* stuff, Mr. Speaker.

You see, in the PLP we have what we call "batting partners." Not B-E-T-T-I-N-G, B-A-T-T, right? Anyway, Mr. Speaker, let's do a little math. [There was] $67 million on America's Cup itself. And $50 million on Cross Island. That is $117 million. That is no allegation.

Mr. Speaker, I find it curious that the present Opposition Leader is getting up to defend the former Leader, when the former Leader knows quite well what went on under his watch, because of what you call "collective responsibility." But once again, I do not know why, the present Opposition Leader is defending the former Leader. But let us move on, Mr. Speaker.

ELECTORAL REFORM

Mr. Christopher Famous: It is clear that the Michael Dunkley-led OBA took care of their friends and family. That is clear. So you see, Mr. Speaker, while they were doing that they were taking taxpayers' money to persecute civil servants. Mr. Speaker, as Prophet Bob Marley said, "These are the big fish who always try to eat down the small fish." Indeed, Mr. Speaker, guiltiness.

Let me move on, Mr. Speaker. I am going to pivot slightly, if possible.

The second lesson comes from Bob Marley once again. He has a song, "One Love."

"One love, one heart

"Let's get together and feel all right" . . .

"Give thanks and praise to the Lord and I will feel all right."

Mr. Speaker, every week the present Opposition Leader gets up and much to her credit she asks for us to come together and find collective ideas to better the people. *Let's stop going at each other.* That's good. But every week, whether it be *Bernews, Royal Gazette,* or Twitter, her own Members are coming after us. So how are we going to have "One Love," how are we going to have *Kumbaya*, when her own Members are attacking us every week? It does not work like that. You cannot ask for peace with the left hand and then slap us with the right hand. We are not going to take it. But let's give the benefit of the doubt that the Opposition Leader is true to her word. Which I think she is because she is a Berkeleyite.

Are you Gold House or Green House?

[Laughter]

An Hon. Member: What do you mean?

Mr. Christopher Famous: Well—

The Speaker: Everybody is green up here, Member. Everybody is green. There aren't any Gold House. Everybody is green here.

[Inaudible interjections]

Mr. Christopher Famous: They weren't gold today.

But anyway, let's take it that the Opposition Leader is true to her word, which I think she is. And,

you know, there are things that we should work on together. The first one would be electoral reform, Mr. Speaker. Recently in the bye-election, and the new Member from constituency 22 could attest, we had a polling station set up with 10 people working inside, 5 to 10 people working outside for a total of, I don't know, less than 10 people to come out to vote.

Mr. Speaker, it would make a little bit more sense to set up advance polling where people can come to the Parliamentary Registrar's Office, show their travel documents, and cast their ballot right there and then, because, as we know, some people are not going to go through the problem of going up there, getting a certificate, then going to the polling station later on. It is just kind of cumbersome. And it is a big expense on the Parliamentary Registrar's Office to employ 10 people for 20 people to come out and vote. So one of my suggestions to the Opposition Leader, let's work together on some electoral reform.

Another piece of electoral reform, Mr. Speaker, is that we have all canvassed and we find voters home who cannot get out to vote. They are of sound mind, but their body has failed them to the point that they cannot leave the house. Unless someone goes to their house, they are not going to get to exercise their vote. As a Government and as Opposition, I think we want all sound-mind people to cast their vote. So I am thinking, the Opposition Leader could take the credit for this, come up with the idea of changing the legislation to allow the Parliamentary Registrar's staff to go to people like that and cast their vote right there. Maybe we have to expand the time for advance polling time from one day to a week, but this is what true democracy is about.

Another thing that the Parliamentary Registrar had lined up was for [visually] impaired people to be able to cast their ballot at the polling station where usually they go in and somebody says, *Well, put your "X" here,* and who they are with could probably be misleading them, telling them to put their "X" in the wrong spot. But there are some machines with technology that now allows them to vote, if they are [visually] impaired, totally or partially. I think we need to allow that legislation to come to fruition. Let me move on, Mr. Speaker.

SCARS TRAINING FOR PARLIAMENTARIANS— (SAVING CHILDREN AND REVEALING SECRETS)

Mr. Christopher Famous: I want to give thanks to the Member in front of me, constituency 2, Renee Ming.

The Speaker: One.

Mr. Christopher Famous: Sorry, [constituency] 1. [constituency] 1 and 2, all St. George's.

[Laughter]

Mr. Christopher Famous: Just testing you.

But anyway, she has been the chair of the Joint Select Committee for the Protection of Children. Last week we went to SCARS [Saving Children and Revealing Secrets] training. I do not know how many have done SCARS training—

An Hon. Member: I have.

Mr. Christopher Famous: —but it is moving, to say the least. One of the suggestions coming out of that was that all parliamentarians should be SCARS trained, sir.

The Speaker: Mm-hmm.

Mr. Christopher Famous: I think that this should be mandatory. If you want to be a leader in this country, you need to be SCARS trained. I would go one step further, and ask the Opposition Leader that all Members of the Executive of both parties should be SCARS trained because it is very important. Eventually that joint select committee is going to bring—

The Speaker: Ah, ah, ah, Mr. Commissiong, you are a senior. You ought to know better. Have a seat over there for a while.

Mr. Rolfe Commissiong: You are right, you are right, Mr. Speaker.

The Speaker: Have a seat.

Continue on, Mr. Famous.

Mr. Christopher Famous: That joint select committee is going to bring comprehensive legislation for the protection of all children, Mr. Speaker— recommendations, sorry, that is why you are the boss. Recommendations for legislation for all children, protection of all children.

LIVING WAGE

Mr. Christopher Famous: Mr. Speaker, let me move on from that. Something that is near and dear to the Member from constituency 1 *[sic]*—a living wage. I am quite sure the Opposition Leader—

The Speaker: Constituency—

Mr. Christopher Famous: Constituency 21, sorry.

The Speaker: Yes.

Mr. Christopher Famous: I am quite sure the Opposition Leader and her colleagues will agree that Bermudians need to have a living wage, something that will [enable them] to go and work and come home and

feed their children, take care of their mortgage, pay their light bill. And right now we do not have that.

Someone put up on Facebook yesterday that a job was being advertised—

[Timer beeps]

The Speaker: Oops! Sounds like the clock ran out on you, my friend. Save that for next week.

Any other Member wish to speak?

I recognise the Honourable Member from constituency 29. Honourable Member De Silva, you have the floor.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

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

Mr. Speaker, I have a couple of things that I would like to talk about tonight. It is five to six.

Mr. Speaker, this morning we had Minister Lovitta Foggo get up to read a Ministerial Statement and just inform this House and the people of the country of some of the things that are happening in her Ministry. During the question-and-answer period, you might recall that the former OBA Premier, Mr. Dunkley, the Honourable Member, had some comments and questions. I was very surprised by a few of his comments because you might recall, Mr. Speaker, that the Honourable Minister said that she had put out an RFP for companies in the Island to advise her with regard to reform in her Ministry. And she went on to explain many different things, you know, make it more efficient, transparent, and things of that nature.

But what I found interesting, Mr. Speaker, was when she informed us and the people of the country that PricewaterhouseCoopers [PwC] were going to be engaged, or are engaged, and they would not charge the Government anything, and I think she said words to this effect that, *there would be no charge because it aligns with their [PwC] core principles.*

And of course, the Honourable Member and former Premier of the OBA, Mr. Dunkley, got up and questioned her. And what I found particularly interesting was when he said *there was no free lunch.* Insinuating—insinuating—that their bill would be forthcoming.

And it is ironic that my colleague, Mr. Famous, had talked about Cross Island in his presentation, because . . . and as I had to point out, because the Opposition Leader got up and drew a point of order on my honourable colleague, and I had to read out this excerpt from [Hansard of] December 1st, 2017, when the former Minister, Grant Gibbons, stated to this House that BCM [BCM McAlpine Ltd.] gave an extraordinary amount of pro bono hours.

An Hon. Member: I remember it.

Hon. Zane J. S. De Silva: And you might recall, Mr. Speaker, that during the debate on the America's Cup, only two people spoke that day. It was the Honourable Minister Grant Gibbons from that side, and me from this side. And it was interesting, because we heard things from the Honourable Minister, former Minister Gibbons, *We had to move quickly,* they had the expertise to get the job done, notwithstanding the fact that this project had been worked on, I would think, for at least a year or so prior to the awarding of the America's Cup.

But I found it interesting that the Honourable Member seemed to insinuate that something else was coming, because someone offered their services for free. How quickly we forget. And as long as I am in this House, Mr. Speaker, I have made notes, and I continue to make notes. And I rely on Hansard quite often, as you know. Because if I get up and speak, I like to try to have my ducks lined up in the correct order. So, I found that interesting, Mr. Speaker.

And whilst we are on the America's Cup and that presentation that day, we are now almost a year past that America's Cup, or we are a year past the America's Cup. And you remember there was a lot of talk about the legacy impact. And there were going to be $330 million thrown into our economy because of the America's Cup. Well, it has been a year. And it would be interesting, now that we have had a change in Government, to see those statistics as they are compiled and how they are compiled, and what actually happens as opposed to a prediction. Hundreds of millions of dollars.

Now, Mr. Speaker, whilst we are on the Honourable Member, Mr. Dunkley, I am going to make a plea to him tonight to stop, cease, and desist with regard to his paranoia regarding cryptocurrency. Mr. Speaker, I have a document in front of me. It is from *Bernews,* a *Bernews* document where the Honourable Member is quoted. And he has continued to be quoted, almost what seems like a daily occurrence.

[Inaudible interjection]

Hon. Zane J. S. De Silva: But he does not. He talks on the . . . I heard him on the news yesterday. I hear him on . . . I see this article from *Bernews,* Mr. Speaker. He is on social media. I do not do the Twitter, the Instagram and all that stuff. But he is very quiet in this place. And he keeps dissing it, week in, week out, day in and day out. Cease and desist!

The Honourable Premier read out yet another Statement today, I think to try to convince the Honourable Members from over that side. And I should not say *Members,* because it seems that it is only *him*. Because I have to believe the majority of Members on that side welcome all of the MOUs that we have been signing, and welcome additional business and jobs for the country, whether it is foreigners coming in, which we need. Bob Richards used to tell us, week in and

week out, *We need to bring foreigners in. Foreign exchange is what we need. We need outside investment.*

And when the Honourable Premier got up this morning and read yet another explanation as to what he felt they need on that side for a little reassurance, let us hope it stops. Let us hope it stops.

An Hon. Member: It is the same old playbook.

Hon. Zane J. S. De Silva: Yes, it is the same old playbook, indeed.

Now, Mr. Speaker, we have also heard this morning from the Honourable Minister of cryptocurrency himself, Wayne Caines, about some costs that disturbed me. And I thank the Honourable Member, Mr. Dunkley, for bringing about parliamentary questions, because it certainly revealed some information to me, and maybe more to come. I have some things that I would like to point out tonight that I hope the Honourable Minister of cryptocurrency brings back to this House in the very near future.

We heard this morning, Mr. Speaker, and it is no hearsay . . . and I have had a little time to do some arithmetic. And I would like to think that I am not far off the mark when I know that we have been paying seven non-Bermudians and two Bermudians for the last two to seven years, for investigations at a cost of between $4 [million] and $6 million.

My question is, How long?

And my question, I guess, has to be to the Governor, because he controls the police. How long do the taxpayers of this country have to pay for these investigations? How long and how much? When we have our people whom we want to help, whether it be on Financial Assistance, whether it be in health care, whether it be buses for our people, whether it be roads so that our people can drive, whether it is our seniors, you pick your poison. How long is it going to go on? Why can't our very own CID [Criminal Investigation Department] take care of any investigations?

The other question I had is, What have they found? How much longer will they continue to deliver zero? Are we going to pay another $4 [million] to $6 million and another six, seven years? Is Dr. Brown going to be in his grave and the investigation is still going to continue?

An Hon. Member: An open-ended investigation. It is open-ended.

Hon. Zane J. S. De Silva: How long? When are we going to get a report? We hear in this House so many times about, *Well, a report is coming.* When are we going to get a report on these investigations and the millions of dollars of taxpayers' money that we are spending?

There is a thing, Mr. Speaker, called "law of natural justice." Our own Bermuda Constitution states that one must know who their accusers are. Our own Constitution! So if there is a case, I say bring it and bring it now! How long must somebody have to have that type of weight hanging on their shoulders? How long?

An Hon. Member: How long, Lord? How long, Lord? How long, Lord?

Hon. Zane J. S. De Silva: And, Mr. Speaker, with your permission, I would like to read this section in our Constitution. And it is on page 13, and it is section 6(1) [of the First Schedule].

The Speaker: Continue on.

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

Section 6(1), "Provisions to secure protection of law" (and section 6(1) says, and I quote) "If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law." That is our Constitution, Mr. Speaker, our Constitution.

Mr. Speaker, we know that the former Attorney General, Trevor Moniz, brought cases against the Lahey Clinic. Dr. Brown's name was mentioned in it several times. I am talking about our former Premier, Dr. Brown; let us get it straight.

An Hon. Member: The Honourable.

Hon. Zane J. S. De Silva: The Honourable Dr. Brown, yes, indeed.

We know that his "understudy" (I will use that word; I do not know if it is the correct legal term), Mr. D'Ambrosio, who did much of his work and received much of the information on Dr. Brown, we know that he played a major part in helping the former Attorney General. Well, Mr. Speaker, we spent $4 [million] to $6 million in investigations. We spent another couple of million dollars on a commission of inquiry, which was nothing but a witch-hunt and an OBA election ploy, in my eyes. We spent another $4 million on that Lahey lawsuit, which not only cost the taxpayers of this country, but it also put our [MLAT] treaty agreement in jeopardy, as you recall, Mr. Speaker.

We have allegations, Mr. Speaker. And I say "allegations," and I use the term as you guided my colleague who spoke before me. We had allegations that the former Attorney General, Mr. Moniz, removed important confidential files for shredding, or otherwise.

And why do I use the word "shredding," Mr. Speaker? You will recall that Honourable Member, the former Attorney General, Trevor Moniz, gave a personal explanation in this House. And that document is right here, Mr. Speaker. I can table it for those who did not keep a copy. And he said, and I quote, *Let me categorically state that shredding or destroying of*

documents . . . Let me just get my glasses, Mr. Speaker. "Let me categorically state that this is false." (Now, here is the kicker.) "No documents of any value were shredded during my time as Attorney General."

Now, you might say, *Okay, well, he denies it.* Well, let us read it again. Now, let us try and understand the English language: "No documents of any value were shredded." To me, that says, *Some documents were shredded; but in my estimation they were not of value.*

Hon. Jeanne J. Atherden: Point of order, Mr. Speaker.

The Speaker: Hold on, Member, to take a point of order.

POINT OF ORDER
[Misleading]

Hon. Jeanne J. Atherden: Unless the speaker is a lawyer, I believe he is misleading the House.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Mr. Speaker, I do not have to be a lawyer; I can read the English language.

And I will repeat. I will repeat. "No documents of any value were shredded during my time as Attorney General." Maybe they were shredded after 7:30 at night on the 17th of July.

But let me say this. But, Mr. Speaker, that in itself tells a story. And why do I bring that up, Mr. Speaker? Because, you know what I think? I think it is time to put all this to rest. And I am glad that the Honourable Opposition Leader got to her feet, because I, too . . . she is probably tired of hearing it. And I think a lot of people are probably tired of hearing it. So, let us put it all to rest.

And I see our Premier has just walked in the room. And I would like to formally, *formally* ask our Premier for a commission of inquiry.

[Pause]

Hon. Zane J. S. De Silva: For a commission of inquiry into these events. It is overdue. It is overdue. We put the lifeline of our country at risk when we took Lahey to court. How can . . . how can an Attorney General leave his offices after losing the election? There are no notes.

Now anybody in this House who has been a Minister, anyone who is listening who has been a Minister knows very well what happens in your Ministry. And we know what happens on the eve of an election, do we not? We know what happens to all of the information on one's desk. It all goes in a box by the Permanent Secretary and his Personal Assistant, for the incoming Minister. Correct? We all know that.

So, here we have an Attorney General who loses the Government. There are no notes. There are no memos. There are no government files relating to the Lahey case—absolutely zero!

The incoming PLP Attorney General has to . . . I do not even know if she took a flight to Boston to try (and she did) and recover some information on this case. And we all know how public this case was, how damaging it was to Bermuda. And, thank God, the case was thrown out. But how much damage was done? How many lives has the Lahey Clinic saved? Thank goodness for the vision of Dr. Brown to form that relationship with the Lahey Clinic.

So, again I ask, and I state, that I would like our Premier, and I am calling for a commission of inquiry into the actions of the former Attorney General Trevor Moniz when he was acting in that position. I call for it.

An Hon. Member: Hear, hear!

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

The Speaker: Yes. Thank you, Member.

I recognise the Deputy Speaker. You rose very quickly that time, Deputy. You have the floor.

Hon. Derrick V. Burgess, Sr.: I was on the bounce.

The Speaker: You were on the bounce. You are ready to roll.

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

The Speaker: Good.

RACIAL BIAS—LACK OF RACIAL DIVERSITY IN BERMUDA'S WORKFORCE

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, first I want to, I guess, congratulate (even though late) the speech that was made by Mr. Jonathan Reiss at the Bermuda Captive Conference. And, Mr. Speaker, if I could read a few excerpts from his speech?

The Speaker: Being that you sought permission, go right ahead.

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

Mr. Reiss said that "he believed his skin colour and family connections had helped him progress in his career."

He also said, "A white-male dominance continues to prevail in the executive teams of companies whose workforces failed to mirror the diversity within their communities."

And [he said] "we all need to do much more." He said, "We control who gets the best opportunities."

And he said, "The reason there aren't more black Bermudians in our industry, particularly at senior levels, is much more complicated than outright discrimination."

But he went on to say that "the current rate of progress is not good enough." And just one more. He said, "A quick check of the boards of directors of major insurance and reinsurance companies in Bermuda shows that women are still a distinct minority. Persons of colour are virtually non-existent."

And then we got . . . a Bermudian got up and thanked him and said he should get a standing ovation. And I agree. But, Mr. Speaker, you know, if Dr. Eva Hodgson would have made that same speech, a lot of blacks would have distanced themselves from her. And as I have said in this House before, if we would have followed the direction on race issues in Bermuda that Dr. Hodgson had given this country over a quarter-century ago, we would have been in a much better condition than we are today.

Mr. Speaker, what I am saying is that a lot of whites, and some blacks, benefit from racism. And so, they keep quiet. If they are benefiting and doing well, they keep quiet. You know, I have heard, when I have been on the picket line during Ottiwell Simmons' days, during Chris [Furbert] days, and you get some blacks saying, *Ottie, Chris! A half-a-loaf is better than nothing.* And, you see, some blacks have been selected covertly to benefit from racism. And they know that. And they do not want you to rock the boat. Now, they are not worried about Ms. Smith at all. But they are just concerned about themselves, Mr. Speaker.

Mr. Speaker, in Dockyard, a fellow got a Queen's Award on the honours list, the Queen's Birthday Honours List, because, I guess, he made millions of dollars. That is the only way I can think of it. But in the commission of inquiry that was set up by Premier Michael Dunkley (at the time—former Premier) . . . I really could not believe what they put in writing. Mr. Speaker, they put in writing in their report that two black men made too much money.

An Hon. Member: That is right.

Hon. Derrick V. Burgess, Sr.: And so, they begrudged that, and they wrote it as if it was an offence.

Now, that was their calculation. I do not know what those two black gentlemen, Linton Burgess and Vincent Hollinseed, both my cousins, I do not know what they made. But the perception that that committee gave, it was an offence. You see, the sky is the limit for some; and for others, it is a control.

Now, Mr. Speaker, I like history, and I will keep repeating it here. And the reason why I bring up history is because I want some folks to look in the mirror. Because what happened years ago continues to happen in a different form. So, I have to remind them and show them that their actions are no different than they were 50, 60, 70, 100 years ago. It continues, Mr. Speaker. When you can put together a committee—and I called it a "lynch-mob committee"—of people who have not done anything to enhance the life of blacks, and they are put there to judge blacks, they come to the table with a negative thought about blacks, in fact, preconceived. In fact, the chairman of the commission of inquiry, before the hearing even started, made a judgment on Port Royal. He said this was outright fraud! And you know what surprises me? You had a former Member of this House, John Barritt, who is a lawyer. He did not take offence to that.

Mr. Speaker, in the proper legal fraternity, or in the courts, if any judge would have made such a statement before a trial, they would have been off that committee. But, you see, that committee was deliberately put together. Those people were handpicked to bring in a verdict that they wanted to make us look like we are a bunch of thieves, Mr. Speaker.

Mr. Speaker, the former Premier of this country commissioned a commission of inquiry on what the PLP had done, only on certain people—Dr. Brown, my cousin Zane De Silva, and myself. I guess they figured, *Well, those three are pretty tight friends. So I have got to take them out.* And I even had some of my own people distancing themselves from me. I understand even one of them said . . . somebody asked them something about in the Ministry, and they said, *I don't want to go before a commission of inquiry.* That is the thought we had.

And, Mr. Speaker, I wish Mr. Dunkley was here, because I do not like to talk in people's absence. But we are paid to be here. And I am here; he is not there. I am sure he is listening, Mr. Speaker. And I know that he is a pretty wealthy fellow. And what happens with these wealthy fellows sometimes, they back people. For example, if they were to call your mortgage, Mr. Speaker, and if you had a conversation with them before, they will call the bank and say, *Look. Don't take so-and-so's mortgage. I've got it covered for a while.* And this is what they do. So that is how they control, because that is what racism is about, you know. It is controlling people. It is controlling those who should make it and those who will not make it. That is part of racism.

Mr. Speaker, I could read from a book, if you do not mind.

The Speaker: Go ahead.

Hon. Derrick V. Burgess, Sr.: It says, "Racism is a group-based power and economic-control phenomenon in which one racial group owns and controls so much wealth and resource power that it can enslave, subordinate, exploit, exclude, or render another group non-competitive. It can predetermine what the lesser-power group can own, control its wealth, and the extent to which it will be allowed to compete."

Mr. Speaker, that goes back to the segment of what the commission of inquiry said. *You folks*

shouldn't make this type of money! (based on their calculations), *because that goes against our meaning of racism. You are breaking the code!*

As Mr. Reiss has said, and Zane De Silva has said in the Parliament himself, he said, *If I weren't this complexion, do you think I'd be in the condition I am?* He said that. But nobody paid him any mind because he belongs to the PLP, right? But I am glad Mr. Reiss had the fortitude and nerve to make that speech in front of such a great group of people there.

Mr. Speaker, the same things that they were trying to determine at the commission of inquiry, this was not tendered and this . . . like something done wrong. Simultaneously, as the hearing was going on, the OBA Government, as you heard my colleague, Field Marshall MP Famous, say, the land reclamation at Dockyard or Crossroads, I do not know, Cross Island, over $39 million of cost was not tendered.

Mr. Speaker, the airport contract was not tendered. The lawyers who were paid $4 million to write a contract so that any future Government could not get out of it, that was not tendered, Mr. Speaker. The lawyers for the commission of inquiry, that work was not tendered. King's Wharf work in Dockyard was not tendered. This was going on at the same time that the commission of inquiry was going on.

And some of these were brought to the attention of the commission of inquiry, and they did not even report on it. Mr. Speaker, in the commission of inquiry's report . . . if I may read two lines, Mr. Speaker.

The Speaker: Go ahead.

Hon. Derrick V. Burgess, Sr.: It says, and this is concerning Ambling. That is a company that the Government hired as consultants amongst three ministries of the Government to help this out. But this says, when they are talking about Ambling, "the Commission was unable to locate any reports or work product." It says, "Substantial sums were paid to Ambling but there are no coherent records of any services they performed."

Mr. Speaker, let me tell you something. About four months ago, I am told (I just learned this this week) the Bermuda Police Service investigation went to Atlanta to interview the head of Ambling. And they were so surprised to see his files, so many files of work they had done in Bermuda. Mr. Speaker, I do not know . . . I am not sure what . . .

Mr. Dunkley has just come in. I am so glad that he is here.

Mr. Speaker, the amount that we paid Ambling (let me see this here), when I was in W&E [Works and Engineering], I was told that we could not knock down the Holiday Inn Hotel because . . . in fact, let me just digress a bit. I had a meeting with my tactical people in Works and Engineering. And I said to them, *I want to knock down the hotel before Cup Match.* And they told me, *Oh, you can't do that, Minister. It would be all this year and next year.*

I said, *Yeah? Okay.*

So, I asked, them, what is the total approved funding to knock down the hotel? They told me $20 million. I said, *Well, I'm not going to spend that type of money.* So I started to make some calls, and I got hold of Ambling, our consultants. I sent him the RFP. Mr. Speaker, we knocked down the hotel, cleaned the lot up, for $13 million. We saved $7 million as a result of the consultation that we took from Ambling.

On another report, they brought a Cabinet paper for me to take to Cabinet to get approved for a report on Morgan's Point. And the report was to cost just over $1 million. And I told my PS [Permanent Secretary], I said, *We're not going to pay $1 million for any report.* And one of the reasons was the same company that was asking for a report had been working up at Morgan's Point, doing geo-tactical work. Oh, they were just cutting and pasting and charging us $1 million.

So we sent the RFP to Ambling. They got the report for $300,000. But because the principal owner of Ambling is darker than me, there has got to be something wrong. If I had gone to a company owned by Caucasians, there would have been no problem—no problem, whatsoever, Mr. Speaker. And the commission of inquiry, again, was set up.

I wish the Premier at the time would have set up a commission of inquiry into drugs that came in a container, to find out why was the investigation stopped? That is what the commission of inquiry should be addressing. And put some decent people on there, not handpicked people who have never done anything in their lives to enhance the lives of black people, Mr. Speaker.

Mr. Speaker, when we fired the Canadian architects for the Dame Lois Browne-Evans Building, they sued us. And they had a partially decent case. And we countersued, Mr. Speaker. And we had even a better case, not based on what we said, but based on the lawyers whom we hired. Sent the case to another law firm for their assessment, and it came back. See, our case . . . we were suing for $6 million. And the Canadian firm was suing for just $1.2 million. The lawyers, experts in that field, came back and said, *Twenty-five per cent of your case* (talking about the Government's case) *is on solid ground.*

Now, Mr. Speaker, [that] never appeared in the report of the commission of inquiry. That is how I know it is racist. Because our lawyers, lawyers who were hired by the Government to handle this case for Government, were trying to get information from the chief architect. And, Mr. Speaker, he would not cooperate. I have got that in writing. In fact, I submitted that to the commission of inquiry—he would not cooperate with them, Mr. Speaker. And normally, if you do not cooperate with your employers you are going to lose your job. But, obviously, he was protected from high

up, because he has done some other things and never served, not one minute, of suspension. It was a conspiracy going on to try to take out Dr. Brown, Derrick Burgess, and Zane De Silva, in particular. That is what it was about, Mr. Speaker.

And, Mr. Speaker, you know what is ironic about this? The same lawyer who represented the Canadian architect represented this Government employee. That is not ethical in the legal field! But this is what happened. And then, when we were voted out of Government, the OBA Government settled with the Canadian firm for $700,000 and never once consulted the lawyers who represented the Government—never once! For $700,000. That is what we should have a commission of inquiry on, an investigation on that, Mr. Speaker.

Mr. Speaker, some skulduggery went on at the highest level—at the highest level in this country. And you know what sort of frightens us, as former slaves? It is that if they investigate you long enough and they cannot find something, they will put something there. And you are trying to fight your way out of this, that you do not even know what they are talking about. Too many black folks have gone to prison, being framed by policemen who were brought into this country, lied about them! Some have gone to the gallows, Mr. Speaker. Some of our people were murdered, executed.

Mr. Speaker, I would venture to say there is not one white person who has ever been executed for killing a black in Bermuda—not one!

An Hon. Member: It was a law to do so!

Hon. Derrick V. Burgess, Sr.: My colleague and my cousin said, *It was a law to do so.* They were protected by law. If you killed a slave in the course of your daily on-goings, [you] were protected by law. I think that law was made in, I believe, 1761 in Bermuda. That is the type of laws we had in this country, Mr. Speaker.

Mr. Speaker, and you see that the racism continues in this country, headed by the occupant of that big house at Langton Hill. Why do I say that, Mr. Speaker? Because, Mr. Speaker, racism has continued in Bermuda at a time when it was outlawed in England. Why would England allow a colony to continue racism in this country [when] it is outlawed in England?

Mr. Speaker, I have got a newspaper from the 1950s, where it is advertising for a job, and it says, *Only whites need apply.* And people do not like it when I go back and talk about racism. Right? It is okay for a white person, who does not belong to the PLP, to talk about racism. But when a black talks about racism? Oh, man, they call us so many names. I bet you look at those bloggers tomorrow, and what they would say about me, which I do not lose any sleep, Kendra will tell you that. I do not lose any sleep. No, I go right to sleep.

Oh, yes, Mr. Speaker. But, Mr. Speaker . . . and now we have some investigators in here, I think seven from Britain. Mr. Speaker, that is costing us at least $1 million a year—$1 million a year!

Mr. Speaker, when you think about what they are being paid, as the Minister announced this morning, then I am sure they get food and rent. And then they travel back and forth to London; or travel to wherever they want, on this taxpayer. We are allowing this to happen, when Mrs. Smith cannot afford health care. She cannot afford decent accommodations, medicine, food—

The Speaker: You have got one minute.

Hon. Derrick V. Burgess, Sr.: I'm almost finished?

The Speaker: Yes.

Hon. Derrick V. Burgess, Sr.: Oh, my goodness, Mr. Speaker.

The Speaker: I just happened to look at it.

Hon. Derrick V. Burgess, Sr.: That is all right, Mr. Speaker.

And we have got these folks in here, Mr. Speaker, in vested vacations.

[Laughter]

Hon. Derrick V. Burgess, Sr.: That is what it is, Mr. Speaker. Thank you, Mr. Speaker.

[Timer beeps]

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak?

I recognise the Honourable Minister up here close to me. Minister Burch.

GOVERNOR SHOULD NOT PRESENT CUP TO CUP MATCH WINNERS

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

The Speaker: Yes.

Lt. Col. Hon. David A. Burch: You would know that some of the young Turks in this House were born in Paget.

The Speaker: Continue.

Lt. Col. Hon. David A. Burch: Mr. Speaker, I, probably like you, was born in Somerset.

The Speaker: That is the best place to be born.

An Hon. Member: Hear, hear!

The Speaker: Best place.

Lt. Col. Hon. David A. Burch: Delivered by a mid-wife, Mr. Speaker.

The Speaker: I will bet you she was named Alice Scott, eh?

Lt. Col. Hon. David A. Burch: And you would also know that I have to cross the smallest drawbridge in the world to get to the mainland.

The Speaker: Mm-hmm.

[Inaudible interjection]

Lt. Col. Hon. David A. Burch: Mr. Speaker, I want to talk about Cup Match, actually. That is how I started this.

The Speaker: You will never cross the bridge. You stay up there. Stay up there.

Lt. Col. Hon. David A. Burch: Because I do recognise and need to remind some people in this country that the first day of Cup Match is Emancipation Day, Mr. Speaker.

The Speaker: Yes. Yes.

Lt. Col. Hon. David A. Burch: And the history of Cup Match was black people in this country playing against . . . in the east, playing against the west. And you know that Somerset have bust our tails more than they would like to believe.

The Speaker: Yes. Yes. The records will put you straight.

Lt. Col. Hon. David A. Burch: And they will continue to do so.

The Speaker: The records are straight.

Lt. Col. Hon. David A. Burch: We will let you come to Somerset and see the cup, nice and clean and shiny. But you will be going home empty handed.

The Speaker: There is no objection to that, I notice.

Lt. Col. Hon. David A. Burch: I know.

I want to talk about Cup Match, because I also happen to be a member of Somerset Cricket Club. And I have repeatedly, as a member of that club, made the motion that, you know, I find it offensive, personally, and also as a Bermudian, that we play this and we celebrate this annual, historical occasion, and then we turn around and we invite the supervising power to come and present the cup. Mr. Speaker, I have repeatedly made the request, made the motion in Somerset Cricket Club, that we should stop doing that!

An Hon. Member: Yes!

Lt. Col. Hon. David A. Burch: Because it just does not seem to make any sense to me. And we should invite him, that in the interest of justice, still, that you probably do not qualify to come and present the cup in celebration of emancipation, Mr. Speaker.

Suffice to say that I have failed in that quest.

The Speaker: But I know you did not give up.

Lt. Col. Hon. David A. Burch: Of course, Mr. Speaker. I would not give up.

So, now, Mr. Speaker, you would know that . . . and, Mr. Speaker, just to be fair, because I do not think it is a burden that just Somerset should bear alone. I have made the same request repeatedly to the leadership of St. George's Cricket Club. And they are in the same boat as the leadership of my cricket club. None of them will take the step and show some courage.

So I am hoping I am giving them cover, Mr. Speaker, by these comments today. Because I know they get reported to Langton Hill. And I am not afraid, Mr. Speaker, unlike a whole lot of people around here, who in the quietness of their room or in a secret place will talk badly about the British or stand up for what they know is right. But when it comes time to say, *No, I won't come to Langton Hill until we actually have a governor general in place,* they still go.

And see? I have a fear, Mr. Speaker, and I do not mind sharing with you. I do not go up there for a number of reasons. One of the pre-conditions of taking this job this time (and I am deviating slightly, but it is important), was that when I was interviewed to be a Minister in this Government, I had two pre-conditions. And I know that sounds strange, because most people being invited to do this job would have said, *Oh, yes. You call me whatever you like. I'll take it!* But I had two pre-conditions. And I had to remind the Premier the other day because he forgot one of them.

One of them was . . . the first pre-condition was that if you ask me to do a job you cannot send anybody to tell me how to do it. You must have confidence that, having given me a job, I am going to do it. And when you lose confidence in me, just fire me. You cannot send somebody to sit on my shoulder and say, *Burch, go left,* or, *Burch, go right.*

The second prerequisite was that I was only going to go to Government House once.

The Speaker: To be sworn in.

Lt. Col. Hon. David A. Burch: I already broke that rule, because I went on the 19th of July to see him being sworn in as Premier. And then I went a day later to be sworn in as a Minister. So I have been there twice in this term, 100 per cent over my limit!

[Laughter]

Lt. Col. Hon. David A. Burch: So, Mr. Speaker, I go off the road because I have to remind the Premier, because you will know that I have acted twice, I think it is, as Premier of this country, and I hope never again because I did . . . anyway, it is another story.

But I had to remind the Premier, because he was away on a Wednesday. *I am not going up there to meet with that man, you know. I am not doing that.* I am afraid. He can write a memo. And considering the way the British have acted recently, I would suggest that we do not go until they start to behave. You know what you do with recalcitrant children? You punish them.

In any case, Mr. Speaker, fast-forward to 2018. And, Mr. Speaker, I am the Minister of Public Works. And the leadership of my club, Somerset Cricket Club, first they wrote to the Premier setting out what they would like the Government to do. And one of those requirements was something from the Ministry of Public Works. And so, I met in this House, I believe, a week ago or two weeks ago with the President of Somerset Cricket Club, the Vice President, and one other representative. And first, I had to reprimand them for whining to my boss, because they were doubtful about me delivering on what I had promised to do. I had promised to fix a wall at Somerset Cricket Club.

But in doing so, I indicated to them that there were pre-conditions. And there were two. That is my favourite number. One was they had to recycle. Because I am tired of going to Cup Match, whether it is in Somerset [or] St. George's, and this is long . . . this is just as an average Bermudian, not as the Minister responsible for this. But I am tired of going to both places—I am tired of coming through this House, Mr. Speaker, actually, because this is where we are going to start. Because we have people in this place . . . we have got two bins outside. One is recycle, and one is for regular garbage.

The Speaker: They are colour-blind.

Lt. Col. Hon. David A. Burch: And they pay no regard to it whatsoever.

The Speaker: They are colour-blind. They do not know the difference.

Lt. Col. Hon. David A. Burch: Colour-blind.

The Speaker: They do not know the difference.

Lt. Col. Hon. David A. Burch: That is why it is going to be mandatory. So we can blame ourselves when the legislation comes.

But in any case, Somerset Cricket Club thought that if they met one condition, that I might surrender. So, one condition was that they must recycle. So, part of the RFP for waste management this Cup Match is to deal with recycling. So, tick that box.

The second requirement was that in order to get their wall built, they could not invite a governor to present the cup. Mr. Speaker, you will know, or maybe some other Members would know . . . and he will get up and speak in a little while, trying to defend himself. The Member of this House sits on the executive committee, or whatever they call it, up at Somerset Cricket Club. And they have all been in a panic about whether, you know, this wall is going to be ready in time for Cup Match.

But I can confirm tonight, Mr. Speaker, it might be ready for Cup Match, but the Ministry of Public Works will not be building it. They are unable to find the fortitude, or whatever it is that they lack, in order to tell the man on Langton Hill, *Thank you very much. But watch cricket on TV, or football or* (I do not know, whatever game you wish to watch, on TV). *But you are not welcome at Somerset Cricket Club on Emancipation Day.*

And so, as a result, Mr. Speaker, I figured I would stand on the floor of this House and take the criticism from those. I guess I get it because . . . I know I get it, because people report to me that they have something bad to say about me. I can confirm for them that I have an unblemished record of I-do-not-read-it, especially if you are writing, anonymously, stuff about me. That is called cowardice. And so, you are wasting your time, really, unless you are just writing for other folks.

To give them some cover, I am calling on the membership of my club. And so, it would be very easy for St. George's to follow next year, they can just say that, you know, the precedent has already been set and they do not have to invite. And we are used to leading, you know. What I should try and do for next year is to make a motion that, you know, if you want to have Cup Match in St. George's next year, and you want us to bring the cup down there so that you people can have a look at it again on your own turf, then you had better follow suit with us.

[Laughter]

Lt. Col. Hon. David A. Burch: And follow the precedent that is going to be set by Somerset this year. And it is a very short window, Mr. Speaker. I think I got a notice, as a member of Somerset Cricket Club, saying that there were 70 days left to Cup Match. Is that right?

The Speaker: Seven weeks.

[Inaudible interjections]

The Speaker: Seven weeks, seven weeks.

Lt. Col. Hon. David A. Burch: Seven weeks.

The Speaker: Seven weeks.

Lt. Col. Hon. David A. Burch: I knew I got something. I thought, *Oh, yeah. We could build a wall in a lot less time than that. But you are going to have to get a whole lot of courage between now and the deadline for getting the wall built.*

Now, Mr. Speaker, I know we are ready to go. The acting buildings manager of Public Works has been to Somerset. He has had the engineers up there. He has had the surveyors up there. They know what is required. We are on the verge of going out to tender because we are going to not even leave it to chance.

But, Mr. Speaker, until there is confirmation to this Minister of Public Works, unless I am relieved of duty tonight, and then I will just advocate as a Backbencher and all around the country and march on Somerset Cricket Club and all the rest of it to try and still achieve it to you—

The Speaker: As long as you do not wear that white, fuzzy hat.

Lt. Col. Hon. David A. Burch: What?

The Speaker: As long as you do not wear that white, fuzzy hat.

Lt. Col. Hon. David A. Burch: I am not going to wear a white, fuzzy hat. I am going to wear red and blue, Mr. Speaker.

An Hon. Member: Is that blue and blue?

Lt. Col. Hon. David A. Burch: No, sir. I would get a rash.

[Laughter]

Lt. Col. Hon. David A. Burch: Mr. Speaker, but in all seriousness, I honestly believe, and I feel I am unanimous in this, Mr. Speaker. I took a vote. It is three–nothing, me, myself and I, that this is the right thing to do. We should not be . . . in this celebration, it is unconscionable to me that you would invite the people who enslaved us, or descendants of the people who enslaved us, to now come and celebrate with us on an occasion that is set for us, and be the one to present the cup at the end of the festivities. Mr. Speaker, I will take my licks, you know. If St. Georgians, if Jesus helps them to win the Cup [Match] this year, I will accept—

An Hon. Member: They need more than Jesus.

Lt. Col. Hon. David A. Burch: This is true.

I will accept the cup going to . . .

[Inaudible interjections and laughter]

Lt. Col. Hon. David A. Burch: I will accept the cup going to St. George's, in fairness, if they beat us. But, Mr. Speaker, we have got to, at some stage of the game . . . at some stage of the day (right ?) we have got to stand up and say, *You know, enough is enough.* We are mature enough. I do not even go to the "I" word because I know how, you know, wobbly my people go at the mere mention of the word. I am not going there. But I do think that, Mr. Speaker, if people look at it honestly and sincerely, this is a celebration of emancipation of slaves.

An Hon. Member: You reign free.

Lt. Col. Hon. David A. Burch: Emancipation of slaves. And so, why . . . why would you still accept, in 2018, inviting he who enslaved us to come and not only celebrate with us, but to also be the person who presents the cup? I made the case, Mr. Speaker. I would really like to help my club. But they have got to work with me.

An Hon. Member: Yes.

Lt. Col. Hon. David A. Burch: And I believe that, you know, I mean, whatever people will say about me—and they say a lot—one of the things that I know they say is that *I do not say anything I do not mean*. And, Mr. Speaker, unless you have got a new Minister of Public Works before Cup Match, there is going to be no wall built at Somerset, as long as the status quo remains as it is. Thank you very much.

[Desk thumping]

The Speaker: It looks like another Minister is on his feet.

Minister of National Security, you have the floor.

PAID CONSULTANTS IN MINISTRY OF NATIONAL SECURITY

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

Mr. Speaker, I just received . . . hopefully, I can get to it tonight. I wanted to speak and do the majority of my speech on road safety. And I prepared last night from about one to two o'clock in the morning my

speech on the motion to adjourn, as we all prepare prior.

I just received from one of my colleagues a copy of a tweet, or Facebook message . . . a tweet. With your leave, I would like to read it, Mr. Speaker.

The Speaker: Go ahead.

Hon. Wayne Caines: This tweet was from the Honourable Michael Dunkley. And he tweeted three hours ago: "During the Question Period in Parliament today, I asked about the consultants in the Ministry of National Security, and I learned that there are at least 18 in total, some not budgeted for, and two making over $20K per month. I will stay on this matter, and I will make sure that we get value for money."

Now, on the face of it . . . on the face of it, that appears to be a Member of Parliament who is being diligent, a Member of Parliament who is being fastidious, and a Member of Parliament who is working for the best interests of the people of Bermuda. But that tweet does not tell the whole story.

When you look at what we discussed this morning, the nature of the 18 consultants, many of whom that Member of Parliament appointed and came to be in those posts based on the time continuum during his leadership. When we look at the nature of the appointed, it gives the appearance that these members have been appointed, but it has not been thought-through, it has not been considered, it has not been budgeted for, and it has not been contemplated the reasons and the rationale for appointing these consultancies.

This morning we took our time and fastidiously went through the reasons and the rationale why these people were appointed. And if you want to give the people of Bermuda a balanced approach, if we want to . . . and I go back to my statement of last week. Last week I spoke about understanding our responsibility as leaders in Bermuda. The role that we play is so pivotal because, when we have voice, it was this old thing called "EF Hutton". A former leader of our country, he is the "EF Hutton" of a certain element of our community. So when he speaks and he intimates that there are 18 consultants and two of them are making over $20,000, it gives the connotation that there is significant misspending, and that the Minister and the Ministry are not conducting the business of the people in the best manner.

We went through this morning. The colleagues on both sides asked questions and drilled down into why these people have been hired. Many of us understand that a number of the consultants who have been hired, and we are not speaking of the police, were because of specific areas of specialty. We talked about the two. And let us be clear. There are two people who are advising the FinTech ministry. And we are looking at an industry that has multiple millions of dollars in potential to Bermuda. We did not have the expertise locally.

And so, what have we done? We have put one on a four-month contract, and one is on a two-month contract. And so, when you see what is required of them, everything was done to make sure that (1) we look at what is for the best for Bermuda in attracting new business; and (2) we receive the best expertise that we could, based on economies of scale, based on what these experts get when you look at market value.

It has been given to the people of Bermuda that this Ministry is wasting the people's money with 18 different consultants. And guess what? That is just not the case. When you give a tweet (and I cannot remember how many characters it is . . .140 characters) given by the former Leader of our country, it carries gravitas. But my submission is it does not reflect the tenor of that report which was given in this most honourable and noble House this morning. I gave that information. I was able to stand without fear or without favour. I stood. I answered the questions from my colleagues from both sides of the House. Open, transparent! And the people of Bermuda were able to hear that there was nothing to hide. There was nothing nefarious.

And what do we do when we leave the House? We further divide, we further polarise the country by intimating that there is wastage, that there are bad actors, that there are people who . . . that he has to continue to look out for the purse, and he is continuing to investigate.

Well, investigate on. There is nothing to hide. It was not budgeted for. But we will not go above our budget for the year. So, something could be not budgeted for, but we can still not ask for a supplementary budget. And those are the things, when you do not give the full story, with the greatest of respect. It paints a false narrative. I do not disparage my colleagues on both sides of the aisle. I know that we all have a job to do. But I think it is very important that we put things in context and that we be very efficient with our comments and realise that when we tweet, when we put things on Facebook, we can use our influence in two ways: We can use it to galvanise, or we can use it to polarise. And it is up to each and every one of us how we use our influence. And that is to myself, included.

Mr. Speaker, I will not go back into the essence of the contracts. I think that was very well done. Mr. Speaker, there were several questions asked by Mr. Dunkley, not in this House, where I could have given the answers, where the Premier was and he gave the answers. He asked these questions in the *Royal Gazette* in an opinion section. And he has every right to do so. But I believe that where we are paid to ask our questions, I believe where we are paid to give answers is in this very House. I now see how certain Members conduct business, and that is in news

broadcasts up at ZBM, in opinions and asking questions in the *Royal Gazette.* And that is fine. I will not disparage.

But I will simply say, whenever I have something to say, whenever I have to look at one of my colleagues, I want to do it in the eye. I want to be able to stand in this House . . . I want to be able to stand in this House and to be able to say that, you know what? I was asked a question. I was asked a difficult question. I was asked something that was not popular. But I gave an answer based on the facts at my disposal.

Let us go through the questions, Mr. Speaker. The question was asked by the Member from constituency 10, *When will we see signed contracts?* In other words, we signed these MOUs from these specific companies that are saying that they are going to bring business to Bermuda. When will we see signed contracts?

First of all, we will not see the signed contracts. These are countries that are saying that they are going to do business in Bermuda, that they are giving indication that these MOUs are indications that they plan to come to Bermuda. Their coming to Bermuda is predicated on a number of facts. In the case of ICOs [initial coin offerings], we have passed the legislation. Everyone knows that the legislation went through Parliament just under a month ago, that we are working on the regulations. The Digital Asset Business Act, we know that it just passed yesterday in the Senate. That has to receive the royal assent.

So when someone asks the question, *When will we see these signed contracts?,* well, we know that there is an absolute process that these Acts must go through before they become law. The companies cannot go through . . . cannot jump and start automatically signing contracts, because the law does not permit that. Why does the law not permit that? Because they have not received the royal assent, the regulations have not come out. This is elementary, and the majority of the politicians in this House, they understand that.

The Member asked, *When can we see the jobs?* In other words, you have mentioned these MOUs. We have heard of these jobs that are coming to Bermuda. When will we see the jobs? Well, refer to the statement that I just made—when the companies have set up in Bermuda, when they bring the companies to Bermuda. As a matter of fact, I know one of the companies that just said that they were going to set up in Bermuda, last week. They just bought a building for a significant amount of money last week. And they are making every effort, as soon as they are in a position to do so, to bring their business to Bermuda. They bought the building. They will refurbish the building. And they will do so in Bermuda.

The next question is, *With reference to the immigration policy, how long will it take and what is the policy?* We believe (and I can stand to be corrected by the Minister with responsibility for Immigration) that, based on the immigration policy, we can see it would take up to two weeks to get the work permits we need to on board and get people in the FinTech space coming to Bermuda. That is a policy. That does not require law. That is a policy that can be put in place by the Minister of Immigration.

Can we assure the people of Bermuda that the new industry is sustainable? A question that was asked by the Member from constituency 10 is, *Can we assure the men and women of Bermuda that the FinTech industry is sustainable?* I think that is actually a good question. Whenever you look at the debt that we have here, $2.4 billion in debt, after a five-year administration, we looked at ways to jump-start our economy based on what happened in the American economy in 2008/09, we saw companies contracting, companies leaving in Bermuda.

This Government came in, and we realised that, guess what? We had the opportunity to take the country forward, and let us look at some opportunities to do so. So, we did not just decide to do this. This is an opportunity for us in the FinTech industry to look at bringing new opportunities to come to Bermuda.

But let us just talk about FinTech for a minute. People keep using the term "cryptocurrency." I am concerned by that because we are using the term "digital assets." The reason why we are talking about FinTech is because we are talking about the opportunity to bring companies to Bermuda with reference to medical technology, reinsurance technology, initial coin offerings, exchanges, tokens. And so, there are so many different things that centre around FinTech strategy. The Member from constituency 10 is fixated on cryptocurrencies and uses that word quite often.

The Government has actually pivoted away from a crypto strategy. The Government strategy is centred around a blockchain strategy and a FinTech strategy. As it relates to cryptocurrencies—i.e., digital asset exchanges—the Digital Asset Business Act, we debated that last week. We had the opportunity to look at how they are going to be raised, how they are going to be regulated, and how this country looks to go through that. The Member from constituency 10 (and I mean this in not a disrespectful manner) was not present last week. He was not able to sit through the House and to hear his colleagues, to hear the Members on this side go through the legislation, challenge on the key parts, go through all of the difficult parts.

[Inaudible interjections]

Hon. Wayne Caines: I stand corrected. Thank you for correcting me.

The Digital Asset Business Act . . . all of the questions that are surrounding this Act, please correct me and I will sit for the point if this Member raised the point that he raised in this article at that time whilst we

were debating this legislation. And I will wait to be corrected by the Member from constituency 10 if—

[Inaudible interjection]

Hon. Wayne Caines: You did? Okay.

The reality of it is that we have an opportunity. And the Members ask, *Will this be sustainable?* Well, we have an opportunity to do one of a few things. We have to make sure that Bermuda is prepared for the opportunity. How do we do that? We have to make sure that our regulatory environment is firm, it is robust, and the legislation that we put in place protects our global reputation. The Digital Asset Business Act was written by the Bermuda Monetary Authority. The ICO legislation is comprehensive.

The Member from constituency 10 gave a number in the news, and he suggested that over 90 per cent of ICOs fail. That is a good thing. The reality of it is, when an ICO comes to Bermuda and we look at this ICO and we say, *You know what? They come to us. They give us their White Paper. And our team says this ICO does not qualify,* we are going to make sure that our legislation is so robust, our Blue Papers that our FinTech Advisory Committee . . . we do not want them to let in every company that comes to Bermuda. We want it to be difficult for people to get into Bermuda. And if you look at the ICO legislation, it is written so that only the crème de la crème come to Bermuda and set up their ICOs.

I went to one of the biggest ICO conferences in Europe this week, Mr. Speaker. And as I was at CogX in London on Monday, representing the people of Bermuda, at the end of the conference, we sat in a room shortly thereafter, and everyone was asking and setting up meetings and making plans to come to Bermuda. Why? Because they had had an opportunity not to just hear me speak, but to look at the legislation. They looked at Gibraltar. They looked at Malta. They looked at Hong Kong. They looked at Switzerland. And do you know what they said? That this is the most progressive legislation that they have seen.

I know it is very hard to give Jack his jacket. In other words, how can such sound legislation come from this side of the aisle? And so, ultimately, we have to cast aspersions on FinTech generally, to advance a personal agenda. I can say that we cannot be deterred as a country. As a country, we have to see this as an opportunity to create new jobs. So, the appropriate question is, *How can I be a part of this? How can we as an Opposition make sure that this is balanced, Bermuda's reputation is protected? But also, how can we support to bringing more opportunities to Bermuda?* By publicly denigrating the opportunity? But it does not bode well for the country in general.

And do not think for one minute that I do not understand the role of the Opposition or the role of people asking questions about the initiative. Actually, I think the questions, I think the challenges . . . I actually think they are very good. I know when I talk to my colleagues on the other side, and they question, and in every one of the questions there is an opportunity for us to make the legislation stronger. I am actually speaking about someone who appears to be going on a campaign to discredit the endeavour. I do not think that is in keeping with the ethos of what the majority of the Members on the other side are doing with reference to this initiative.

And I digress from that point. The last point that he made was, *In the dot-com crash, can we be sure that this won't happen to cryptocurrency?* As with the dot-com crash, can we be sure that this will not happen to cryptocurrency? That is the question. How long is a string of yarn? We have to make sure that, in this industry, we look at it and that we make sure that all of the legislation is in place. We are not trying to police (i.e., control) the industry. We are trying to make sure that, when these companies come to Bermuda, they are set up in a legal fashion, that we have the proper legislation, and that we allow the free market to take place.

If you look at the dot-com industry in America and the crash of the dot-com industry, what happened as a result of that? You saw significant contraction in the market, but huge opportunity for other companies that were legitimately capitalised. [You saw] new innovation. So, you saw the Google's, the Overstock.com's. What did you do? You saw (what is it?) a phoenix from the ashes rise out of the dot-com industry. Bermuda is now in a beautiful place because we have a reinsurance industry that is gagging for an opportunity to look at what the blockchain can do. Medical technology . . . people are flocking to Bermuda to see how we can do that in medical technology.

We often focus on the cryptocurrency side of it—i.e., what we call "digital assets." But we know we are fleet of foot and that this industry will change. And in the next two years, it will very vaguely mirror what we see today.

As a country, we have to continue to be brave. We have to continue to go out and attract the best people in Bermuda. You saw the numbers today for Brand Lion. Brand Lion is a local Bermudian firm. For $20,000, she has a significant team of people who are working around the clock to get our message out to people around the world, to build a website, to put together press releases, to put together media kits, to organise statements. And we believe that is not robbery! It is an opportunity for us to spend some money. Of course, the number is high, and we have to be careful with the government purse! But we think it is important for us to spend money in the right places.

The consultant, Loretta Joseph—the number of $20,000 was high. The reality of it is that she has been an advisor to the OECD [Organization for Economic Co-operation and Development]. She has advised the Ministry on myriad different elements. Prior to our going in this place, we did not have anybody

advising us. It would have been foolhardy for us to do it on our own. What we have done, and I travelled with her last week, we have been able to be in good spaces. Mr. Speaker, in a couple of weeks, we will be going to significant places. And every time we go to one of these conferences, she introduces us. And we are seeing business-churning opportunities emerge, the green shoots, as a result of this.

She is not going to be on staff as a hired or paid person. The contract ends on August 10th. It has been a finite period for four months. And the reason why this is important is that we want to make sure that we get the best, but more important, we wean ourselves off so that we can continue to grow in this industry.

I think there is an opportunity for us to grow. I think that, when I see things on the Internet about consultants and making it look like we are in our Ministry just doing things and wasting money, I do not think it is a clear reflection. And it is not an example of our former Premier's best self. He is a better man than that. He has more to give Bermuda. And I stand to tell him that everybody in this country knows that he can be better. *Be* better! And I think that we all can grow and be a better country with his leadership.

[Inaudible interjections]

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

[Timer beeps]

The Speaker: Thank you, Honourable Minister.

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

ROYAL GAZETTE: "MP LOSES BATTLE WITH BANK"—TABLOID JOURNALISM

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

Mr. Speaker, you know, I usually do not get up to speak because I am not a big speaker or as eloquent as others in this House.

The Speaker: Well, the floor is yours. The floor is yours.

Ms. Leah K. Scott: Mr. Speaker, I had to get up to speak tonight because I want to talk about the tabloid politics that happens to politicians. Mr. Speaker, when I opened up the newspaper this week and saw the article about my parliamentary colleague, Michael Scott, it really, really . . . I cannot say it, but it made me really, really angry.

The Speaker: Mm-hmm.

Ms. Leah K. Scott: And I do not know if it is because I have also been a victim of a political tabloid experience, or if it is because I do not understand how someone's personal business has to make the front page of the newspaper. I had someone call me and say, *Well, you know, Mr. Scott launched a court case. And so, by doing so, he put this in the public domain.*

And, you know, I said, *Yeah, he might have put it in the public domain. The fact of the matter is it didn't have to be on the front page of the newspaper.* If there was going to be a report, they could have put it in the legal section. They could have put it in the business section.

There are many people who do not subscribe to the *Royal Gazette* or pick up a newspaper every day. But let me tell you something: Those newspapers are printed, and they sit in the gas stations, they sit in offices, they sit in other places. So, his face is sitting somewhere where people can see it for the day, or for however long it is.

I do not see where publishing the fact that Mr. Scott is having challenges with his mortgage is something that anybody needs to know about except Mr. Scott and the bank, or whoever else is involved. People lose their houses every single day. I have not seen anybody else on the front page of the newspaper.

[Inaudible interjection]

Ms. Leah K. Scott: Nobody. So, why must this man be [on the front page]? And it upset me so much that I had to write something about it. And I sent it to Trevor [Lindsay] at TNN News because every single one of us in this House step up to serve this country. I may not agree with my colleagues on the other side. I may not agree with my colleagues on this side. But we made the sacrifice to do what we have to do for this country. So, why should we be subjected to the cowardliness of people thinking that they can publish our personal lives on the front page of the newspaper?

And then you go on the blogs, and the cowards say all kinds of things about you. They do not have the guts to put their name to what they write about you. They also do not have the guts to stand forward and do what we are doing. But they have all kinds of criticism and assaults to make about us.

And, Mr. Speaker, I am tired of it. I am tired of the personal politics. We are here to serve this country. Part of the reason that we cannot get people interested in politics is because they are so afraid that their skeletons might be exposed. Which one of us does not have a skeleton in our closet, Mr. Speaker? Which one of us?

And, Mr. Speaker, the other problem is that when your business is exposed in the newspaper like that, it is a one-sided story. So you have no opportunity to counter what is being said about you. And if you do, then it is a justification for what is being said about you.

The Speaker: Mm-hmm.

Ms. Leah K. Scott: In my situation, Mr. Speaker—

An Hon. Member: Then it is too late.

Ms. Leah K. Scott: Exactly. It is too late. It is too late. And nobody is interested.

In my situation, Mr. Speaker, the young lady who took me to court committed the same offence! She went to another woman's house and found the same man that I found at her house—with another woman!

An Hon. Member: Wait a minute!

Ms. Leah K. Scott: But that does not get reported in the newspaper, Mr. Speaker.

[Inaudible interjections]

Ms. Leah K. Scott: But they want me to go to court. She had a restraining order against her.

An Hon. Member: Wait a minute!

Ms. Leah K. Scott: But Leah Scott is the bad one who goes and walks into somebody's house. Mr. Speaker, I went to that woman's house to tell her we are both being disrespected. And I went peacefully. I was not disrespectful to her. And she said, *Get out of my house. You broke up my relationship, and I'm going to tell Michael Dunkley.*

When she said that, I realised it was political. This had nothing to do with her being upset about the relationship with the man who was two-timing us. This was because she was a PLP member and I was an OBA member. And it had nothing else to do but that. She did not show up to court on either time that I had to go to court. Mr. Speaker, people should not be allowed to use the abuse of power. She went to the police and went all the way until she got what she wanted, which was to bring me to court. Nothing else would satisfy her.

As politicians, we should not have to be subjected to that. When we are here trying to do something for the people of this country, we should not be an open target and a free target for what people want to do to us.

Mr. Speaker, I was not going to get up and speak, but as I said, this is something that just really, really bothered me. And so, I think that Michael [Scott], I called him when I saw the article in the newspaper, because it does not matter what side you are on; you are a human being. And I know the humiliation. It is embarrassing! You walk down the street, and people are talking about you and whispering and saying things. And you cannot defend yourself to everybody. The people who know you know you. The people who do not know you do not know you. And for the rest who do not know you, it does not matter. But it still does not take away that feeling of humiliation.

So, Michael [Scott], I say to you, *Walk with your head tall. I support you. And I hope that whatever result is, is the result that you want.*

[Desk thumping]

RACIAL BIAS—"IMPLICIT BIAS"

Ms. Leah K. Scott: Now, the other thing I wanted to talk about, Mr. Speaker, is racism. I was watching this show the other night called "The Van Jones Show." I do not know if anybody has ever seen him.

[Inaudible interjections]

Ms. Leah K. Scott: And he was talking about implicit bias. And he had some examples, and I cannot remember all of them. But one of them really stood out to me. They had done a study of white school teachers. And they had presented a video to them of four children. There were two blacks, a boy and a girl, and two whites, a boy and a girl. And they asked the white teachers to look at the children and tell them which one of the children they thought was misbehaving. Eighty-two per cent of the teachers said that the young black male was misbehaving.

Some Hon. Members: Yes. Yes.

Ms. Leah K. Scott: And he was not. But it is an automatic reflex that, if you are black and you are male, you are going to misbehave. They also said that there were certain names that, when white people heard those names, they automatically thought, you know, that it is a big black person and they are going to attack you and they are going to do all these kinds of things.

Hon. Derrick V. Burgess, Sr.: Yes. Blacks are corrupt and everything else. Yes.

[Inaudible interjections]

Ms. Leah K. Scott: My thing is this.

Hon. Derrick V. Burgess, Sr.: No different in Bermuda.

Ms. Leah K. Scott: I am a 60-year-old hippie. I believe in peace and love and harmony. And I think that we have to find a way to do this. And I do not know if, since Trump has been in power and the tone from the top that he is causing has maybe opened up my eyes in terms of how we are treated as blacks. But I find that when I travel there is just a difference. I am not going to say . . . I am not a racist, but I recognise that

there is a difference between blacks and whites, and there is a difference in the way that white people treat black people. I mean, it just is.

And I just wonder when we will get to that point where we can acknowledge that racism does exist. We can acknowledge that there are things, there have been things on both sides that have not been appropriate. And, you know, until we are able to have an open and honest dialogue with no holds barred, then we are never going to progress. And, you know, the thing that is interesting, Mr. Speaker, is that the children, our children who are coming behind us, are not so conscious about race. Because they are multi-cultural—

An Hon. Member: They will see. Once they have a little experience, they will see.

Ms. Leah K. Scott: They tend to be a little bit more forgiving than we are. They have not had the same kind of experiences that we have had. But we will never, ever, ever be able to move ahead until we can do—

[Inaudible interjections]

Ms. Leah K. Scott: Once we are able to have the discussions and acknowledge that there have been things . . . and, you know, one of the things that I would like to do in my constituency is to start having talks about race and start talking about how we can break down the barriers and how we can start moving things ahead. And I would like to see it during my lifetime, but I just do not know.

And, you know, one of the things I have to say, Mr. Speaker, is that I enjoy sitting in the House sometimes when I hear my cousin over there, Mr. Burgess, speaking. Because he does give a lot of history, and a lot of the history that he gives is very interesting. And I think it is unfair that a black man, because he is a black man, cannot get a mortgage! So, because I am black, my money does not work like somebody else's works? You know, how can that be? That is not the way that it should be.

And just in terms of Mr. Reiss talking about innovation and diversity. As a black professional woman, nine times out of ten, I am the only black woman and the only *woman* in the room. And there have been times, Mr. Speaker, when I have been in a meeting, and they think that I am the secretary. And then when they find out that I am a lawyer, and that I am a director, then it is like, *Well, how did you get here?*

You know, I remember in 2012 when I was running for the election. And we had a meet-and-greet at a constituent's house. And it was a wealthy white constituent. And my colleague, Craig Cannonier, was there, and the former Minister of Finance, Bob Richards, was there, and there were some other people there. So, we were all just kind of milling around and talking. And I think Mr. Cannonier spoke first. And then my campaign chair said, *Well, why don't you get up and say something?* And I started talking about where I come from, international business and things like that. One of the ladies there said, *That's our candidate? She's well spoken. I thought she was a little bank teller or something!*

An Hon. Member: Mercy, mercy, mercy.

Hon. Derrick V. Burgess, Sr.: That is an unconscious racial statement.

Ms. Leah K. Scott: Implicit bias. And so, we must get past that. Because I am a black woman—and no disrespect, but because I am a black woman, do I have to be a cashier or a (what do you call it, Cousin Burgess?) domestic technician? What did you say?

Hon. Derrick V. Burgess, Sr.: No. A room attendant.

Ms. Leah K. Scott: Right, room attendant.

You know, it is almost as if it is wrong that we aspire to be something. You know, when I grew up, my mother was from Mobile, Alabama. And she, from the day that we were born, and I have two sisters, she told us, *You will go to college.* It was not a choice. *You will go to college. Your only choice is where you're going to college.* I am a lawyer. My sister is a dean at Loyola Marymount University in California. And my youngest sister is a CPA. My father was a pilot. And she made sure that we were educated. These are the values that we have to pass down to our children, because they do not have to settle for anything! You can be whatever you want to be. And your colour should not be a deterrent.

And one of the things that we also have to do when we have our babies and we name our babies—I know it is an unfortunate thing. But we have to give our children résumé names!

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

Ms. Leah K. Scott: You cannot give your child *Shaquila* and think that she is going to get a job! She will not get in the door. And although you might want to name your child because that name has significance and meaning to you, you also have to understand that right now, the way society is, you are creating a hindrance and a blockage.

An Hon. Member: Don't blame the victim now.

Ms. Leah K. Scott: I get it. I get it! I get it. I get it. I understand what you are saying. But what I am saying, too, is that until there is a change and a shift in the mind-set, we have to do some things in order to ensure that our children are going to advance.

[Inaudible interjections and laughter]

Ms. Leah K. Scott: Well, I understand what you are trying to say.

The Speaker: Talk to the Speaker. Talk to the Speaker. Talk to the Speaker.

Ms. Leah K. Scott: Barack Obama had a hard time with his name because they accused him of being a Muslim. What is it, Barack Hussein Obama? So he had problems, as well.

So all I am saying, Mr. Speaker, is that although we think we have come a long way, we still have a long way to go. And whether I see it in my lifetime or not, I think that we all have to acknowledge that we do have a long way to go. And I hope that all of us can start to be the proponents of the change that we want to see in this country.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

[Desk thumping]

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member . . .

I recognise the Honourable Member from constituency 21.Honourable Member Commissiong.

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

The Speaker: Yes.

RACIAL BIAS—LACK OF RACIAL DIVERSITY IN BERMUDA'S WORKFORCE

Mr. Rolfe Commissiong: Mr. Speaker, the other night on the news we had two young black women who are very enthused about the prospects of their carving out a career in Bermuda's reinsurance and insurance industry.

The Speaker: Mm-hmm.

Mr. Rolfe Commissiong: They are very enthusiastic. One of whom was, I think, either a graduate or a soon-to-be graduate of one of the major Canadian colleges. And she talked about the innovation in the industry and the great things in the industry and opportunities that it presents for persons like her. And she wants to take her place in that industry. And the younger woman, as well, was expressing the same view. But what was poignant about it was that, at the end of the interview, she said, *I might have to leave the Island, though, because I don't think there are entry-level jobs in Bermuda's insurance/reinsurance industry.* That is a problem.

In the paper today, we had a story about the Bermuda Foundation for Insurance Studies Mentor Network Committee, and there is a picture of four, again, African Bermudian young women, but the network committee held a networking event for 35 undergraduate students keen to learn more about the insurance industry in Bermuda. Members will know, over the last year or so I have repeatedly come back to this theme that, after four and a half decades, or more, of the growth of that industry, the most lucrative sector of our economy, there is only one Patrick Tannock, after four and a half decades. Think about that.

Certainly, the Minister of National Security and others are looking to jump-start a new industry for Bermuda. We cannot afford to make the same mistakes in the foundation and evolution of this new industry that we made four and a half decades ago by not mandating that these companies adhere to diversity, targets, that they provide entry-level opportunities for educated graduates.

You see, back in the 1970s and 1980s when that industry started, there was a mad rush for the manna that was seemingly falling from heaven on the part of the largely white-dominant Bermudian establishment, who were doing quite well by renting the commercial buildings to these individuals who were the heads and the titans of that emerging industry, providing residential properties for them, going to their accounting firms, going to their law firms, AS&K [Appleby, Spurling & Kempe], CD&P [Conyers Dill & Pearman], but having no regard strategically to prepare Bermuda's primarily black workforce to be able to take their place in that industry, let us say, 5 to 10 to 15 years later.

We cannot afford to replicate that again. And I say that in the context of the speech given by Mr. Jonathan Reiss, whose father was one of the architects of this reinsurance/captive insurance industry that has become the dominant industry in Bermuda. Mr. Reiss did not just go up to that conference that had many movers and shakers in that industry, globally, and give sort of standard, boilerplate bromides about inclusivity and diversity. You know, the whole corporate-speak stuff. No, he did not do that. The Member from constituency 6 spoke earlier and he offered some quotes. I am going to offer a few, too, from Mr. Jonathan Reiss, whom I subsequently called and commended for his presentation at that insurance conference.

He said, and I quote, Mr. Speaker, with your indulgence, "We in the private sector need to lead." (Mr. Reiss is the Chief Financial Officer of Hamilton Insurance Group.) "We control vast swathes of wealth creation, and, more crucially, we control who gets the best opportunities."

He added, "If we don't vastly improve and get it right, then governments here and in other countries will ultimately have to step in and do it for us. If that

happens, I can assure you, we will deeply regret our failings."

He went on: "The point I'm making is that the reason there aren't more black Bermudians in our industry, particularly at senior levels, is much more complicated than outright discrimination."

But having said that, he then said the following: "I believe we're at an inflection point. Attitudes have changed for the better, but, as I've explained, the current rate of progress is not good enough.

"It's the legacy," he said, "of white supremacy, slavery, and how this legacy continues to permeate our institutions despite the monumental shift in attitudes and intentions."

The disparate opportunities and life outcomes between white and black Bermudians is well documented. It exists in plain sight.

Let me give you another example. And I sure that the National Security Minister will really appreciate this. This was (again, to use that word) very poignant. At the end of the interview, and he included this in his speech to show you the disparate outcomes between black and white Bermudian, between Anglo-Saxon white Bermuda and Bermudians of African descent and persons of colour, historically, he said this: "Bermuda has struggled with race relations for decades. Attitudes have changed for the better, but the economic disparity and the unfairness of how that disparity arose remains largely unresolved."

Now, listen to this. He recalled how, as a teenager, he and his friends befriended a black commercial fisherman named Wyman. "Wyman would listen to our banter about our lives and aspirations and he would say . . . " as they were talking about, *Well, I'm going to Yale next year,* and, *I'm going to the Colwait* [SOUNDS LIKE] *Prep School;* perhaps, *My father is taking us to Europe.* This would have probably been in the 1970s, early 1970s.

Wyman responded by saying, "'You white hopes have all the hope—black hope has no hope.'"

Reiss went on to say, "We knew what he was saying, but as a white teenager in the 1980s," (not the 1970s), "in truth, I didn't properly understand it. I understand it now."

What is interesting about our colleague from up in Southampton, who just spoke, you always hear these memes in the white community, and others, obviously, about how, *Well, the young people are getting it. They are getting along.* I am like, *Now, just give it time. It is going to work itself out.* You heard that in the 1960s when I was the first black male to attend a white private school. You heard it in the 1970s. You heard it in the 1980s, 1990s, 2000s. And you are still hearing it today. But yet, the divide is still pronounced and egregious.

How did we get here? That is the question. And I had the opportunity on the talk show not too long ago, and I proposed this historical narrative in these Chambers as well, Mr. Speaker. But you got to understand. How we got here, how in the post-modern era, in an era characterised by democratisation after World War II, the advancement of civil and other rights in Bermuda and throughout the West in these former slave-holding societies, how do we get to a point 50, 60 years later that the divide is still there and pronounced?

Well, I am going to give you the Commissiong view of this, I guess. You could not fight a war against the German former white supremacy—and then, after being triumphant in that war, supported by your empire, supported by black lives that suddenly did not matter during that war and the resources from those respective bits of the empire all around the world—and yet maintain the British Anglo-Saxon form of white supremacy in these colonies after that war. Therefore, the winds of change, to paraphrase Prime Minister Macmillan, had to occur after the war.

Their American allies, certainly with more regard for being able to tap into these former markets in the British Empire than having any real regard for the lives and the rights of non-white peoples . . . because, after all, Jim Crow was still raging in the American South at the end of the war. Individuals were still being lynched.

But, nonetheless, they had to democratise. And what happened was that upon the adoption of universal adult suffrage—and note that this was the 50th anniversary of it in Bermuda—in most of those islands to the south of us, the first thing that happened was black majority governments (let us say we are talking about from the late 1950s and the early 1960s and beyond), followed maybe a year and a half to two years later by independence.

The challenge for these white settler populations, particularly in Barbados, the Bahamas and Bermuda, was how could they navigate this wave of democratisation, Mr. Speaker, and yet maintain their hegemony over these societies? Remember, after Emancipation, they increased the threshold for voting to ensure that newly freed African Bermudians and Bermudians of Native American ancestry could not vote, save for maybe 3 [per cent], 4 per cent.

As I said in here a few weeks ago, circa 1950, under Mr. John Cox and the rest of these guys here, these individuals received the portraits of these former Speakers. By the 1950s, you may have had a 36-Member House then. And if there are more than five or six members in a country that already had a black majority, that was all there was. That was all there was, Mr. Speaker.

So, we know that during that period, the post-modern period, it did not usher in racial reconciliation, equal opportunity for black Bermudians. After all, Mr. Reiss talks about in the 1970s when his father came here. This was over two decades from the time when my mother and father were part of the Progressive group, fought to end racial desegregation, to bring an end to Bermuda's version of a Jim Crow/apartheid

system. He is talking about the 1970s. And he still uses the term here, how the legacy of white supremacy, slavery, et cetera, was still impacting the life outcomes of Bermudians.

I always remember, and I have said this before, I had the conversation with who I still assert was the first black civil servant in Bermuda, Mr. Calvin Smith, who sat in these Chambers. You can correct me, Mr. Speaker—it was during the 1970s, late 1970s perhaps. He also became a Senator, who said that, as we moved into that 1960s period (Sir Henry Tucker is still the Government Leader then), the British were getting very concerned about the growing instability of Bermuda. Every few months there were massive civil disturbances, starting with the late 1950s, followed by other massive labour unrest, like clockwork. And there was a directive that came from the UK to the then-Bermuda Governor to say that they needed to change in Bermuda the all-white oligarchy.

The governor of the time had a conversation with Sir Henry Tucker. And his chief plea (if I can use that term) was that Bermuda, his Government, needed to be an agent for change in opening up opportunities for employment, particularly for educated black Bermudians who were coming out of Berkeley and maybe Technical Institute.

The response of Sir Henry Tucker was as follows: *I can make room for them, or we can make room for them, in our civil service. But our people in the private sector are not ready for that.* And thus, as you saw, what evolved was this bifurcated employment sector, a largely white-dominated corporate sector, largely what became a more overwhelmingly black public sector by the time you got to the 1970s and 1980s. At the time when those comments were made, most of the civil servants in Bermuda's government then were white expats. They could easily, I guess, move them to the private sector, along with the scores, hundreds, if not thousands, of white migrants, mainly Anglo-Saxon, from the UK and from North America, who were brought in here as migrants from the 1950s onwards, all in anticipation of this democratisation wave and the threat it represented to white Anglo-Saxon Bermuda, all designed to marginalise black Bermudians politically and, obviously, economically.

So, if we want to know how we got here, we have got to go back to the post-modern era of Bermuda's history. That is how we got here. That is how Jonathan Reiss, whom I would consider a social justice and racial justice warrior . . . we need more of them like him, and I told him that, not so much to talk to us, because let me just say this, Mr. Speaker. What Mr. Jonathan Reiss said was not something that most black Bermudians would find and say, *Hey, wow! He has taught us something.* No! Mr. Speaker, that is not what it represented at all. Because, for Dr. Ewart Brown, Dr. Eva Hodgson, former Minister Renee Webb, Lynne Winfield, or the late historian Cyril Packwood, Dr. Kenneth Robinson, Ira Philip or Minister Walton Brown, to name a few, they did not need any validation from Jonathan Reiss.

With respect to the view of the role of white supremacy and one of its chief by-products, white privilege, how that is played in the formation and evolution of the post-modern Bermuda that we live in today . . . for most of those named, including many in this room, our moral clarity on this issue began to be formed when we were very young. Like I said, it was important what he said, because that is a message white Bermuda needs to hear.

Why do they need to hear it? Because there is a meme circulating amongst white Bermuda, some, just like we find in the US. I heard somebody mention Trump a little while ago. This meme was as follows, that there are new victims of racism being perpetrated by Bermuda's black majority, particularly those within the PLP. Yes, Mr. Speaker, you hear it almost every day. You see it written almost every day in one form or another in all of the online postings. I mean, if anything can represent a perverse insult to black Bermudians, it has to be that. But we know. Go back generations. What was always the fear, sometimes unstated, that motivated white behaviour? *If we allow them to have power, they will do to us what we did to them!* That is what we are being held hostage to in Bermuda.

And I will say this again. As long as the majority of white Bermudians vote as a monolith, first for the UBP and now for the OBA, we will not be able to effectuate the type of progressive change at the political level that we need to.

Black Bermudians have never, never voted in a monolithic fashion. They have always expressed or demonstrated more diversity when it comes to political choices than white Bermudians. Look across the aisle. How do you explain a white population probably representing no more than 35 [per cent] to 40 per cent at the time of the 1960s and 1970s continuing through the vehicle—their political vehicle, the UBP—to effectuate majorities almost every election?

How?

Well, Mike Winfield, the former campaign chairman and former Senator in the UBP, summed it up quite accurately when he says . . . at the Big Conversation . . . you remember that. I guess we are now acknowledging we need another one. He said, quite succinctly at one of our Big Conversation meetings, Mr. Speaker, in 2009 or 2010, that the formula that they operated under, which goes back to Uncle Ernest Vesey (My grandmother worked there for 50 years. As a little boy, I was running all through H.A.N.E Smith's, Sir Henry Tucker and the rest, was to keep all the whites on the political reservation. And appending to that, the 15 [per cent] to 20 per cent of the black vote, they need to translate that minority into a de facto majority. It is the same formula. I hope not. But I fear it is

the same formula that they are still going to try to replicate now. Thank you, Mr. Speaker. I will return to this topic next week, God willing.

The Speaker: Thank you, Member.

We now recognise the Honourable Member from constituency 10. Honourable Member Dunkley, you have the floor.

ALLEGED DRUG SCANDAL AT DUNKLEY'S DAIRY

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

Mr. Speaker, I rise to speak on the motion to adjourn tonight on a number of subjects. First, Mr. Speaker, the Honourable Member from constituency 5, who is no longer in the Chamber, has repeatedly mentioned a drugs case and never gives any specifics on it. Mr. Speaker, I put him on record that every time he mentions this now, I am going to call for a point of order and ask him to mention specifics. Because I believe he is trying to impute improper motives to somebody who—

[Crosstalk]

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker. I have been in the Chambers.

The Speaker: We will take your point of order.

POINT OF ORDER

Hon. Derrick V. Burgess, Sr.: That Member was not in the Chambers when I spoke about it. If he wants me to call the name of those . . . whose drugs, I can. I am just asking. I will be glad to give it to him.

Hon. Michael H. Dunkley: Go ahead.

Hon. Derrick V. Burgess, Sr.: All right. It was Michael Dunkley's container. And there was an investigation on him. And the investigation was stopped. Now, if you want to see it, you can see it on YouTube.

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

The Speaker: Honourable Member, you asked your question and got an answer.

Hon. Michael H. Dunkley: Because he has got misinformation, Mr. Speaker. Or he has twisted it himself.

There was no investigation that was stopped. Three individuals were charged in court. And two individuals, I believe, were convicted and spent time.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

The Speaker: Let us take the point of order.

POINT OF ORDER

Hon. Derrick V. Burgess, Sr.: The investigation was stopped on Mr. Michael Dunkley, because the commission at the time retrieved the original files from the investigating officer—something that had never been done before, as you will see in the YouTube tape.

Hon. Michael H. Dunkley: Mr. Speaker, that is incorrect. If the Honourable Member wants to make some allegations like that, he should bring the information to this House. *It is incorrect—*

Hon. Derrick V. Burgess, Sr.: Point of order. Point of order, Mr. Speaker.

Hon. Michael H. Dunkley: And I will not stand here, Mr. Speaker, and allow the Honourable Member to make stuff up!

Hon. Derrick V. Burgess, Sr.: Point of order! Point of order! He is losing his mind.

The Speaker: Wait, wait, wait, wait. Wait, wait, Members. Wait, Members. Wait, Members. Wait, Members. Wait, Members. We have had a pretty decent evening.

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

The Speaker: I am trying to keep it at that tone. Keep it at that tone. Keep it at that tone.

An invitation has started this, in that you are trying to get a Member to respond to something. Let us get a response and then let us see if we can move on.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, there is no allegation that I make here. That is on YouTube. You can go and find it yourself. And that was something in an interview with Chief Inspector Larry Smith. Now, you can call that an allegation; it is not. You can see it on tape. I do not make that stuff up.

The Speaker: Thank you, Deputy.

Hon. Michael H. Dunkley: Mr. Speaker, a YouTube video made by a former policeman? Come on, Mr. Speaker. If that former policeman of a senior rank wanted to lay charges, he could lay charges. He could lay charges, Mr. Speaker.

And the Honourable Member needs to do better than that. He needs to do better than that. Because members were convicted. And at that time, I testified in the case, Mr. Speaker.

So, Mr. Speaker, I will have nothing of it. Because I am not perfect—far from it. Far from it, Mr. Speaker. But for the Honourable Member to stand in

this House and try to impute improper motives without any facts whatsoever, just for his political gain—

[Crosstalk]

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

Hon. Michael H. Dunkley: I am not going to take it, Mr. Speaker. I am not going to take it.

And for you to entertain—

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

The Speaker: Wait, wait, wait. Gentlemen, let us try to wrap up this point-of-order-back-and-forth up.

Hon. Derrick V. Burgess, Sr.: Yes. Mr. Speaker—

The Speaker: Can you clean it up, tidy it up, and let us go on?

POINT OF ORDER

Hon. Derrick V. Burgess, Sr.: As many times as I have mentioned it in this House, I have never called Michael Dunkley's name. You asked for the name, and I gave it to you. Right? That is the respect I have. I would never have called your name. You asked for it.

Hon. Michael H. Dunkley: Mr. Speaker, and it is only right to name rather than just to call.

And I will tell this Honourable Chamber something that I never shared before, which is that honourable . . . well, I will call him an honourable person even though he is not in this place. That former inspector came to me a couple of years ago and apologised for that video, Mr. Speaker. And if you want to have testimony of that, I will meet him at the altar down at Bethel Church, where we can resolve this right in front of God, Mr. Speaker. Because one thing you will never accuse me of is dealing with drugs in any way. I will stand up and I will fight it, because that is a scourge of our community. And it is low for Members to do that.

Now, I do not mind taking political licks. I am big enough for that. Such is life in politics. But you will never be able to go in that direction.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

Hon. Michael H. Dunkley: Now, continue on.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker. I never—

The Speaker: Try to bring this—

POINT OF ORDER

Hon. Derrick V. Burgess, Sr.: I never accused Michael Dunkley of bringing in any drugs. Never. I said the drugs were in a container of his business. I never accused him. I would never do it. I am not the police.

Hon. Michael H. Dunkley: Mr. Speaker, unbelievable!

The Speaker: Can we move forward now, gentlemen?

Hon. Michael H. Dunkley: Yes, Mr. Speaker, we can move forward.

The Speaker: Can be both move forward? Thank you.

Hon. Michael H. Dunkley: But now he is trying to backtrack because he has been caught out, Mr. Speaker.

The Speaker: Let us move forward. Let us move forward. Let us keep it on—

Hon. Derrick V. Burgess, Sr.: You are losing your mind.

Hon. Michael H. Dunkley: Mr. Speaker, I ask that that comment be retracted.

The Speaker: Wait, wait, wait, wait.

Gentlemen, let us just keep this where we can move forward. It has been a decent night. I do not want us to get to a point where we start going on low blows, start accusing and making calls to each other across the floor.

[Inaudible interjections]

Hon. Michael H. Dunkley: Mr. Speaker, I ask for that comment be retracted.

The Speaker: Let us make sure that anything that comes out of our mouths is not offensive. If it is offensive, I am going to ask the Members to retract it, the single comment, and not necessarily the whole statement, if you feel you are comfortable with your state-ment. But if words are used that are offensive, please withdraw the offensive words.

[Pause]

The Speaker: There was a word that was used that was offensive. If you could just withdraw that piece.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, the Member made a comment, a negative comment about me. If he wants to retract that, I will retract mine. This

is even-steven here, you know. You got a response based on what you said.

Hon. Michael H. Dunkley: No.

Hon. Derrick V. Burgess, Sr.: See? That is where that white supremacy comes in.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: They think you really are. There it is. There is the chairperson of that group.

[Crosstalk]

The Speaker: Gentlemen! Gentlemen! Gentlemen! Let us not bring anybody else into it. It is a conversation between the two of us. Let us clean this up now. Let us clean it up.

Hon. Derrick V. Burgess, Sr.: You made it. I did not make it.

The Speaker: Let us clean up the comments.

Hon. Derrick V. Burgess, Sr.: Right. You got a response.

The Speaker: Deputy. Deputy. Deputy. Let us put an end to this now.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I have no problem retracting anything. But, Mr. Speaker, it cannot go one way. Now, we have got to make it even. Right? I am about equality of everyone regardless if they—

[Crosstalk]

The Speaker: Well, let me help us out.

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

The Speaker: Let me help us out here. Let me help us out. There was a comment that was made that was taken to be offensive that referred to the Member losing his mind. We know that side.

The comment that was made that was offensive to you, can we have that—can we have them both withdrawn?

Hon. Derrick V. Burgess, Sr.: Mr. Speaker, I have no problem withdrawing the statement, at all. And an apology to the Speaker and to the Member.

Hon. Michael H. Dunkley: Mr. Speaker, if I said something, that I am not sure what I said (I will look at the Hansard), but I would certainly apologise. Because it is not about going personal.

The Speaker: Yes.

Hon. Michael H. Dunkley: It is about trying to resolve an issue. And everyone wants to stand up for their integrity. So, I will look in the Hansard. And I will shake the Honourable Member's hand next week if I said something. Because I did not mean to do it in any way.

I just do not like to be attacked. Do you know why I do not like it, Mr. Speaker? Because what is coming on Sunday? Father's Day. How many people in this Chamber have children? And I heard somebody say, *Oh, Lord.* Well, you know, if we are spared, we will have it. But, you know, Mr. Speaker, I am a big man.

[Inaudible interjection]

Hon. Michael H. Dunkley: We all have children. We all have family.

An Hon. Member: They do not get attacked like this!

The Speaker: No! Ah! Ah! Let the Member speak to the Chair. Let him speak to the Chair.
[Inaudible interjection]

The Speaker: Let him speak to the Chair.

Hon. Michael H. Dunkley: So, Mr. Speaker, I can deal with the personal attacks; that is no problem. Unfortunately, that is what politics has gotten to lately. But it is harder for our families. It is harder for our families.

[Inaudible interjections]

Hon. Michael H. Dunkley: And so, I am glad you sympathise with me! I am glad when you sympathise with me. Because when that video came out, what, 12 years ago? My children were younger. They asked me questions. Mr. Speaker, I can deal with it. They cannot deal with that type of stuff, right?

[Inaudible interjections]

The Speaker: Let him talk to the Chair.

Hon. Michael H. Dunkley: So, you know, I agree that we need to get to a higher level. So let us have a proper discussion here, Mr. Speaker. And now that we cleared that up . . . and I think that was a good thing. It was like calling a time-out in football. You just want to stop the clock for a while to regroup yourself. But I am wasting my valuable time. I am glad we cleared that up.

GOVERNOR SHOULD NOT PRESENT CUP TO CUP MATCH WINNERS

Hon. Michael H. Dunkley: The Honourable Member from constituency 27, Minister Burch, talked about Cup Match. And, Mr. Speaker, I share two things in common with the Honourable Minister tonight. One, I am a Somerset fan. And two, I always wondered why the Governor was presenting the trophy at Cup Match. And I questioned both clubs about that. I am glad that people are starting to speak about it, because now that we do, maybe the appropriate changes can be made with the comfort of the management of both clubs to do something about it, Mr. Speaker.

This is an important Bermudian holiday, a critical holiday, where we should never forget our history, our past, and celebrate it for the progress we have made. And it is only fitting and important, right from the start, [from] the beginning, that it is celebrated in the Bermudian way. And it is appropriate that the Premier of Bermuda present that cup to Somerset at the end of the game, Mr. Speaker.

[Desk thumping]

The Speaker: You have got my full agreement, particularly . . . what was that? To Somerset, you said?

Hon. Michael H. Dunkley: Yes.

The Speaker: Yes. So, you have got my agreement.

An Hon. Member: I have a problem with that, Mr. Speaker.

[Laughter]

The Speaker: No, no. He was correct.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

The Speaker: The Member was correct. He was correct.

Hon. Derrick V. Burgess, Sr.: Point of order, Mr. Speaker.

Hon. Michael H. Dunkley: No point of order, no point of order.

The Speaker: The Member was correct. He has got the Speaker's support.

[Laughter]

Hon. Derrick V. Burgess, Sr.: The Member is misleading the House. The cup will be presented to St. George's.

The Speaker: No, no. He has the Speaker's support on this one.

Hon. Michael H. Dunkley: Mr. Speaker, I ask him to retract those comments. They are imputing improper motive!

[Desk thumping and laughter]

Hon. Michael H. Dunkley: Now, Mr. Speaker, moving on, and I am pleased that the Honourable Minister of National Security is here. He spoke on the motion to adjourn tonight. And I would have to say, I looked at those comments. Obviously, the Minister had put some thought into them. But I found them to be a bit defensive. But, Mr. Speaker, at times, I think that can be good.

The Speaker: Mm-hmm.

PAID CONSULTANTS IN MINISTRY OF NATIONAL SECURITY

Hon. Michael H. Dunkley: Why, Mr. Speaker? Because that means you care. And so, I found it comforting that the Honourable Minister would go through some of the comments that I have made, outside and inside this place, and offer some reply to them and answer some questions. I think that is good.

I have just a couple more questions for the Honourable Minister, now that he wants to answer those things. And I look forward to hearing it next week or sometime through the week. But, Mr. Speaker, in hearing about the consultants, obviously, from the work that I know of, the company Brand Lion has done good work. I have no doubts about that. But we spend about $3 million a year in the Department of Communications. And their mission statement is very clear what they do. I think, basically, it says in the Budget Book that they are a trusted source for getting out [information] about the programmes and policies of the Government, educating the people of Bermuda on what they do.

And so, I have a question for the Honourable Minister. This FinTech initiative is not something new. It has been talked about in the platform. It has been talked about in the Throne Speech. It has been talked about in the Budget Debate. Why, then, did we not give the Department of Communication the information and resources they needed to get the job done? Those are the people whom we should count on to get the job done, because I believe they are good enough to do that job. I believe they have the ability to do that job. So, I look forward for an answer from the Honourable Minister on that.

Now, the Minister did say in a couple of cases that some of the items were unbudgeted for. And that is fine. That could happen from time to time. But I also see, Mr. Speaker, that this does create a weakness in

the system. Because if items are not budgeted for and the Minister made the commitment that he would have to, I think your words were, Minister, *cut and trim* so that there would be no supplementary estimates, that means, Mr. Speaker, that if we budgeted for items and we are not going to use those items, services will have to be withdrawn or pulled back in some way.

So, the next question to the Honourable Minister is, What does he anticipate to be the outcome of any services that might be impacted? Where is the money going to come from, and how are we going to recover from that, Mr. Speaker?

Now, Mr. Speaker, the next point I want to talk about . . . (What do I have, about 10 minutes left?)

The Speaker: Seven minutes and 25 seconds.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

Hon. Michael H. Dunkley: The next point I want to talk about is, the Honourable Member from constituency 29 referred to the NAMLC treaty or the AMLAC treaty in regard to challenges that the former Government had made with our relationship with the United States. Well, first let me clarify. It is our treaty relationship, and it was a mutual legal assistance fund. And I am glad the Honourable Member brought that up, because I have been waiting for the opportunity to discuss it.

Mr. Speaker, on March 9th (and I will refer to my notes because I have Hansard here), the Honourable Premier made some alarming comments about the legal assistance fund. And I think you will recall that you saw an email at that time. And the Premier said at that time that people must be held to account for their actions. And I fully agree—everyone, no matter if you are the Premier or whoever in this country.

On page 107 of the March 9th [Members' Proof Hansard] of the House, the Premier said, and I quote, "The fact of the matter is that there was a complaint by the US Department of Justice which was sent to the former Government that the information that was used in their civil case came through a mutual legal assistance treaty request." And that information, Mr. Speaker, was used in the civil case.

Well, the Premier went on to say, and I quote again, "These are the facts, Mr. Speaker. And there is not a single person on that side who sat in Cabinet who will stand to a point of order. Because they know it to be true."

Well, Mr. Speaker, I did not stand to a point of order, because I knew other Members would talk about it. And just like, Mr. Speaker, sometimes when you go fishing, it is wise to let the fish take the hook, it is also wise to let the politician talk. The Premier went on to say (now on page 108 of that Hansard [Members' Proof]), "[2]The fact of the matter is that there was a complaint by the US Department of Justice that the former Government used information that was received in a mutual legal assistance for a civil matter. Those are the facts."

Mr. Speaker, he went on to say that this is an important matter which can have an impact on our relationship.

Now, Mr. Speaker, as I just said, you have seen that email. You did read it out, but you saw the email. And I believe that email was leaked from Chambers. Perhaps, Mr. Speaker, end of story! The Speaker saw it. The Premier made his comment. End of story. But I say, Mr. Speaker, now is the time to say, *Well, not so fast.* Because here are the facts: What the Premier did not tell the House or the people of Bermuda was that, within a very short period of time, about 24 hours, I believe, Mr. Speaker, there were other email exchanges that cleared the matter up to the satisfaction of the Department of Justice [DOJ].

Yes, Mr. Speaker, cleared the matter up. These are the real facts, not what was stated on March 9th and not what was alleged by the Honourable Member in seat 25. There were other very important email exchanges that followed which the Premier actually failed to mention. So, Mr. Speaker, within 24 hours of the original email from the DOJ to Chambers, a reply was sent back. That is one email, Mr. Speaker. And within the same 24 hours, the DOJ replied. And the reply, Mr. Speaker, was that all was well.

Let me repeat, Mr. Speaker: The reply from the DOJ was that all was well.

So this is a totally different set of information that I have provided you tonight. And so the question must be put to the Honourable Premier, and to the Honourable Minister, why have they, unintentionally or intentionally, misled the House? And I believe, Mr. Speaker, you might have seen a copy of those emails.

Hon. Wayne Caines: Point of order.

The Speaker: Point of order.

POINT OF ORDER
[Imputing improper motive]

Hon. Wayne Caines: I probably will need your guidance to get through this, Mr. Speaker. I believe that the Member from constituency 10 is imputing improper motive of the Premier. And if he, indeed, is referring to specific emails, the Premier in his missive to this most Honourable House, tabled the emails. If the [Member] is going to refer to a set of emails that follow on from that, he should do the exact same thing—

[2] *Official Hansard Report* 9 March 2018, page 1639

table the emails—so you have the opportunity to look at it and not rely on his reference.

Hon. Michael H. Dunkley: Mr. Speaker, I just said, as the Honourable Minister maybe missed, or did not hear me, I did not speak clearly, but, Mr. Speaker, I understand that you have seen those emails. So, that question has been dealt with, Mr. Speaker.

Hon. Wayne Caines: Mr. Speaker, did you . . . Mr. Speaker, it was not clear, because as you know there is an email, and there was a trail of emails. My point is that he has referred to more than one email communique. My question of you, Mr. Speaker, is, Have you seen the entire train of emails to which he refers? That is my question.

The Speaker: Let me assist everybody here.

When the matter was first brought to the House, the Premier . . . I took it upon myself to have the Premier not table it, but for me to view, because I thought it was very sensitive. So I saw it.

Subsequent to that, an additional email was shared with me on the same matter when the Honourable Member who was in question at that time gave a [3]personal explanation. He shared a series of subsequent emails to that. The same thing. I did not have it tabled because of the sensitivity of it. But I have seen the paper trail.

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

So, in closing, I quote the Honourable Premier again from the Hansard, because, Mr. Speaker, when we make allegations, we need to back them up. Not for your political gain, but for the gain of this country. The former Government was accused of putting this country in jeopardy. The Honourable Premier said: [4]". . . when you decide to risk the relationship that we have with our number-one trading partner by using information that is received from a federal grand jury that is shared for you for mutual legal assistance, and then you take that information and use it in a civil trial, and you attract the attention of the US Department of Justice, who is asking, *Why are you doing this?*" (the Premier said) "people need to be held to account for their actions."

Well, tonight I delivered the truth, and people need to be held to account for their slander and for bringing this country and this House into disrepute. Thank you, Mr. Speaker.

The Speaker: Let me say this much to that. I saw both sets of paper trails. I do not know if the Premier has seen both sets of trails. So I will put that out there and ask that it be taken in that regard. I saw both trails; I saw them from two different sources. The Premier may not have seen both sources, okay?

Hon. Michael H. Dunkley: And, Mr. Speaker, that is fair enough. But if somebody in Chambers has not shown the Premier the full scope of that trail, then they need to be held accountable for that as well, because the Premier and the Cabinet are dealing with important information every day. And they need to get the full set and the full facts of the information so that when they stand up and speak they can be correct. And we all support that.

The Speaker: Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 36.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

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

Mr. Speaker, I stand on the matter of and in support of and to contextualise the earlier call this evening by my colleague, the Honourable Zane De Silva, for a commission of inquiry into the Conduct of the former Attorney General, Trevor Moniz, who is in this House. It is a call for a commission of inquiry, as is the power of this House to call through either a Governor or now, thank heavens, the Premier, so that these matters can be both politically, where there are political sensitivities, dealt with by the political leadership of the country. So I contextualise it in this fashion.

And I want to save time on behalf of the Government and, certainly, the incumbent Minister of Legal Affairs and the Attorney General. And I want to not lose the time to deal with the Honourable former Premier's attack on Chambers that this document was leaked. That certainly has not been tabled in this House.

Again, I do not want to throw all of my time on this matter. I certainly remember when Mr. Acting Speaker was dealing with this whole question and the tabling of the critical email that raised the first point of concern of breaching our treaty or imperilling our treaty. The Premier had that document in his hand. The Speaker, read it to himself. And the contents of it suggested clearly . . . not suggested, implicated the truth of the statement [by] the Premier, which was that this email revealed the concern being expressed by a Maryland Department of Justice officer about MLAT [Mutual Legal Assistance Treaty] information misuse, which was imperilling our relationship.

But you know, Mr. Speaker, let us cut straight to it. Obviously, we were not in the Government at the time. There would have been much peddling, both forward and backward, by either the DPP [Director of Public Prosecution] and the Attorney General Moniz, at the time, with the Department of Justice to produce

[3] *Official Hansard Report,* 16 March 2018, page 1808
[4] *Official Hansard Report*, 9 March 2018, page 1638

other emails, and to do as much diplomacy as possible to ensure that there was an exchange of secondary emails. So, can I contextualise that? And I do not have a good memory on what the second emails were, but it seems to be . . . certainly, I remember this context. It seemed to be smoothing things over.

But the Premier of the country is entitled, because he is the Premier of this country, and because of the level of information that the Premier of this country would get directly from the United States Government, [he] had the right to disclose and stand and say what he said without fear of contradiction.

Mr. Speaker, in contextualising the call by the Honourable Member, Mr. De Silva, for a commission of inquiry, it arises in the context of the decision by the former Attorney General, Trevor Moniz, to file proceedings in Boston courts, as was said by Mr. Moniz in this House on a most interesting night here, that after exhaustive investigation and on the best legal advice possible he filed these proceedings in a Boston court where, Mr. Speaker, subsequently, as the events would have it, Justice Talwani, of the District Court in Boston, found that the case was to be dismissed, after all this exhaustive investigation by our local top legal officer, Mr. Moniz, that there was insufficient domestic injury in the US to bring the case before an American court.

So, pause there, insufficient domestic injury in the United States to bring the case before the American courts.

This case, Mr. Speaker, had not been ruled upon by the point [in time] that the Honourable former Attorney General was still sitting in office in January 2017. And we march forward to July. And by July 19th of 2017, a new Attorney General, Madam Kathy Lynn Simmons, Minister of Legal Affairs and Attorney General, took the seat at the Attorney General's office. And there she had decisions to make that are both political, legal, and certainly administrative, about a case that is filed in Boston. And she had to do so blindfolded because the files . . . not one shred of file was available for her in her Chambers.

Yet, Mr. Moniz—

Hon. Trevor G. Moniz: Point of order, Mr. Deputy Speaker.

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

The Deputy Speaker: What is your point of order, sir?

POINT OF ORDER

Hon. Trevor G. Moniz: All of those documents were available for her through the law firm that was conducting the litigation.

[Inaudible interjections]

Hon. Trevor G. Moniz: That is correct. That is correct. That is correct.

Hon. Michael J. Scott: Mr. Deputy Speaker—

The Deputy Speaker: Carry on.

Hon. Michael J. Scott: Those are the very pregnant words that—an excuse, which is all it is—the Honourable former Attorney General used on the night that the Speaker (not you) asked . . . gave him marching orders to leave the House. Those are the very same words he used.

And, what a gloss of words it is. We are lawyers. I recognise the gloss when I see them. I am sure the Honourable Member, Mr. Pearman, recognises a gloss. *The files were available.*

Let me take you to the very point of the contextualisation of the very important call that has been made, which I support, by the Honourable Member Mr. De Silva, that there should be an inquiry. First of all, let us look at the basis for commissions of inquiry in our country.

The Premier may, "whenever he considers it advisable, issue a commission appointing one or more commissioners authorizing them . . . to inquire into the conduct of any civil servant, the conduct or management of any department of the public service or into any matter in which an inquiry would in the opinion of the [Premier] be for the public welfare."

So it is the conduct of leaving the current Attorney General, Minister of Legal Affairs, Kathy Lynn Simmons, having to make decisions about a Boston proceeding paid for by tax dollars. So that is the administrative part and the accountability part, paid for by Bermudian tax dollars. So she has to account for this and decide in the darkness of a file that is not present before her to make the decision.

Let me now next read what barristers' duties are. And our top legal officer cannot take the seat of Attorney General unless he or she is a barrister. There is a principal duty, of course, to carry out one's duties with diligence, competence, and skill. So, we pose the question. How on earth can the Honourable former Attorney General, Mr. Moniz, say with any conviction that, having taken the proper legal advice, he manages to . . . proceedings in an unprecedented way in a Boston court in which the Justice, in short shrift, found that there was not any basis for harm, domestic harm, in the United States and present on the evidence that was filed?

So, I am saying this, really, for lawyers, but I say for all Members of the House, we are all legislators: That sounds like a fairly basic omission. So where was the diligence, where was the skill in that?

But then there is another requirement of barristers, Mr. Speaker, as I contextualise the importance of the call by my colleague, Mr. De Silva, for a commission of inquiry into the conduct of Mr. Moniz. The

care of clients' property is another matter that falls to be considered by all of us as barristers. We are duty-bound to ensure that we observe accepted practices, rules, and laws regarding the preservation, Mr. Speaker, and safekeeping of our client's property that has been entrusted to us. Where there are no such practices, rules, or laws, the barrister if he is in any doubt, shall take the same care of the property as a careful and prudent person would take of his own property. And that is [section] 33.

[Barristers' Code of Conduct (1981), section] 37 "A barrister shall take reasonable steps to keep his clients' papers and other property out of sight of as well as out of reach of those not entitled to see them and should, subject to any rights of lien, promptly deliver them to the client upon request." The client in this case? The people of Bermuda, whom Attorney General, Kathy Lynn Simmons, represents. And when she went to find them on this top law officer former Attorney General's prognostication, she was duty-bound to just go off to Boston and get them.

Now let me make one thing absolutely clear. Plainly, the files relating to the Boston proceedings were at 30 Church Street at some point. Gobs of them; boxes of them.

[Inaudible interjections]

Hon. Michael J. Scott: Had to be. I cannot . . . and for the former Attorney General to try and persuade the public or anyone in this House that he filed and instructed an attorney in Boston, without the presence of files in Bermuda, strains all credibility and credulity.

So Senator Simmons is faced with this political decision, this administrative decision, and she is left to operate at expending more cash, traveling, as we have heard, to Boston. This is conduct beyond the pale.

It is conduct that I say . . . and you know, I am not going to try and draft the terms of reference of the commission of inquiry tonight. But I stood to contextualise it so that we understood what the mandate of the Commission of Inquiry Act of 1937 speaks to, what it requires of us, and what we say are, so far in the public domain, sins of the former Attorney General, Trevor Moniz.

And it merits because there *is* public disquiet and it *does* answer the public welfare to have answers to these questions. And the vehicle for doing it, Mr. Deputy Speaker, is a commission of inquiry. And so I stand to support this call.

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

ROYAL GAZETTE: "MP LOSES BATTLE WITH BANK"—TABLOID JOURNALISM

Hon. Michael J. Scott: Mr. Speaker, I have taken the point that the Attorney General's Chambers should not be accused of leaking the emails that were surrounding the discussion raised by the former Premier. And I want to say, changing gears as I conclude, that in relation to having to face my photograph on the paper . . . that was not a concern for me. The day was one, I can say to the Honourable Member, Ms. Leah Scott, where, whilst I was concerned, and I was distracted by this, it did not cause me the levels of embarrassment it may well in the future, because if it injures my capacity to deal with this matter in the future, that is a lot of damn embarrassment to settle this matter and future business. So that kind of embarrassment I am concerned about.

But I walked around this country with my head held high as a consequence of dozens of people calling on me, starting with the Honourable Member, Mr. De Silva, saying to keep my head up. So, I was able to do that and I will continue to do that.

This use of the Fifth Estate to try and cull black leadership, black advancement, black development, certainly, barristers historically across the country. I think of Julian Hall, I think of Llewellyn Peniston. I think of Walter Robinson and [Dame] Lois Browne-Evans; all of us. It has been going on, as Mr. Commissiong has been saying, since our history. Even the Chief Justice talks about it in his judgments about our past. When will we deal with it?

So, I thank the Honourable Member, however. That is what I really wish to do, Ms. Scott, the Deputy Leader of the One Bermuda Alliance for her empathy for me. But it was for all persons who may and *have* found themselves in this position. I sit by saying I endorse and support, so that there are two members of this House calling for, very properly, a commission of inquiry into this matter, which is beginning to go a bit cold, that relates . . . that was most hotly debated in this House, that looked into this unusual, irregular irregularities relating to the Boston files that had expended taxpayer dollars in the millions.

On that basis alone, the former Attorney General needs to be called to account for it. And what the incumbent Attorney General had to face when having to decide how to manage administratively, politically, and legally this matter, that alone would be the beginning of it. But it requires the Attorney General's attention as we finally settle a commission of inquiry terms of reference. I merely give for the benefit of Members of this House, some of the context that it ought to have, and I thank you.

The Speaker: Thank you, Honourable Member.

Does any other Honourable Member wish to speak? I recognise the Honourable Member from constituency . . .

Hon. Trevor G. Moniz: Nine.

The Speaker: Nine. Honourable Member Moniz, you have the floor.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

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

I suppose I am called upon to say at least a few words in my own defence. With respect to the matter that was raised by the Honourable Member from constituency 10, Mr. Dunkley, I think the point that was of concern is that the original email that was actually revealed a year ago—and I think it was revealed a year ago in this House by the Honourable Member for [constituency] 36, Mr. Scott. That email was obviously a very sensitive email which was leaked out of the Attorney General's Chambers by one of the staff there, which was very disturbing. It was leaked to him. I do not know who leaked it to him. It was used at that time and response was made and the matter was dealt with to the satisfaction of the Department of Justice [DOJ] in the United States.

The further emails were also very sensitive emails, but they were shared with you, Mr. Speaker, and you have confirmed that the matter was satisfactorily dealt with.

I think the point that the Member from constituency 10 made was that the Premier is now no longer in the Opposition. So it was within his power to go back to the Attorney General's Chambers and to say, *Look, I have this email which was illegally leaked last year, a year ago from the Attorney General's Chambers. Whatever happened to it?* And to obtain the answer, which was right there in the Attorney General's Chambers, which he could have obtained very easily without all the melodrama of coming to the House and going through all the rigmarole of finding out it was dealt with satisfactorily.

So he could have obtained that, and that would have been the responsible thing for a Premier to do. Anyway, I thought we had put that matter behind us. I did not particularly want to speak to it again.

With respect to the Lahey matter, you know, Members keep dragging this back up. The Lahey matter was a matter that was litigated in Boston. Of course, it was in the Boston courts on a previous occasion. Members of the Government and Ministers have asked me, *Why didn't I rely on an opinion from a Bermudian lawyer in Bermuda?*

Well, of course the answer is that they would have no expertise on federal law in Boston. So, I relied on the firm of Cooley for my advice. Unfortunately, that case was lost. Again, I would note that the judge in that case said that in her view there was a very strong criminal case to be brought, and there was also a strong case in the state court, but that on a mere technicality it failed—not on the substance of the behaviour that was revealed. And any member of the public can see the behaviour that was alleged against Lahey. It was all published by both *Bernews* and by the daily paper, the *Royal Gazette*. So I am not going to rehash all of that.

With respect to the new Attorney General having access to it, of course, the files were maintained overseas, partly because the case was, of course, overseas, and because it was a highly sensitive matter. We knew the documents were leaking out of Chambers. So, of course, what happened was I may have had a few emails. But, of course, when we were out of Government, I lost my government email. But I said at the time to the new Attorney General, *If you have any difficulties whatsoever, pick up the phone and call me.*

Hon. Wayne Caines: Point of order, Mr. Speaker.

The Speaker: We will take the point of order.

POINT OF ORDER
[Misleading]

Hon. Wayne Caines: Mr. Speaker, the Attorney General made it quite clear, and I made it quite clear on the last time—

Hon. Trevor G. Moniz: What is the point of order?

Hon. Wayne Caines: —the point of order that you are imputing, you are indeed misleading the House. The Attorney General made it clear that when she went to Boston to retrieve the files, they were not present. She could not find the files to even begin looking at them to see where we were, and where the country was with reference to this matter.

The Speaker: Okay.

Hon. Wayne Caines: When she went abroad, she could not find the majority of the files. She said when she went to her office on day one to look at the files, to see where the files were, they were not in the office in Bermuda. When she went abroad a number of the files that she was looking at—

The Speaker: Okay.

Hon. Wayne Caines: —a number of the files were missing indeed, as well, when she went to Boston, Mr. Speaker.

The Speaker: Okay. Thank you.

Continue. Speak to the Chair.

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

That is the first I have ever heard of that. Certainly, the Attorney General has never said that publicly. She, in fact, did say she was going to report back in six months, and she never reported back. The judgment appeared from the court in Boston. So that

is the first I have heard of that complaint. I have never seen that publicly. Certainly, never raised in this House, and that shocks me. I would be happy to discuss that with the Attorney General at any time and any place.

And, certainly, I would not be very happy with the law firm if that were the case. But, anyway, those were the answers. As I said, they were sensitive files. They were files for a case overseas. They were maintained overseas. Most of these things these days are electronic; they are not necessarily in paper form. I mean, in fact, in that case, most of the files would have been in the pleadings that were there. So they are publicly available in the pleadings. The newspaper up there got hold of all the pleadings. The newspaper here had it. So, it is a bit shocking that she could not find them.

An Hon. Member: Did you ever share . . .

Hon. Trevor G. Moniz: She has never said that, so we will see.

Now, I think that sort of takes care of that. Some of the Members said, *Oh well, let's have an investigation.* All I can say is, obviously, that is a matter for the Premier. But, you know, there is a very old adage, Mr. Speaker, and the old adage is "Be careful what you wish for." You know, it is quite often in life people take bold steps, and they backfire on them. But that is the only word of wisdom. Obviously, it is not a matter for me. Some of the Backbench Members are making suggestions and it is a matter for the Premier what weight he gives them.

ROYAL GAZETTE: "MP LOSES BATTLE WITH BANK"—TABLOID JOURNALISM

Hon. Trevor G. Moniz: With respect, the one last thing I would like to speak about is with respect to the Honourable Member, Michael Scott, with respect to the recent court case that appeared at the top of the front page. Obviously, I was also surprised to see that. The Honourable Deputy Leader on this side (I think, from constituency 30), Ms. Leah Scott, had made mention of it this evening. You know, I do not myself see any problem with it being reported, and I do not think she did. She had an issue with the prominence that was accorded to it.

Obviously, the newspapers can tend toward more tabloid journalism these days. However, you know, I am aware that there were other proceedings against the present Attorney General by HSBC with respect to properties that they were taking and offering for sale, and you know, that was only available [from] one obscure network. And my understanding from rumours in the community is that the networks were threatened not to print anything, that they ought not to print anything about the present Attorney General, or any court cases against her, that this ought not to be done and they were cowards to the extent that they were afraid to report it.

So, in the sense that there is inconsistency and that Honourable Member had something reported—

The Speaker: You might . . . you might—

Hon. Zane J. S. De Silva: Point of order, point of order, Mr. Speaker.

The Speaker: Wait. Wait. Wait. Wait. Wait. You saw me starting to pay attention for you. You got to your feet.

Hon. Zane J. S. De Silva: It's unbelievable! Thin ice!

The Speaker: You are walking on thin ice there. In that you are throwing out an accusation that someone threatened, was taking a threatening manner against . . . (You can stay in your seat.) Again, I am going to caution you on that. Unless you have evidence to produce that someone threatened someone in that regard, I think you are going down a slippery slope.

[Inaudible interjections]

Hon. Trevor G. Moniz: Mr. Speaker, I need go no further. I have said what I intended to say, and I thank you.

[Inaudible interjections]

POINT OF ORDER
[Misleading]

Hon. Michael J. Scott: Mr. Speaker, just on a point of . . . I think it is a point of order. I know, I understand the rules, but when the Honourable former Attorney [General] said that the email on the MLAT arrangements was leaked to myself . . . I have no idea what he means by that. He can never sustain that, and it was misleading the House.

Hansard should reflect that no emails were leaked to me in relation to the MLAT matter that we discussed in this House from Chambers.

[Inaudible interjection]

Hon. Michael J. Scott: No. You have forgotten, Trevor.

The Speaker: Thank you for clarifying that.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 28.

HEROES WEEKEND ROAD SAFETY MESSAGE

Mr. Dennis Lister III: Thank you, Mr. Speaker.

Good evening to the House. Good evening to the listening audience, and good evening to those in the Gallery.

Mr. Speaker, I was hoping that we would not be in this late, because we all know what this weekend is. It is—

An Hon. Member: It is the 7th.

The Speaker: Father's Day weekend.

Mr. Dennis Lister III: —the 7th also, my Honourable Member. It is Father's Day weekend, but it is also Bermuda Heroes Weekend, Mr. Speaker.

The Speaker: Oh yes.

Mr. Dennis Lister III: I know most of us are in a hurry to go up to some party tonight or something, Mr. Speaker. I know cousin Derrick was hurrying to go to his bed, but we can minus cousin Derrick.

[Laughter]

Mr. Dennis Lister III: Mr. Speaker, I wish to use this opportunity, though, in the light of all the festivities this weekend to send a road safety message to Bermuda, as we enter into this festive weekend.

Mr. Speaker, there are some sobering statistics that I would like to highlight. Within these 21 square miles there is a history of road traffic incidents that have not only cost millions of dollars in damage, but have extracted a heavy toll in disability, suffering, and the loss of life. Over the past 20 years, from 1997 to 2017, we have seen 227 deaths on our roads. That is an average of just over 10 deaths per year. Last year alone there were 15 deaths on our roads. [The year] 2017 reflected a mark on year-on-year increase from 2016 where there were 11 deaths. Still too many, Mr. Speaker. Today, though, marks the halfway point in June and of this year. And we have already mourned the loss of three lives on our roads.

These are neither fun nor festive facts. The number of deaths is pretty shocking. But before we shift down the road this holiday, I believe it is imperative that we underline the numbers that reflect our culture on the road. There were 1,557 persons treated at King Edward Memorial Hospital because of road traffic collisions last year, Mr. Speaker. There were 606 damage-only collisions, 555 minor injuries, 604 serious injuries, and 15 fatalities. Mr. Speaker, these statistics are all too alarming.

The Ministry of National Security and also the Ministry of Transport and also, Mr. Speaker, I should say the Road Safety Council, wish to remind all of Bermuda that safety must remain front and centre as a priority. We have the following safety measures in place, Mr. Speaker: The Bermuda Police Service is standing ready to serve the country during this busy festive period. We have community partners, event promoters, and even individual carnival event [promoters] have put in place security teams to join in our efforts in creating a safe environment.

It is our community. And collectively it is our responsibility to keep each other safe this Heroes Weekend.

Mr. Speaker, earlier today I was on two radio talk shows to discuss road safety, as the Road Safety chairman. And we have stressed that during this time period there will be, as we already stated, a myriad of events going on. And there will be thousands of our citizens going to these events, Mr. Speaker. So what I encourage . . . because we know at these events there will be alcohol consumption. People will be going off to have fun, Mr. Speaker. But we encourage responsible drinking, and having fun responsibly, Mr. Speaker.

Most of us will be going out in groups, because we are going out to have fun. It is a social event. And most of these events are happening . . . multiple events in a day. So what we encourage, Mr. Speaker, is that if you are going out, have designated drivers. If there are four, five, six of you going out, one night, I am designated as a driver so the other five can go out and drink their merry hearts away. But let *me* be the designated driver, Mr. Speaker. And then tomorrow night, one of my other friends will be the designated driver, and I can drink my life away, Mr. Speaker. So we encourage safe, responsible drinking and driving, Mr. Speaker.

Also, outside of just this weekend and drinking and driving, we encourage safe driving habits to keep us all safe, whether you are on your bike, buckle your helmet; in a car, strap your seatbelt. Please, don't speed. Remain in the speed limit. It might be a little slow, Mr. Speaker. I know cousin Derrick likes 35. It reminds him of how his age was about, maybe 60 years ago. But, Mr. Speaker, doing 35 keeps us alive.

And also, we must practice caution and courtesy on our roads, Mr. Speaker. There is all too much a habit of bad behaviour, or road rage and racing. We can all just take a second and calm down. When you get in your car, before you turn on the ignition, take five seconds, gather yourself, think about what you are doing, so you are not in a rush, not in a hurry. And if you are in a hurry to somewhere, Mr. Speaker, or you plan to be somewhere, plan ahead to leave 10, 15 minutes earlier so that you are not racing down the road.

All in all, Mr. Speaker, and you mentioned it also, this weekend is Father's Day weekend. From statistics that I have not read out, in those past 20 years of the 227 road fatalities that we have had, the average median age is 42 years old, Mr. Speaker. Ninety per cent were male. So on this Father's Day

weekend I stress to our males to be safe on the roads, because the last thing that any family wants is to get a call from an emergency service to say your loved one is in the hospital, Mr. Speaker. We do not want that to happen.

So, Mr. Speaker, I stress to our motoring public to use caution, courtesy, and care. To think, choose, live, and to arrive alive. So, again, the Bermuda's Heroes Weekend is much more than fun, sun, and fellowship. I just encourage everyone to remember that this week is the celebration of the best of us, the men and women who have served to shape our today and inspire our tomorrow. Let's enjoy the weekend's festivities with their good works in mind as we connect with our families, celebrate with our fellow countrymen, and host our visitors. Let's fete safely and take to our roads this Heroes weekend.

Mr. Speaker, again I stress and encourage safety on our roads so that we can all enjoy this weekend. Have a happy Father's Day, and we can all see another day, Mr. Speaker. Thank you.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to speak?

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

MOUs—OPPOSITION'S QUESTIONS

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

Mr. Speaker, this evening we have had a range of topics that have been discussed. And I want to say a few things with respect to the Members on this side of the House, because I know we have been talking about what we do, and there have been some suggestions that maybe we are critical of some of the projects or programmes that the Government is trying to make sure come to fruition.

I want to say right from the get-go with respect to building the third industry, and we are talking about the digital assets, the blockchain, the FinTech industry, I think we all recognise that, as I have said many times, we want to see this come to fruition. We want to see it become the third industry because that means that Bermuda has jobs. But, we would be remiss if we did not ask some questions. And asking questions does not mean that you are actually being negative about something. It just means that you are making sure that the public understands and, if things are happening, you actually provide some information.

I was pleased today to hear the Minister talking about a building being bought. This, to me, meant, *Okay. If a building is being bought, then we are talking about FinTech, we are talking about what might happen over at Southside.* I know that there is some suggestion that in some cases there might be some—

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER
[Misleading]

Hon. Zane J. S. De Silva: The Honourable Member is misleading the House. And she is misleading the House this way. Certainly I spent my time, four and a half years, in Opposition, and I know how they feel on that side. But, Mr. Speaker, this is a very important point of order.

The Speaker: I'm waiting.

Hon. Zane J. S. De Silva: The Honourable Member just said there is nothing wrong with us asking questions. And I am okay with that. But this is what we have a problem with, and I will quote, Mr. Speaker. I will quote—

The Speaker: Okay, come on.

Hon. Zane J. S. De Silva: —this is the point. I will quote the former Premier Dunkley, from a *Bernews* article.

"[5]That brings me to a question; the MOU says they will develop a digital asset exchange in Bermuda subject to the legal and regulatory process. But hold on a second . . . here is a company that has a questionable record of wanting a sound regulatory environment and secondly is also being asked in the MOU to work with the [Government of Bermuda] to develop the legal and regulatory framework!"

You see?

And then he goes—

Hon. Trevor G. Moniz: Sit down, sit down, sit down.

Hon. Zane J. S. De Silva: I beg your pardon, Mr. Speaker. Do you control this House?

The Speaker: Just talk to the Chair—

Hon. Zane J. S. De Silva: I thought so.

And, Mr. Speaker, he went on to say, "this type of picture makes it look way too cozy with potential first movers."

Hon. Jeanne J. Atherden: Point of order, Mr. Speaker!

The Speaker: Wait, wait, wait, wait.

Hon. Jeanne J. Atherden: I think this Member has had his time!

The Speaker: Okay.

[5] *Bernews* 7 May 2018

Hon. Zane J. S. De Silva: Mr. Speaker—

The Speaker: When you get up to make a point of order—

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

The Speaker: —you need to be precise . . . concise on your point of order.

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

The Speaker: So we take your point.

The Honourable Member, continue.

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

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

That means I have 19 minutes left.

The Speaker: Go ahead.

Hon. Jeanne J. Atherden: In any case, Mr. Speaker, the point I was making is that there is nothing wrong with us asking questions because sometimes the public gets to hear information that they would not have had. And, therefore, I was pleased that the Minister talked about a building being bought, because when you start to look at some of the MOUs you realise that, according to them, there is going to be training done for Bermudians. There is an indication that certain things should be happening. And unless we know how it is going and the timing, then you wonder whether the MOUs will actually come to fruition. And I want them to come to fruition, because that means that there will be jobs for Bermudians in these various industries.

So we have to keep asking the questions because some of the MOUs say that the Government is going to do a lot of what I call, not red tape, but red carpet. And that means that the Government has to facilitate them getting the premises to help facilitate them with the training. And also it begs the question of how Bermudians are going to be chosen. And then we will be looking with interest to hear about who is chosen and how they are progressing in terms of getting the jobs and the number of jobs that the Bermudians get versus the non-Bermudians. These are all things that the Bermuda public want to know.

And if I keep looking at the MOUs like the rest of Bermudians out there, I will be able to see which companies are coming and providing information with respect to the Regulatory Authority who is providing some of the consulting, and which of them are providing consulting but then are going to come and have companies. And I must admit, for me, I am very interested to see about the blockchain because I know that there is a possibility for some of that to be potentially utilised in Bermuda. So, I am looking forward to seeing how this is developing.

So, I do not believe that the Government should feel threatened or feel that because we are asking these questions that—

[Inaudible interjections]

The Speaker: Ah, ah, ah. Let the Member speak to me.

Hon. Jeanne J. Atherden: —threatened that—

[Inaudible interjections]

The Speaker: Let the Member speak to the Chair.

Hon. Jeanne J. Atherden: —threatened that we are asking these questions, because we are not saying that we are not supportive of this. We are making sure that the people of Bermuda are able to get the answers that are important to them.

So that is the first thing that I wanted to say, Mr. Speaker.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

Hon. Jeanne J. Atherden: The second thing I wanted to say was the fact that I am a little concerned that we keep hearing this issue of going back into the past about what happened with respect to the Attorney General, and rehashing things which I thought had been put to bed.

I remember standing on the floor here after the Attorney General had come and given the explanation with respect to the information in terms of the emails, et cetera. And I remember standing on this floor and supporting the Attorney General because he made his explanation and I was satisfied that we had put this matter to bed.

Now, I cannot control what other people say. But I do believe that it is time for us to recognise that questions have been raised, questions have been answered. And I find it rather strange that someone would want to talk about coming up and having a commission of inquiry. I know in the past people have felt that this did not work before, so I am not quite sure why they would want to reinstitute it.

DISCOURSE IN HOUSE OF ASSEMBLY

Hon. Jeanne J. Atherden: But that being the case, Mr. Speaker, I want to also say that some interesting suggestions were made about things that the Opposition and the Government could do with respect to collaboration. And we will continue to look at that, because there are things that are important to the people of Bermuda, and I believe that the more we can focus

on that in terms of ideas that the public will benefit from, then I believe that this makes a whole lot of difference.

And recognising . . . and I do appreciate the comment about Father's Day and actually about road safety, because I, too, have had some real concerns about people driving down the third lane and you always worry about a holiday when something happens. And I must admit I was so thankful when the Minister, Wayne Caines, got up and was looking at his phone, like this, and he said he was all set to talk about his speech . . . and then . . . the way he said it, I thought, *Oh please, don't tell me he is going to tell me that something had occurred.* Because he almost built it up like something had occurred, like an accident, or something. And so, I actually was quite pleased that he was going to talk about something different.

But, Mr. Speaker, I just hope that when we start to come to the motion to adjourn, that we can start to have the type of discourse that the people of Bermuda want us to focus on at the end of the day, about things that are important to them, about things that are going to improve their lives. And, as I say, I will commit to making some more comments at the end of the day about some of the things that I believe are very important. And I have something, but I am saving it because it is the end of the day and I do believe that at some point in time we have to talk about education, and we have to talk about what we are all doing with respect to educating our children in some of the new things that I believe maybe will come as a consequence of some of the new training and some of the new things that are going to be put together in the MOUs, because that is a new industry. That means there is going to be some . . . if I remember correctly, the Government said they are going to use technology and some other things to really do some different type of training. And I think that I will be intrigued to see that happening.

I hope everybody has a happy Heroes Day. I do think that we will be looking forward to getting back here and dealing with the people's business with the type of fervour and remembering that, as I have said many times, we want people to come and join this House. And we want people to get involved in politics. But as long as we keep having this where we are being very personal in our discussions, this makes it awfully hard for people to decide to join us. And I would like to think that they would look more at the fact that we have the opportunity to bring forward some ideas . . . some more . . . we would have the opportunity to bring forward some more ideas that will improve the House and improve the well-being of the people in Bermuda. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to speak?

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

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

I felt compelled to rise to my feet this evening and share my comments, because I sit here some days and I think I have taken just as much as I can take, Mr. Speaker. So first, I am going to start with the comments with regard to the Attorney General.

LAHEY CLINIC LAWSUIT DISMISSED BY US COURT—EMAILS

Mrs. Renee Ming: I felt that they were disingenuous, Mr. Speaker. And I am going to start by saying this here, that if our role in this House is to only get up and make comments that can be recorded, just so that we said it, in Hansard, that we are in a sad space. And that level of discourse that I just heard needs to start somewhere else.

Mr. Speaker, you can refer to an article in the *Royal Gazette,* March 10, 2018, where the now Attorney General, clearly said that this case . . . in her thing she deemed it as being over. I did not read anywhere where she said she would come back in six months, and if you want me to give the exact wording, I can. There was nothing about *I will come back in six months, I will revert back to you,* in anyway. She said, that the matter is closed "and we do not intend to proceed any further."

So I do not understand where that came from.

Hon. Trevor G. Moniz: Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER
[Misleading]

Hon. Trevor G. Moniz: The Member is misleading the House, inadvertently, I believe.

When she said she would come back in six months was after the PLP won the election. So six months from then would have been around Christmas. She would have come back around Christmas. She did not come back at that time. The decision of the judgment came out in March, and then she made a statement about what she intended to do. She never reverted to the public as she had originally promised.

The Speaker: Well, I think the March statement—

Mrs. Renee Ming: Thank you, Mr. Speaker.

The Speaker: —has put it to bed, then.

Mrs. Renee Ming: I guess I'm dealing with chronological order here, Mr. Speaker. That is what I am talking about this evening.

So, Mr. Speaker, to make those comments, I feel was disingenuous. I think that our Attorney General serves with a level of integrity that cannot even be waivered.

DISCOURSE IN HOUSE OF ASSEMBLY

Mrs. Renee Ming: And, you know, it frustrates me where we sometimes take the debate in this House of Assembly, because we can sit here . . . we do not always agree. Right? We agree to disagree, but that comes with respect. So when I sit here . . . and I am not even one who jumps to my feet during the motion to adjourn, to make comments, but tonight I felt there was a need to make the comments.

I heard my colleague speak about discourse. Now, I do not know if that is the new One Bermuda Alliance word, "discourse." But discourse has to start from somewhere. And it cannot be a word that we just say and do not actually apply what it means. We cannot come in here week in and week out and then the discourse is always generated towards this side. It has to start over here as well.

Thank you, Mr. Speaker. I am not finished, but I am just ignoring some comments right now.

So, Mr. Speaker, one thing that I would like to say to the Bermuda public is that I encourage them to *stay woke*. And when I say that, it is to pay attention to what is going on around us, and what is being said. Because we can focus on one thing over here. And one thing I saw, Mr. Speaker, in my time as a Senator, was that when we were Opposition, was stay woke and pay attention. I used to think we focused sometimes on what was happening over here, Mr. Speaker, and around the corner was something else going on brewing and we would not hear a word about it until it was either in the public domain, or it got out there.

So I encourage my listening public, our listening public, Bermudians, stay woke and pay attention to what is said and sometimes what is not said. Okay?

Now, the other comment was here, and I said this is one of those ones where it boils down to perception. Now, we have had the words "commission of inquiry" mentioned in here a few times this evening. And my colleague says sometimes, *Well, is it really necessary to go back . . .* well, I'll be. A commission of inquiry would do just that—it would look at some historical events. So you will have to go back. The commission of inquiry of the last few years did not look at a current event; it looked at something that had already happened. So that is what it does.

The object of it, though, is to not look . . . besides if it should be a current or past event, because it will be a past event. It would have already have happened. But, what comes out of it. What details have been garnered as a result of an in-depth inquiry? So when we are hearing that, that is what I think my colleagues are referring to because I know my colleague across the way referred to the comments that, *I did not shred anything of value*. Now, for me, I see that as, *What does that really mean?* It could mean many things.

So maybe an in-depth investigation will show us what does that . . . I mean, did you actually shred anything? Was it expensive paper? Cheap paper? Did not have any value, whatever? It sounds funny, yes. But it is the question of what does that actually mean? Because to some it may mean nothing. And to others throughout an investigation it surely may mean something.

So, Mr. Speaker, in terms of discourse (getting back to that word, because, as I said I hear it so often from the Opposition Leader, from the Senators), discourse has to start as maybe a discussion over here. And if you want I will hold my hand up and say I will even start that discussion on my side. But we cannot—cannot—use the word and not actually want to do, or even have the inference of doing what it actually says.

Mr. Speaker, I just want to close my comments. I would like to wish my Bermuda public a safe holiday weekend. To the fathers, Happy Father's Day, and to all the men who impact children's lives. And just wish us, more than anything, a safe holiday weekend.

The Speaker: Thank you, Honourable Member.

I see your colleague from the East End rising. I think I will take your colleague, Mr. Swan. You have the floor.

DISCOURSE IN HOUSE OF ASSEMBLY

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

Mr. Speaker, I will continue on where my colleague just left off with regard to discourse, and what I would call the *Kumbaya politics* that the Opposition Leader is portraying. And I kind of understand a little bit about that type of language. But I think that the Opposition Leader first needs to be mindful of what is happening in thine own house when it comes to discourse.

I think what started a lot of this off today, and certainly when the Opposition Leader made reference to the Honourable Minister Caine's presentation on the motion to adjourn, where he was compelled to alter his speech as a consequence of something that was forwarded to him by a colleague. Certainly, I do believe that this colleague may have circulated to him a tweet that was put out there in the public domain that was put forward by one of the Opposition Members, the former Leader of the Opposition, who still sits on the bench in constituency 10. And that Honourable Member took to tweet about the discourse in

the House of Assembly on matters that took place this morning.

Now, if it was a one-off thing, maybe I think the Honourable Member would not have altered what his prepared speech was, and spoken to it in great length. But, it is a common occurrence. I believe that the Opposition Leader need only look at a statement in an opinion piece which speaks about the FinTech industry, which was penned by that same Member from constituency 10, the Honourable Member, calling into question the FinTech industry and liking it to . . . and he was not flattering at all. He was not even the least bit trying to be. He was being disingenuous at best, [comparing] what is happening in the FinTech space with the Government and memorandums to the platinum period of hotels.

Now, I am here to tell you that I am sure that every hotel that stood beside Dr. Brown when he was Minister of Tourism that made an announcement, whether or not it had been Newstead Belmont, whether or not it had been down at Tucker's Point, whether or not it had been at Ariel Sands, was doing so in good faith that they would have realised some significant success by now.

Let us not forget that 2008 tore the heart out of many businesses globally. And Bermuda had a part to play. And there was great silence in the business community about participants in the decision-making that took place. So the discourse, and the *Kumbaya politics* that the Opposition Leader would like us to embrace, is not being practiced by her own Members. Especially the Honourable Member from constituency 10 who, in the first opportunity when talking about the FinTech space and prior to the Digital Assets Bill and the like was called up on a point of order for making disparaging remarks about no less than the Premier!

And I think it is important for us to put that front and centre. And the Opposition Leader and the Member from constituency 1 spoke to this about, you know, *Why should we go look back at a commission of inquiry?* Well, let us not forget that the Lahey case was deemed exceedingly political. And the whole OBA's . . . the majority of the OBA's tenure was very, very, very, very, very hinged around the Lahey case, the commission of inquiry, allegations of corruption. It sounds like the 2007 election platform mirrored that of 2017. They are both tied to the same person once again.

And today, Mr. Speaker, there is much to say about this. But what is happening in their own camp?

Some Hon. Members: Ooh!

Mr. Hubert (Kim) E. Swan: What is happening in their own camp? And that is important because their prominent man will turn to Twitter to make points, probably making them here now, to avoid what some of their own Members are saying about them and the way in which they carried out Cross Island, which was happening almost parallel at the same time that they were funding a commission of inquiry.

An Hon. Member: Ooh!

An Hon. Member: You don't hear peep about that.

Mr. Hubert (Kim) E. Swan: And I think many persons are asking when it comes to . . . and you heard it in this House as it relates to Dr. Brown. When does it end?

The Honourable Member that tweeted about the questions did not disclose how many of those funded posts, or not budgeted posts, or posts that exist were part of his doing, or approval of. Certainly, that speaks to great hypocrisy that is coming this way.

The blockchain and FinTech space is an important one. And I give all credit to those young Ministers, as I have in the past, who are doing their best to advance this. But it is going to take far more than the Opposition Leader getting up at the end of the day saying, you know, *we are just going to ask the right questions,* when her own very Members are being very malicious, particularly the one who held leadership in 2007 and 2017, who ran a campaign based on corruption, who, based on four years of leadership, probably had every difficulty going to the business community to get funds to run a campaign, relied on the campaign of the Lahey Clinic, relied on the campaign of the America's Cup—which was taxpayer funded. Taxpayers' money paid for, taxpayers' money at the same time when civil servants and the like across this country were told, *Hey, you know, it's just not there. Furlough days.*

An Hon. Members: No way!

Mr. Hubert (Kim) E. Swan: The country was wound up tight.

And let me say this to that. It is 11 months since this young Premier has been here. I can tell you that Bermuda has settled down considerably. And you do not need an opinion poll to tell you that. And that is to the credit of the Progressive Labour Party leadership, the Cabinet. Whether or not you have issues that this did not get done, or that did not get done, compare the 11 months to the four and a half years of Bermuda being wound up tight as a drum, or tighter, having to navigate through some difficult . . . you cannot come here and say, *Just sing Kumbaya*, while some of your Members are going out there doing things that they know what they are doing. And you should know what they are doing as well.

An Hon. Member: You know.

An Hon. Member: Know full well.

Mr. Hubert (Kim) E. Swan: And that, Mr. Speaker, is a serious indictment, because, you know, Mr. Charlton . . . he is not a Sunday School angel when it comes to local politics, particularly in the Sandy's community. I have a few friends up there in Dockyard, and the like. They know what it is like to . . . some of them know what it is like to live in darkness. Right?

An Hon. Member: Yes.

Mr. Hubert (Kim) E. Swan: You know?

And some know when someone might come and make one promise on the left hand and turn around and do something different on the right. So, you know, he is not without . . . I am certainly sure he has made his share of mistakes along the way. But he is certainly having a different thing to say about who he was holding hands with during that period.

Some Hon. Members: Yes.

An Hon. Member: He was in concert.

Mr. Hubert (Kim) E. Swan: And so from that point of view, Mr. Speaker, I certainly believe, particularly with the results of recent . . . not in July of 2017, but in June of 2018, that the Opposition needs to look deep, deep, deep inwardly.

And last week I had occasion to mention a sad anniversary of the passing of Mr. Crockwell. But, as I said then, there were two speeches that he made in this Honourable House in the last days of his life that I would encourage the Opposition to reflect upon, because he speaks from a position of being amongst persons, some of whom he thought were his friends. Some who he thought he could rely on. Some who might have told him, *Don't worry; I've got your back.*

And so if Bermuda is going to have the type of leadership from a critical point of view that the Opposition is supposed to provide, they have to do some soul-searching themselves. They really do.

As a Government, as has been mentioned many times, and one of our most senior Members remind us all the time, look at what we promised in our Throne Speeches, and, most importantly, in our platform that we went to the people with.

Mr. Speaker, let me close with this: As I listened to the commentary out there about independence, in 1995 I stood at the polls in St. George's at East End School along with Mr. Phil Perinchief in support of independence. Today my position remains the same.

And the one thing that I can say is that if anyone wants to know where the Progressive Labour Party stands on independence, you do not have to go to our platform, you do not have to go to our Throne Speech. We are governed by a Constitution that is available to all on the Internet. You can go there, and you can see what the Progressive Labour Party stands for on that subject. So I just want Bermuda to know that it is an important subject to many persons in Bermuda. And we are fair-minded people, always.

And I just want to say this: When you look at that Constitution, Mr. Speaker, it will reveal what we feel and what we stand for in this particular space.

So, as the Opposition Leader comes and says that, you know, she relates the fact that a commission of inquiry goes back, if the Premier of the day feels it is necessary to go back, he will make the determination. But I can put hand over heart and say it is not because he wants to see if the people will vote for us at the end of the day. It is because we have to get to the bottom of some things.

And, as I said, you can look at the parallel between 2017 and 2007, notwithstanding the personalities who are the same, and you can see, as my father was a former police office, the same MO being taken forward. The same MO, ironically, against the same person. S-S-S. With an 'S." Same person.

So, Mr. Speaker, I just encourage some inward reflection, particularly on the side of the Opposition. It is most necessary from their perspective. And whilst the Opposition Leader is quick to come to the defence of many who are out there doing the totally opposite of what she is espousing, deliberately, I know, but if she is in concert with it—I am not suggesting that—but I am certainly pointing out that it exists. And it exists in great abundance.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 12. Mr. Cannonier, you have the floor.

CROSS ISLAND

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

I certainly enjoy a spirited motion to adjourn. And so the House knows that I am not afraid of mixing it up every so often, but in listening to the Honourable Member Caine's speech, I must say that his approach to the dialogue was impeccable. I listened to him very intently as he walked through. I think tonight was the best speech that he has probably ever given in the House. I must say that I sense a slight spirit of change within these four walls, this Chamber.

As I have said already, I listen intently to what folk have to say and, again, I am not afraid to point out a spade when I see one. Or certainly go down Memory Lane as to some of the things that I found duplicitous in speech. And I have heard some of that this evening. But, I am going to take it with a grain of salt because I do believe that tonight has been, in spite of some of what has been said, a real movement to a better Bermuda in our politics.

I was just saying to a colleague from the Government how I think that in this particular House, and I

will be transparent. It was Honourable Christopher Famous. I was just saying that we have done each other a disservice in the House which is why the public many times feels the way that they do towards politicians as a whole. So I am hoping that some of the positive-ness that we have heard tonight will pervade over some of the duplicity that I heard tonight.

But I am encouraged by the dialogue, as I said, and the discourse, the word "discourse," that has taken place in the House. And it is not always going to be easy in the House, you know. We are individuals and we sometimes can allow things to get under our skin individually and personally. But I do believe in earnest that everyone in here wants to see a better Bermuda. And if we are going to move past the politics of race I think that in seeing some of the public statements in the newspaper by members of the international business community we are moving really in the right direction. I cannot say specifically who we will assign that credit to, but I think it should go to the whole House itself, Mr. Speaker, as we are here.

I was tempted to go down Memory Lane, as I mentioned, about some of the things that both Governments, when we were Government and the Government today, have invested in the past that have been a complete flop. So we can go back and forth on some of these things. But at the end of the day, I believe that governments always enter into projects with earnest of trying to do better for the country, and certainly not some of the comments that I have heard to enrich friends and family.

I took to heart that comment that was made this evening because, certainly, BCM [McAlpine Ltd] will tell you that I was not a friend to them at all. WEDCO can tell you that I was not a friend to them, but a business colleague as a Minister, at all, because I repeatedly went up there and I had nothing to do with, contrary to comments made by the chairman, BCM being brought on as the general contractor. Had not a clue until it was announced who it was that was going to be doing it. Oh, okay, well, that's who is doing it. Nothing to do with me as a Minister.

And I will say that I did send a directive to WEDCO to take on the Cross Island development. But I would dare say this, Mr. Speaker: Be careful as we dialogue about Cross Island development because I do not want to go back too far, because it will become vexatious, and some of the things I saw going on there at Cross Island development would make us shun. And we do not need to go there.

So let's leave Cross Island where it is. It was going to be developed even without America's Cup before OBA. So, that is the point I am making. And some of the things that we as a Government had to deal with when it came to WEDCO and Cross Island development, quite frankly should have led to some commission of inquiry. But we do not need that, and I was not going to let that happen. Let's move forward.

Let's move forward. I am not here to throw any stones at anyone. But when I hear the chairman get up and make the comments that he made, yes, that is vexatious because this is a man who came to me. He was hiding in bushes taking pictures of Members of the Government in their trucks and all kinds of things. I do not want anything to do with that. This is the kind of individual we are dealing with. And, yes, he may have been a colleague, as far as he is a part of the OBA. But I certainly did not sign up to some of the things that I saw going on. Certainly not!

And when we went and did a visit of WEDCO while BCM was there, and Honourable Member Dunkley was there, and the Honourable Member Grant Gibbons (at the time) was there, WEDCO representatives were there, and in front of all those contractors up there I told them straight*, I do not see diversity up here*. Absolutely. Absolutely.

And the general manager of WEDCO can tell you that on a daily, weekly basis I hounded and harassed him about ensuring that I saw more black contractors and Portuguese contractors up there.

Now, I must say that I got up there. I was glad to see . . . I saw Island Construction's cranes sitting up there just as pretty as could be. Well, good advertising there, Honourable Member. Good advertising up there.

So I do not know, because I was harassing him about getting more diversity up there . . .

[Laughter and inaudible interjections]

Mr. L. Craig Cannonier: Black and Portuguese.

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker.

The Honourable Member is misleading the House. We had more than a crane up there on that site!

[Laughter]

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

So I am going to take the comment, that I did speak on the news last night, with a grain of salt. You know, it is not the Minister's job to be telling people who and what to do when it comes to contractors. And it certainly was not the position of the Ministry of Public Works. But I do realise, and I felt that a lot of work had been created up there. So I was proud of the fact that we were at least able to get some work going up there when jobs were a concern for the community, and continues to be a concern for the community.

So I will leave that where it is, because I know no one entered into or was doing anything unscrupulous, let alone the Finance Minister. And again, being transparent, certainly he was always going to guarantee that development. And by rights, he should have, as a Finance Minister, guaranteed that development.

But at the same time we cannot have Members who were involved in the building of that, like the former chairman of WEDCO, be given all kinds of accolades for a job well done up there, and to also be all excited about America's Cup to then want to try and put a black eye on it, for whatever reason.

For the life of me, I cannot figure it out. I mean, I am hearing that he did not get a clean certificate or something like that. I mean, I do not know what the reason is. I really do not know what it is all about. But I did have an issue with the chairman—

[Inaudible interjection]

Mr. L. Craig Cannonier: He is certainly not going to come around—

[Inaudible interjection]

Mr. L. Craig Cannonier: I can assure you he would never come to me. That is for sure.

But anyhow, be that as it may.

Mr. Rolfe Commissiong: Mr. Speaker, will the Member accept a point of clarification?

Mr. L. Craig Cannonier: Sure.

POINT OF CLARIFICATION

Mr. Rolfe Commissiong: Member, is this the same person who once called Rolfe Commissiong the David Duke of Bermuda politics? Are you thinking of the same individual?

Mr. L. Craig Cannonier: I do not recall that statement, but you are probably right, you know.

But anyhow, in this political career of ours it is not easy. We come into contact with all kinds—the good, the bad and the ugly—within our own ranks and without, in the Opposition as well as within the Government itself. But we must press forward in doing what we feel to be the right way forward.

DISCOURSE IN HOUSE OF ASSEMBLY

Mr. L. Craig Cannonier: So I am hoping that as we dialogue and continue to dialogue, we will begin to see a little less of the duplicity and the pointing of fingers, and more about speaking to the real issues that plight this country and how we are going to move forward, because we are certainly not going to be moving forward if we continue to point fingers. And I say that within the ranks of the OBA, that we as well must do better. But I also commend and speak to the Government that also we are expecting better from the Government as well.

So, I also, Mr. Speaker, want to go back to the Honourable Minister Caine's approach to FinTech. I have been looking for some time now for something. I am still not sure whether or not the industry will be a pillar. And I am hoping that the Government will continue to look at other areas that might potentially be a pillar for the community economically as we move forward. And any suggestions that I might have I should bring them to the House, and I will, as to what I think might be done.

I continue and I will implore the Premier to continue to look at our economy and our dollar bill as it is associated with the US dollar bills, as we look down the road. Does it still need to be tied to the US dollar bill? What is going to be the next currency that dominates the world market? Certainly it was a wise move to tie ourselves to the US dollar bill, but is that going to be the thread going forward? I do not know. But, certainly, as we look at the world politics it is going to be important for us to not so much get quagmired into the politics of local things going on, but also to understand that we are in international waters, per se, and that we must continue to keep ourselves in the premier division of this economic community and economic waters game, if you will.

It is important that we find new and innovative ways to continue to do that. We have done well, thus far. And I believe that . . . I do believe that the Premier is looking at other options. And I will be also very interested in hearing from the Premier as we go forward what really is going to be our move and stance towards Britain. As we move forward, we know that some of our cousins down further from us are certainly looking at the issues they are having, knowing that our Constitution is slightly different than theirs, more progressed than theirs. But what is the next move for us when it comes to our ties with the motherland, the UK? And what direction is our Premier, and what is his next move as we go forward?

So I will be looking forward to hearing that from the Premier. And I am not saying tonight necessarily, but it would be very interesting to hear what his decisions are going forward.

So, I also want to say that I want to congratulate all the fathers within the Chamber here. Happy Father's [Day] as we move forward. And I look forward to a great Heroes holiday and a celebration of our heroes in Bermuda. I am glad to see that instituted.

But again, Mr. Speaker, as we move into this holiday, I am reminded of the conversation, as I was talking to the Honourable Member Famous, that most of us in this room, if we go back one generation we are probably related. And we can do better when it comes to the discourse within these Chambers. And I thank the Government for imploring upon the OBA to get itself together. I recognise through the history of time, sometimes it takes time.

You know, I did an interview not too long ago and the PLP has been through the roughs of times, it has been down in numbers, and had to plough its way through. The UBP certainly had to do the same. And

now the OBA is in a position where it also has to recognise that it did not resonate with the public and it needs to get itself back on its feet and find its way, because it is important to the parliamentary process and it is important to the people of Bermuda that we get it right and that we move this country forward with discourse in this House.

So, we take on the comments. We hear it every week, to get ourselves together. No need to beat a dead horse. I think we have heard it enough times. I think that, quite plainly, if you look at the OBA right now, you can see that we are going through an experience that we must implore our Members to get it together. And I am talking—

[Inaudible interjection]

Mr. L. Craig Cannonier: No, I do not need to be more specific. But what I will say is this, Honourable Member. You have been there before. So do not throw any stones. Do not joke with it. You have been there. We are going through it. And I know that we will find our way through this period of time come hell or high water. We must move forward. And we must do better.

Again, I find it an honour, as a father, to be in this Honourable House. And to ensure that we move forward, Mr. Speaker, I am continuing to try and be as balanced as I can because I must say that when I stood up this evening—

[Inaudible interjections and general uproar]

Mr. L. Craig Cannonier: I really wanted to take a piece out of some of the Government Members over there—

The Speaker: Speak to the Chair.

Mr. L. Craig Cannonier: —but I am going to hold my tongue, Mr. Speaker, and I will shut up there.

[Laughter]

The Speaker: As you take your seat, is there any other Member?

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

DISCOURSE IN HOUSE OF ASSEMBLY

Mr. Scott Simmons: Good evening, Mr. Speaker and certainly I will begin where the Honourable Member just finished.

Mr. Speaker, first and foremost I will get right into it to make the comparison that this Honourable Government, when we were Opposition, were exactly the same as their position is right now.

Mr. Speaker, in Bermuda (and I will start with this), we have a dichotomy. And that is that the country that we believe is a country that we respect and love, the Bermuda Progressive Labour Party, when it went through its most darkest of hours was in a position where we did not have . . . I will repeat it, Mr. Speaker. We did not have the very financial fabric of this country behind us.

We often say on this side of the House that there appears to be layers of opposition that exist in the absence of numbers in this House for the Opposition. For the OBA, for the BDA, and for the UBP. They have a consistent group, a community in this country that supports everything that they do, whether it is right or wrong.

Yes, they will . . . no, no . . . yes, they will give you the phone call and say, *By the way, somebody was watching, you need to tidy that up.* But I will tell you what. We do not hear about it. We do not hear a single word about it.

PLP'S MANDATE

Mr. Scott Simmons: Now, Mr. Speaker, when I decided to become a Member of Parliament and represent my constituency, I came into this House realising that this task would be far more monumental than any of us would ever imagine. The Honourable Member who just took his seat highlighted the fact that we must raise the discourse. Many have said it. But, Mr. Speaker, what you are seeing coming from our side of this House is a recognition that no matter what position we hold, whether it be the Honourable Opposition, or whether it be the Honourable Government, we are fighting and swimming uphill because—I will make it clear, Mr. Speaker—there is (and I will say it again) the community in Bermuda that does not support us, who wishes to white-knuckle the position that they have, the properties that they have, the financial standing that they have, the social standing that they have, and they refuse to share it with a society, with a part of the community in Bermuda most deserving.

What more do you want us to do?

Mr. Speaker, enough is enough.

With the reduced minority in the House in this country the feeling is that you still hold the majority. A minority acting like a majority refusing to acknowledge the majority and refusing to give them an opportunity to rise. Where is the dignity?

Communities in this country who sit . . . and I will tell you what. This week I had the opportunity of visiting a particular neighbourhood I had never been in. And, Mr. Speaker, on every side of our class structure this particular neighbourhood was absolutely pristine. It was pristine. And it was. Everything was absolutely in order.

Mr. Speaker, the point I want to make is that as I knocked on that door, the person said to me, *Oh, oh, ah. You're canvassing in the wrong area.*

I said, *Oh no. We're all PLP; we're canvassing for the bye-election that's coming up.*

The individual at the door said specifically, *As a matter of fact, the person that you are canvassing for is my banker. I support him.* Banker; supported in this area.

But what took place came next. He said, *But I'm OBA. Ooh no. I won't be voting. Oh no, I won't be voting for him this time. Not this time. I won't be voting for him.*

Mr. Speaker, even though he acknowledged the quality of the candidate, the stature, the academic standard . . . even though he acknowledged that this individual is in every way acceptable, except—

Some Hon. Members: Oh yes!

Mr. Scott Simmons: —he had a propensity to wear green. That was it.

[Laughter]

Mr. Scott Simmons: Rather than see the value, he said, *I'm absolutely voting OBA.*

An Hon. Member: Surprise of surprise.

Mr. Scott Simmons: There is no surprise for me.

The point needs to be made, Mr. Speaker. The point that needs to be made is this. And I hope Members thinking that *Well, it's no different, Mr. Simmons, MP Simmons, in the green community. There are those who will say they will absolutely not vote for you. So what is the point that you were making?*

The point I am making is that we recognise that there is a community in this country [for which] it does not matter who they run. It is our community that sway back and forward according to the quality of the issue. You would not have been able to sit over there had it not been for us deciding—us, us, as a community, the black community—that they were unhappy at that time and put you into Government.

But here is the most incredible part.

An Hon. Member: Now that you're here.

Mr. Scott Simmons: Now that we are here, this community in Bermuda refuses to move . . . and you bank on it. We bring certain individuals in here to represent them. But at the end of the day it boils down to one clear thing. They have the money, they have the influence, they have the class (and I say they think that). What we are trying to achieve in this Government is to assist a community in this country that has been left behind.

The last four years of an OBA Government did what? Achieved what?

I will tell you what it achieved. It achieved a magnificent loss, it achieved magnificent numbers for the Bermuda Progressive Labour Party, but it also gave us what is known as a tragic mandate. A tragic mandate! A mandate that says that the people of Bermuda are trusting this Government to get on with the business at hand. And we are doing it.

But the combined Opposition continues to chip away. I will use one example. Continues to chip away. Instead of enlisting . . . and I heard the words of the Honourable Member who spoke before. He said, *We understand what you are doing and we want to assist in every way.* I want to be clear. Politics is divisive. I got that. But at the end of the day we really have to understand that this community who voted in the bye-election divided up the vote. And that last bye-election made it clear. We took a seat from you, and now we are at a position where our community is saying, *We are arming you with more to get the job done.*

So, along the way you are going to see Ministers making mistakes. They are not going to be the best at what they do. They are not always going to get it right. But what I see on that front bench is a reflection of the community's mandate to get us on doing what it is we need to do. This mandate is to ensure that the people of this country . . . their will. And that will is affordable housing. That will is creating industries that will propel Bermuda to create new opportunities in Bermuda in employment. To harness, innovate, and also create.

This mandate also says that we have to . . . and this is what I wanted to point out tonight specifically. When does this community that is doing so well release its grip and allow the people in this country, the black community, to finally—

An Hon. Member: Hear, hear.

Mr. Scott Simmons: —find themselves a system to get where they want to be rather than be considered second-class citizens in a country that they developed, a country that they love, and a country that they have worked night and day to create? When does that happen? When does the respect start?

But we beat . . . this Government, led by the Honourable Premier. We have a responsibility—he has acknowledged it, we have acknowledged it—to get the job done on behalf of our community. So what you see happening every single time this House sits, every single time caucus is in, every time the Cabinet is in, is a movement towards accepting that mandate from our people where we say at every level. Because in our community . . . and I have to say this. In a black community every level. But we even find at its highest levels blacks in this country feeling as if those beneath them are not worthy of their assistance, and their help.

We corralled everyone. We have taken on an educated established person to begin the process of attempting to convince . . . and I hate to say this, because the Minister of Public Works says it all the time. *We don't have to show them anything.* The thing is

that all we wish is to prosper in Bermuda and do well—that's it—for our families and for everyone. But there is a refusal to let us breathe, to give us that leg-up, to give us that assistance. And what that means is this: That means that you have to find the systems and financial institutions that begin to build up our communities and provide monies, and provide the things that move us along. We need to begin to create in international business and the rest, not just a commitment to creating employees that are going to work for them, who are going to give them more money, but to begin to enlist and empower all of our schools. So if we say our budget in education is low, then we need to build it up and put money into it.

If our infrastructure, if the things that we need in this country—when does that community begin the process of assisting and be giving real assistance instead of the *Royal Gazette* inserts that say *Guess what? I gave you $15,000 for this and $15,000 for that.* What about substantive change? What about these programmes? I always said one of the things that used to sicken me when I used to sit in this Chamber as aides to Premiers (I used to sit in that corner over there. And on this side of the House at that particular time), there was more money . . . they could have solved the housing problem. And not one of them built a house. They criticised us for creating a house. They said we built it on sand.

But we built houses for our people. They refused. They only time they built houses was when there was an enormous profit. And that's it! We built houses because our people needed them. That is what we did. And that is what this Government does.

When do we decide that enough is enough?

As Minister, former Attorney General, former Minister of Telecommunications and e-Commerce, when I saw the paper this week, I just shuddered. In the fact that it was textbook *Royal Gazette.* But it was sad. And I sat there . . . they were refusing to give a notch. They are refusing to move. And then I read my own article as it relates to the Water Safety Council. And I said, *When was the last time I heard about a meeting not taking place in the 'Royal Gazette'?* and it means a media bias. And it was enough to point it out.

However, it took so . . . and when does the *Royal Gazette* outside of an absolutely phenomenal road safety message that is being presented by the *Royal Gazette* (give them that) . . . outside of that, which is a problem that we have to manage and we have to deal with, when do we move to the greater . . . where the *Royal Gazette* . . . and that was why there was a view that we needed another newspaper, because we are expecting (and this comes from the view of us all) change from a group that is not going to change. [They] give lip service here in the House. But I do not see any change whatsoever.

I do not expect the *Royal Gazette* to change. I did not expect Mid Ocean to change. I do not expect that community to change, which is why (if you have not noticed) this Government has moved with speed—

An Hon. Member: Legislation.

Mr. Scott Simmons: Exactly.

Because we know . . . and the one thing that we have to get over is the acceptance piece. Do it without having to worry about it getting accepted and just do it. Do what needs to be done in our communities. Get the job done. Stay focused. And that is what the Premier has driven this entire time.

And every single one in this community that I run into, they have expressed concern about a number of things. But the end of the day, *Keep it up; keep going; keep working,* because we have a mandate to deal with.

I want to tell the people of Bermuda thank you, today, for putting this Government in. I want to tell them that we recognise what they have done, what they have presented to us, and what they are asking us to do. And we have accepted it. But I want to make one statement, and I will never repeat or get into it again. I recognise it will come up in this House. Enough is enough. You place pressure on individuals by investigating them to the very hilt. You disarm them. You bring them down in their communities. And how do you think individuals feel when every single time they hear about the negative, they hear about being pulled down? And what do you expect them to do? When do you release people? When do you let them go?

Find the solutions in our community that are going to advance us together. Do not talk together unless it is sincere. Match it with efforts, match it with monies, match it with everything else, because our communities are suffering.

Mr. Speaker, I believe that we can do better than we are presently doing. There are going to be changes all around that are going to be made. I hope that there are those in our different communities that decide to work together and to move this country along. But in the absence of that, without apology this Government will continue to move forward for the betterment of Bermuda. That is what we have been elected to do and that is why we are here.

[Desk thumping]

The Speaker: Mr. Premier, being you opened the House, if you speak now you will close it. There is another Member who is on her feet and who wishes to speak.

Hon. E. David Burt: Mr. Speaker, it is your discretion, sir.

The Speaker: Being the Honourable Member is on her feet, I will allow her to speak before you.

Mrs. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker. Mr. Speaker, I will be very brief.

My concern this evening is to move away from—

The Speaker: I did not announce the Member. The Honourable Member from constituency 23. You have the floor.

BERMUDIAN LOSES JOB OVER ALTERCATION

Mrs. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker. As I said, I will be very brief.

My concern this evening is not going to go along the vein of that which we have heard thus far, but, rather, to focus on a newspaper headline that presented a most unfortunate circumstance over the last couple of days.

It was with respect to one Kenry Thorpe who found himself in a situation in which he went to visit a friend at Hamilton Princess Hotel and as a result of various conversations a verbal altercation broke out.

Mr. Thorpe, in fact, gave an interview to the Trevor Lindsay network , as well as to other places, explaining what he had encountered in that experience. And owning what he said was perhaps a hasty response by not going to the general manager of the Hamilton Princess Hotel to explain what had happened and, therefore, to present his case.

Mr. Speaker, that Mr. Thorpe was not an employee at Hamilton Princess, but, rather, was an employee at another hotel, at Tucker's. As a result of the information that presumably had gotten to his employers, he was actually released from his position as a bartender. When I listened to the comments that were made by this gentleman, I simply want to say that there is nothing worse than hearing someone saying that they have looked for a long time for employment and were unable to find it in the appropriate profession that he wanted to.

Now, I do not know exactly what all of the details and circumstances were. I do not know the content of the exchange between the individuals. But I do know that from what I have seen there is an individual who now does not have a job. And I say that only to ask—

The Speaker: I understand he has been reinstated from tonight's news.

Mrs. Patricia J. Gordon-Pamplin: You know, that is absolutely wonderful, because I was going to ask and to appeal to us as legislators to be able to support discovering the facts that lead to such situations to ensure that they do not recur.

So I am very pleased because, obviously, things overtake us in the course of us being here for 12 hours today. And things have obviously overtaken, so I was unaware of that additional development.

But, only suffice it to say that as we find ourselves in various circumstances in which we have the opportunity to support our fellow Bermudians in their bid to and quest to prevent whatever their situation is, that we can hopefully embrace on both sides of the aisle the support for Bermudians, should they find themselves in a situation as was described.

I am very pleased that the honourable person has been reinstated, as was mentioned. But I just wanted us to know that there are circumstances in which we have to be united in our thought and in our deed of support. And I just wanted to bring that point up because as a fellow Bermudian, when we see things that you deem to be not quite right, and, as I said, I do not know fully the circumstances that occurred. But with that said, and knowing that there has been a reinstatement, I just wanted to add my voice of concern that sometimes things are done in a hasty kind of way and we need to ensure that we get to the bottom of the exact facts and circumstances that caused certain decisions to be made.

With that said, Mr. Speaker, I would also like to join my colleagues and those of us on both sides of the House, who have wished well to us as Bermudians for a wonderful Heroes weekend. And, more importantly, to those who are fathers, to wish them well for Happy Father's Day. Because, Mr. Speaker, fatherhood is something that has a significant impact on the lives of our young people. Motherhood . . . mothers are expected to embrace and to nurture and to do those things that we do. But fathers have a special, special place, because in many circumstances fathers are absent. In significant circumstances there are those whose natural father responsibilities fall short and it has to be made up by others in the community.

So, for those of us, or for those young people who find that they may not have that nurturing from their natural parents, I think it is important for us to know that we, as a community, can also embrace them.

So I wish well to all of the fathers as they celebrate Father's Day. Certainly the safety aspect on the streets in terms of the road safety issue, we want to make sure that we remind and underscore over, and over, and over again. I know that many people tonight may be on their way to various parties throughout the course of the weekend. And we want everyone to arrive home safely. And I think that this is the key. Let us be willing to look out for one another as we ensure that people are safe throughout the weekend and that they make it an enjoyable and a happy one. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Mr. Premier, I think it is the time when we can finally recognise you, sir. Would you like to take your spot now in front of the microphone?

Hon. E. David Burt: And my 20 minutes please.

The Speaker: I think the clock only has a few left on it.

NATIONAL HEROES DAY

Hon. E. David Burt: Hey, we haven't got anywhere to go.

Mr. Speaker, before I get to my substantive remarks, I would like to take up where others left off. It is a holiday weekend and the holiday weekend is National Heroes Day. And that is Monday, so it is a three-day holiday weekend. And I remember why some ladies were upset the other day. It was like, *How come you all get a holiday for Father's Day? How come you get a three-day weekend?* But it is Father's Day, as I am going to be celebrating my fourth Father's Day. I wish all the fathers of the country a very happy Father's Day.

[Desk thumping]

Hon. E. David Burt: And whatever you are doing this weekend, whether it be carnival, whether it be out on the water, whether it be out at parties, or whether it be celebrating Father's Day, it is important that we remember the reason why it is a long weekend is because it is National Heroes Day. It is the time to reflect on the persons who were honoured to be national heroes, whether it be the greats, such as Dame Lois Browne-Evans, or the legends, such as Dr. E. F. Gordon; whether it be Dr. Roosevelt Brown, or Pauulu Kamarakafego, Sir Henry Tucker, E. T. Richards, Mary Prince, Gladys Morell, or even Sir John Swan, the persons who have been acknowledged as National Heroes. That is the reason for the holiday and we should remember that this is the precise reason why we celebrate this.

I think that what you would have heard earlier, Mr. Speaker, was from the Minister responsible for Tourism that would state that the Government's involvement with Bermuda's Heroes Weekend going forward will make sure that it pays closer attention to our traditional traditions, whether those be the comet race that occurs every year, or whether that be for the reason of the holiday, for the National Heroes, and I think that we must pay close attention, because everyone knows, Mr. Speaker, how I like a little bit of soca.

But the fact is . . . oh, you can laugh as much as you want. But the fact is, Mr. Speaker, that though people can enjoy the weekend, the reason why we have the weekend is to celebrate the National Heroes, a holiday that was put in place by the first Progressive Labour Party Government and a holiday that this current Progressive Labour Party Government intends to enhance to assure that we remember our history, highlight our history, and remember the people of whom we are celebrating.

DISCOURSE IN HOUSE OF ASSEMBLY

Hon. E. David Burt: Now, Mr. Speaker, that makes an excellent segue (talking about soca), because I know that there are a lot of soca songs. And whether people want to say *Hello Hello,* or all the other things, but after hearing what was coming from the Opposition benches, soca did not come to my mind. Hip hop came to my mind. And there was a certain song from Eminem in 2000, and I remember he said something about "Will the real Slim Shady please stand up?"

[Laughter]

Hon. E. David Burt: Well, it is my hope, Mr. Speaker, that at some point in time will the real OBA please stand up? Because it seems that every single week, Mr. Speaker, we get to listen to the attack dogs who are afraid to say anything during Question Period from constituencies 9 and 10, launch unsubstantiated attacks, and walk out and leave, disappear.

And then we hear the so-called Leader of the One Bermuda Alliance get up and sing *Kumbaya*, *why don't we all get along? Why don't we raise the tone of debate? Why don't we do this? Why don't we do that?* And the question that I have to ask, Mr. Speaker, is, Does she say this in her caucus meetings?

An Hon. Member: Exactly!

Hon. E. David Burt: Is this the direction that she gives the Honourable former Premier who can find everything to say when he is not in this House, or on the motion to adjourn, but when there are parliamentary questions about the very thing that he writes op-eds about appears in the newspaper not a single question is asked, Mr. Speaker.

An Hon. Member: Nope!

Hon. E. David Burt: Silence!

Mr. Speaker, let me just be very, very clear. We know what is going on. We understand the reason why my office received not one, but two separate press releases from the OBA today. We know the reason why they have gone back to talking about MLAT [Mutual Legal Assistance Treaties] and want to try to show shade on the Attorney General of this country, because they are trying to deflect away from the revelations made by one of their former Members and candidates talking about the untendered contracts that they were handing out at Dockyard, Mr. Speaker.

That is what it is. That is the reason why their new PR consultant, Jeremy Deacon, is working overtime—

An Hon. Member: Ooh!

Hon. E. David Burt: —sending message, after message, after message, after message.

But here is the thing, Mr. Speaker, as you have heard from many persons, we will not be distracted, Mr. Speaker.

An Hon. Member: Correct.

Hon. E. David Burt: And let me make it very clear because I know, certainly, that the Honourable former Premier who used to sit in this seat, will listen to the recordings of this House, if you want your question answered, ask it here. Read the Standing Orders. Submit your parliamentary question and get up in this House and ask your question.

But the place to get your question answered, Mr. Speaker, is not on Facebook.

An Hon. Member: Correct.

Hon. E. David Burt: The place to get your question answered is not on Twitter.

An Hon. Member: Former leader.

Hon. E. David Burt: Yes, exactly, the former leader of the country.

The place to get your question answered is right here in the people's House, Mr. Speaker.

But I am certain that we will continue to hear silence. We will continue to hear the chirping in the back. We will continue to see that we are just playing House of Assembly on our phones instead of doing the people's business right here.

An Hon. Member: How many OBAs are left?

Hon. E. David Burt: Well, I do not know how many OBAs there are. I mean there are people who are superheroes. I wonder if anyone in this House knows who Harvey Dent is.

Anybody?

Anyone?

[Inaudible interjection]

Hon. E. David Burt: Okay, there you go. Harvey Dent. Two-Face.

There you are. You got it.

But, Mr. Speaker, getting back to where I was going, I think that, hey, it is this whole two-face thing. We have the Leader of the Opposition getting up and saying *We support what the Government is doing.*

An Hon. Member: Correct.

Hon. E. David Burt: And one of her predecessors finding every single thing he can do to try and tear it down!

An Hon. Member: What's going on over there?

Hon. E. David Burt: Every single thing!

And if we are confused, Mr. Speaker, what are the voters in this country supposed to believe, Mr. Speaker? What are they supposed to believe when they expect for an Opposition to even attempt to speak with one voice, but they can't get it because it seems that the Opposition Leader cannot keep the Members from constituencies 9 and 10 in line.

Mr. Speaker, yes, we need to raise the level of debate. Absolutely. That is perfectly fine. But if you are going to have that tone and language, do not come here and try to lecture us when you cannot even control your own Members and get them to do that, because the nasty attack that the former Attorney General launched on the current Attorney General is beyond despicable, Mr. Speaker! But that is the standard of what we are treated to. And the standard of what we are treated to is by a person who we all know, Mr. Speaker, as was shown and demonstrated in this House, abused his power of office!

And then I get to hear on the radio the lecture from the former Premier saying be careful what you wish for, lest you get it . . . well, Mr. Speaker, there is only one thing that anyone in this country wants, and that is the truth. And we have to ask ourselves a question: How will we find that truth?

How will we find how the former Attorney General ordered public officers in contravention to the law to turn over confidential documents? How are we going to find out how that happened? How was it sanctioned?

Should we trust the Bermuda Police Service, Mr. Speaker?

An Hon. Member: Oh dear.

Hon. E. David Burt: Or maybe, as certain Members on this side said, maybe we should let an independent commission of inquiry find out the truth.

[Desk thumping]

Hon. E. David Burt: Let me be clear. The truth is all the people want, Mr. Speaker. And we can stand here all day and go back and forth. But at the end of the day the only thing that matters, Mr. Speaker, is the truth.

So, what I have heard from the colleagues today and the challenge from the former Premier saying, *be careful what you wish for,* well, guess what, Mr. Speaker. I wish for the truth. And we will figure out how that truth is going to come out, because this country cannot progress if there are persons allowed to continue to sit in this House after they have abused their power, after they have done things in contravention of the law, and they are allowed to get here and

try to tear down the names of other people, Mr. Speaker.

So, let me be as clear as I can, Mr. Speaker. We are not going to be deterred. They are going to throw and lob wherever it is they may. But at the end of the day, Mr. Speaker, we have a job to do. And just like we do every single week in this House, today we ticked two more boxes off our agenda. In our Throne Speech we promised to deliver stronger restrictions on planning. We promised to solve the dog problem, and we are moving those things ahead, Mr. Speaker.

And despite the talk from that side, when they were in Government, we are delivering action. For five years a Land Title Registry could not get on the ground underneath that Government, Mr. Speaker. And in one year, this Government is going to get it off the ground, Mr. Speaker.

[Desk thumping]

Hon. E. David Burt: So, they can continue to talk, and we will continue to act. And if they want to start lecturing us on raising the level of debate, start in your own caucus meeting right there above the Music Box. When you all get on the same page, Madam Opposition Leader (sorry, Mr. Speaker, I am supposed to be speaking to you), then you can tell us about how it is time to raise the debate. But while your Members will throw out unsubstantiated attacks, while your Members will try to tear other people down, we are going to continue the work that the Honourable Member for constituency 32 said, and that is building the people of this country up, because that is what they need.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member.

That now brings us to the close of today's sitting. Let me not hit the gavel without wishing everyone a safe holiday, first of all, and a Happy Father's Day to the fathers. Take time out to spend time with your family this holiday weekend, as part of the holiday spirit.

Be mindful that next week I will be absent, travelling to the CPA Conference, myself, MP Famous, MP Tinee Furbert, and MP Jackson. You will be in the capable hands of the Deputy Speaker, and I trust that you will be as well-mannered as if I were still here.

[Inaudible interjections]

[Gavel]

[At 10:05 pm, the House stood adjourned until 10:00 am, Friday, 22 June 2018.]