



**2018/19 SESSION  
of the  
BERMUDA HOUSE OF ASSEMBLY  
OFFICIAL HANSARD REPORT**

**22 March 2019**

*Sitting number 18 of the 2018/19 Session  
(pages 1369–1474)*

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

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****22 MARCH 2019****10:05 AM***Sitting Number 18 of the 2018/19 Session*

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

**PRAYERS**

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

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

*[Gavel]*

**CONFIRMATION OF MINUTES**

*[Minutes of 13, 15 March 2019]*

**The Speaker:** Members, the Minutes of the 13<sup>th</sup> of March and the 15<sup>th</sup> of March have been circulated.

Are there any amendments or omissions, corrections that need to be made?

There are none.

The Minutes are confirmed as printed.

*[Minutes of 13 and 15 March 2019 confirmed]*

**The Speaker:** The Minutes for the 18<sup>th</sup> of March have been deferred.

**MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

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

**The Speaker:** There are a few announcements this morning.

First, I would like to acknowledge the indication that we have been given from Members who will be absent today: Minister Burch; MP Leah Scott; the Deputy Opposition Leader; the Opposition Whip, Ms. Jackson; and MP Tinee Furbert have all given their indication that they will be absent today.

**HOUSE OF ASSEMBLY RENOVATIONS**

**The Speaker:** Also, as you know, today is the last day of the sitting for this period. During the time that we are away from here, we expect that renovations will

be taking place in here. And I will ask all Members, if you have any personal items that may be in your desk or around your seat, to secure them before the renovations start.

**PARLIAMENTARY SEMINAR**

**The Speaker:** Thirdly, in the fall of last year, we had talked of doing the Parliamentary Seminar. It was postponed from last fall until this spring. And, as you will see on the Order Paper, it is scheduled for the 1<sup>st</sup> and 2<sup>nd</sup> of May. Full notification has been sent to all Members. And we would expect full participation from Members for that seminar, which is to strengthen the parliamentary process. Thank you.

**MESSAGES FROM THE SENATE**

**The Speaker:** There are none.

**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE**

**The Speaker:** As anyone may have taken a note of the Order Paper this morning, you can see that we have quite a few papers and communications today. There are some 10 on the Order Paper.

The first is in the name of the Premier, but I believe that the Deputy Premier is going to do it for him.

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

**The Speaker:** Deputy.

**Hon. Walter H. Roban:** Good morning, Mr. Speaker, and good morning to Bermuda.

**The Speaker:** Good morning.

**INFORMATION COMMISSIONER'S OFFICE  
ANNUAL REPORT 2018**

**Hon. Walter H. Roban:** Mr. Speaker, I have the honour to attach and submit for information of the Honourable House of Assembly the Information Commissioner's Office 2018 Annual Report.

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

Actually, the first three are in the Premier's name. Would you like to do the other two, as well, Deputy?

**Hon. Walter H. Roban:** Yes, I would like to, Mr. Speaker.

**The Speaker:** Continue on.

**INFORMATION COMMISSIONER'S OFFICE  
FINANCIAL STATEMENTS  
YEAR ENDING 31 MARCH 2016**

**INFORMATION COMMISSIONER'S OFFICE  
FINANCIAL STATEMENTS  
YEAR ENDING 31 MARCH 2017**

**Hon. Walter H. Roban:** Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Information Commissioner's Office Financial Statements for the year ending 31<sup>st</sup> of March 2016 and the Information Commissioner's Office Financial Statements for the year ending 31<sup>st</sup> of March 2017.

**The Speaker:** Thank you.

The next is actually in the name of the Junior Minister.

Junior Minister, would you like to lay yours?

**CUSTOMS DUTY (BELCO NORTH POWER  
STATION) REMISSION ORDER 2019**

**CUSTOMS TARIFF STANDING AUTHORISATION  
(TEMPORARY IMPORTATION OF VESSELS,  
AIRCRAFT AND TRANSPORT CONTAINERS)  
AMENDMENT NOTICE 2019**

**REVENUE (SIMPLIFIED ENTRY  
INWARDS (HUMANITARIAN AID) AMENDMENT  
NOTICE 2019**

**CUSTOMS DUTY (BERMUDA TOURISM  
AUTHORITY) REMISSION ORDER 2018**

**REVENUE (CUSTOMS TRAVELLER  
DECLARATION) AMENDMENT NOTICE 2018**

**CUSTOMS DUTY (FRYDAYS BERMUDA LIMITED)  
REMISSION ORDER 2018**

**EXCHANGE CONTROL AMENDMENT  
REGULATIONS 2018**

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

I have the honour to attach and submit for the information of the Honourable House of Assembly the following: Customs Duty (BELCO North Power Station) Remission Order 2019; Customs Tariff Standing

Authorisation (Temporary Importation of Vessels, Aircraft and Transport Containers) Amendment Notice 2019; and Revenue (Simplified Entry Inwards) Humanitarian Aid Amendment Notice 2019; Customs Duty (Bermuda Tourism Authority) Remission Order 2018; Revenue (Customs Traveller Declaration) Amendment Notice 2018; Customs Duty (FryDays Bermuda Limited) Remission Order 2018; and the last one, Exchange Control Amendment Regulations 2018.

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

And, as you note, all of those additional ones were done under one standing just now. So, we have done all 10 of the papers and communications that had to be introduced.

We will now move on.

## PETITIONS

**The Speaker:** There are none.

## STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** There are five Statements on the Order Paper this morning. The first is in the name of the Deputy Premier.

Honourable Member, Minister.

## GOVERNMENT'S POLICY DIRECTIONS REGARDING THE SALE OF BELCO

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

Mr. Speaker, I rise to inform Honourable Members and the general public of the [policy directions](#) that I have provided to the Regulatory Authority [RA].

Mr. Speaker, on January 28<sup>th</sup> of this year, the Ascendant Group, which is the holding company that owns BELCO, announced that in its examination of strategic alternatives for the future, it was considering the sale of the group. This news is a once-in-a-generation moment, where we can either simply witness events unfold, or galvanise our position on what is best for Bermuda and continue to drive positive change in this essential public utility.

Mr. Speaker, built into Bermuda's legislation is the requirement that the regulator and the government, which oversee the utilities, only agree to that change in control if that change provides benefits to all stakeholders, not just the shareholders. Among those things normally considered regarding changes in control or ownership are the nationality of the prospective buyers, and their financial stability and fitness to engage in the business of providing a national electrical service.

Mr. Speaker, I am permitted under section 8 of the Electricity Act 2016 (the Act) to give directions to the Regulatory Authority “with due regard to the purposes of this Act.” Additionally, section 9 of the Act allows me, in formulating Ministerial directions, to set priorities in a way that, in my opinion, will best serve the public interest, taking into account Government policy, the purposes of the Act, any public comments and any available technical analysis.

Mr. Speaker, for the benefit of Honourable Members and the general public, I will outline the policy directions given to the Regulatory Authority which are imbedded in the purposes of the Act as described in Section 6, namely—

- a) To seek to ensure the adequacy, safety, sustainability and reliability of electricity supply in Bermuda so that Bermuda continues to be well positioned to compete in the international business and global tourism markets.

We must ensure that a stable energy platform is maintained. Our stable electrical supply and grid have played a part in establishing Bermuda’s “elite” reputation among all other island jurisdictions in the region. Safety is paramount, as well, again setting Bermuda quite apart from others in the region. This piece cannot be over-emphasised in an environment where cost and quality are almost entirely proportional in that, where electricity is inexpensive in our region, it is usually also not nearly as reliable and safe as that in Bermuda.

- b) To seek to encourage electricity conservation and the efficient use of electricity.

Energy conservation and efficiency is something that, historically, Bermuda has not done well. Increased efficiency in end uses would mean that demand could be lower. And if demand is lower, especially at times of peak use, it is likely that fewer new engines need to be brought online to meet demand. Peaking engines are the most expensive to run, they use costly diesel and they are not as efficient themselves as the slower base load engines. Overall energy costs to the customer could also be diminished through using those engines less. Lastly, energy efficiency and conservation are the most effective way to reduce costs. Much of the incentive to embrace energy efficiency is in the hands of the utility, through innovative rate structures and public outreach and education, so that the utility remains whole while helping their customers reduce costs.

- c) To seek to promote the use of cleaner energy sources and technologies, including alternative energy sources and renewable energy sources.

The obvious rationale here is to be environmentally responsible. Increasing the uptake of renewables responds to climate change by increasing Bermuda’s resiliency through less reliance on imported fuels. Renewable energy reduces the amount of money spent on foreign commodities such as fuel oil, lub-

ricants, replacement parts and the like. That capital would instead be retained on Island, and hopefully circulating in the local economy. Energy independence is good for both the economy and the environment.

- d) To seek to provide sectoral participants and end users with non-discriminatory interconnection to transmission and distribution systems.

This prevents any monopoly on the generating subsector and ensures that other market participants are allowed to interconnect to the grid, and it ensures that end users are not denied service without just cause;

- e) To seek to protect the interests of end users with respect to prices and affordability, and the adequacy, reliability and quality of electricity services. This is self-explanatory.
- f) To seek to promote economic efficiency and sustainability in the generation, transmission, distribution and sale of electricity. Economic efficiency in these areas translates to lower costs for customers.

Mr. Speaker, I wish to assure the general public that, as noted in the Electricity Act 2016, we will require any prospective new owners, and indeed the current owners, to adhere to the Integrated Resource Plan (IRP), once complete. While the IRP is being developed by the Regulatory Authority and not this Government, we can state quite emphatically that we look forward to more renewable energy—for example, solar energy, which is abundantly available in Bermuda. Power that does not require the importation of fuels, such as fossil fuels, is competitively sourced to be cheaper and cleaner. This type of energy mix that demonstrates that Bermuda is serious about energy independence is our vision for a power sector that benefits all of Bermuda.

But, let us not just “tick the box” of the IRP. Mr. Speaker, compliance alone is not enough. Mr. Speaker, any prospective buyer of the Ascendant Group would have done their own due diligence in their investigations of the company. Any prospective buyer would have taken note of the events of October of 2018, where plant workers were poised and ready to put their feet on the street in support of their Bermudian colleagues who were abruptly dismissed. Any prospective buyer would know that Bermudians are no longer willing to watch their qualified, educated, experienced colleagues be overlooked and undervalued.

Therefore, Mr. Speaker, we expect any prospective buyer to know that they will have to be transparent, inclusive and collaborative. Transparent in their planning and decision-making so that matters of national importance, once deliberated behind the closed doors of Serpentine Road, are decided through open discourse across all strata of our society. Inclusive in that Bermudians must come first. I will repeat

that, Mr. Speaker. Inclusive in that Bermudians *must come first*.

*[Desk thumping]*

**Hon. Walter H. Roban:** And those Bermudians who are qualified must be given preference over non-Bermudians. I will repeat that, too. Those Bermudians who are qualified must be given preference over non-Bermudians. Collaborative in that the community must be engaged in developing services and solutions that improve the triple bottom line—in other words, solutions that benefit the environment, the economy and society.

Mr. Speaker, it is our mission, together with the Regulatory Authority, to ensure that the result will be a better BELCO for a better Bermuda. Maintaining the status quo or simply a marginal improvement to that status quo will not be acceptable to this Government, nor can it be acceptable to our people. We will look forward to, in whatever form, a better electric utility that shares the Government's vision of increased adoption of renewables and a fairer electric utility, all for a better and fairer Bermuda.

In conclusion, Mr. Speaker, I want to assure Honourable Members and the general public that the Government will be actively working with the RA to achieve their expectations in obtaining optimum services from the utilities, whether they be electricity or electronic communications. You will soon hear more about developments in the electronic communications area, in particular the Integrated Communications Licences (ICOLs). Thank you, Mr. Speaker.

**The Speaker:** Thank you, Deputy. That is the first Statement this morning.

The second Statement is in the name of the Minister of National Security.

Minister Caines, would you like to present your Statement?

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

**The Speaker:** It does. Continue.

### BERMUDA POLICE SERVICE RECRUIT FOUNDATION COURSE 79 PASSING OUT PARADE

**Hon. Wayne Caines:**

Mr. Speaker, Honourable Members will recall that I recently advised the Honourable House and members of the public of the [Bermuda Police Service's \(BPS\) recruitment drive for Recruit Foundation Course](#) (RFC) 80. I would like to remind the public that the closing date for this recruit camp application is April 8<sup>th</sup>, 2019.

Mr. Speaker, the Bermuda Police Service is committed to attracting Bermuda's best to join the

service. In this vein, I am thrilled to report that 12 new constables were added to the ranks of the Bermuda Police Service following the Recruit Foundation Course 79 that passed out last Friday, March 14<sup>th</sup>. Following a rigorous recruitment process and after 18 weeks of intensive training, the newest members of the BPS are:

- Constable 2535, Wanay Bartley;
- Constable 2536, Anthony Fernandes;
- Constable 2537, Noah Harvey;
- Constable 2538, Justin Hunt;
- Constable 2539, Daniel Sanna;
- Constable 2540, Ryan Saraiva;
- Constable 2541, Thomas Simons;
- Constable 2542, William Simpson;
- Constable 2543, Kayla Smith;
- Constable 2544, Ryan Swan;
- Constable 2545, Kieran Swann; and
- Constable 2546, Marcus Uddin.

Mr. Speaker, throughout the Recruit Foundation Course, these men and women were required to complete instruction modules on various aspects of Bermuda Law, the Police and Criminal Evidence Act, Community Development, Officer Safety and First Aid. These courses are led by the training instructors within the Bermuda Police Service Training School and officers with specialist expertise in the aforementioned material. The recruits also received driver training from the Bermuda Police Service driving instructors. Each of the recruits has received instruction on dealing with investigations involving sexual assault and are now SCARS certified.

Mr. Speaker, there were several awards presented during the passing out ceremony. The Instructors Cup is an award that is given to the fastest male and female officer over the International 10-kilometre or six-mile Flatt's Road running course. For Recruit Foundation Course 79, the female recipient was Constable Kayla Smith and the male recipient was Ryan Swan. Constable Swan also won the All-Round Athlete and Physical Fitness Award. The female recipient was Constable Wanay Bartley.

In addition to physical fitness, Mr. Speaker, the recruits are also tested on their academic capabilities through several exams. All of the recruits performed admirably. Constable Kayla Smith earned the Academic Award through achieving an overall test average of 95.16 per cent.

As the Bermuda Police Service is charged to protect and serve, it is a tradition of each Recruit Foundation Course to raise money in aid of a charity of their choice. Recruit Camp 79 determined that the Freeman Family would be the benefactor of their charity drive. The recruits raised a total of \$1,400 to donate to the Freeman family to aid the medical expenses of baby Izhah Freeman. Izhah has been diagnosed with the extremely rare Costello Syndrome. Both of his parents are serving members of the Bermuda Po-

lice Service, making this donation especially poignant for the members of the Bermuda Police Service.

Mr. Speaker, at the end of every Recruit Foundation Course, the Deputy Commissioners Cup is presented to the recruit who has displayed the best effort on the course and has made the most significant progress. The awardee for Recruit Camp 79 was Constable Anthony Fernandes. The coveted Baton of Honour is conferred to the most distinguished recruit as identified by the training staff. The award went to Constable Ryan Swan.

Mr. Speaker, these recruits have now commenced their full-time service with the Bermuda Police Service. The new constables have been deployed to the Central, East and West Stations and are now attached to the Community Policing Unit.

As the Minister of National Security, I would like to thank these men and women for answering the call to police service and wish them the very best in their new policing careers. These men and women will be the leaders of the Bermuda Police Service in the years to come.

Mr. Speaker, while the Recruit Foundation Course trains the newest members, the Bermuda Police Service also commits to training senior officers. Most recently, Deputy Commissioner of Police, Mr. Darrin Simons, completed a three-month intensive Strategic Command Course in the United Kingdom. The course is intended to prepare officers for senior-level leadership. Deputy Commissioner of Police Simons was the first serving Bermudian officer to attend the command course. Commissioner Corbishley reports that the feedback that he has received regarding Deputy Commissioner of Police Simons's performance on the course has been outstanding. That is something that we all can be proud of.

Deputy Commissioner of Police Simons is an example of the fact that when Bermudians are rightfully trained and given the opportunity to lead, they can and will meet and exceed all global standards. The Bermuda Police Service will benefit greatly from the new ideas and recommendations from the Deputy Commissioner of Police and everything that he will be able to offer as a result of his training.

Mr. Speaker and Honourable Members, you will recall that in the 2018 Speech from the Throne, the Government, in agreement with Government House and the Commissioner of Police, promised to implement a community policing model. I am pleased to announce that, on March 14<sup>th</sup>, the BPS officially launched its Parish Constable Programme. The cornerstone of the programme is that each parish will have a dedicated constable who will be responsible for developing relationships with the local community.

Additionally, Mr. Speaker, the Criminal Investigation Department [CID] Detectives will be redeployed from their current postings to work in each of the nine parishes. It is intended that, together with the parish constables, the CID detectives will begin to

build the Criminal Investigation Department's investigative capabilities within their designated parishes. Through the Parish Constable Programme, the Bermuda Police Service aims to engage and partner with the community in a way that promotes trust and in a way that promotes healing.

Mr. Speaker, the Bermuda Police Service continues to be outstanding in its aim to protect and serve. Through continued training and investment in its officers, the Bermuda Police Service will be able to provide a service that is fit for Bermuda's needs. As the Minister of National Security, I will continue to support the evolution of the Bermuda Police Service.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister. Minister, I understand that the following Statement is also in your name. Would you like to continue with that now?

**Hon. Wayne Caines:** Mr. Speaker, I crave your indulgence.

**The Speaker:** Continue on.

#### NO FLY ZONES FOR DRONES

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

Mr. Speaker, I rise this morning to advise this Honourable House of the recent updates to [no fly zones, specifically for drones](#). Drones have become increasingly popular, and as technology advances, they are becoming more affordable and readily accessible to hobbyist and the general public.

Mr. Speaker, Honourable Members will recall that Gatwick Airport was recently shut down for several hours following a drone sighting in the surrounding airspace. The ensuing aftermath led to several hours of airport delays, as all planes were grounded while authorities worked to uncover the origins and intent of the drone's presence.

Recently, Mr. Speaker, there have been drone sightings at the L. F. Wade International Airport. Although, oftentimes, drone operators intend no harm, flying unmanned aircraft in the airspace surrounding the airport presents a serious hazard to landing and departing aircraft. A crash between the two could result in a catastrophic event.

It is therefore prudent, Mr. Speaker, that measures be taken to ensure the safety and security of the air space surrounding the airport. On March 15<sup>th</sup>, 2019, a direction was issued by the Director General of the Bermuda Civil Aviation Authority that declares a no-fly zone in the two nautical miles radius surrounding the airport for drones that are 400 grams or heavier, microlights, gliders, airships and balloons. These directions have been issued under Article 68 of the Air Navigation (Overseas Territory) Order.

Mr. Speaker, similar no fly zones have also been implemented within a 125-metre radius at the Prospect Police Compound and at the Westgate Correctional Facility. In recent weeks there have been at least three drone sightings at the Westgate Correctional Facility. There is a suspicion that these drone operators are attempting to drop contraband inside of the correctional facilities for inmates to collect. Members of the public are reminded that any attempt to introduce any form of contraband, whether illicit substances or not, is illegal. Any persons found to be attempting to introduce contraband will be arrested and prosecuted in accordance with the law.

I would like to take this time to provide the public with some general guidance on drone usage. Drone operators, whether amateur, hobbyist or professional, are reminded that they are responsible for the conduct of each flight. Before each flight, the operator should check the drone for damage and ensure that they will not be flying within 50 metres of a person, vehicle, building or structure. Drones should never be operated in congested areas. The drone should be in the sight of the operator at all times and must never fly above 400 feet. Following these guidelines will help to avoid collisions.

In all cases, permission must be sought to fly drones over property that is not your own. The right of privacy should always be respected. Further information on the safe and legal operation of drones can be found on the Civil Aviation Authority website, [www.bcaa.bm](http://www.bcaa.bm).

Mr. Speaker, it is not the Government's intent to prohibit the use of drones in Bermuda; however, safety and security must take priority. I encourage all drone operators to ensure that they are operating their crafts in accordance with published legislation and policy. Thank you, Mr. Speaker.

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

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

Minister, would you like to present your Statement?

**Hon. Diallo V. S. Rabain:** Yes, yes, Mr. Speaker.

**The Speaker:** Continue on.

#### **UPDATE ON PLAN 2020—A STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION**

**Hon. Diallo V. S. Rabain:** Mr. Speaker, I stand before you and my honourable colleagues to provide an [update on Plan 2022](#), Bermuda's strategic plan for public school education. As a reminder, Plan 2022, which was formally shared in December 2017, is a resource from the community seeking to have a consistent, high-quality, well-resourced public school system led by talented and publicly accountable professionals.

Mr. Speaker, guided by the core values of transparency, inclusivity and engagement, Plan 2022 lays out adaptive and technical strategies which are linked to transformational outcomes for Bermuda's public school system. Furthermore, the strategies for Plan 2022 are organised into five priority areas: (1) increasing academic rigour and student engagement; (2) ensuring career, college and workforce readiness; (3) enhancing the quality of teacher practice and system leadership; (4) improving infrastructure and instructional resources; and (5) ensuring system success. These priority areas communicate what we see as imperatives for our education system.

Mr. Speaker, the department has taken a two-pronged approach to the rollout of Plan 2022: (1) a planning and organising phase, and; (2) an execution and control-of-strategy phase.

I will speak to the planning and organising phase first. A one-day retreat was held in April 2018 with all Department of Education staff to get everyone on the same page about expectations, responsibilities, and accountability measures for Plan 2022. Senior leaders in the department have been assigned responsibility for key outcomes in Plan 2022 for accountability purposes.

Designated staff across all department sections have been deemed delivery plan managers for Plan 2022 adaptive and technical strategies, and given responsibility for collaborating with delivery chain members to develop delivery targets that are measurable, with clearly laid out actions and timelines. This covers accountability purposes as outlined in Strategy 5.1.5.

Point persons have been tasked to project-manage the rollout of Plan 2022 by meeting with delivery plan managers and key players in the delivery chains to review the status of delivery plans and identify any blind spots. Huddle strategy sessions are used as the platform for brainstorming and problem-solving.

In support of Plan 2022 Strategy 5.3.3.3, the team ensures that delivery plans are not static, but dynamic, by amending and updating for continuous improvement. They also reflect the quality of the work carried out by each delivery plan manager.

Specific key deliverables in Plan 2022 are directly linked to the Forward Job Plans of all department staff. This enables the process component of performance management to be elevated. This also supports Strategy 5.3.3.2 and communicates to the broader community that achieving the targets in Plan 2022 is a priority for the Department of Education.

The department purchased an online project management and accountability application, called ACHEIVEIT, that manages efficiency, compliance and quality assurance in the work of Plan 2022. All staff were introduced to the use of this application, with subsequent training in using it.

Mr. Speaker, the planning and organisation was critical in phase one to prepare the staff for the work to be carried out in phase two, executing Plan 2022 strategies. As I share the actual work done to date, I will speak to the general emphasis of each of the five strategic priorities and then provide an update of what the teams in the department have implemented and put in place to execute the strategies.

Mr. Speaker, I will start with Priority 1, with emphasis on increasing academic rigour and student engagement, on providing differentiated learning opportunities for the diverse student population in our comprehensive public school system, and on developing student supports and a culture of transparency to enable innovation and risk-taking. The following have been done for this priority:

- The delivery plan manager for Strategy 1.1.1 provides leadership to social studies teachers to ensure that students are engaged in culturally relevant, experiential and inquiry-based learning experiences. This leader has also worked with a team of teachers to create a new Primary 1 social studies curriculum which was implemented in September 2018.
- A feasibility study addressing K to 12 world languages was submitted by the delivery plan manager for Strategy 1.1.4.2. It is our intent to introduce foreign languages in preschools in September 2019. The introduction of coding to our students has been placed under learning a world language. Last year, and again this year, upper school students in our primary schools are engaged in weekly coding classes with ConnecTech.

Mr. Speaker, Priority 2 emphasises career, college and workforce readiness. Plan 2022 includes strategies that focus on strengthening the foundation and programmes for early childhood education, strategies that have an emphasis on STEAM, technical and vocational work experiences to prepare students for tertiary education and strategies that develop individualised pathways to college and careers. The following update is provided:

- An inaugural programme for three-year-old students was implemented at Warwick Preschool in September 2018 in support of Strategy 2.4. The delivery plan manager for this strategy is currently looking to replicate this successful model in the future.
- Public school senior students and the community were provided with timely information around scholarship offerings and requirements, and advertising around scholarships has been very intentional to support Strategy 2.13.5.
- The delivery plan manager executing Strategy 2.9.5 for STEAM education developed a transformative plan that includes phasing the

implementation of STEAM education practices for groups of schools over the next two years.

- The delivery plan manager assigned to reviewing graduation requirements began engaging key participants in this process in 2018. Huddles for executing Strategy 2.12.6 and 2.13.8 continue, and a recommendation for revised graduation requirements aligned with current definitions of college and career readiness will be put forward by the end of the 2019 school year.
- The delivery plan manager for Strategy 2.13.3 took up the challenge for expanding dual enrolment to strengthen technical programme offerings for students at the senior level. This has resulted in many celebrations, especially for our young male students.

Mr. Speaker, high-quality teaching, maximising learning and an improvement in student achievement outcomes is what Plan 2022 is intended to bring about. Enhancing the quality of teacher practice and system leadership, Priority 3, will require educators at all levels in the system to meet professional standards by enhancing their skills and certification. It will require school principals, along with the Department of Education, to engage school staff and department staff in meaningful and sustainable professional learning. It will also involve identifying potentially new performance evaluation tools for staff within the school system. The department has undertaken the following action tasks:

- To execute on Strategy 3.13, only initiatives that are explicitly aligned with key outcomes of Plan 2022 and have the greatest impact on students are approved for professional development and training.
- To fulfil Strategy 3.12, an acting staff development officer was taken on to focus on executing Strategies 1.1.2, 3.19 and 3.22, which involves the continued training around the Standards-Based Education System. A steering committee will lend support and training for Standards-Based Education System implementation.
- System leaders in the Department of Education and at the school level continue to have training in using PowerSchool, which is the student data management tool to support data-driven decisions. An overseas PowerSchool representative met with several stakeholders in February 2019 to conduct a PowerSchool Ecosystem Assessment Review (PEAR).

The main purpose was to determine how the application will support the work of Plan 2022, how PowerSchool's use could be maximised and what further training was required. The report submitted by the representative will shape how we use PowerSchool in the future. This is the start to fulfilling Strategy 3.19.

Mr. Speaker, Priority 4 places a laser focus on improving infrastructure and instructional resources through the provision of adequate funding, updated facilities, quality technical instructional resources addressed by policies and supporting curricula aligned with international standards. The department team has been diligently carrying out work tasks for executing this priority, which include the following:

Supporting Strategy 4.1.5 with the establishment of procedures adhering to strict fiscal alignment to Plan 2022, with the development of requisition forms specifically for Plan 2022 to monitor and track associated expenses. When staff seeks to engage consultants, there must be a clear path on how the consultancy aligns with Plan 2022 strategies and outcomes.

Staff have been working with the Ministry comptroller to provide relevant data for developing a multi-year budget to support Plan 2022, inclusive of capital and human resources needed in support of Strategy 4.1. This priority task was conducted to move Plan 2022 from a draft status towards actionable steps to achieve key outcomes. It was an important exercise, as a plan without an intentional budget remains in the draft phase of project management and increases the risks of [failing to achieve] the key outcomes.

The first phase of providing school sites with access to Wi-Fi in specific spaces in schools to meet instructional and programming needs has now been completed. A usage policy has been developed and is now being moved through the phases of policy adoption for supporting Strategy 4.7.5.

In order to ensure that Wi-Fi in schools is being driven by sound, 21<sup>st</sup> century instructional practices, an Acting Education Officer for Information Technology is the delivery plan manager for Strategy 4.4, which speak to the development of a 21<sup>st</sup> century curriculum in information literacy and professional development to upgrade teacher's skills and ensure that access to Wi-Fi is for teaching practices, beyond streaming for music or videos.

Support Public Schools (SPS) is to be commended for providing all of our primary schools with resources to support instruction and learning, and for encouraging other private industry supporters to join their lead. This work is aligned with Strategies 4.1.8 and 4.1.9.

The delivery plan manager for Strategy 4.4.10 has networked across sections of the department to find responsible methods for reallocating funds where cost savings have been identified.

Ongoing efforts to improve facilities are taking place. The delivery plan manager for [Strategies] 4.6.1 and 4.6.2 has been intentional in using the SCORE report's health and safety findings, with recent data from site visits, for decision-making about work needed at our school facilities. This ensures that the SCORE report remains an active document, and rec-

ommendations continue to be addressed for the development of a short-term facilities plan that typically takes place in the form of summer works.

The delivery plan manager for [Strategy] 4.7.3 organised training for school custodians to address the areas of challenges that came out of the health and safety review, while also ensuring compliance with the Health and Safety Act 2008. All school custodians and facilities staff have participated in SCARS training.

Mr. Speaker, you will know that this Government in its 2017 Platform promised to "reform public education by phasing out middle schools and introducing signature schools at the secondary level." Additionally, Plan 2022, Priority 4, Adaptive Strategy 4.6 speaks to the modernisation of school facilities in Bermuda. Last year we committed to developing proposals for the introduction of signature schools and the phasing-out of middle schools through a three-phase process.

We have conducted research and met with several stakeholders inclusive of parents, the Board of Education, Boards of Governors of Aided Schools, former educators and community persons. We are also taking into consideration the local history related to the introduction of middle schools, the findings of the SCORE report and the restructuring of school systems undertaken in other jurisdictions, including Cayman, Barbados, Gibraltar, England, Poland, the US and Canada. The information gathered will provide the data we need to make an informed decision towards reforming public school education and modernising our school system facilities in alignment with Plan 2022, Priority 4.

Mr. Speaker, lastly, I will give an update on Priority 5, ensuring system success, of which the focus ensures that policies, governance and operational systems are in place to enable the success of students, teachers and the public school system. Dedicated meeting time has been protected with the Parental Involvement Committee. Engagement with parent representatives is ongoing and authentic. The establishment of these meetings, and monthly meetings held by the Commissioner with PTA Presidents, supports Strategy 5.3.1.

The project team is working directly with ACHIEVEIT, the company that owns the online management tool. We recognise that not every strategy is explicitly connected to a key outcome, but many strategies have a value in improving service delivery which rests in Strategies 5.3.3, 5.3.3.1, 5.3.3.3, and the delivery plan managers have set key outcomes for these strategies.

Mr. Speaker, the Department of Education remains focused on the execution of strategies in Plan 2022. Part of that execution process requires reflection on past practices and the ability to look around some corners to mitigate risks. Part of project management is not just about focusing on activities within

the plan, but identifying process improvement through lessons learned.

As an organisation, we have learned many lessons from the blueprint for reform, known as the Hopkins Report. The main lesson was that, at the end of the life cycle of the plan, there were few to no data points to support the stated key outcomes. There was a lot of work that occurred across the organisation, and a checklist of strategies and activities was identified in the final report, but there was limited data. A strategic plan is meant to be fluid and dynamic in design and should not be approached as a checklist of tasks to complete. After analysing the status of work to date and to ensure that the same mistakes are not made twice, the project management team has flipped the model and are now looking at backward design methodology. Simply put, the key metrics are front and centre, and explicit adaptive and technical strategies in the plan will ensure that we achieve the targets aligned with each key outcome.

Mr. Speaker, we are committed to Plan 2022, and we are committed to achieving the key outcomes for Plan 2022. I take this opportunity to thank the Department of Education staff for the work that has been carried out to date in support of Plan 2022. The staff have caught the vision for public school education, and they are now running with it, keeping the end in view.

In closing, Mr. Speaker, I look forward to sharing with you and my honourable colleagues, in early April 2019, our annual report on Plan 2022, which will provide further information on the efforts being made to transform public school education for Bermuda's children. Thank you, Mr. Speaker.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

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

We have one more Statement left on the Order Paper this morning. But before I call on the Minister, I would just like to acknowledge, in the Gallery we have got some students visiting us this morning from Bermuda High School, under the guidance of their teacher, Ms. Kim Rose. And it is the IB1 [International Baccalaureate] class, and they are studying politics.

*[Desk thumping]*

**The Speaker:** So, we welcome you here this morning, and I hope you gain some very good insight from your studies in politics. Good morning.

*[Statements by Ministers, continuing]*

**The Speaker:** Now, Minister, would you like to read your Statement?

**Hon. Zane. J. S. De Silva:** Thank you, Mr. Speaker. And I also echo your welcome to the students in the Gallery. And as you study in politics, please take your time. Do not make any quick decisions.

**The Speaker:** Yes.

*[Laughter]*

### PUBLIC BUS SERVICE UPDATE

**Hon. Zane. J. S. De Silva:** Mr. Speaker, I rise this morning to give remarks and updates on the bus service. Mr. Speaker, this Government is committed to providing a quality public bus service that commuters, students and visitors can rely on. To this end, there are several initiatives underway at the Department of Public Transportation [DPT], and these include:

- the new 2019 bus schedule;
- new bus purchases;
- repairs and maintenance;
- real-time passenger information system; and
- digital fare media.

Mr. Speaker, this week marked the start of the new 2019 public bus schedule, which will address the shortage of available buses, eliminate bus cancellations and provide reliable service levels. The new schedule operates on 50 buses at peak times, which means there is some reduction in frequency, and is a temporary measure while the DPT replenishes the ageing bus fleet.

Mr. Speaker, the new bus schedule is off to a good start, with sufficient buses to meet the public bus schedule. The school bus service is operating without the additional support of minibuses.

As the schedule is new, some adjustments are to be expected. The Operations Team at DPT is closely monitoring the performance of the new schedule and actively addressing issues as they arise. For example, extra "sweeper" buses are being deployed to supplement the schedule, where required.

Mr. Speaker, 1901—and for those who may not know, when new buses are purchased, they always begin with the [decade] year that they are purchased and the number of bus that came into the fleet at that particular time. So, 1901, the first of the eight new buses, was delivered in February 2019. The second bus will arrive by mid-April, followed by one bus every three weeks through August 2019.

Mr. Speaker, the MOU between this Ministry and the Rocky Mountain Institute was signed in November 2018 to explore greener options and a less-costly bus service. A request for information [RFI] was issued in January of this year to identify suitable bus options. This information will be used to prepare the next request for proposal [RFP] for new buses.

Mr. Speaker, MAN, our bus manufacturer, and DPT technicians recently completed the mid-life refurbishment of 14 of our 2009 series buses. This in-

volved the replacement of the engines, transmissions and differentials on each bus. This project will provide five more years of reliable operation for these buses.

Mr. Speaker, upgrading the bus service is not limited to new buses. Access to real-time updates on the bus service and cancellations is a reasonable expectation in 2019. DPT is working to provide real-time passenger information through online services such as Google Transit and local third-party applications, also known as apps. This will be implemented in 2019.

Mr. Speaker, consistent with modernising the bus service, this Ministry recently concluded an RFI and is in the process of preparing an RFP for digital fare media. The current system of cash, paper tickets and tokens is antiquated. Electronic ticketing provides revenue assurance and the ridership data necessary to analyse and improve the bus service. Having the ability to purchase tickets online, tap-and-go, will improve access to the bus service and enhance the customer experience.

Mr. Speaker, the Department of Public Transportation is committed to moving Bermuda with a quality [public bus service](#). These initiatives are evidence of the progress to date.

Thank you, Mr. Speaker.

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

That brings us to a conclusion of the Statements this morning.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** This morning we have questions regarding the Statements that were delivered this morning.

Minister Caines, the Members would like to put questions to you in reference to your second Statement on the no fly zone for the drones. And I will call on the first Member who indicated . . .

*[Inaudible interjection and laughter]*

**The Speaker:** The first Member who indicated that he has a question for you is the Opposition Leader.

Opposition Leader, you have the floor.

**Hon. L. Craig Cannonier:** Thank you, Mr. Speaker. Let me just get the . . . My apologies.

**The Speaker:** No problem.

**Hon. L. Craig Cannonier:** I am looking for the Statement on the drones. Sorry. I need to find it.

*[Pause]*

## QUESTION 1: NO FLY ZONES FOR DRONES

**Hon. L. Craig Cannonier:** Ah, here we go. Great. Thank you. Thank you, Minister.

Yes. On the Statement on the second page, the Minister spoke to a no fly zone being implemented around the police compound and at Westgate Correctional Facility. And I was just curious. Concerning the sightings at Westgate, was it sighting by the actual institution or correctional officers who noticed this here? Or was this reported to the correctional officers by the public?

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

**Hon. Wayne Caines:** Mr. Speaker, it happened on more than one occasion. It was a combination of more than one. As you can imagine, the drones with that capacity actually make a very large buzzing noise and have flashing lights. The prison staff actually noticed the drone, and on more than one occasion it was a prison staff who actually was alerted to it. The Bermuda Police Services were involved, but it was definitely noticed initially by members of staff of the Westgate Correctional Facility.

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

**Hon. L. Craig Cannonier:** Supplementary.

**The Speaker:** Yes. Put your supplementary.

## SUPPLEMENTARY

**Hon. L. Craig Cannonier:** Yes, supplementary. Yes.

Taking that into consideration, you further went on to say "suspicion." What was it about this particular . . . was it the succession or the number of sightings? What was it that made you believe that these were suspicious acts of attempting to drop contraband?

**Hon. Wayne Caines:** They actually dropped the contraband.

**Hon. L. Craig Cannonier:** Oh! So, that is not a suspicion then.

**Hon. Wayne Caines:** Well, with my legal hat on, until you have specific information . . . There were confirmations based on sight. There was some contraband that was found at the prison on more than one occasion at the Westgate Correctional Facility. In the initial sighting, it was just sighting of an aerial drone in the neighbourhood. On a subsequent occasion, there was

actually contraband found. Though they did not actually see it being dropped, it was in connection with the drop and the contraband was found. So, a correlation was made. And hence, the word "suspicion" has been used.

**The Speaker:** Thank you.

Any further questions?

No further questions.

Now, Minister, still on your Statement, we have another Member who would like to put a question to you. And that Member is the Honourable Member from constituency 31.

Honourable Member Smith, you have the floor.

### QUESTION 1: NO FLY ZONES FOR DRONES

**Mr. Ben Smith:** Good morning, Mr. Speaker. Thank you for the opportunity.

So, if the Minister would be able to just . . . with the increase in the no fly zones, is he able to give us any idea of what the penalties are going to be for this? Because, obviously, we do not want people to be breaking the no fly zones, specifically around the airport. But now, with this increasing issue at Westgate, having people breaking this no fly zone obviously is something we do not want to have happen. Is the Minister able to give us any insight into that?

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

**Hon. Wayne Caines:** There are organisations that will actually have to look at amendments to the Criminal Code to specifically deal with this nuanced area. There are separate pieces of legislation under the Criminal Code that deal specifically with taking contraband into the prison, and that can be dealt with separately, as well.

With references to this specific legislation that deals with aviation, we believe that we needed to do something on an emergency basis. Hence, the order was used to put that in place. Subsequently, we believe that we have to continue to look at this legislation.

But I think highlighting the fact that there is a no fly zone is an important step. The next step is actually the phase where you get technology that actually stops the action from happening. We are in the process of looking at . . . we have talked to public vendors, and they are making recommendations about specific devices that can be used. You use these specific frequencies to actually down drones or prevent drones from being in a specific area.

Also, you can get the coordinates for that area and send them to the drone manufacturers. And they could programme the drones not to be able to fly in those areas. So, there are a few things that we are

looking at. Number one is a manufacturer's coordinates inclusion that prevents drones from flying in a specific area. Number two is looking at current legislation and developing legislation that can deal with actual penalties around the breach of the order. And number three, putting in policing plans with the Bermuda Police Service. And four, the prison actually putting together a device on and around the prison facility that forbids or deals with or stops drones from flying in those areas.

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

Supplementary?

You have a supplementary, yes.

### SUPPLEMENTARY

**Hon. L. Craig Cannonier:** Yes. Well, I would have made it a new question, but I think he brought some of it up just now.

Would the Honourable Minister be able to tell us whether or not the airport has been able to get a hold of, or has acquired, any of these anti-drone [instruments]? I am aware of some of the anti-drone instruments that will shoot down or disable these drones within the fly zone area.

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

**Hon. Wayne Caines:** Whilst there is a collaborative approach that is being used now to look at this deliberately with all of the government agencies, to our knowledge we do not believe that they have a drone detection device that is operational at the airport at this point.

The fine for breaching the legislation that we spoke of earlier, Mr. Speaker, is up to \$4,000.

**The Speaker:** Thank you, Minister.  
Any further supplementary?  
Supplementary, yes.

### SUPPLEMENTARIES

**Hon. Patricia J. Gordon-Pamplin:** Yes, Mr. Speaker, thank you.

On the supplementary, the Minister indicated that there was going to be some attempt to engage the manufacturers so that they can include in the coordinates of the machines the inability to fly in certain areas. My question is, How many manufacturers does the Minister anticipate having to approach? Because every drone does not come from the same factory.

**The Speaker:** Minister.

**Hon. Wayne Caines:** Those parts of the conversations are in their genesis. The truth is, it is almost like

a Swiss watch. There are manufacturers for it, but the key components are made by only four or five companies. So, whilst there might be end users, like with telecom, there are end users that are different technology companies. The actual device pieces and their specific parts actually, believe it or not, come from only one or two manufacturers.

It is a matter of our having the conversation, though. It is just in its genesis. We realise that this was something that we had to act on as an emergency. This is something that is going to take a little more thinking-through and putting together a deliberate plan to come up with a strategy around it for the long term.

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

**Hon. Patricia J. Gordon-Pamplin:** Yes, second supplementary.

The question is, Is the Ministry, or the people looking at this interference technology, coordinating with the people from Heathrow [Airport] and the like, since they have experienced similar challenges, so that they can share the intelligence?

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

**Hon. Wayne Caines:** I believe that intelligence-sharing is a huge part of it. I think, in the short term, when looking at technology we have to look at the Westgate Correctional Facility and ask, What are the aims and what are the challenges? The immediate challenge that spring to mind, as the Minister of National Security, Mr. Speaker, is the use of cell phone technology in the correctional facility. And now another clear challenge is the use of drone technology.

We believe that there is available technology that allows for this to use subsequent frequencies and to use those frequencies to forbid devices from being in that area. We do know that on a previous occasion at the Westgate Correctional Facility, they did have what was called a “blanket” over the prison to prevent them from using cell phone technology. But something very strange happened where it prevented all cell phone technology from being used in the West End. And so, whilst it was fit for purpose for preventing technology from going into the prison, you could not make a call from your cell phone in that area at all.

And so, they have to look at technologies that are more deliberate. In the last five years, technology has evolved. I know that this is in hand. We have local security experts who are working with the Government to put in what we believe is a fit for purpose solution. But, to the question directly, we believe that there are best practices that exist in Government. And we have to do everything that we can, it is a part of our plan, to use best practices that are being used in other correc-

tional facilities, we believe, in the Caribbean and in the United States.

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

Any further questions of the Minister?

Okay. We now have . . . from that series?

Okay.

MP, did you have your own questions you still want to do?

Okay, the next Member who indicated that she had questions is the Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

#### QUESTION 1: NO FLY ZONES FOR DRONES

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

Mr. Speaker, I wonder if the Minister could advise, technology aside, is there any intention to specifically include kites in the no fly zone?

*[Crosstalk]*

**Hon. Wayne Caines:** At the airport, there is already a prohibition on kites flying in the airport. But for the Westgate Correctional Facility, I do not foresee that at this point. Let us say why. There are two areas. There is Prospect where you have a no fly zone of drones in the Prospect area. But in that area, directly across from it, we have the police field. That is a significant area for kites during all Easter season. Then you have the Clyde “Bunny” Best field right behind that. And so, in keeping with the drone issues, we know during the Easter season, those two fields become significant places where people indeed fly kites.

And so, whilst it is something that could look at, at this point there are no immediate plans to include kite-flying in the prohibitive order that we just spoke of, Mr. Speaker.

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

No further questions?

Okay. That brings us to a close of the questions on that Statement. We now move on to the Statement given by the Minister of Education.

And, Minister, there are two Members who have indicated that they have questions for you. The first is the Member from constituency 8.

Member Simons, would you like to put your questions?

#### QUESTION 1: PLAN 2020—A STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION, UPDATE

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

Mr. Speaker, before I ask my question, I would just like to commend all of the stakeholders who are involved in the delivery of the Strategic Plan

2022 to let them know that I support their endeavours, and to say keep up the good work!

Mr. Speaker, throughout the Statement, the Minister speaks to “delivery plan managers.” My question is this, Mr. Speaker: How often do the delivery plan managers meet with the Commissioner of Education or senior leaders of the Department of Education to give them a status report, to give them an update on the deliverables against the timelines, and to give them an update in regard to cost against budget in regard to what is being delivered by their teams?

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

**Hon. Diallo V. S. Rabain:** Mr. Speaker, the commissioner meets with stakeholders biweekly and monthly.

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

#### SUPPLEMENTARY

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

Can the Minister tell us what type of assessment they have against the team managers when they have these meetings? Are they matching goals against timelines? Are they matching costs against budget?

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

**Hon. Diallo V. S. Rabain:** The simple answer to that, Mr. Speaker, is yes to each one that you did mention. They do compare activities versus the timelines. And this is the purpose of meeting so frequently, to ensure that we do not get behind on anything. And if there are any issues, they can be caught up front and addressed immediately. Thanks.

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

**Mr. N. H. Cole Simons:** My new question.

**The Speaker:** Okay. Your second question.

#### QUESTION 2: PLAN 2020—A STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION, UPDATE

**Mr. N. H. Cole Simons:** Mr. Speaker, in regard to middle schools, the Minister indicated that he was gathering information from the community and from educators, governors of aided schools, et cetera. I just have a simple question: When will the middle school to signature school transitional report be made available to the House and the public?

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

**Hon. Diallo V. S. Rabain:** Mr. Speaker, as soon as we are ready to unveil it, it will be tabled here and the public will be made aware of that.

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

#### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** Yes. Can we expect to receive it sometime this year?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, I reiterate that this Government is committed to reforming education by phasing out the middle schools. And the intention is to have that tabled and released to the public this year.

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

Minister, there is one other Member who has also indicated that she would like to put questions to you on your Statement. And that is the Member from constituency 19.

Honourable Member Atherden, you have the floor.

#### QUESTION 1: PLAN 2020—A STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION, UPDATE

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

Mr. Speaker, through you to the Minister: On the last page there is an indication talking about the Hopkins report. And the Minister has indicated that there was a change in terms of the way that the Hopkins report set up the stated outcomes. And I wonder if the Minister could explain to the general public the difference. Because there is an indication that the Hopkins report had stated key outcomes that there were strategies and there were activities that were identified in the final report. But it is indicating that that was not sufficient and that there was a new way of looking at what we are going to do with respect to education.

And I wonder if the Minister (for the general public) could give some clarity. Because it is also indicating that the new way is going to have key metrics and there are going to be strategies and there is going to be the plan. But I just wondered if you could explain for the general public the key difference. And I was not certain whether it was an output performance measurement, and I did not want to try and put what I believe was the difference. I thought if you as the Min-

ister could say clearly what the difference is, then I think the public would be educated.

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

**Hon. Diallo V. S. Rabain:** Thank you, Member, for that question.

Mr. Speaker, there is a saying. And it goes like this: If it does not get measured, it does not get done. And so, what we are saying is, the Hopkins report was a great report and had information in it and key strategies that were implemented. But the strategies to measure the effectiveness of those implementations were never put in place. So, we have done . . . And all of us up in here have known. It has gone back and forth. *Why hasn't the Hopkins report been implemented?* Depending on which side of the aisle, *Yes, it has! We have done that!* But there is nothing to actually measure the effectiveness of it.

What we are saying is, instead of doing that, we are coming up with methods of measuring the effectiveness of implementing Plan 2022. And as the Honourable Member Simons asked how often do we meet. We meet every two weeks. And that is so that we can ensure that there are measurements put in place, ensure that the plan is actually being implemented. And so, when you come up with a key outcome that you want to achieve, and then you come with a plan to get there, if you are measuring that every step of the way, you then have equitable data at the end of the day to say, *Yes, I achieved that goal.*

So, that is the difference between what is mentioned in the Statement about the Hopkins report and what is happening with Plan 2022. And I hope that is clear for you.

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

Member, would you like to put a supplementary?

**Hon. Jeanne J. Atherden:** A supplementary, yes.

**The Speaker:** Supplementary. Yes.

#### SUPPLEMENTARY

**Hon. Jeanne J. Atherden:** I understand clearly what the Minister said. Because, as I have said many times up here, if you do not have performance measures, then you do not know whether you have achieved what you wanted. So, I wondered if the Minister could indicate, with respect to the Blue Book that we have, is there going to be an intention to use that same type of philosophy from the point of view of starting to say, with the things that you are currently doing, because, remember . . . I realise that you are retrofitting some of this. Will you start to modify them so that there will be performance measures that will be there that will

enable the public to see the same type of measurements?

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

**Hon. Diallo V. S. Rabain:** Yes.

**The Speaker:** Okay.

Any further questions?  
Minister, that brings us to a close of questions on your Statement.

However, the last Statement this morning, from the Minister of Transport, there is also a Member who would like to put a question to you.

The Member from constituency 23, would you like to put your question now, Honourable Member Gordon-Pamplin? Yes.

#### QUESTION 1: PUBLIC BUS SERVICE UPDATE

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

Mr. Speaker, just out of curiosity, I wonder if the Minister, based on page 3 of his Statement in respect of the MOU with Rocky Mountain, is aware of whether any of the manufacturers of the existing fleet have moved towards greener technology in their manufacturing processes.

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

**Hon. Zane. J. S. De Silva:** I cannot speak wholeheartedly to that. But I would certainly hope that they are, because it seems like that is what all manufacturers are doing all over the world. But I can check it out for you and let you know. Sure.

**The Speaker:** Okay. Thank you.  
Member, supplementary or new question?

**Hon. Patricia J. Gordon-Pamplin:** No, I have a supplementary.

**The Speaker:** Continue.

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** Based on the Minister's response, if it is determined that the existing fleet manufacturers are moving towards greener technology, would he be looking at ensuring that there is some compatibility with the existing fleet in order to optimise inventory requirements?

So, in other words, if we have got ABC manufacturer providing buses now, if their engines go to a greener methodology, but the frame and the windows and stuff, which are standard, could be compatible,

would they be looking at that level of compatibility to ensure that we do not have to spend additional money on inventory?

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

**Hon. Zane. J. S. De Silva:** Of course, Mr. Speaker.

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

*[Inaudible interjections]*

**The Speaker:** Yes, yes. That is right. I forgot. The Opposition Leader also wanted to put a question to you on this one.

#### QUESTION 1: PUBLIC BUS SERVICE UPDATE

**Hon. L. Craig Cannonier:** Yes, good one, good one.  
Just taking note on page 2, where the Minister says the new bus schedule is off to a good start. And then in the second paragraph, as the schedule is new, some adjustments are to be expected. I just wanted to know from the Minister, we have seen on the blogs and the likes where people have been lodging their complaints. Have they had a common consensus on many of the concerns with the new schedule thus far? Is he aware of any concerns coming in from this new schedule?

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

**Hon. Zane. J. S. De Silva:** Mr. Speaker, I am glad that the Opposition Leader stood up and asked that question, because the Deputy Opposition Leader made a statement earlier this week, along with one of those backbenchers with regard to . . . And with your permission, I would like to quote. And Ms. Scott said, *The bus schedule seems to be a complete and total disaster*, which I think is very irresponsible, Mr. Speaker.

So, that being said, surely every Member in this House will know that, no matter what new programme that someone may introduce, you may have some teething problems. But certainly, as the Honourable Opposition Leader just said, from the blogs? Really? I do not pay attention to the blogs, Mr. Speaker. What I do pay attention to is, if anyone has a legitimate complaint, they would call those responsible—i.e., the Minister or the Director of DPT [Department of Public Transportation].

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

**Hon. L. Craig Cannonier:** Yes, supplementary.

**The Speaker:** Yes.

#### SUPPLEMENTARY

**Hon. L. Craig Cannonier:** Is the Honourable Member aware of any through-the-proper-channels complaints that have been lodged? And what were the consensus to some of those complaints? I do know that some have been lodged.

**The Speaker:** Minister.

*[Inaudible interjections]*

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

**Hon. Zane. J. S. De Silva:** Mr. Speaker, you know, you might know. Or maybe you will not know. But we received one call about a challenge that some person had. And if you heard the Statement that I read, we talked about sweeper buses.

**Hon. L. Craig Cannonier:** Yes.

**Hon. Zane. J. S. De Silva:** And we rely on feedback because there has been a schedule change, Mr. Speaker. And what we will rely on is the feedback from our bus operators. And, you know, obviously if a bus is full after three stops, he is going to make a call and we will send a sweeper bus in as soon as we possibly can. So, you know, we have had an adjustment of the schedule.

And what I would do, Mr. Speaker, whilst I have the floor, with your indulgence?

**The Speaker:** Yes.

**Hon. Zane. J. S. De Silva:** I will tell people where they might be able to log on to get the new bus schedule, which is [www.gov.bm/bus](http://www.gov.bm/bus). So, if anyone should want to get the new schedule, they can certainly look online and get it, Mr. Speaker.

**The Speaker:** Thank you, Minister.  
Supplementary?  
A supplementary from the Member from constituency 23.  
Honourable Member Gordon-Pamplin.

#### SUPPLEMENTARIES

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

Mr. Speaker, the Minister indicated that the sweepers would be activated as soon as they can, that if a driver is full after three stops, they will put a

call in. The question is, Are there additional buses that are being maintained or being stationed at the individual interim stations so that, let us say, a bus driver calls after three stops coming out of Somerset, you do not have to wait for something to come from headquarters to come to Somerset? Is there something there already with drivers on standby? Or how does that sweeper system work?

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

**Hon. Zane. J. S. De Silva:** Mr. Speaker, the director will make those things available on an as-needed basis. Because we do not know where the call is going to come from. What we must realise is that, you know, we have a limited number of buses that are operational. And we are going to do the very best. The director . . . I have a lot of confidence in the director and the operators to be able to make those judgments as they see fit.

The fact remains that, you know, had the previous Government not spent \$100 million, we would not be having this conversation about buses if we had spent the money in the right place.

**The Speaker:** Thank you. Thank you, Minister.  
Supplementary? You will do your second supplementary, Ma'am?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have my second supplementary.

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

**Hon. L. Craig Cannonier:** You are encouraging more questions.

*[Laughter]*

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

Mr. Speaker, the second supplementary is, Did the present Government expend the money that was already budgeted for additional buses back in 2017, or have they just now waited until 2018? There was money left in the budget for capital acquisitions for buses in the 2017/18 budget. So, the question is, are we just now waiting? Is the Government just now waiting so that they can have an excuse to blame the former Government for America's Cup?

**The Speaker:** Now, now, Member.  
Minister.

*[Laughter]*

**The Speaker:** Let us . . .

**Hon. Zane. J. S. De Silva:** Mr. Speaker. We could turn this . . . I know you are not going to let it turn into a debate.

**The Speaker:** No. I am going to caution you.

**Hon. Zane. J. S. De Silva:** Oh, yes. Because you know I want to throw a rock in a heartbeat.

**The Speaker:** No, no, no. No rock-throwing this morning.

**Hon. Zane. J. S. De Silva:** But I will not go there, Mr. Speaker. I will not go there, Mr. Speaker.

**The Speaker:** No rock-throwing.

**Hon. Zane. J. S. De Silva:** Because let me . . . To answer the Honourable Member's question, Mr. Speaker . . . sometimes you wonder about some of the questions you get from Members. Right?

**The Speaker:** They are all good questions, right?

**Hon. Zane. J. S. De Silva:** Yes. They are all good questions, Mr. Speaker.

**The Speaker:** There you go.

**An Hon. Member:** You still have to wonder!

*[Laughter]*

**Hon. Zane. J. S. De Silva:** But I will put my fingers up when I say "good questions."

Mr. Speaker, if we have had a couple of buses delivered already, do I have to tell the Honourable Member how long it takes to make a bus? So, in other words, Mr. Speaker, you know, if the Honourable Member is one to say that their Government put money aside . . . really? Is that a question that one must answer? You know, really?

Did we act on it, Mr. Speaker? We have got buses that have arrived and will continue to arrive. So, the Honourable Member surely knows that you cannot place an order today and get a bus tomorrow, Mr. Speaker.

**The Speaker:** Okay. Thank you, Honourable Minister.  
Minister, the Honourable Member from constituency 19 would like to put a supplementary to you.  
Honourable Member.

## SUPPLEMENTARIES

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

The Honourable Member was talking about the sweepers, and I think he explained that. But if the Honourable Member could explain to the public, what

are they doing with respect to people who are waiting at the bus terminal itself? Because if you are waiting for the bus, then you are already delayed. And it is not a question of waiting for a sweeper bus to come and get you. What type of attention is being paid to that?

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

**Hon. Zane. J. S. De Silva:** Well, Mr. Speaker, like the Honourable Member has concern, I do, too. And if I had a magic wand, I wish it was a button they could push and a button [*sic*] would show up immediately. It does not work like that.

**The Speaker:** A bus would show up immediately.

**Hon. Zane. J. S. De Silva:** The bus would show up immediately. It does not work like that. But, Mr. Speaker, certainly what we have been doing for the last eight to twelve days is trying to inform the public of the new bus schedule. And for those who use the buses on a regular basis, to look at the new schedules so that they know what the new times are. Okay?

Now, if a bus happens to get filled because there happens to be an exorbitant amount of rain that is outside of the average, Mr. Speaker, and therefore people use the buses more because of situations like that, it is one of those unforeseen circumstances. That is why we have the sweeper buses. Luckily, Mr. Speaker, we do. We have adjusted the schedules. Because if not, you would not only not have sweeper buses, but we would not have enough buses at all.

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

**Hon. Jeanne J. Atherden:** Point of clarification.

**The Speaker:** Madam, the clarification?

#### POINT OF CLARIFICATION

**Hon. Jeanne J. Atherden:** I asked the question about the delays at the *terminal*, which is where the bus is starting, not along the route.

**The Speaker:** Thank you.

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

**The Speaker:** Do you want to respond to that?

**Hon. Zane. J. S. De Silva:** Mr. Speaker, whether a bus starts at the terminal . . . well, whether it is starting in the East, West or Central, buses have a schedule. And whether it is one bus at Central or two or three, or one or two or three at the East or West, that is what is on the schedule. That is what we are going to stick to.

If we find, like yesterday, the Honourable Member may know, or one day this week, the Honourable Member may know, there was a long line down at Central. Right? And, therefore, we were told about it, and we sent sweeper buses as soon as we possibly could.

**The Speaker:** Thank you.  
Any other Member with a supplementary?  
You used two supplementaries.

**Hon. Jeanne J. Atherden:** I had a point of clarification. I did, because he did not answer my question.

[*Inaudible interjections and laughter*]

**The Speaker:** All right, all right, all right. Wait, wait, wait, wait, wait.

**An Hon. Member:** Well done!

**The Speaker:** I will accept it because you did actually have to say that you wanted to clarify your first question. Okay.

Go ahead and ask your second supplementary. Yes.

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

The Minister has indicated that the schedule operates at 50 buses at peak times. And then, it says, while there is some reduction in frequency, this is a temporary measure while the PTB [Public Transportation Board] replenishes the ageing fleet. So, I guess question is, Is it 50, what the new schedule is always going to have, and therefore the temporary measure is the fact that they are operating at less than 50, because you do not have enough buses, while you get the new buses in?

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

**Hon. Zane. J. S. De Silva:** Mr. Speaker, the Statement actually explains what it is doing. But if the Honourable Member is struggling with that, I will attempt to clarify.

The schedule is built on a 50-bus schedule. What this meant when we talk about the schedule possibly changing, Mr. Speaker, I said in my Statement that we are expecting several more new buses. And we expect that, in time, with regard to refurbishing some of the older buses and bringing them online, or whether in the next two or three years we might find that budgets allow us to maybe order 20 or 30 new buses.

And when we get to that stage, we might look at . . . well, not "might." If we got 20 to 30 new buses,

Mr. Speaker, we will obviously have to devise a new schedule to fit the additional buses that we have.

**The Speaker:** Thank you.

Oh, Mr. Swan. You would like to put supplementary questions?

**Hon. Hubert (Kim) E. Swan:** Yes, Mr. Speaker, a supplementary.

**The Speaker:** Well, Mr. Swan. We recognise the Honourable Member from St. George's.

Honourable Member Swan, you can put your supplementary.

### SUPPLEMENTARY

**Hon. Hubert (Kim) E. Swan:** Yes. Looking forward with optimism, Minister, as you look to refurbish and get more buses online, could growing communities such as Ferry Reach look forward to getting maybe a feeder system into that community with children and the likes?

**The Speaker:** Nice little bit of parish-pumping, or constituency-pumping there, Member.

Minister, would you like to answer that?

**Hon. Zane. J. S. De Silva:** Yes, I would, Mr. Speaker. In fact, that particular MP, Mr. Kim Swan, along with his colleague down there in the East, Ms. Renee Ming, are always fighting for their constituents, as you know. I do not have to tell you that, Mr. Speaker. So, with that said, and knowing how pushy those two are for their people down in the East, Mr. Speaker, we will gladly entertain looking at that in the future, as buses come online. Yes.

**The Speaker:** Supplementary?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have a supplementary.

**The Speaker:** Yes.

### SUPPLEMENTARIES

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary to that response.

Would it not be an easier solution to integrate the minibus system for the Ferry Reach system to come out to the main, to connect with the main bus schedule?

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

**Hon. Zane. J. S. De Silva:** Another great question, Mr. Speaker. But, of course, again I must say if we did

not spend \$100 million on that America's Cup we would be able to afford minibuses to do these runs. So, as soon as we are able and we are able to afford these things, Mr. Speaker, we will gladly accommodate the Honourable Member.

**Hon. L. Craig Cannonier:** We should not have spent \$42 million on the Grand Atlantic, Mr. Speaker.

**The Speaker:** Honourable Member, second supplementary?

**Hon. Patricia J. Gordon-Pamplin:** Yes. Second supplementary, Mr. Speaker.

Mr. Speaker, given that many of the minibuses are privately owned, is the Minister suggesting that the Government may now be looking at purchasing minibuses in the government fleet?

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** May I repeat the question, Mr. Speaker? Thank you.

The question was, given the Minister's response, given that minibuses are predominantly privately owned, since the Minister lamented the spending of money on America's Cup, the question now begs, Are the Minister and the Ministry considering purchasing minibuses as part of the government fleet, as opposed to enabling and ensuring the continuation of the minibuses as private enterprises?

**The Speaker:** Minister. She clarified it enough for you, Minister?

**Hon. Zane. J. S. De Silva:** Well, yes, she did. She did a very good job.

**The Speaker:** There you go. Good.

**Hon. Zane. J. S. De Silva:** I thank her for that.

Mr. Speaker, no, we are not. This Government will not be looking to buy any minibuses. In fact, what we will be looking to do . . . Mr. Speaker, you will know that a Green Paper is on its way with regard to transportation in the country. And that will address not only the minibuses, but taxis, maybe water taxis, bicycles, minicars, the works, Mr. Speaker. So, that is coming, Mr. Speaker. And we will have a full debate in due course about that. Thank you.

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

Yes, yes, you used your two. You used your two.

There are not any further supplementaries. There are no further questions for the Minister. That brings us to a close of the question period.

We will now move on.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** Yes. Would any Member wish to speak?

I recognise the Deputy Premier. He is on his feet. Deputy Premier.

**Hon. Walter H. Roban:** Mr. Speaker, I am being threatened from the far corner.

*[Laughter]*

**Hon. Walter H. Roban:** By undertones.

**The Speaker:** A little wind from the east, eh?

**Hon. Walter H. Roban:** Yes. I am shaking. I am really shaking, I am telling you. The east is, you know, you have some fierce people in the east.

Mr. Speaker, I am not going to go into great detail because I want to allow the Minister to go into greater detail around this. But I would certainly like to congratulate all of the persons generally (and the Minister will get more specific) who were the awardees at the sports awards, the 38<sup>th</sup> Annual Sports Awards last night. I did give prizes to a number of awardees, and I also gave closing remarks. But I would like to just give a general congratulations to those persons.

I would also like to perhaps pass on a note of condolences. It was just reported, I believe, that a certain character who frequented the Hamilton has passed, Mr. Keith Peniston. And I am sure he has a family, irrespective of his challenges, people who cared about him. And we should respect that. So, I would like to pass on condolence wishes to his family and those who did care about this gentleman. I think that is important for us to acknowledge. Although those in this country may not be as fortunate and gifted as those in this House, we must remember that they are part of the Bermuda family, and we should acknowledge their presence, as well, Mr. Speaker.

I would also like to—

**The Speaker:** That was my classmate.

**Hon. Walter H. Roban:** Condolences to you, Mr. Speaker.

**The Speaker:** Yes.

**Hon. Walter H. Roban:** I would like to be a little bit more specific in one note, Mr. Speaker, and congratulate the Lister Insurance family for an award that they received last night. Well deserved, amongst others. But I will stop there, because I do not desire to receive the ire of the East, and I will allow the East to get more specific with such congratulations, salutations.

So, thank you, Mr. Speaker.

**The Speaker:** Yes.

We recognise the ... The Minister had jumped up before you. You both jumped up at the same time, but I gave lenience to the Deputy Premier just now.

So, I will take the Minister, then I will come to the Shadow Minister. Minister.

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker, and good morning to the House, and good morning to our listening public.

I would like to be associated with the remarks coming from our Deputy Premier, the Honourable Walter Roban, with respect to congratulating the winners at the yearly sports awards.

In particular, let me at least acknowledge the Junior Female winner, Ms. Leilanni [Nesbeth]; the Junior Male winner, Mr. Matthew Oliveira; the Male winner, Tyler Butterfield; and the Female winner, Flora Duffy. And I believe that all of these names are probably very familiar to many of us who sit in this House, and of course to the broader public.

*[Inaudible interjection]*

**Hon. Lovitta F. Foggo:** I am not naming them all because I think we would be here for quite some time, and I think the Speaker has the three-minute buzzer on me.

Also, to Lister Insurance Agency, I will highlight that company in particular for the great work that they do for our young athletes who participate in the annual half-marathon every year. I support coming from that agency and even the fact that [but for] that agency in particular advocating for our young sportspeople to be able to participate in this event, Bermuda would not have the benefit of seeing how they perform in an event like that. And certainly, when you see young people running in a half-marathon, they deserve all the accolades that they get. And, thank you to Lister Insurance Agency for making that happen.

Also, I just want to highlight one of the former cricket teams that were highlighted for Bermuda. I think it was the 1979 cricket team that saw the likes of people like Anthony Manders; Charlie Marshall, who was the captain; Maybury— quite a few, quite a few people who are well known to Bermuda. We saw all of those people participating in Cup Match when Cup Match took place way back when, and St. George's winning a lot of the matches at that point in time.

*[Laughter and inaudible interjections]*

**Hon. Lovitta F. Foggo:** And I also wanted to point out the North Village Club and their football team who won many of the awards back in that same year. And I think the year that they highlighted was 1979, because it is 40 years ago.

**The Speaker:** Yes.

**Hon. Lovitta F. Foggo:** And they were awarded for their stellar performance.

*[Timer beeps]*

**Hon. Lovitta F. Foggo:** Mr. Speaker, I would also like to recognise the Special Olympics Group and the stellar performance they have—

**The Speaker:** On that note, I am giving you an extension because you are doing the Special Olympics. Do the Special Olympics.

**Hon. Lovitta F. Foggo:** Thank you.

Their stellar performance. And they are our Special Olympians. They are due back this evening. I would like to associate the Shadow Minister—

**Some Hon. Members:** The whole House! The whole House!

**Hon. Lovitta F. Foggo:** The whole House with the congratulations on their efforts that they displayed while overseas in Dubai.

And I thank you for your allowing me to speak, Mr. Speaker.

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

I now recognise the Shadow Minister. Do you want to—no?

Well, Mr. Pearman, the Honourable Member from constituency 22.

**Mr. Scott Pearman:** Mr. Speaker, good morning.

**The Speaker:** Honourable Member.

**Mr. Scott Pearman:** I would like to congratulate Bermuda's Director of Public Prosecution on his elevation to the bench. It is so nice to see yet another Bermudian being elevated, as the Chief Justice was before him, being elevated to the bench, an immensely capable man. The whole House, I see, would like to support this.

**The Speaker:** Yes. Yes.

**Mr. Scott Pearman:** He is an immensely capable man, a man of integrity. And I think we are immensely lucky to have him on the bench. And, thank you.

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

Does any other Member wish to speak?

I recognise the Honourable Member Weeks.

Honourable Member, you have the floor, Mr. Weeks.

**Mr. Michael A. Weeks:** Thank you, Mr. Speaker. Good morning to you.

**The Speaker:** Good morning.

**Mr. Michael A. Weeks:** Mr. Speaker, I would like to start of my remarks by being associated with the exploits of North Village football team back in the day.

**The Speaker:** Yes.

**Mr. Michael A. Weeks:** In 1979, and that 1979 cricket team. I remember a lot of their players as classmates. And they have done Bermuda proud in their youth cricket team.

**The Speaker:** Yes.

*[Inaudible interjection]*

**Mr. Michael A. Weeks:** No, I was on the bench. I was one of the . . . I was the thirteenth warrior.

*[Laughter]*

**Mr. Michael A. Weeks:** But, Mr. Speaker, I would also like to congratulate Ms. Mstira Weeks. She has a few businesses in the Bermudiana Arcade. And she has just opened up another cereal café in the arcade. She is a true example of an entrepreneur.

*[Inaudible interjections and laughter]*

**Mr. Michael A. Weeks:** We do know—

**The Speaker:** Minister, you came in too soon. You should have stayed out, Minister.

**Mr. Michael A. Weeks:** We do know that, as the morning goes on, we will have a different debate. But at this point in time—

*[Inaudible interjections]*

**The Speaker:** Just talk to me. Just to me, Member. Ignore the chirpings. Just talk to me.

**Mr. Michael A. Weeks:** I am trying to—

*[Inaudible interjections and laughter]*

**Mr. Michael A. Weeks:** Mr. Speaker, I would like to associate the Minister of National Security in these remarks.

*[Uproarious laughter!]*

**Mr. Michael A. Weeks:** I hear him whispering in my ears, Mr. Speaker.

But, moving right along, Mr. Speaker, on a serious note, before I take my seat I would also like to be associated with the remarks for Brother Keith Peniston. He was a Berkeleyite. A lot of people say he was a “pretty boy” back in the day. But he was also the cousin of my wife and the Clerk to the Legislature. And, Mr. Speaker, it is definitely a time that we have to highlight the plight of the homeless. You see, Mr. Peniston died of pneumonia. And I hear interpolations saying that that makes four homeless people who have died this year. So, this brings to the forefront that we must address the homeless situation, homelessness and mental health.

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

**Mr. Michael A. Weeks:** Because more and more, we are going to see this here as a country that is increasing in homelessness.

**The Speaker:** Yes. Yes.

**Mr. Michael A. Weeks:** So, my heart and condolences go out to Mr. Keith Peniston’s family.  
Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member.  
I now recognise the Deputy Speaker.  
Deputy Speaker.

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

Mr. Speaker, I would like to be associated with the remarks concerning “Sir” Calvin “Bummy” Symonds. I am sure—

**An Hon. Member:** What?

**Hon. Derrick V. Burgess, Sr.:** “Sir” Calvin “Bummy” Symonds. I am sure you know him, Mr. Speaker, because he has delighted those true cricket friends during his time as the Captain of Cup Match.

**The Speaker:** I liked him more for his football, his football talent. How is that?

**Hon. Derrick V. Burgess, Sr.:** He certainly decorated, undecorated Somerset by continuously taking the Cup back to St. George’s.

**Ms. Leah K. Scott:** Yes, that is right!

**Hon. Derrick V. Burgess, Sr.:** And I can assure you, Mr. Speaker—

**The Speaker:** I am glad you all have memories.

**Hon. Derrick V. Burgess, Sr.:** Many of those Somerset folks would pray that nobody like Calvin “Bummy”

Symonds comes again. Because you do not get those types of people, athletes, often, they come once in a while. And he came, to the delight of St. George’s, and I guess to the delight of Somerset, because they even had to guard the Cup.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** And I may bring him back, so do not get so excited.

**The Speaker:** Well, I know things are tight down in St. George’s. You might have to go back way, way—

**Hon. Derrick V. Burgess, Sr.:** No, no. Just for history.

And, Mr. Speaker, I would also like to congratulate or be associated with the remarks concerning Larry Mussenden as the new Puisne Judge, who should have been the Chief Justice, Mr. Speaker.

And, Mr. Speaker, I will go on to say that I would hope that the next DPP will look something like me, and not be a Caucasian. Thank you.

*[Inaudible interjections]*

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

We now recognise the Honourable Member from constituency 23.

Honourable Member, you have the floor.

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

Mr. Speaker, I would ask that this Honourable House send congratulations—

*[Inaudible interjections]*

**The Speaker:** Members! Members! Let us hear the Honourable Member who is on her feet.

**Hon. Patricia J. Gordon-Pamplin:** I would ask that this Honourable House, Mr. Speaker, send congratulations to Christ Church Warwick, who, shortly after we break for the Easter break, will be celebrating their 300<sup>th</sup> anniversary. I think that that certainly is a milestone for them.

*[Inaudible interjections]*

**The Speaker:** Members, Members!

**Hon. Patricia J. Gordon-Pamplin:** I would associate Honourable Member Cole Simons, Honourable Member Jeanne Atherden. Actually, I would take the liberty of assuming that the House would want to be associated with those 300<sup>th</sup> anniversary congratulations.

**The Speaker:** Thank you, Honourable Member. Oh. Continue on now. Let us just continue. Just continue.

**Hon. Patricia J. Gordon-Pamplin:** I would also like, Mr. Speaker, to ask the Honourable House to congratulate the graduates of the Endeavour Programme. Mr. Speaker, in particular we had one mom who posted that her son, Ben (and this is Mrs. Knight), had actually graduated with a certificate and marine licence. So, this is just more evidence of the benefit and the legacy of the America's Cup programme. The Endeavour Programme was one of the spinoff programmes to benefit our young sailors. And I think that they deserve to be commended and congratulated.

And finally, Mr. Speaker, I would ask that this Honourable House send condolences to the family of the late [George] Roger Younie. I do not believe that it was done. But he was funeralised yesterday. He was the husband of Brenda Ralph Younie, with whom I played netball ever so many years ago, and the father of Alisdair Younie. Roger was an accountant with the Conyers Dill & Pearman [CD&P].

But, certainly, as I was very new in the accountancy profession, he was certainly a mentor inasmuch as CD&P was the corporate secretaries for many of the companies that we were required to do accounting for, as a young accountant with Moore Stephens at the time. So, I was able to get a lot of interaction and benefits from the expertise that Roger Younie brought to the table. And I would just like to offer my condolences to his family, to associate Honourable Member Scott Pearman and Honourable Member Jeanne Atherden with those comments. Thank you, Mr. Speaker.

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

We now recognise the Honourable Member from constituency 21.

Honourable Member, you have the floor.

**Mr. Rolfe Commissiong:** Mr. Speaker, thank you so much.

Mr. Speaker, Mary Prince was a seminal figure in world history, no less Western history, and certainly is central to our narrative around Bermuda and who we are as a people. And I want to just take some time to commend the Ministry of Labour, Community Affairs and Sports, specifically the Department of Culture, led by the Minister Lovitta Foggo, for the decision to commemorate her and commit to having a statue erected in due course that would be in line with that. It was wonderful news to know that they have identified the cave where she was secreted during her time away from an owner who was very harsh and oppressive, and that there may be opportunity to have that statue erected on that private property. So, it is great news.

And just moving on, I want to also commend CURB [Citizens Uprooting Racism in Bermuda]. They

brought out their social justice agenda, if I can call it that, a few weeks ago. They also were calling for, and I am happy to note that they embraced, an idea, a proposal that I put forward, that the same Mary Prince be commemorated during the second day of Cup Match. And I am hoping that both the Ministry and persons in the community will support that. We do know that our Member, Mr. Chris Famous in constituency 11, had already lobbied for the commemoration of Sir George Somers to be vacated—

**The Speaker:** Some of that can go on the motion to adjourn.

**Mr. Rolfe Commissiong:** Yes, Well, no, and I appreciate that, Mr. Speaker. I will just wrap up very quickly.

So, I would like to see that. I want to commend CURB for supporting the idea to have Mary Prince be ensconced, to be honoured statutorily and that we all honour her on the second day of Cup Match. And I do hope that that bears fruition very soon.

Thank you, Mr. Speaker.

**The Speaker:** I recognise the Honourable Minister. Minister Caines.

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

Mr. Speaker, sometimes you get to see some great things in our country based on some things that initially start off really bad. But then you get to see things that we do really well evolve through that process.

I met a young man who was in one of our treatment courts. He had some significant difficulty in his life. And he was assigned to one of our treatment courts. At the weekend, prior to the weekend, one of the difficulties that he had with the sporting team is that he could not make training. He could not make training because he had on an electronic monitoring device. And he had to catch the bus down to the field, and when he got down to the field, oftentimes he would miss training. And obviously, he could not play on many Sundays because he did not attend training, as are the rules for a number of the teams.

Long story short, he kept at it and he stayed with it. He is really a good football player. Knowing that he had some challenges in his life and knowing that he was under court order based on some difficult challenges, at the weekend I went down to St. David's and watched him play for St. George's. And he did not go on in the first few minutes. He did not go on in the first half. He did not go on in the second half. About two minutes before the end of the game, he went onto the field. Everybody's family, everybody on the side lines were so excited for those two minutes that he played.

It was excellent because everyone in the community who was working with him to support him, to give him help, was able to see him on that field for two minutes. It was a beautiful thing to see one of our young men who was troubled, but through sport, through his coaches, through his family being at the field, we got to see two minutes of—

**The Speaker:** Congratulate somebody now. You have not congratulated somebody yet!

*[Laughter]*

**The Speaker:** Yes! We are waiting for the congratulatory part!

**Hon. Wayne Caines:** His name is Mr. Ki'Ahje Wilson, Mr. Speaker. His name is Mr. Ki'Ahje Wilson. I would like to congratulate him for being a part and sticking with it through the good times and bad times, and spending that two minutes on the field to show us all that it is indeed possible to make a change in your life.

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Honourable Member from St. George's.

Honourable Member Swan.

**Hon. Hubert (Kim) E. Swan:** Mr. Speaker, I would like a letter of condolences sent to the family of Ms. Lofay Darrell, who was funeralised yesterday, from Mullet Bay. But she was born in Portland Square, the Richardson and the Williams and the Manders family, you know. She was very much associated in the broadcasting industry with ZFB. And a great tribute came forward for her time spent there. Her sisters, the late Marlene Bea and Aunt Nell, Ms. [Harris], one of my constituents at one time was certainly very much helpful to me, providing some good advice on how to enunciate words. And certainly, she is certainly going to be missed by her family and her friends. And I will associate the Honourable Member from constituency 23 with that.

Mr. Terrett West, who has passed away at a young age, and his son is an outstanding golfer; and also, the passing of Kenneth Parfitt, as well, from St. George's; and Ms. Joan Ming, both established St. Georgian family persons.

And also, Mr. Speaker, on a happier note, young Kenny Leseur, Jr., continues his outstanding play. He won the IMG Junior Tournament in Florida at Eagle Creek last weekend with an outstanding 3 under par. One of my young proteges is now under the watchful eye of the Gary Gilchrist Golf Academy. And I will associate the Honourable Minister, as well, Zane De Silva, with that. This young man has a promising future at 15, overseas, with world-class coaching

around him and competition. We continue to pray for his success.

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

Does any other Honourable Member?

We recognise the Honourable Member Tyrrell. Honourable Member.

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

**The Speaker:** Yes.

**Mr. Neville S. Tyrrell:** Mr. Speaker, first of all, let me associate with the request for condolences to be sent to the family of Ms. Joan Elizabeth Ming, whom I did know as a result of her two sons and daughter-in-law. She certainly will be missed.

Let me also associate myself with the congratulations to Mr. Bummy Symonds, who was called "Sir." But he is my constituent, and to me he is known as "The Legend." I call him "The Legend Bummy/The Legend." I called him The Legend before, The Legend after the name, because that is what he is: The Legend. He and I, as I said, as a neighbour of mine—

*[Timer beeps]*

**Mr. Neville S. Tyrrell:** That is not for me, is it, Mr. Speaker?

**The Speaker:** Not yours, not yours. Go ahead.

**Mr. Neville S. Tyrrell:** He is my neighbour. And so, we get to talk quite often. He is a very strong supporter of myself. So, I was very happy for that.

I would also like to associate myself with the congratulations to Larry Mussenden on his promotion as Puisne Judge. Larry and I go back quite a way in the football arena. In fact, Larry followed me as President of Bermuda Football Association. So, we collaborated quite often. And I wish him, certainly, much success.

And finally, Mr. Speaker, I would like well wishes to be sent to the Bermuda football team that will be playing this weekend. It is a match that will be a very, very tough match for them. But at the same time . . . I will associate—

**The Speaker:** Associate the whole House with that one.

**Mr. Neville S. Tyrrell:** I will.

**The Speaker:** Sure.

**Mr. Neville S. Tyrrell:** I associate all, Mr. Speaker.

But let me say the match itself will actually set the tone for football in Bermuda, whether the team

does good or loses, because it is something that has set . . . They are in CONCACAF [Confederation of North, Central America and Caribbean Association Football]. They are recognised now in CONCACAF. They have taken some scalps along the way. And it is a match that I certainly feel will be an upward movement towards football in Bermuda.

So, thank you very much, Mr. Speaker.

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

I now recognise the Honourable Member from constituency 19.

Honourable Member, you have the floor.

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

Mr. Speaker, I would like to be associated with the remarks in terms of sending condolences to the family of Terrett West, and associate Shadow Minister Gordon-Pamplin and Cole Simons. In addition to being a fine golfer, Terrett was also a member of the staff at Bank of Bermuda HSBC. And when he started up his company, Windward Management, he was also, what people do not realise is that he was quite involved with the Bermuda Golf Association and did a lot in terms of helping the association get started and developing young people.

It is rather unfortunate that we were also aware that his wife, Susan, died. I think it was just about a week or so ago.

**The Speaker:** Oh! Both?

**Hon. Jeanne J. Atherden:** So, there has been what I call sadness in the family.

**The Speaker:** Wow.

**Hon. Jeanne J. Atherden:** With respect to also being associated, and I am sure with respect to the family of Roger Younie, I, too, played netball with Roger's wife, Brenda, but also at the time when I came back to Bermuda, I was General Manager at Appleby's. And Appleby's was competing with CD&P to be the premiere law firm. And Roger was, obviously, quite a significant part of the management of Conyers Dill & Pearman. So, you know, it was sadness. And Alisdair, his son, sits on a board that I sit on. So, I would like to be associated with the condolences. And with that, thank you very much, Mr. Speaker.

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

We now recognise the Honourable Member from constituency 11.

Honourable Member, Mr. Famous, you have the floor.

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

I would like to associate myself with the condolences for Ms. Joan Ming. A lot of people mentioned that she was from St. George's. But she also lived on Orange Valley Road, Devonshire. Her son, Kurt, is a strong advocate for people working together. And we want to send his family condolences.

Also, from Devonshire on Alexander Court, Ms. Joy Abraham. She originally was a Perinchief, from your neck of the woods, Mr. Speaker.

**The Speaker:** Good people.

**Mr. Christopher Famous:** But she lived in Devonshire.

*[Inaudible interjection]*

**The Speaker:** Yes.

**Mr. Christopher Famous:** Okay. Let us not get into that one.

**The Speaker:** Let's not dispute it.

**Mr. Christopher Famous:** Her husband passed away a few months ago. And, unfortunately, she passed away this week.

Mr. Speaker, one last note of condolences, sad news. I just came from Berkeley, and some people gleefully reminded me that the wrong team won sports this year.

**The Speaker:** Green House won!

**Mr. Christopher Famous:** As I said, the wrong team.

**The Speaker:** The correct team, the correct team.

**Mr. Christopher Famous:** So, they asked me to make sure that I (what did they call it?) suck it up and come to Parliament and congratulate Green House for winning this year's sports.

*[Laughter]*

**Mr. Christopher Famous:** I think there was some—

*[Desk thumping]*

**Mr. Christopher Famous:** —unfortunate scoring going on. But I will leave that for the next year.

**The Speaker:** No, no, no, no.

**Mr. Christopher Famous:** So, my final note of condolences is to Green House. Enjoy it for the next 355 days, because we are going to take it back.

Thank you, Mr. Speaker.

**The Speaker:** Any other Members wish to speak on condolences or congratulations?

None. We will move on.

Well, before we move on, let me just add my remarks to those that have been expressed to the Peniston family on the passing of Keith. We just do not know where our fortunes in life are going to turn. Keith was my classmate. And I share in the sadness on his loss. Thank you.

## MATTERS OF PRIVILEGE

**The Speaker:** There are none.

## PERSONAL EXPLANATIONS

**The Speaker:** There are none.

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

**The Speaker:** There are none.

## INTRODUCTION OF BILLS

**The Speaker:** Introduction of Bills.

**The Clerk:** None.

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** We now move down to the Orders of the Day. And there are quite a few orders that are on the Paper today that we are going to try and clear, as this is the last sitting. But I understand that it has been in agreement that we are going to start with Order No.4. And that is the second reading of the Liquor Licence Amendment Act 2019, in the name of the Minister of Health, who is speaking on behalf of the Ministry of Legal Affairs.

Minister, would you like to present your matter?

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

Mr. Speaker, I move that the Bill entitled Liquor Licence Amendment Act 2019 be now read the second time.

**The Speaker:** Are there any objections to that?

No objections.

Minister, continue on.

## BILL

### SECOND READING

#### LIQUOR LICENCE AMENDMENT ACT 2019

**Hon. Kim N. Wilson:** Mr. Speaker, I am pleased to share with this Honourable House today the Liquor Licence Amendment Bill 2019, to usher in needed reform to our liquor licensing regime. The salient features of this Bill are as follows: (1) to reconstitute the Liquor Licensing Authority; (2) to create a new type of permit for restaurants offering catering services; (3) to create new classes of licence in relation to itinerant restaurants and special events; (4) make provision for ministerial guidance to be issued; (5) provide for inspectors to be appointed to ensure enforcement of the Liquor Licensing Act 1974; and finally, (6) to provide long overdue updated permit and licence fees and fines for licence applications and violations.

Mr. Speaker, at present, appointments to the Liquor Licensing Authority, except the Chairman, are made by the Governor on advice of the Minister responsible for liquor licensing. The Governor was forwarded a copy of the Bill for comment. And in a letter dated the 4<sup>th</sup> of March 2019, he advised regarding the changes of appointment. And I quote, Mr. Speaker, "The proposed change to appointment by the Minister is therefore not—"

*[Pause]*

**Hon. Kim N. Wilson:** I am going to come back to that, Mr. Speaker.

Mr. Speaker, the Senior Magistrate, as Chair of the Liquor Licensing Authority, was consulted during the drafting of the Bill and provided suggested changes that were included in the amendments to enhance the Bill. Further, there have been considerable feedback provided by those in the industry. All of these recommendations were particularly instructive and carefully considered.

(Just a moment, Mr. Speaker.)

*[Pause]*

**Hon. Kim N. Wilson:** Mr. Speaker, expanding the scope of the liquor licensing regime is necessary to cover instances where there are gaps in persons being eligible to obtain a liquor licence. Those familiar with the principal Act will know about an al fresco dining permit provided in section 21A of the Act. This permit allows for a restaurant licence holder to obtain a permit to sell alcohol in an open-air area adjoining the licensed premises that is designated in a sketched plan submitted with the application for the al fresco dining permit. The Act presently does not afford the opportunity to sell or supply alcohol at a catered event at an off-site venue. Accordingly, Mr. Speaker, the

amendment provided in clause 10 of the Bill gives the holder of a restaurant licence the ability to apply for a permit to serve alcohol when providing catering services at off-site venues.

A catering permit is attached to a restaurant licence granted under the Act, and there is no fee for the catering permit. The holder of a restaurant licence can apply for a permit to sell or supply alcohol at a venue that is not adjoined to the restaurant. To be eligible, the restaurant has to operate a catering business as part of the business. This paves the way for restaurants to have the opportunity to enhance their business by obtaining this permit and expand their service to customers.

Mr. Speaker, provisions have also been added to grant two new classes of licence. The first is an itinerant restaurant licence, which will allow the holder of a licence under the Public Health (Food) Regulations of 1950 to operate an itinerant restaurant, to apply for a licence to serve alcohol at an event or gathering.

Mr. Speaker, there may be some confusion surrounding the itinerant restaurant licence and why it is referred to as such. Just for clarification, it is called an itinerant restaurant licence to connect it to the licence which is granted currently under the Public Health (Food) Regulations 1950. Examples of an itinerant restaurant are a food truck or a catering company. Connecting it to the health licence in the legislation ensures that not just anyone who cooks for and provides food at a gathering or event can obtain this licence.

Mr. Speaker, the second class, new class of licence is a special event licence. A special event licence is for temporary or infrequent events that fall outside the parameters of the criteria for the classes of licence presently available under this Act. This licence will allow for the supply of alcohol at private or promotional events, or the sale of alcohol at a public event. Examples of a special event include a sip-and-shop at retail stores and the increasingly popular wine tasting events.

Mr. Speaker, the amendments provided in clause 12—that is, a special event licence—may be granted for (1) a private event, which is not for profit—for example, for the supply and not for the sale of alcohol to invited guests; (2) a public event, which is for profit—for example, Mr. Speaker, for the sale of alcohol and open to the public; or (3) a promotional event to promote a product containing alcohol, through sampling, which is not for profit—for example, for the supply and not for the sale of alcohol.

Mr. Speaker, it is important to highlight that the new classes of permit and licences address concerns raised by the Bermuda Tourism Authority. The BTA advises, due to a lacuna in the Act, that destination weddings, which more often than not are not requiring catering services, were in jeopardy. Serving alcohol at these weddings is presently unlawful. So,

with the expanded classes of permits and licences, alcohol will now be able to be lawfully supplied at destination weddings.

Mr. Speaker, it is also worth noting that Forms 17 to 19, inclusive, under clause 22(2) of the Bill, are quite instructive as to the requirement for a catering permit, an itinerant restaurant licence and a special events licence. The form of permit and licence will clearly specify the event; the location, which includes the complete address; and the date and times, which are the hours of operation for the sale or supply of alcohol at the event. The new permit and licences will be granted subject to the same conditions as an existing permit or licence, as provided for in section 15 of the principal Act.

Mr. Speaker, particular attention was also given to reforming the governing body that grants and renews liquor licences in clauses 5 and 20 of the Bill. Presently, there are three liquor licensing authorities that are divided into separate licensing districts, as provided in section 3 of the Act. Each licensing district encompasses three of the nine parishes, and persons are appointed from each parish within a district.

In 1974, this model presumably ensured that the membership would be more attuned to related issues within each district, such as the suitability of proposed venues for alcohol sales. However, Mr. Speaker, today, with increased mobility, et cetera, the requirements used to constitute the liquor licensing authority pursuant to section 4 of the Act, on the basis of geographical stipulations, is no longer justifiable. Ease of transportation and communication means that there is no geographical remoteness or isolation.

Furthermore, the restrictions in the Act on the liquor licensing authority appointments have presented unnecessary impediments to appointing members to the board and do not reflect consideration for a modernised liquor licensing regime.

Accordingly, these three separate districts will now be removed and replaced with one single authority, as can be seen pursuant to clause 5 of the Bill. Mr. Speaker, presently, the liquor licensing authority have a combined 10 members, who are appointed by the Governor. The chairman of each licensing authority is the Senior Magistrate, who is statutorily appointed pursuant to section 4(1) of the Act.

Among the anticipated benefits of reforming the governance structure of the Liquor Licensing Act is the enhanced representation from different professional backgrounds and sectors of the community. The Bill provides that the Minister responsible for liquor licensing, not the Governor, will appoint members to the new single liquor licensing authority. The new liquor licensing authority will include members from legal and security backgrounds, in addition to drug treatment and social work, hospitality and retail.

Mr. Speaker, in his letter, the Governor stated that he did not see any difficulty in the proposal to remove the three licensing districts provided in the Act

or to include in the liquor licensing authority persons with knowledge in hospitality and retail sectors.

Mr. Speaker, comparable jurisdictions, such as the Cayman Islands, Turks and Caicos Islands and the British Virgin Islands have all modernised their liquor licensing agencies. They more adequately reflect the multi-faceted considerations that inform the decision to grant a liquor licence. In many cases, the liquor licensing agency is fully independent of the judiciary, thereby maintaining an arms-length relationship for the courts to hear appeals where applications for a licence are unsuccessful.

Mr. Speaker, the Bermuda Police Service presently has various powers of enforcement pursuant to Part V of the Act, and an officer has been assigned to enter and inspect licensed premises. These policing powers include the power to search the licensed premises, and they will remain in force. However, the Bermuda Police Service has conceded that there is a need for more officers to carry out the prescribed activities. Consequently, amendments to Part V of the Act will allow ministerial discretion to appoint persons as may be required as inspectors to ensure compliance with the Act. The proposed expansion in the classes of licence will increase the need for the Minister to have this discretion. These measures will enable the reconstituted single liquor licence authority, in collaboration with law enforcement, to better ensure compliance with the Act and any terms and conditions of a licence or permit. Mr. Speaker, to decrease the chances of diminishing standards over time under the new law, provisions are also going to be made to clause 3 for ministerial guidance to be published from time to time. This will have the added advantage of informing the public of their obligations under the Act, including how one is eligible and able to apply for a licence. It is anticipated that this will also have the added effect of encouraging compliance with licensing requirements.

It should also be pointed out, Mr. Speaker, that the process for obtaining a liquor licence or permit is quite involved and seemingly onerous on an applicant. There are presently over 12 procedural steps an applicant must adhere to before an application for a liquor licence is considered. This is further justification to streamline the administration, as proposed by this Bill. Enhanced provisions for guidance are advantageous to expedite these steps and to decrease the chances of any errors which prolong the application process.

Mr. Speaker, the streamlining of the application process will eventually include online applications to assist applicants in a less onerous process. The sittings of the liquor licensing authority will still be required, but allowing online applications will assist not only with the modernisation of the application process, but also with the timely scheduling of the annual and special sittings of the liquor licensing authority.

Mr. Speaker, this takes us to the final issue of updating the 23 fees and 30 fines that are currently under the Act. The most recent increases to the liquor licensing fees were in 2016, when there were amendments made to the Liquor Licensing Act 1974 to introduce the tourism event licence. The Bermuda Progressive Labour Party, as Opposition, reviewed the Bill and particularly the increases in fines, and suggested to the former Attorney General Trevor Moniz that no additional expenses were placed on members' clubs, which include sports and community clubs, by increasing the licensing fees. During the second reading of the Bill, Mr. Moniz stated, as reflected in Hansard, "In terms of the licences, we have agreed to keep members' licenses at the same level—which was \$375."

Mr. Speaker, we are mindful that members' clubs still may be in a similar financial position as they were in 2016. And with that, the benefits that they do provide to the community, while there was an increase in the other licensing fees, this fee, Mr. Speaker, will remain as is.

Mr. Speaker, it has been almost 45 years since the Liquor Licensing Act came into operation. And the amendments to the fines are the most comprehensive to date. The increase is intended to be a deterrent to contravening the provisions of the Act, or any terms and conditions of a permit or licence. Accordingly, the fees and fines were examined to ensure that they are up to date. With respect to the fines, consideration was given to ensure that they provide sufficient deterrents.

Before closing, Mr. Speaker, I would like to take this opportunity to thank the men and women who have served the liquor licensing authorities over these years and who continue to serve. Special thanks are also extended to the Governor for his valuable input on this Bill, and the Senior Magistrate and Chair, the Worshipful Juan P. Wolffe, not only for his suggested changes to the Bill, but also for his contributions made to the authorities over the many years.

With that, Mr. Speaker, I will invite Honourable Members to participate in this debate. Thank you.

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

Does any Honourable Member wish to speak?

We recognise the Honourable Member from constituency 22.

Honourable Member, you have the floor.

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

Let me start by recognising that I have a declared interest, as I do have a small stake in a restaurant in Bermuda. And so, this affects that restaurant, as well as every other.

Let me recognise why this change is occurring today. And that was because the problems that were arising, where there were offsite services of alcohol, there were pop-up events, there were sip-and-stores,

there were special events external to the traditional concept of people attending a fixed location and having dinner and drinks there.

And I do commend the BTA for pushing through these changes and the Government for taking them up. Additionally, I am also aware of the efforts that have been made by the Senior Magistrate, Juan Wolffe. This has been something that he, I know, has put a lot of thought and work into, together with his support staff there at Dame Lois.

Additionally, I think all of us in the House can agree that, in terms of selling Bermuda as a marketable destination for weddings, it is a daft scenario where we try to do that and then we discover that the destination wedding, an event on a beach or in a venue, or somewhere that is not a traditional bar or restaurant . . . oh, suddenly they are not able to have alcohol. I mean, that is just shooting ourselves in the foot. And I think everyone recognises that. And it is nice to see—

*[Inaudible interjection]*

**Mr. Scott Pearman:** What? As the Honourable Minister just said, perhaps not with her microphone on, *What is a wedding without champagne?* And indeed, she is right.

So, it is helpful, not just for the nuts and bolts of the restaurant industry in Bermuda, but also from the tourist side of things. And so, that is a positive. And it is not just destination weddings. The Minister in her brief mentioned, additionally, wine tasting events. We are now seeing “Wine Down Wednesday” as one such events, but there are other events around the Island where they have wine tasting and promotional activities. And that is quite a nice thing.

And then, you see that combined with those trying to get more people into retail businesses. So, you see sip-and-stores events sometimes combined with wine tasting. And so, that is a positive, because now that we do have the opportunity for late-night shoppers, particularly when the cruise ships are in, it is a nice thing for a store, if it wishes to incur that cost, to try to encourage people to come in and to shop and to, again, perhaps have a small glass of champagne, as long as they are safe in how they are driving.

As to the itinerant restaurant licence, this was an unaddressed area previously. As the Minister said, there is a new permit coming in and two new forms of licences. So, there is a catering permit, and then there is a new licence for itinerant restaurants and for special events. So, there are two new categories of licences. And then, of course, there is a substantial increase in fines, which has been explained by the Honourable Minister. There is also an increase in fees. And I will just deal with that in the Committee stage.

But, just on those three points, the catering permit was a much-identified lacuna in the current

legislation. And it was something that our purveyors of wines and alcohols, the Bermudian businesses, pointed out. And it is good to see that this has now been settled. And we are supportive of the way that this has been dealt with. And as for the two new categories of licences, for itinerant restaurants and special events, again I have already dealt with special events in the context of weddings. But it is not just weddings. There are the special events where it is nice to have the opportunity to have some sort of event outdoors where this can now be provided in a proper way and a streamlined fashion.

Likewise, for itinerant providers, food trucks are quite a trend now. And we see, on the food channels on television, people who will go out from their restaurants, have a food truck, and that is something that has already been in Bermuda, but it is developing here in a positive way.

Just on the streamlining point, and I know that the intention is to try to progress online applications. If I could just share with the Minister one anecdotal observation that has been mentioned to me by those who are concerned about this change in the legislation. It is that one of the things that actually often slows someone down in this process is really just so simple. And that is that all of the members of the liquor licensing authority have to sign the certificate. And so, the certificate often has to go around the houses, because the five (if it is five; it usually is five) are not there at the same time. They do not sign. It is no fault of the board itself; it is just that that is how the current process is done.

And my respectful suggestion, or rather the suggestion made to me by someone else, is why not just allow the Senior Magistrate in his or her capacity as chairman to sign on behalf of the board generally, and not require the process to be slowed down to that effect? And so, that is just one suggestion that was made to me, which I pass along, as it seems a very commonsensical one.

Other than that, unless any of my colleagues on this side of the aisle intend to speak to the Bill, it is good to see this reform and it is good to see what is being done to advance and benefit Bermuda as a tourist destination, and also for Bermudians here at home. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member, Minister Simmons. You have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker. And I appreciate, I am sure the Minister appreciates, the Opposition's support for this worthwhile change and reform.

Mr. Speaker, during my tenure as Minister of Tourism, we saw this as an area of priority for being

reformed. We saw a need to modernise a process that had not been modernised for decades, to reflect the realities of today. But I think that in the contents of this reform, and as we sort of make it a better balance between protecting the public from the perils of alcohol and the new and growing economic opportunities outside of traditional framework, the balance had to be kept, Mr. Speaker.

And so, if you look, we have all seen statistics and the numbers that have indicated that drinking and the associated effects have been on the rise since the recession first hit. You have seen it become one of the go-to sedatives to address some of the social ills that are stemming from loss of employment, loss of opportunity, under-employment and things of that nature. And so, there is the need to make sure that this is managed and contained outside of the helping services, which is why the Government successfully implemented sobriety checkpoints. And we have seen the impact already.

But, Mr. Speaker, when we look at some of the challenges that are being faced by our hotels, our restaurants, our caterers, the list goes on, there was a need to streamline and to get some efficiency into the process that I think many Bermudians will welcome. And, you know, when I speak to one experience with the organisers of the Bermuda's Heroes Weekends, under the original Act that started the Bermuda Tourism Authority Act, the Chairman of the BTA was given the power to designate something as a tourism event. And that should have worked hand-in-hand with the liquor licensing authority to just process along.

But where you became challenged is that you had to justify a tourism event. And so, you had an instance with the Bermuda's Heroes Weekend, where trying to justify that this was not a local event slowed the process down.

But I want to commend the Magistrate, because he has been stalwart in trying to balance the needs of business, as well as protecting the community. And he has been a strong advocate because, in his role as Magistrate, he has seen first-hand the effects of drunk driving and alcoholism. And so, I would like to commend him for the work he has done in this space. But it is clear that when we look at the reform that was needed, the ability and capacity to be able to have greater efficiencies, to be able to address the needs of what is today as a country that is restoring itself as a tourism destination, that wants to be able to do new and innovative things outside different places, this was critical.

And so, I commend the Minister for bringing it forward and the Attorney General's Chambers for their work in doing the legislation. And I commend the Opposition for supporting this measure. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 21, who was on his feet first.

Honourable Member, you have the floor.

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

Mr. Speaker, if we are a tourism destination and if we are in the business of tourism and hospitality, then let us demonstrate that. This is one further, I think, indication policy-wise in terms of public policy that demonstrates this Government's commitment to that idea. Again, we have heard the term "modernisation," and this is another example of modernisation of, in this case, the whole legal regime around liquor licensing, by consolidating what was previously three bodies into one authority. It has to happen. And I am glad it has happened.

As the industry begins to start its growth again, over the last few years, and all credit to where it is due to the Tourism Authority and both Governments, which have supported this emerging renaissance within tourism. And so, this Bill could not have come soon enough. We know the frustrations over the last few years with our caterers and others hosting outdoor events being able to supply liquor, beverages, for example, to guests. And it just really set the wrong look for Bermuda.

You know, I know that over the years, we have been known more as an international business destination, particularly around what essentially is a very boring (if I can use that term) industry around insurance, reinsurance and risk management. And to some degree, I think the culture that permeates in that domain has sort of permeated throughout the country. And we have become a little too strait-laced, to such a degree that the Bermuda we knew during the golden era of tourism, with the culture that existed then, was far more amenable, I believe, in ensuring that visitors of all demographics were able to enjoy a very unique Bermuda experience and were able to revel within Bermuda culture that was exemplified by the persons who worked within the industry and the norms which existed then. They let our hair down somewhat during that period and made Bermuda a fun destination.

Now, I am not trying to say that having more liquor is synonymous with being a more fun destination. But certainly, the liberalisation of some of these regimes that have existed over the last few years can only speak well for our industry as we move forward.

Thank you, Mr. Speaker.

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

Does any other Honourable Member?

We recognise the Honourable Member from constituency 36.

Honourable Member Scott, you have the floor.

**Hon. Michael J. Scott:** Good morning, Mr. Speaker.

**The Speaker:** Good morning.

**Hon. Michael J. Scott:** Thank you for the opportunity.

**The Speaker:** Continue, Member.

**The Speaker:** Be mindful it is two minutes before that magical time.

**Hon. Michael J. Scott:** Two minutes. Yes. Shall we go to lunch? I am happy to carry on—

**The Speaker:** Well, were you going to be short or are you going to be—

**Hon. Michael J. Scott:** No, I was going to go through it.

*[Laughter]*

**The Speaker:** Your colleague answered that one for you, Member.

*[Inaudible interjections and laughter]*

**The Speaker:** All right.

We recognise the Deputy.

Deputy, would you like to do the honours?

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

I do move that we adjourn for lunch until 2:00 pm.

**The Speaker:** Are there any objections to that?

No objections.

We stand adjourned until 2:00 pm.

*[Gavel]*

**Proceedings suspended at 12:29 pm**

**Proceedings resumed at 2:02 pm**

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

## **BILL**

### **SECOND READING**

#### **LIQUOR LICENCE AMENDMENT ACT 2019**

*[Continuation thereof]*

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

We are going to resume the debate that was for the Liquor Licence Amendment Act 2019.

At the time that we broke for lunch, the Member from constituency 36 was indicating that he wished to speak. Is that still the case?

**Hon. Michael J. Scott:** That status quo remains, Mr. Speaker.

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

So, Mr. Speaker, I am pleased to contribute to the Liquor Licence Amendment Act of 2019. This emblem of the Bill before us, the Liquor Licence Amendment Act 2019, stands in stark contrast to the parent Act of 1974. It represents, as the Minister of Health piloting the item has indicated in the brief, significant modernisations.

Mr. Speaker, 1974 was a time in Bermuda's history when there was a great deal of entrenchment of the status quo entitlements to sustain property rights for the white status quo society in this country. The Development and Planning Act 1974, the Succession Act, the Administration of Estates Act—all of these matters just became entrenchments, legislatively, I have discovered both in practice and as a Member of this House. And the Liquor Licence Act, and any other Acts that anyone cares to survey for this period, have all had the same emblem of just statutory entrenching rights.

What has happened in the modern Bermuda is there have been new entrants, new economic activity by new economic players so that you have event promoters, you have them employing a broader cross section of the black community in our country. Then you have had black enterprise struggling to develop in the context. Just as we consider the other item that is being considered in the other place, the same features are taking place.

I say those opening and introductory words just to underscore how important it has been for the collaboration, led by the Minister of Legal Affairs, to respond to the cries for opening up the area of licensure for the purveying of alcohol in our small Island. It is such an important economic activity valve. And it does not take two minutes to examine how new players wishing to provide entertainment or events services or adjunct services to their existing restaurants or pop-up services to existing retail activities for you to see that these all stimulate economic activity, potentially create new employment, are part of what your children and your grandchildren are busy trying to find a look-in to the Bermuda economy and the economic playing field in Bermuda.

So, it is both predictable and unsurprising that both the concerns as expressed by the Honourable and Learned Member, Mr. Pearman, who spoke earlier in relation to this Bill . . . seeing first-hand what happens on the ground, he can be listed amongst the persons who have listed the concerns about how the 1974 Act, with its entrenched, unimaginative arrangements, never would have been able to not be amended, not be modernised in the way that this simple 24-clause Bill does it.

And so, I happen to know that there is an event-planning operation that has measured the amount of activity that it will be covering—for exam-

ple, in hotels or in weddings. And this owner and operator of the business has taken the measure about where the business is coming from, and how positive that business is about the business that is coming. And I know that they will be both celebrating these changes. And I do not doubt that, as business activity continues to blossom around the whole question of the provision of libation to support its events, we will come back again and make further changes to just open this important platform that supports business activity in our country.

We said in the budget that we would be looking to do reform measures. And for the Minister of Legal Affairs, I commend this item as part of that platform of modernisation and reform. If anything can be said about the measure, it is that it opens up opportunities for further and deeper economic activity in the area of—in many areas—retail, as we have heard; event planning; and existing restaurateur activities. And so, I am very happy to simply stand up and take note of these simple 24 clauses that have brought the 1974 arrangements out of the undemocratic platform that it laboured under and laboured in, to a more modern, responsive piece of legislation.

I am very grateful, too, that from an administrative position the consolidation of the tripartite across the Island, three sectors, has taken place and will take place in the body of this Bill. It will give the platform allowing this authority to be seen as almost like a tribunal. So, we have tribunalised the first steps to letting this authority not only cover perhaps liquor licensing, but once it gets its legs and finds its administrative staff in support of it and it is properly and administratively supported with staff and equipment, then other entities that have to be covered through the Magistrates' Court, like that the senior magistrate. We recall that the senior magistrate is dealing with a drug court, a coroner's inquiry. So, tribunal-like administrative principles are good.

And I hope that this Bill provides insights and openness for us to go down this road a little farther, because it is effective cost-wise. It is effective just efficiency-wise, because you have got one organisation able to be responsive to more than one type of activity. And so, Mr. Speaker, the Bill is good for achieving that kind of efficiency outcome.

So, those are my remarks. All of the speeches in relation to this have been positive, because the Bill itself raises no issues other than ones that we can all both celebrate and be supportive of. And so, in that sense, it is a very fine amendment that modernises and brings the platform of licensure for entertainment and the purveying of alcohol into the 21<sup>st</sup> century, and I am glad of it. Thank you, Mr. [Deputy] Speaker.

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

**The Deputy Speaker:** Thank you, Honourable Member, Mr. Scott.

Any further speakers?

The Chair recognises the Honourable Famous. Christopher Famous, you have the floor.

**Mr. Christopher Famous:** Good afternoon, Mr. Deputy Speaker, and good afternoon, Bermuda.

Mr. Deputy Speaker, I am going to speak not specifically about things in the Bill, but I am going to speak from a practical sense because for over one year I have served on the Liquor Licensing Authority. So, firstly I want to thank the Attorney General for putting me on the authority. It looks like I probably just got a pink slip. But nevertheless, efficiency.

Mr. Deputy Speaker, I want to thank the Senior Magistrate, Mr. Juan Wolffe, for his passion and his guidance for all of the authority for the last few years. Some people may say that he went a little too far in some things. Some people may say otherwise. But one thing is for sure. The Senior Magistrate has a passion for the safety of the people of Bermuda. In other words, just having a sign up with liquor somewhere where a child might walk across, the Senior Magistrate spoke about how that impacts the psyche of young people. And he also spoke about the impact of the carnage on the road because of liquor.

So, because of that, there are regulations. Many regulations have been put in place. And one thing that I want to speak on . . . I would like to also thank Magistrate Anderson and Magistrate Chin. The lady who is the pivotal person in the Liquor Licence Authority is Nia Williams-Grant. Every single application for liquor licence goes through this lady. And she handles everything judiciously. She is assisted by Ms. Cruikshank and Ms. Richardson.

Looking at the Act in front of us, Mr. Deputy Speaker, I see inspectors. What a lot of people may not know is that there are over 300 establishments that are licensed to sell liquor. That includes not just bars, hotels and restaurants, but it also includes boats, because if you go out on a cruise, you want to maybe have a Dark 'n Stormy. So, these places have to be inspected. We inspect for security cameras. We inspect that they have a card up saying if you were born [after] this date, you cannot drink, that liquor is safely stored away properly, that you have your glasses away from the cutlery because of health purposes.

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

**Mr. Christopher Famous:** So, in this new provision, I see that it allows for . . . the purpose of this Act, the Minister may appoint such number of persons as may be required to act as inspectors on such terms and conditions as the Minister may determine. So, I would encourage the Minister to ensure that we have adequate inspectors to cover these 300 places.

Because the other thing which happens, Mr. Speaker, is that even after someone gets their licence, sometimes they fall short in what they should be doing. So, unless they are checked on a regular basis, you are going to have people who are not certified bartenders serving drinks. You are going to have liquor that is not locked up. You are going to have places without security cameras. So, I encourage the Minister to be as judicious as possible in the number of inspectors that she has.

Mr. Speaker, I am going to close by saying this. This Government has gone through great lengths to put together this roadside sobriety test. And it looks like we have been successful, to some extent. So, I would encourage those who are applying for liquor licences to also ensure that whoever they have serving the liquor is TIPS certified. We want to liberalise this a bit to make it better for caterers and for event promoters. But we must ensure that those who are serving liquor are TIPS certified and they know when to say no to someone. Because, outside of that, we may have problems with that roadside sobriety test that your son has worked so hard for.

So, again, I would like to thank those in the Attorney General's Chambers. And I want to thank those at the Liquor Licensing Authority. And I say to the public, if you feel that you have had too much, you have had too much. Thank you, Mr. Speaker.

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

The Opposition Leader has indicated that he would like to speak.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** While he is getting to his feet, I would just like to acknowledge that in the Gallery this morning we had a visit from a group of students. And we have a second group of students in this afternoon from the T. N. Tatem Middle School. I believe it is a group of students who are forming a debating club, and they represent M1, M2 and M3, if I am correct. Am I correct? And I think their teacher with them this afternoon is somebody I know fairly well.

Mrs. Lister, welcome to the House of Parliament with your students this afternoon.

*[Desk thumping]*

*[Liquor Licence Amendment Act 2019, second reading debate, continuing]*

**The Speaker:** Opposition Leader.

**Hon. L. Craig Cannonier:** Yes. Thank you very much, Mr. Speaker.

I do want to join in the accolades of the good that this Bill is doing and providing for those who are seeking out a new licence and who otherwise would have been left out. I believe that this will encourage entrepreneurship, one of the very vital aspects of our economy. As we know, entrepreneurship, essentially through the retail and the like, hires over 3,500 people, Bermudians. And it is important that we find ways to be able to do this.

However, one of the areas that I am extremely concerned about is understanding essentially how the economy works. And I have talked about it before, and that is of the ability, the value proposition of opening up a new business, the challenges that we do have when we start talking about increasing fees for the companies that already do exist. When we think about liquor as being an opportunity where tourists want to come and they want to be on the beach and the likes, to be able to be offered a drink, to enjoy their stay, going through the Bill itself I was quite surprised that in some cases we are almost . . . well, not doubling, but a 50 per cent increase is going to be levied on some of the companies who are already struggling, the small to medium-sized businesses, going from \$2,000 for a fee to \$3,000 in their licence fee.

And we will probably get into it in committee, but there are other areas where it is going up \$800, some \$500 and the likes. And one of the challenges that the entrepreneurs of Bermuda are having is cost. And, you know, because they cannot control the wholesale prices of goods, many of the entrepreneurs, because they are not bringing in the goods for themselves, the only way that they are able to start controlling those is through utilities, keeping the electricity down as low as they can. But the first place that they start looking is labour and the cost that it costs to pay Bermudians to work in the industry. And therein lie some of the challenges.

We already know, as we have seen from the retail sector, after we have seen the numbers of now being 10 months of decline, this is not going to bode well for those small to medium-sized businesses who already are trying to survive in an economy that is becoming more difficult. And one of the challenges is increasing the fees on these businesses. They now will have to say, *Okay. This is going to be 50 per cent more. The cost for this licence is going to be literally 50 per cent more. Now, I am already having difficulty paying my bills as an entrepreneur.*

And I am sorry. I should declare my interest. I have two service stations, and we do have a liquor licence. I forgot to do that.

*[Laughter]*

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

**Hon. L. Craig Cannonier:** I must admit, I looked over at you and I said, *I've got to declare my interest.*

[Laughter]

**Hon. L. Craig Cannonier:** And, you know, I must say, not for us particularly, but for many of my friends who own their own businesses, it is the liquor sales, quite frankly—

**The Speaker:** They keep them going.

**Hon. L. Craig Cannonier:** That is keeping them alive. And what we are doing essentially here is increasing the fees by 50 per cent for these folks who fit in the class of Class A, Licence (A). It now is going to become even more burdensome. And I know that there is a balance between increasing the fees, also even not with this particular Bill necessarily, but increasing the duty on liquor and the like, the sin tax, per se. And this becomes problematic, Mr. Speaker. And, you know, I just wish that they would reconsider this at a time whereby we are still attempting to get businesses back on their feet. This is vitally important to their survival.

And one of the other things that I wanted to speak to, as far as the licence is concerned, and having experienced it myself, forgotten that I needed to renew the licence, the department does not send out notices to say that, *Okay, the licensing time is coming up.* (Let me just finish.) It is the same every year. And every single year, Minister . . . sorry, Mr. Speaker, every single year I can guarantee you that it is close to a dozen . . . and I am talking about large organisations, not the small mom-and-pops, who forget to renew their licence.

**The Speaker:** Like your birthday. You have got to remember it comes every year, you know.

**Hon. L. Craig Cannonier:** And I know them well. I know them well. I was one of them at one time. We just got busy working and we completely forgot about the licence. And, of course, that is money. Had we had a reminder, a notice—

[Inaudible interjections and laughter]

**Hon. L. Craig Cannonier:** —we would have been able to pay that licence ahead of time so that the money could go into the coffers of government.

**The Speaker:** Is there a late fee?

**Hon. L. Craig Cannonier:** And so, this is just a request, that is all, a request by many of those in the industry. It would be nice to just get a notice.

And I know that they are stretched as far as staffing is concerned. I recognise that. But the one time that it did happen to . . . I went and I saw, and I was like, *Oh, man.* These massive companies, quite larger than myself, were there. And they just com-

pletely overlooked it, for some reason. And then, to be able to get the licence became even more problematic, because it had to go through the court system and the likes.

There has to be a way to streamline this. If you already have a licence, you know, stuff happens. Things happen. Certainly, reprimanding through an increased cost, I guess, is a deterrent. It certainly became a deterrent for us. Like, we are not going to forget this anymore. But again, it would be nice to have that recommendation, something coming, a notice saying, *Hey, listen. It's this time of the year. Don't forget.*

Because if you are living in that world as an entrepreneur, many times you are so enthralled with trying to survive within the economy right now, it sometimes is overlooked. And I know that the department, if it takes a look at those on a yearly basis who forget, it is probably some who may have made a habit of it. I do not know. But certainly, it goes without saying that I am surprised at the number who do forget, but they do. With the number of licences that we heard, 300-plus licences that are out there, invariably some are going to overlook that. So, we need to bear that in mind.

I will go back to originally what I was saying. I am glad to see that this has come to the table, where it is providing the great opportunities for new entrepreneurship. But we have to bear in mind when we are [implementing] the increases what the overall objective is for entrepreneurs. And that really is to enter into a market where there is a value proposition that says we can survive. Right now, our costs, whether it be utilities, whether it be labour costs and the likes, now we see that the wholesale prices of things are going up. Now we see the licensing fees going up. This is all very burdensome. And we need to be careful.

I personally believe that lower taxes, lower fees, lead to more money in circulation that we will have, that will go back into the pockets of Mr. and Mrs. Bermuda, that will allow us, with the limited resources we have, to allow that money to go around.

So, at this stage, I would even say if they could reconsider it, it would be a good idea.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Premier, you have the floor.

**Hon. E. David Burt:** Thank you, Mr. Speaker, and good afternoon to you.

**The Speaker:** Good afternoon.

**Hon. E. David Burt:** Good afternoon to the young people who are in the Gallery, in addition to a familiar

face whom I think that you might know, as well, Mr. Speaker.

**The Speaker:** I think I am a little familiar.

*[Laughter]*

**Hon. E. David Burt:** Mr. Speaker, today, of course, I rise in support of the Government's Bill, which is the Liquor Licence Amendment Act 2019. And I do want to address a few points which were raised by the Honourable Opposition Leader, because I think that it is important to recognise what it is that we are doing today.

There have been many complaints as to the process for liquor licensing. There have been many complaints as to how inefficient it is. There have been many complaints, such as the Honourable Member had just stated, regarding the fact that there are not reminders that are sent out, even though, as the Honourable Minister points out, it is the same day every year. The process requires you to fill out a paper form, go through this tribunal, and this.

And what we are looking to do, Mr. Speaker, is to make the process more efficient. And that is what this accomplishes, Mr. Speaker.

One of the things which I have found in my time in office is that there are lots of things that are unnecessarily complex. And they are unnecessarily complex in 2019, but they may not have been considered to be complex in 1974, when this Bill was written. And so, I will let Honourable Members in this Chamber know, and the listening public know, that this is the first of many items that this Government will bring in order to ensure that we reduce red tape for the business community. That is what this is about.

This is about a more efficient process. This is about a process that is going to move, down line. It is a process whereby the Honourable Opposition Leader might even get the reminders of which he is looking for and may not even have to fill out the same form year after year, as it will be an online system and he can just change any details that need to be changed. But this is about making the process more efficient. This is about ensuring that our small business owners do not have to undergo unnecessary red tape. And this is something that makes sense.

Now, there was a question about the increase in fees. I think during the Minister's brief, the Minister indicated that the fees have not been adjusted for a very long time. And the fee increases are negligible. They are very negligible.

**Hon. L. Craig Cannonier:** No, they are not. No.

**Hon. E. David Burt:** In some cases, maybe \$100 for a year.

**Hon. L. Craig Cannonier:** That is not negligible.

**An Hon. Member:** That is the fine.

*[Laughter]*

**The Speaker:** I think you all can save that for Committee.

Premier, it sounds like they are ready to get to Committee, you know. We can race to Committee now.

**Hon. E. David Burt:** I understand. I am going to save for that, Mr. Speaker. Because I want to go somewhere different.

**The Speaker:** All right.

**Hon. E. David Burt:** Because I think that this is important.

I am pleased to see this because this is fulfilling something that, when we were on that side, we said that we would do. We heard the cries of business owners who said this process was unnecessarily cumbersome. We listened to their concern. We consulted on the changes. And we are bringing this here right now.

And so, I want all of the listening public who are in this industry, or others, to know and recognise, if there are processes that you believe the Government can make more efficient, bring them to us. Let us know. Tell us what you think we can make more efficient. This Government will listen, and we will make sure those processes are made more efficient.

Because, as we spoke, as the Finance Minister said inside of the Budget Statement, our economic strategy is clear. And one of those pillars is making our economy more efficient. We do that by minimising red tape and making processes easier for business to do business. This is one of those steps which will make it easier for people in this business to do business. This will relieve the pressure of entrepreneurs, persons who are doing fundraising, tourism events, et cetera, make the process a lot more efficient and to be able to get things more quickly. There is nothing worse than planning an event and waiting five or six weeks for approval for a one-day liquor licence. It does not make sense. We can do better.

If we are going to hold ourselves out as a modern jurisdiction, then we need to have policies and practices in place that make us a modern jurisdiction. And, Mr. Speaker, this is just one of them.

So, to the listening public, the Progressive Labour Party Government heard you. We listened. The process will be made more efficient. And if there are other items of which you think need to be done, let us know and we will act on those, too.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 23.

Honourable Member Gordon-Pamplin, you have the floor.

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

Mr. Speaker, I just wanted to say that when it comes to efficiencies, that is one of the things that we have been screaming about as an Opposition. So, very clearly—

*[Inaudible interjection]*

**The Speaker:** Members, Members!

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member says, *Why didn't we do it when we were in office?* There were so many things that were left to be done, that were left undone by the then-previous administration, that we could not get to everything. So, I can appreciate the fact that we will now get criticism because something had not been done.

However, when the Premier just made his comments, he indicated that the increases in these licences were negligible and that it was probably about \$100 here and there. But I think it is important that if the Honourable Member is going to stand, then at the very least, he needs to be accurate. And in his failure to be accurate he has passed off as being negligible something which, effectively, is significant. If you get a licence that is raised from \$2,000 up to \$3,000, that is hardly a negligible increase. That is a 50 per cent increase on the actual licence cost. That cannot be deemed to be negligible.

And irrespective of the length of time between the last increase of fees and the current increase of fees, I think that it is important to understand that this is something else that as we have talked about over the course of the last two weeks, and we will talk about it again—that, as far as the Government is concerned, *It is just a little bit more. It doesn't make much difference. It's just a little bit more, just a little extra here.* But add all of those extras together, Mr. Speaker, and it starts to add up to real money.

And when we say that, you know, when it comes to actual alcohol, I think it is important to promote responsible use of alcohol. It is important to promote judicious ingestion such that there is not a problem in terms of a health outcome perspective. But these are things that we will continue to point out as being just good, sensible health choices.

Some of the things that we see in front of us are meant not just to be a consideration of different health choices, but it is meant to be almost punitive so that you kind of realise that it is going to cost you more if this is the path down which you choose to go. And, Mr. Speaker, I will not speak to the issue of alcohol and the consumption thereof because I do not

consume it. So, I cannot speak to that from a position of authority. I am perfectly satisfied that people will know, or ought to know, when they have had enough, when enough is enough for them, what is appropriate, what is not appropriate. That I can understand and I can appreciate.

But for the Government to stand and say that these increases are negligible, on top of all of the other *negligible* increases, one just simply has to ask the question, At what point does a combination of negligibles start to become substantive? Thank you, sir.

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

Does any other Honourable Member?

Minister, you were up quick that time. I think you are ready to go to Committee, as well. Minister.

**Hon. Kim N. Wilson:** Yes. Before I move into Committee, though, I would like to address a couple of things, Mr. Speaker.

**The Speaker:** Sure.

**Hon. Kim N. Wilson:** When you do look at the increase of the fees, the highest increase relates to a Class A licence, which is \$1,000. And the others are substantially lower. The challenge . . . not the challenge, and being just a lawyer as opposed to an accountant, Mr. Speaker, I would like to think that if the fees have not been raised in 44 years, save for one fee which was increased in 2016, I do not know what the cost of living is and how you multiply the cost of living over a term of 44 years. But, in any event, Mr. Speaker, I suspect that the amount that is raised . . . and, yes, I am sure that for some entities they may feel that this is somewhat high. But if it has not been raised in 44 years, and what is [the rise in] the cost of living normally, 2 per cent? I do not know. Whatever it is, times 44, then I suspect that we have not even reached what the amount would have been had you applied the qualifier of a cost of living [increase] every year for 44 years, save for, like I said, in 2016, there was one increase to the fees.

And unfortunately, Mr. Speaker, when you look at these fees, it is important to note that if you do not increase the fees . . . regrettably it is somewhat the cost of doing business. Because you are including, we have to look at the administration. In 1974, I do not know; I was not alive. But there might have only been three bars.

**The Speaker:** Ahem! Ahem! Ahem!

*[Laughter]*

**Hon. Kim N. Wilson:** There may have only been a few bars in 1974 for the Liquor Licensing Authority to actually have to investigate or to license. I am certain that, between then and 44 years from then, it has mul-

tiplied in terms of the number of restaurants and bars and establishments that have liquor licences and that are applying for liquor licences. So, that is the cost factor. You have to have more persons to go and inspect these places and so on. So that is all part of doing business.

But the other thing, Mr. Speaker, if I can just add really quickly, there was one actual question/comment from the Honourable Member who sits opposite. And that was as it relates to the number of members of the Liquor Licensing Authority who have to actually sign off on the application. And he felt that that might have been a prohibitive factor insofar as the delay in time. But I can advise, as the brief indicated, that this matter was heavily lobbied, and with the senior magistrate, who is the chairman of the Liquor Licensing Authority. And he did provide his written comments concerning the consultation process and at no point [did he] indicate that he felt that the necessity to have signoff from members of the Liquor Licensing Authority was an impediment to the process itself.

And with that, Mr. Speaker, I would like to move that we move this Bill into Committee.

### House in Committee at 2:38 pm

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

## COMMITTEE ON BILL

### LIQUOR LICENCE AMENDMENT ACT 2019

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

Minister, you have the floor.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I think I will move them in sections of eight, with your leave. I would like to move clauses 1 through 8.

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** Thank you.

Mr. Chairman, the Bill seeks to amend the Liquor Licence Act 1974 (the principal Act) to modernise the application process for a licence or permit to sell or supply intoxicating liquor by reconstituting the liquor licensing authority as one authority rather than three licensing authorities for three licensing districts, to provide that the Minister appoints the members of the reconstituted authority, to create a new class of permit for restaurants offering catering services, to create new classes of licence in relation to itinerant restaurants and special events, to provide the fees for the new classes of licence, and to increase the fees and fines for existing licences and offences.

Clause 1, Mr. Chairman, is the title of the Bill.

Clause 2 amends the definitions of “chairman” and “licensing authority” and deletes the definition of “licensing district.”

Clause 3 inserts Part IA and section 2A into the principal Act to provide that the Minister shall issue and publish general guidance on the principal Act, particularly on the various classes of licence and permit.

Clause 4 repeals section 3 of the principal Act to remove reference to the three licensing districts in the principal Act. The reconstituted single licensing authority will bear responsibility over all licensed persons or licensed premises for the previous eastern, central and western licensing districts.

Clause 5 repeals and replaces section 4 of the principal Act and inserts section 4AA to provide for the establishment of one liquor licensing authority and for the functions of the authority.

Clause 6 amends section 5 of the principal Act to change the reference “licensing authorities” to “licensing authority” to reflect the reconstituted single authority.

Clause 7 amends sections 6 and 12 of the principal Act to change the references to “a licence authority” to “the licence authority” to reflect the reconstituted single authority.

Clause 8 amends section 9 of the principal Act to remove the reference to “nine” due to the increase in the number of classes of licence.

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

Are there any further speakers?

The Chair recognises the Honourable Member, Mr. Pearman.

Mr. Pearman, you have the floor.

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

My comments, which I indicated during the debate will be limited to the Committee stage, are very brief, and there are three.

Firstly, the Honourable Minister, during her presentation and during the back-and-forth with the Leader of the Opposition, indicated that the increase that was [being implemented] was only in relation to fines and not fees. And I think she now acknowledges that this is not correct.

Secondly, the Honourable Minister, and this is in relation to the Bill, [clause] 19, where we can see the Second Schedule of the licence fees. It was suggested, Mr. Chairman, that the fees have not been raised for 44 years. Again, respectfully, I think perhaps the Honourable Member made a mistake there. I do not suggest that she was misleading the House, but in fact, just looking at the Second Schedule we can see that it was last amended on the 13<sup>th</sup> of June 2016. It was amended prior to that on the 15<sup>th</sup> of May 1998. It was amended prior to that on the 1<sup>st</sup> of April 1990. So, the suggestion that this is the first fee in-

crease in this Act since 1974, respectfully, I think is mistaken.

I know it is mistaken because I have in front of me a printout of the fees as they stood at the 13<sup>th</sup> of June 2016. And I have the Bill here with the new fees.

And this is my third and final point, Mr. Chairman. Just for the benefit of the House, the fees are, very quickly, for Licence (A), the fee existed at \$2,000. It is now \$3,000. For Restricted Licence (A), the fee was \$1,100. It is now \$1,500. For Licence (B), it was \$1,200. It will now be \$2,000. For a Hotel (a), it was \$1,500. It will now be \$2,000. For Hotel (b)—

**Hon. E. David Burt:** Point of order, Mr. Chairman.

**The Chairman:** Thank you, yes.

**Hon. E. David Burt:** If I just may.

**The Chairman:** Yes.

#### POINT OF ORDER

**Hon. E. David Burt:** I know the Honourable Member is new here. But we are on clauses 1 through [8]. I do not think he is speaking to clauses 1 through [8].

**The Chairman:** Yes. Yes. I was just going to get into that.

*[Inaudible interjection]*

**The Chairman:** Yes, no problem.

Any further speakers?

Minister, do you want to move clauses 1 through 8?

**Hon. Kim N. Wilson:** Mr. Chairman, I would like to proceed and move clauses 9 through—

**The Chairman:** Do you want them approved?

**Hon. Kim N. Wilson:** Oh. I move that clauses 1 through 8 do stand and form as part of the Bill and be approved.

**The Chairman:** It has been moved that clauses 1 through 8 be approved.

Any objection to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 8 passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I would like to move clauses 9 through 19.

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** Mr. Chairman, clause 9 amends section 17 of the principal Act to remove the reference to “licensing district.”

Clause 10 amends section 17A of the principal Act to include a catering permit, an itinerant restaurant licence and a special occasion licence in the mandatory condition of licences (production of valid identification) granted under the Act.

Clause 11 inserts section 21B into the principal Act to provide for a catering permit to allow the holder of a Restaurant Licence to sell or supply alcohol at events catered outside of the restaurant (licensed premises).

Clause 12 inserts sections 22B and 22C into the principal Act to create new types of liquor licences in circumstances where there is a catered event (an itinerant restaurant) and a special occasion event.

Clause 13 amends section 27 of the principal Act to move subsections (2) and (2A) to the Second Schedule to the principal Act which provides for the annual fees.

Clause 14 amends Part V of the principal Act to insert sections 43A to 43D into the Act for the appointment and duties of inspectors.

Clause 15 moves and renumbers sections 51 and 51A of the principal Act as sections 47A and 47B in Part V.

Clause 16 inserts a Part VI heading into the principal Act.

Clause 17 amends section 56A of the principal Act to replace references to “licensing authorities” with “licensing authority” to reflect the reconstituted single authority.

Clause 18 amends the First Schedule to the principal Act to increase the annual fees for an island boat liquor permit.

And Clause 19 amends the Second Schedule to the principal Act to increase the fees for various classes of licence.

**The Chairman:** Are there any speakers to clauses 9 through 19?

**Mr. Scott Pearman:** Mr. Chairman, thank you and apologies for not hearing the right clause there.

**The Chairman:** Okay. That is fine.

**Mr. Scott Pearman:** We were at 19. I will not remake my first two points. But I will commence again on the third point just for the benefit of the Hansard.

The third point was that it was suggested that the increases were negligible. And I was just trotting very quickly through the existing fees and the increases.

**The Chairman:** Clauses 9 through 19.

**Mr. Scott Pearman:** And those are:

- Licence (A) previously \$2,000, now \$3,000;
- Restricted Licence (A) previously \$1,100, now \$1,500;
- Licence (B) previously \$1,200, now \$2,000;
- Hotel Licence (a) previously \$1,500, now \$2,000;
- Hotel Licence (b) previously \$2,500, now \$3,000;
- Hotel Licence (c) previously \$4,000; now \$5,000.

And this, finally, is the reference that the Opposition Leader meant to certain fees being doubled: The Restaurant Licence was previously \$1,500, and it is now \$3,000. Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Pat Gordon-Pamplin.

Ms. Gordon-Pamplin, you have the floor.

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

Mr. Chairman, I just wanted to underscore again and reiterate that the differences, as mentioned in the Second Schedule, are not negligible in a lot of instances. The key that I am concerned about is the extent to which [the cost of] any of these licences is going to end up being passed on again to the consumer because additional costs for the proprietor are going to diminish their bottom line; therefore, they have to make it up some way in their revenues. And therefore, it is just an additional fee that the average person will have to pay for consuming these products.

Thank you.

**The Chairman:** Any further speakers?

The Chair recognises the . . . go ahead. Go ahead.

**An Hon. Member:** Run, run, run as fast as you can.

**The Chairman:** The Chair recognises the Honourable Premier, Mr. Burt.

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

Mr. Chairman, I hear the concerns which have been raised about the fees. And there is one thing, Mr. Chairman, that I just want to make sure that I point out. Although there are a number of things which have been said, and we have gone through . . . I am not going to necessarily call them “selective,” because there are a number of fees which have changed. But I think that it is also important to point out, Mr. Chairman, that there are some fees that have not changed.

And so, if you look, for instance, if we are talking about one of the communities, which was very hard done by the former Government when they changed the liquor licensing rules when they first

came into office, which impacted a lot of our members’ clubs, where they were the only places where liquor was sold on Sunday, but that was changed under their administration . . . the one thing is that it is important to note that our community clubs and our sporting clubs and those organisations have not had their fees raised. I just want to make sure that this is very clear, Mr. Chairman.

**The Chairman:** The Chair recognises the Honourable Pat Gordon-Pamplin.

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

And, Mr. Chairman, the other thing that I think it is important to mention, although we had the comment in the whole, [the comment] was misleading. Because the fees that we have included in the Second Schedule, if we look at the amendments on the Second Schedule, it actually indicates when there have been amendments to the fees. And those fees, [which] the Honourable Minister indicated were 44 years old . . . that is not accurate. There was an amendment in 1990, another amendment in 1998 and a further amendment in 2016. So, that is just for propriety and clarity. Thank you.

**The Chairman:** Thank you.

Any further speakers?

The Chair recognises the Honourable Member Michael Dunkley.

Mr. Dunkley, you have the floor.

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

Mr. Chairman, I want to support my honourable colleagues in talking about the increase in fees. And I have no conflict here. I do not have a liquor licence, do not intend to get a liquor licence.

But when you take a look at the cost of living in Bermuda, and you have to note that in this session of the House, land taxes increased. Sugar tax is going to go up again. Stamp duties increased. We all know that health insurance is continuing to increase. When you see restaurants with a licence for—

**Hon. E. David Burt:** Point of order, Mr. Chairman.

**The Chairman:** What is your point of order?

#### POINT OF ORDER

**Hon. E. David Burt:** The point of order is, number one, we are in Committee. But number two, Mr. Speaker, it would be inaccurate to say that health insurance increases are taking place this year, as the [Member] cannot speak to that, as there has been no health insurance increase that has been brought to this Honourable Chamber.

**The Chairman:** Thank you.

**Hon. Michael H. Dunkley:** Mr. Speaker, the Premier might be correct in that regard. But health insurance costs generally increase. And I am making the point that, as businesses—

**The Chairman:** Member. Honourable Member, we are in Committee. We are talking about liquor licence fees, right?

**Hon. Michael H. Dunkley:** Yes. I am getting there.

**The Chairman:** And I gave you a little latitude. Let us stick to Committee and what is in front of us, because you are confusing me . . . I do not know about health insurance yet.

*[Laughter]*

**Hon. Michael H. Dunkley:** You are not easily confused, Mr. Chairman.

*[Laughter]*

**Hon. Michael H. Dunkley:** But, Mr. Chairman, it is significant [to have] a \$1,500 increase for a restaurant licence, for many restaurants that continue to struggle.

Now, I know that the Honourable Premier did mention some of those fees that had stayed stable and he referred to members' clubs. But if you take a look at one part of the tourism industry we are trying to develop, and that would be our tour boat operators, there is one fee in there for tour boat operators that carry more than 100 passengers. And that has gone up from \$525 to \$1,500, Mr. Chairman, while other tour boat operators with less than 50 passengers, it doubled. Between 50 and 100 [passengers] have doubled, as well, Mr. Chairman.

So, all of this, as my honourable colleague, Pat Gordon-Pamplin said, are passed on to the consumer. And this is something that we need to be very cognisant of.

Now, obviously, Government would like to take the revenue. But, to double fees, in many occasions, is certainly not something that is prudent. It would be more prudent to structure it over time and do it that way.

So, this is going to be passed on to the consumer. And I am sure that, with other fees that are going to be increased along the way, it is going to be more difficult for business owners who are struggling to actually make it profitable.

What that will also mean, Mr. Chairman, is that those business owners who are struggling are going to be more hesitant to invest in their product as we head into a new season.

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

Any further speakers?  
There appear to be none.  
Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

Mr. Chairman, if I could just remind honourable colleagues that these licensing fees do reflect an annual licensing fee.

So, for example, with respect to the Class A licence of \$2,000, that one is the highest, of \$1,000. If you divide that by 12, that represents \$83 a month of an increase, which represents . . . well, a glass of wine, which, I am told, is about \$14 per glass. So, it is somewhat of a negligible amount, because it is an annual amount. So, we need to take the \$1,000 increase and spread it out over 12 months, which represents \$83 a month.

And with that, Mr. Chairman, I would like to move that clauses 9 through 19 do stand and form part of the Bill and are approved.

**The Chairman:** It is so moved that clauses 9 through 19 be approved.

Are there any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clauses 9 through 19 passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I would like to move the balance of the clauses, which are 20 through 24.

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

Clause 20 inserts the Fifth Schedule to the principal Act to provide the constitution of the reconstituted licensing authority.

Clause 21 provides for the fines in the principal Act to be increased in the Schedule to the Bill.

Clause 22 provides consequential amendments to amend the reference to the Liquor Licensing Authorities in the Government Authorities (Fees) Act 1971 and insert the forms for a catering permit, an itinerant restaurant and a special occasion licence into the Liquor Licence (Forms) Regulations 1974.

Clause 23 provides the transitional provisions.

Clause 24 provides for the commencement of the Bill.

**The Chairman:** The Chair recognises the Honourable Member, Mr. Pearman.

Mr. Pearman, you have the floor.

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

This is in relation to clause 20 of the Bill. The Honourable Member in her introductory brief referenced how certain other jurisdictions are setting a de-

tachment between the Liquor Licensing Authority or Liquor Licensing Board and the courts, the judiciary.

As I read clause 20, and I read [in the Fifth Schedule] paragraph (1), the “Constitution of the Licensing Authority,” it suggests to me that this licensing authority will no longer be chaired by the senior magistrate. I just want to know if I have understood that correctly, because if one reads [paragraphs] 1(a) through 1(f), those are the seven persons who are the seven members identified in [paragraph] 1 of the Fifth Schedule. But there is no reference there to the senior magistrate.

And if one goes down to [paragraph] 5 of the Fifth Schedule, it is the Minister who shall appoint one of the members identified above to be the chairman. And so, as I read this, this means that Juan Wolffe, or whoever his or her predecessor or subsequent senior magistrate may be, will no longer be chairing the board. Is that correct?

**The Chairman:** Any further speakers?  
Minister.

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Chairman.

In paragraph 5, the Fifth Schedule, paragraph 1, “The Minister shall appoint one of the members to be the chairman and another to be the deputy chairman.” So, the chairman and the deputy are appointed at the Minister’s discretion. It could still be a barrister who has at least eight years of experience, which is the current senior magistrate, or it could be one of the persons listed in categories [Fifth Schedule paragraph 1](a) through (f).

**The Chairman:** Okay.  
Mr. Pearman.

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

My final point, and it was a matter mentioned by the Minister in respect of what identifies the delays to having these certificates, because everybody who sits on the panel signs them. And as I said, they go around the houses. And the Honourable Minister kindly responded that this Bill had gone to consultation with the senior magistrate and that had not been an issue identified. And that was the reason why that would not be considered.

If I could just say on this point, it is an issue that is frequently identified to me and others, commonly known, that often this is why the delay is occurring. And so, I would be grateful if the Honourable Minister and the Government would reconsider perhaps just having the chairman have the ability to sign on behalf of the full board, which would expedite the process. Thank you.

**The Chairman:** Any further speakers?  
Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

The policy that is set out before us today, which has been codified in this legislation, obviously has been developed in consultation with not only the senior magistrate, His Excellency, and other stakeholders, I am certain that this is something that the Learned and Honourable Attorney General, who has charge of this through her Ministry of Legal Affairs, will perhaps take under consideration.

With that, Mr. Chairman, I would move that clauses 20 through 24 be approved and stand and form part of the Bill.

**The Chairman:** It has been moved that clauses 20 through 24 be approved.

Are there any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clauses 20 through 24 passed.]*

**The Chairman:** Do you want to move the preamble and the schedules?

**Hon. Kim N. Wilson:** Yes, Mr. Chairman. I would like to move that the preamble be approved.

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** [I move that] the Schedules be approved, Mr. Chairman.

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

Are there any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: The Schedules passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
I move that the preamble be approved.

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

Any objections to that?  
There appear to be none.  
Approved.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?  
There appear to be none.  
The Bill will be reported to the House.

*[Motion carried; The Liquor Licence Amendment Act 2019 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 2:57 pm**

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

## REPORT OF COMMITTEE

### LIQUOR LICENCE AMENDMENT ACT 2019

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

Are there any objections to the Liquor Licence Amendment Act 2019 being reported to the House as printed?

There are none.

So moved. It has been reported.

That moves us on to the next item on the Order Paper. And I believe I am going to go to [Order] No. 2 and start with the Customs Tariff Amendment Act 2019.

This time, Junior Minister?

*[Pause]*

**Hon. Kim N. Wilson:** Mr. Speaker.

**The Speaker:** Yes.

**Hon. Kim N. Wilson:** With the Governor's recommendation, I move that the Bill entitled Customs Tariff Amendment Act 2019 be now read the second time.

**The Speaker:** Are there any objections to that?

No?

Continue on.

## BILL

### SECOND READING

#### CUSTOMS TARIFF AMENDMENT ACT 2019

**Hon. Kim N. Wilson:** Mr. Speaker, I am pleased to invite Honourable Members to give consideration to the Bill entitled Customs Tariff Amendment Act 2019.

Mr. Speaker, the Bill proposes to amend the Customs Tariff Act 1917, which is the principal Act, with measures that include (1) increase to the duty rate to 75 per cent for food and beverage items affected by the sugar tax on the 1<sup>st</sup> of April [2019]; and (2) apply the above-mentioned duty rate to chocolate and cocoa preparations containing added sugar.

Mr. Speaker, these measures affect the First Schedule of the principal Act. As the Minister responsible for the policy initiative pertaining to this amendment, I am pleased to be speaking on the matter in

this Honourable House. Mr. Speaker, I will be proposing an amendment on the floor to remove breakfast cereals from the items that would have been subject to the sugar tax in the Bill as tabled. This decision followed consideration of additional feedback received, and it was determined to postpone their inclusion until a tariff code can differentiate between high-sugar cereals and healthier breakfast cereals.

Mr. Speaker, in June of 2018, the Government introduced, as promised in the Throne Speech and the Budget Statement, an increase in the duty rate on sugar-sweetened beverages, candies and pure sugar. These proposals were outlined in detail in the Health Ministry's Sugar Tax Consultation document and subsequent reports.

Mr. Speaker, I advised my honourable colleagues in June 2018 that Bermuda's new sugar tax would be phased in gradually. Today it is proposed to raise the duty rates on the said items to 75 per cent from the 1<sup>st</sup> of April 2019. On 1<sup>st</sup> of October last year, Mr. Speaker, a 50 per cent duty rate was implemented on the said items, as part of a transitioning phase. In addition to the full 75 per cent duty rate implementation, chocolate is proposed to be included in the tariff as of the 1<sup>st</sup> of April 2019, also at the 75 per cent sugar tax rate.

Mr. Speaker, the food system is an interconnected network of providers, servers and consumers. Policy can affect all parts of the network, and Government is determined to take progressive steps to influence a cultural shift toward healthier food choices in Bermuda in order to tackle our obesity and chronic disease epidemic.

Three out of four adults in Bermuda are overweight or obese. Healthy H, eating E, and Active Living [A and L], or HEAL, is a handy acronym. And they go hand in hand. But it is almost impossible to exercise yourself out of an unhealthy diet. Unhealthy weight is a leading risk factor for chronic diseases such as heart disease, diabetes, kidney disease and cancer, as well as health problems like hypertension and stroke. It is estimated that, currently, diabetes and kidney disease account for 10 per cent of our country's total health spending.

Mr. Speaker, this means that two, just two lifestyle-induced preventable conditions are costing us \$78 million. This has to stop, Mr. Speaker. The sugar tax is an important part of the measures needed to change choices and behaviour.

Mr. Speaker, the World Health Organization recommends that free sugar should be limited to less than 5 per cent of the daily energy intake, or less than 25 grams of sugar per day. Mr. Speaker, this means that a single soda already exceeds the World Health Organization's recommended daily intake. And since 50 per cent of adults in Bermuda drink at least one sugary drink a day, we can begin to appreciate how it may contribute to 75 per cent of our population being overweight or obese.

Mr. Speaker, in one Hamilton grocery store, the grocer has now affixed blue labels under sugar-taxed items that state, "This item has been affected by the sugar tax." In one aisle alone, Mr. Speaker, I counted 28 labels. And I want to thank the grocer for putting out these labels. If your shopping cart and daily diet includes one or more of those items, it is likely that you need to rethink your drink and change your diet.

It is sobering, Mr. Speaker, to recognise how many sweetened, calorie-dense food and drink items have flooded our grocery stores and diets. Items that were previously consumed in moderation or as treats have become regular fare. Bermuda, we are immersed in an environment, and it is going to take awareness, vigilance and hard work to change that for the better.

Mr. Speaker, the World Health Organization proposes the use of taxes as part of a broader strategy to prevent obesity and non-communicable diseases, including type 2 diabetes, to improve health outcomes and direct persons towards healthy options. For instance, the World Health Organization has recommended that sugar-sweetened beverage taxes should be designed to increase retail prices by 20 per cent to most meaningfully impact health. Indeed, a number of other jurisdictions have introduced measures in recent years, and studies before and since the introduction of sugar taxes have shown that they help reduce consumption of these products.

A recent study published on the 30<sup>th</sup> of January this year showed that the Barbados sugar-sweetened beverage tax of 10 per cent, introduced in June of 2015, increased the retail price by 5.9 per cent and decreased sales by 4.3 per cent. At the same time, sales of non-sugar-sweetened beverages increased by 5.2 per cent, with bottled water sales going up by 7.5 per cent, which is encouraging from a health perspective.

While sugary drinks have been the focus of the sugar tax in most other jurisdictions, the tax proposed for Bermuda includes items such as candies, which now includes chocolate and plain sugar. The goal is to curb unwanted consumption of these foods, which contribute no nutritional value to our daily diets.

As a reminder, Mr. Speaker, the Health Department's full consultation report on the sugar tax is published on our website. Mr. Speaker, there were 351 responses to the consultation. The findings of the consultation supported the implementation of a sugar tax, with most respondents indicating that the tax would change consumers' behaviour. A clear majority of 60 per cent said that candy should be taxed, and many questioned why chocolate was not included. And it is now proposed to be included.

Mr. Speaker, there was broadest support from the consultation for the tax to be introduced at 75 per cent duty on the suggested items, and that is why we are now proposing to implement the full 75 per cent

duty rate. Sugar and sugar-sweetened items have become more expensive at retail locally, and the increase has prompted greater awareness and adoption of healthier buying habits. There continues, Mr. Speaker, to be much support for the sugar tax. And I have received letters of thanks from persons who have been motivated to drastically reduce their daily sugar intake and introduce high fibre and lean protein with every meal. Some amazing results, Mr. Speaker, including diabetes reversals, are possible. And they are being achieved.

Mr. Speaker, the three most important decisions that we all make for our health every day are breakfast, lunch and dinner. The Government has already eliminated duty on potatoes, cauliflower, broccoli, turnips, carrots, oranges and apples to further support healthier nutritional choices, showing that this Government is absolutely committed to improve our diets.

As the Government indicated in previous Budget Statements, the additional revenue collected from the sugar tax is to support the promotion of healthy living initiatives. Since the October 2018 implementation, the value of imported goods fell by 24 per cent, with a decrease of \$1.2 million. Now, while it is still early days, and we will continue to monitor this, Mr. Speaker, it may well indicate that importation of these items fell during the first five months of the implementation. If this reflects reduced consumption of sugary items, then this is good news. But we have to monitor for a longer period, together with behavioural surveys of consumption, to see the impact conclusively.

Nevertheless, despite the reduced imports, and there was a net gain in duty of \$695,000 for the affected items, that is a 66 per cent increase in duty despite reduced imports. And as I said, it is early days. But so far, the figures are promising.

Mr. Speaker, the additional funds generated by the sugar tax will be allocated to support healthy living initiatives as they develop. And to date, Mr. Speaker, the additional revenue has helped to offset a \$200,000 reduction in revenue from duty losses due to the reduction of healthy items to 0.0 per cent, those items that I just spoke about, Mr. Speaker.

Also, nutrition labelling on menus and vertical farming have been identified as initiatives that will be supported. And this continues to be work in progress as potential initiatives develop further. Mr. Speaker, I welcome and encourage entrepreneurs to tap into the public's increasing demand for healthier alternatives with reduced or no sugar. A market exists for this, and more and more products can be seen on many retailers' shelves reflecting the changing mood and taste of the population.

The consultation process also noted that local businesses were concerned that taxing sugar would make it more expensive for them to do business, as their goods will be more expensive than imported

goods. Local preparers of foodstuff have been given the opportunity to apply for concessionary rates from the Minister of Finance, under the existing provision for commercial manufacturers of goods. Two businesses have applied and were approved by the Minister of Finance to be included in the Customs Tariff Approved Organisations Notice of 2019, Crow Lane Bakery and Dunkley & Pioneer Dairies Ltd. A statutory notice will be published shortly.

Mr. Speaker, the department will monitor consumption levels through health surveys and imports. The first price survey was completed in the summer of 2018 and will be repeated this summer. The STEPS survey will be repeated in 2019 and will monitor overweight and obesity to evaluate whether our interventions are making the difference we need. Mr. Speaker, the Government remains committed to reducing chronic diseases and lifestyle-related health problems in Bermuda.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 23.

Honourable Member Gordon-Pamplin, you have the floor.

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

Mr. Speaker, what comes to mind with this Customs Tariff Amendment Act, which the nomenclature effectively should be the "Sugar Tax Increase Act," is the expression that says, *I'm from the Government, and I'm here to help*. And that is one thing, Mr. Speaker, that it is fine for the Government to want to encourage healthy lifestyles. Very clearly, it is unsustainable. The choices that people make in terms of what they consume are not sufficiently healthy to avoid challenges with respect to things like diabetes and other self-inflicted and avoidable illnesses.

So, Mr. Speaker, there is the reality that the illnesses are not necessarily predicated upon the consumption of sugar. There are other foods that actually turn to sugar. Carbs create challenges. We are not having additional taxes on that, which can also have a very negative impact on how the body processes things. So, to suggest that the . . . or the Minister indicated in her presentation that there has been a 24 per cent decrease in the importation of goods that have been on this restricted list, as it were. And with that 24 per cent decrease, she is hoping that the fall in the importation might suggest that there has been a reduced consumption.

I would speculate that the fall in importation could also be attributed to the fact that the proprietor now has to find more money to pay in order to import stuff for an inventory for their daily operations. So, it is not necessary that the fall in imports has anything

necessarily to do with reduced consumption of unhealthy and non-nutrition-value foods, while it may be good to say. Mr. Speaker, I know my grandmother, I can always use her because I love her to death, and I love the way she lived. My grandmother would rather have a spoonful of castor oil every day than to eat a candy.

**The Speaker:** Good for you. There you go.

**Hon. Patricia J. Gordon-Pamplin:** That is how Granny lived.

**The Speaker:** Clean you right out.

**Hon. Patricia J. Gordon-Pamplin:** I choose not to do that. I do not like castor oil. But I will drink a Coca-Cola if I so choose. And it is of no consequence what the cost is going to be.

**An Hon. Member:** Diet soda.

**Hon. Patricia J. Gordon-Pamplin:** And I do not drink diet sodas because of the saccharine and the like. They have got all kinds of poisons in it, and I will not do that.

However, that is my choice. It is my choice as to what I choose to consume. And if the Government were coming to say that they were going to ring fence the monies that they are getting from the sugar tax and somehow ring fence it to be able to supplement and to buoy up and shore up the health premium costs and the like, then I could perhaps say you have got me a little bit convinced that this is the right way to go.

But the way things are now, the Minister indicated that there were 351 respondents in the sample that they conducted. And 60 per cent of 351 people, which is 210 people, were effectively suggesting that it was a positive thing to implement and increase the sugar tax. Now, that is 210 people representing the 65,000 people whom we have in the community. So, I do not know how representative a sample that is. It is certainly not a statistically represented sample. However, if the Minister believes that this is what is happening, then I will give them the credit.

To say that there is no nutritional value in certain things, Mr. Speaker, I can certainly understand where the emphasis is in terms of nutrition, because, obviously, we would want to believe that nutrition is the key for healthy living. But to use tax as a strategy, I am not sure that this is necessarily the right way to go. When we consider those taxes that are being used, the strategy of taxes, on top of all of the other taxes that we have, somehow it is almost going to be a situation where if somebody has some kind of illness, it is almost going to be a relief to them, because they are so stressed already by all of the extra taxes

that we see being pounded and piled on top of people, over and over again.

So, I do not know how the Government intends, if at all, to ring fence any of the revenue that is coming out of sugar tax. It is going to go into the Consolidated Fund, like everything else. It is going to form part and parcel of the additional cost of living, like everything else.

The blue labels to which the Honourable Member spoke, in terms of the identification of non-nutritional and unhealthy foods that have been impacted by . . . or not even necessarily all non-nutritional, but foods that have been impacted by the sugar tax, all they are going to do is to let Mr. and Mrs. Smith know that, as you go to the grocery store, this food is going to cost you more.

And I do not necessarily know that it is going up only for things that have been impacted by the sugar tax. Because I believe that, as proprietors start to have to have further, additional output of funds in order to import their inventories, then something else is going to get caught in the mix. And while it may not be specifically identified as being sugar-tax related in terms of the increase that one will see on the shelf, you can bet dollars to doughnuts, Mr. Speaker, that the cost of other things is going to increase. That is just a given as sure as night follows day.

So, every time we implement another tax, we can call it what we like. We can say that we are concerned about people's health. We can say that we want to make sure that non-nutritional things are not continuing to be an active part of our dietary choices. We can say all of these things. What it boils down to in a nutshell, Mr. Speaker, is the cost of living is going up one more time! And Mr. and Mrs. Smith, Mr. and Mrs. Bermuda are going to suffer because they do not have the money to stretch in order to be able to accommodate the needs that they have.

It has perhaps even gone past just necessity. Forget about luxuries, Mr. Speaker. We cannot afford the luxuries. They cannot even afford now the necessities. So, wherein is the trade-off? We have to consider, Mr. Speaker, when we look, it is fine to say that we want to do all of these wonderful things. But to suggest that all of these things can be done, or ought to be done, in one fell swoop, I do not believe is an appropriate way of government utilising its taxation strategy to try to make an impact on the choices of the electorate and Mr. and Mrs. Consuming Public.

I feel very sympathetic towards people who are struggling. Because I would imagine that, as we now see, when people go to the grocery store, if somebody needs to be on financial assistance, Mr. Speaker, there are certain things that are excluded from their ability to choose when they go to the grocery store. They cannot, on a financial assistance card, purchase cigarettes. I agree. They cannot purchase alcohol. I agree. What is going to happen is that, ultimately, they are going to tell you, *You cannot*

*purchase sugar, foods that include sugar. You cannot purchase anything that has a blue label on it.* So, at what point in time is the intrusion of the Government in choices that people make . . . at what point in time is it going to be deemed to be enough?

Because I believe that if we have not crossed the line already, we are certainly very close to crossing that line.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member from constituency 10.

Honourable Member, you have the floor.

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

Mr. Speaker, let me first declare an interest, that I do sell food. And some of it is subject to the sugar tax.

Mr. Speaker, there a number of points that I want to raise here today. And I will start by piggybacking on my honourable colleague who just made her presentation. The first point I want to piggyback on is the idea of consultation. The Government has said from the very beginning of this tax that they have consulted. But the consultation has been set up basically to give answers that they believe that they would want to hear, Mr. Speaker. And I say that because I have looked at the consultation, and I have studied it, and I have talked to a number of people.

And at the end of it all, because the questionnaire was worded, I believe, inappropriately, to get certain answers. There were many questions that were not put in there because they would have been answered a different way and the results would not have been what the Government expected.

But at the end of it all, Government held a meeting with people who were interested in discussing this sugar tax. And what was surprising about it, for a Government that talks about consultation, at that meeting were some very upset business owners who came in. And there was one civil servant there who could not answer any questions, could only listen. Now, this is not a negative context about the person in the room. But when those people went to the meeting, they expected to hear the Minister who set policy to explain the policy and why it was important to do it. But it appeared, Mr. Speaker, that the Ministers did not want to come. And I believe [the reason was] because they would face some scathing feedback on concerns about the tax, going forward.

But the Government has the majority. The Government can do what they want.

So, here we are now on the verge of a 75 per cent increase. So, the idea of consultation, in my view, has been a false promise, Mr. Speaker, a false promise. Amongst other things in this legislation, I remem-

ber in the first phase of the legislation, Mr. Speaker, the Government talked about the duty rate on water would go from 15 per cent to zero. But all of a sudden, Mr. Speaker, and quite quietly at that, that 15 per cent duty rate did not change. It was left in.

Now, I do not know why. Maybe Government will reverse that and put the duty rate [reduction] back in. But clearly, if you want to promote healthy lifestyles to the people, [reductions of] duty rates on water would be a way to get people to do it, Mr. Speaker.

So, the consultation has been false. And the Honourable Minister said, *We would like to create a cultural shift to healthier food choices*. Now, that sounds real good, Mr. Speaker. But I remember when I was a child, what stopped me from ever wanting to smoke a cigarette was not because it was taxed. What stopped me from wanting to ever smoke a cigarette was because my father died from it, Mr. Speaker. And I was educated on the challenges, the real challenges of smoking cigarettes, Mr. Speaker.

And here we are today. Cigarettes are probably one of the highest taxed things that we sell in Bermuda, but smoking still goes on. Why? Because nicotine is perhaps the most addictive thing known to man. So, the tax has filled government coffers. But it is debatable on how effective [the taxation] been in getting people to reduce smoking.

And, Mr. Speaker, interesting enough, when I prepared for this debate, I read through a number of different studies that have been done on sugar taxes. And sugar taxes have been implemented all over the world—the United States, Mexico, in Denmark. Many jurisdictions have tried them, Mr. Speaker. And they all come out, and they all talk about their results, Mr. Speaker. But if you look at those results over time, when you see an immediate impact to the positive, [over time] the results actually go back the other way.

And the impact it has had, Mr. Speaker, people have just gone to other locations or other products to get the fix of what they want. But in the meantime, you have seen job losses. That is a clear example. We have already seen businesses closing in Bermuda because of the first implementation of the sugar tax.

**Hon. Wayne L. Furbert:** Nonsense.

**Hon. Michael H. Dunkley:** Well, *nonsense*? Mr. Speaker, I heard the Junior Minister say, *Nonsense*. But you know what, Mr. Speaker? The Junior Minister went to a place that sells candy before the tax was implemented. And when the proprietor mentioned to the Junior Minister about some of the challenges they faced, the Junior Minister went quiet like a church mouse out of the building.

**An Hon. Member:** You were not in the room.

**Hon. Michael H. Dunkley:** No, but I went to visit the people, and they told me the whole deal, Mr. Speaker.

So, Mr. Speaker, the Honourable Member wants to say *nonsense*. But the fact of the matter is that you have seen that it has changed the business structure for a lot of industries, Mr. Speaker. And it will continue to change the structure.

Now, Mr. Speaker, as I make my comments, do not anyone ever think that I do not stand for good health.

*[Inaudible interjection]*

**Hon. Michael H. Dunkley:** And I hear the Deputy Speaker say . . . Yes, I do not. But that is just vacuous—

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

**Hon. Michael H. Dunkley:** I said it because it is all part of the debate. That is just a vacuous comment; it means nothing, Mr. Speaker.

**The Speaker:** Talk to the Chair. Do not get sidetracked.

**Hon. Michael H. Dunkley:** Like many, like you, Mr. Speaker, we try to live healthy. But the fact of the matter is, Mr. Speaker, studies show, time in and time out, that the sugar tax is one of the least effective ways to change behaviour. It is one of the most effective ways to put money in the Government coffer. But it is one of the least effective ways to change behaviour.

Now, Mr. Speaker, I want good health, like every single Member in this House. And crazy enough, most mornings I wake up early in the morning, Mr. Speaker, and go work out. Because I like to eat, too. I like my groceries. I like to have a good time. But you have to balance it, Mr. Speaker.

And so, if we are going to tax *aggressively* our community, there can be implications. There might be some good that comes out of it. You might change some habits of people. But there is going to be a lot of negative that comes out of it, Mr. Speaker, because we live in one of the costliest places in the world. A 50 per cent duty change, and the Minister says that we have already seen that the value of the imported goods . . . and I believe the Minister did not mention the goods. But I believe when the Minister talked about the value of the imported goods had fallen over the past number of months, I believe the Minister was referring to goods that were impacted by the sugar tax.

But, Mr. Speaker, I would be hesitant to use a few short months, certainly in the winter season when things are slower, and certainly as we have seen retail sales tank for the last 10 months, Mr. Speaker.

So, Mr. Speaker, the sugar tax will put money in the Government coffer. It will hurt the community because the cost of living will continue to rise. The cost of living will continue to rise. So, get ready for it.

April 1<sup>st</sup> when prices [will reflect] the 75 per cent change, that is going to be huge, Mr. Speaker.

And, you know, I know it is tough because we have a customs book with all of these duty codes. And we have changed it over time, and we must have thousands of them; I do not know. The Customs Office is here. But we must have thousands of these codes. And quite often, we put items in a duty code, and sometimes they are lumped together. So, with the first batch of the 50 per cent duty increase, there are some items that are very low in sugar that were included in that first item, Mr. Speaker. If we are going to do something like this, we should make sure that we can weed out some of those items that should not be included. Why should a drink with one gram of sugar be included in a sugar tax? Makes no sense to me. If the Minister believes it does, I would like to hear the Minister say it. But it makes no sense to me.

So, I am pleased to hear today that the Honourable Minister said that cereals will be put to the side for a period of time while we look at the sugar content in them and try to weed out the healthy cereals from the not-so-healthy cereals, Mr. Speaker.

But, getting back to this tax. Mr. Speaker, going back to the study, and I read so many studies that my eyes were starting to hurt. Because they are all pretty fascinating, and they all make a good case. But one that I found was quite interesting was one that focused in on a number of different ways we could impact people's quality of life, because that is what it is all about, Mr. Speaker. Most of the studies, you know, the Philadelphia Beverage Tax, and in Denmark, they just got right down to the tax itself. They did not look at many of the other different facets that could be used.

And as I said when I started, one of the keys for me never to want to smoke was what happened in my family, and [then my] education. And so, Mr. Speaker, I am not going to go through this study. But I am happy to share it with people. This was a study that was done in Canada, I believe. And it was called "Sweet Nothing: Real-World Evidence of Food and Drink Taxes and their Effect on Obesity." I am happy to share it with the Honourable Minister and anyone in these Chambers who would like to take a look at it.

But in part of that study, they talked about ways of evaluating food and drink taxes and interventions that were ranked by their cost-effectiveness and the impact on health. And, Mr. Speaker, do you know where a sugar tax came on the list of 16? It came 13<sup>th</sup>. Unlucky 13, I guess, Mr. Speaker. But the first most effective way was portion control. And we know we have a real problem with portion control, because plates seem to be getting bigger and buffets seem to be the style that we like. So, we have a real problem with portion control.

My wife and I have been trying to concentrate on portion control. And she surprised me at the size of some of the portion controls for dinner at night.

But portion control is number one. Reformulation, Mr. Speaker, is number two. Number three is high-calorie food availability. Number four is weight management programmes. Number five, Mr. Speaker, is parental education. Number six is school curriculum. Number seven is healthy meal provisions. And it goes on . . . labelling, price promotions, pharmaceuticals, media restrictions. We finally get to the sugar tax, Mr. Speaker.

So, the point I am making there is that we in the Opposition, no matter how strong and good our speeches can be, are not going to impact the policy that this Government is going to carry forward. But what we can do, Mr. Speaker, is if Government wants to tax people excessively, and if Government wants to raise revenue because we have challenges with revenue production in this Island, then at least take that revenue that we raise, put it to good programmes to make our people healthier and more comfortable in their lifestyles.

In the brief that the Minister read just a few minutes ago, Mr. Speaker, the Honourable Minister mentioned that \$695,000 has been raised to date from that. But I am not hearing of the programmes that have been affected. I am hearing the same programmes we used to have before, Mr. Speaker. And do not get me wrong. There are some good programmes that we have had for healthy lifestyles in Bermuda. But it needs to be much more aggressive, because it is about education, Mr. Speaker.

And one way we can start, Mr. Speaker, we is by working with businesses to make labelling very proactive. If you look at a carton of cigarettes now . . . Mr. Speaker, I was walking through, I believe it was an airport the other day, and I saw a carton of cigarettes. And right on the side you can see there in front of you: *Smoking kills*. That is what it says. Now, only a fool will go buy cigarettes after they have seen *Smoking kills*, Mr. Speaker.

We need to be proactive in the other ways to promote a healthy lifestyle. And it cannot just be talk. It has to be real. We have to educate our parents how important it is. We have got to have the ability for our parents to spend more time with their children so that they can prepare healthier meals. Takeout food is high in salt, high in sugar, quickly prepared. It tastes good when it goes down. But what is the nutrition value of it? And I am not banging anybody who sells food in Bermuda. Because quite often, myself, Mr. Speaker, if I am on the go early in the morning, I might stop somewhere and get a coffee and try to get something healthy at the same time.

But our lives have changed. We are on the go more. There is the availability of more products. There is less understanding what the calorie count would be. There is less understanding what the sugar count would be, Mr. Speaker.

And for a Government to come and just tax it, because people have to pay, and will pay, is putting

money in the coffer. But it is not going to resolve the problem. It will have minimal impact on obesity because people who work hard for their money and spend their money are going to have to spend more money on items that they still enjoy. And they do not understand and fully appreciate the value of making lifestyle choices, dietary choices, Mr. Speaker.

And so, we should take that \$695,000, and we should take more money from that in the health budget, Mr. Speaker. If we are so concerned about obesity and diabetes and the challenges that we face in Bermuda as far as our health is concerned, we should take more money and we should put labels all over the place. We should have every bus, even if there are only 55 of them on the road today . . . every bus should have healthy labels on the back of the bus. *Tell us why sugar is bad for you.*

**Hon. Zane. J. S. De Silva:** Every Dunkley's trucks.

**Hon. Michael H. Dunkley:** We could do Dunkley's trucks. If I was licensed to do that, I would put them on the trucks.

Will you give me a licence to do it?

**Hon. Zane. J. S. De Silva:** I will give you permission for it.

**Hon. Michael H. Dunkley:** Mr. Speaker, make sure that gets into Hansard, because I will be happy to do that, Mr. Speaker. Now we are getting somewhere!

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Now we are getting somewhere!

**The Speaker:** Well, regulations do not allow you to put advertising on the back of a vehicle. On the sides, but not on the back.

**Hon. Michael H. Dunkley:** Well, Mr. Speaker, that is why I asked the Minister of Transport. And he said he would allow me to do it.

**The Speaker:** All right.

**Hon. Michael H. Dunkley:** No, Mr. Speaker, we have to do it the right way.

**The Speaker:** I have been trying to get that done for a while now. Yes.

**Hon. Michael H. Dunkley:** We have to do it the right way.

But, Mr. Speaker, because people are living busier, more challenged lifestyles nowadays the key to me is education on what we can do to change our eating habits. And there are so many ways we can do

it. Government has just given contracts out for communications all across the Island. Inter-Island Communications has been given out a contract, and we still cannot find the value of that contract. But, Mr. Speaker, how about advertising about sugar on that? How about flooding social media with the benefits of changing your diet and going in this direction, Mr. Speaker? Paid advertisement that comes up every time you go on *Bernews*, Mr. Speaker? I think that is better than taxation. Because until you get people to understand why you are trying to do it, it is going to be hard for them to accept when you are taking money out of their pocket and paying more for the drink that they want on April 2<sup>nd</sup>, Mr. Speaker.

And so, taxation is not the way that we need to go. It has to be done in a coordinated effort, through education and all of the other areas that are so important for people to understand. So, here we are today. This legislation is going to get passed under the guise of a cultural shift to a healthy food choice. This in itself, Mr. Speaker, will not do it.

And so, I will close by saying the Minister mentioned a food store that had blue labels, talking about the nutrition element of their items. We should work to make sure that all food stores have it, so when you go in you see it, it hits you like a neon light. That is the important thing, Mr. Speaker. We should go up and down the country. We should do it in our classrooms in schools, as well, Mr. Speaker. Because our children do not understand what is healthy and what is not healthy. Our diets have changed. It is going to be hard for us to change back. We cannot just change it back by taxation.

Thank you, Mr. Speaker.

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

Does any other Honourable Member . . .

We recognise the Deputy Speaker.

Deputy Speaker, you have the floor.

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

Mr. Speaker, first I want to thank the staff in the Health Ministry for doing their research and informing us of the perils of sugar. Mr. Speaker, one can criticise anything we bring here. And that is very easy to do. What we should be doing up here is try to promote health. You know, we think, well, okay, we can do these four things and do these two good things. But when we look at the prevalence of diabetes in our society in Bermuda, probably the highest in the world per capita—highest in the world—some things that are good for you people do not like. I heard my cousin over there, the Honourable Gordon-Pamplin, castor oil, she does not like it. But it is good for you. I did not like it either. But it was good for you.

**Hon. Michael H. Dunkley:** What good did it do?

**Hon. Derrick V. Burgess, Sr.:** It made me who I am today, Michael.

**The Speaker:** Flush you out. Flush you right out. There you go. Flush you out.

**Hon. Michael H. Dunkley:** A banana can do that, too.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** And, you know, Mr. Speaker, bad habits are easy to continue. And we have got to start getting good habits. Do we think, does the Health Department think that by instituting this tax, things are going to improve overnight? No! We have got to start somewhere. This is going to take some years to take the effect that it should [make], you know. We have said here before about the amputations which occur in Bermuda, the highest in the world.

We should be comparing . . . if you want to compare what items can cost us to tax. Well, let us look at the medicines that one has to have because they have got diabetes. Compare them. And those items that you purchase in the shops would be cheaper than the medicines. But the thing about the medicines and the goods in the shop, you have got to have that medicine. You do not necessarily have to buy those goods. Because buying those goods does not make it good for your health, Mr. Speaker.

So, this Government does not want to tax people excessively. That is not the intent of Government. We are trying to get our people to take on good habits. And good habits are hard to instil in people. But if you start somewhere, it is easy. It is almost like trying to train a child. If you train that child from birth, it is certainly easier than trying to train that child after they have gone nine, ten years old. They have gone loose at that age. So, this is what we are trying to do with the sugar tax, okay?

Some people are going to still buy those items like they buy cigarettes and booze and everything else, right? But, as the Government, we have to be responsible. We have to not really concern ourselves with the sales, because people are saying it is going to affect sales. Well, it should affect sales. But sales come down; the health of that person goes up. And there is no bargain between the two as far as I am concerned. You know, you can have all the money in the world. If your health is not in shape, the money cannot even buy you that. I would much rather have [my health] than have some . . . my bottom line look real nice. It does not make sense. I am making \$1 million a year, but I am sick. I have got sugar. I am going to lose my leg, my toes and everything else. That is what we want to do?

I prefer the health. And I think we up here should be encouraging Bermudians, as hard as it may seem, as expensive as it may seem. We should be

encouraging them to not use sugar, to not purchase these high-sugar items. Even though there is an amendment to be brought here today on cereal. You know, Mr. Speaker, I have not eaten sugar, I do not consume sugar. When I have my cereal, my Quaker Oats, gluten free, I use fruit to sweeten it. You know, I do not use sugar. I have got a little weakness for apple pie, good home-made apple pie like I get at home, right? There is a little bit of sugar in that. But if I have got to pay a few dollars to get some sugar to get apple pie—

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** I have a first-class cook at home.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** I do not think anybody can top that apple pie.

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** No, they cannot.

So, Mr. Speaker, but that is not something I do on a regular basis. It is health first. And, you know, the Government has not gone all the way, because you take all the starches. When you consume those starches, they turn into sugar. It is not good for you. So, we have not gone all the way. If we went all the way, you probably will not be eating anything other than rice and things of that sort, you know.

*[Inaudible interjection and laughter]*

**Hon. Derrick V. Burgess, Sr.:** But we have got to start somewhere. And I applaud the Minister and the staff in the Ministry for what they are doing. As hard and as unpopular as some may think it is, it is good for you. As mother and granny used to say, *Castor oil is good for you. You are going to take it.* And you had no choice, you had to open your mouth and take it. And she made you, she held your face and all that foolishness, right? But it was good for you. I am still here, you know. And thank God I do not have sugar.

And those who have sugar, if there is anything I can do [so] I can eradicate it, I would do it, as you would do, as anybody would do. But the sugar is upon us, and we have got to do something, as unpopular as it may be. I think the Government has taken the responsible stand to try to promote health for our people.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

Mr. Speaker, I do not think anybody in this room or anybody within the sound of my voice does not realise that we want to promote healthy living. We want to make Bermudians healthier. We want to make Bermudians fitter. We do not want to see obese Bermudians. We do not want to see people having diabetes. We want to reduce the cost of health and make everybody in Bermuda healthier.

But I think what it really comes down to, what it really comes down to is, are we doing all the things that are going to make Bermudians healthier? Or are we doing some things which are perhaps not going to get us to the goal that we want?

**An Hon. Member:** That is not the goal. That is not the goal.

**Hon. Jeanne J. Atherden:** Mr. Speaker, I think the thing that we need to understand is the fact that—

**The Speaker:** Speak to the Chair. You will be all right if you just speak to me.

**Hon. Jeanne J. Atherden:** And I take the position because, Mr. Speaker—

*[Inaudible interjections]*

**The Speaker:** Members! I just need to hear one voice!

**Hon. Jeanne J. Atherden:** For the listening public, I think I need to say this. Because some people in the room, and obviously the listening public, do not realise that the One Bermuda Alliance, when it was the Government, was interested in reducing diabetes, was interested in reducing obesity and was interested in promoting things that were going to improve health. So, this is not something that is just new.

The health objectives that the Ministry is dealing with had diabetes, it had obesity, it had things in there, because I do not know whether people remember that. The people do not remember, and maybe I have to do for one of our Members, because he was not here. So, maybe he was not paying attention. First of all, we had “Savour the Flavour,” which we went out and approached the grocery stores with respect to putting information up about healthy items. We got them to agree to reduce the cost of these items so that we could then make sure that they would start to recognise that if you knew what was good for you, and if the cost of those items was reduced, then you could start to better shop and your budget would go further.

We also do not realise that we introduced the Premier’s Council on Fitness, where we went into the schools and we talked to the schools about how they could be healthier. We also went in . . . and I am not saying that this was something that we started, but we continued it. We made sure that with respect to the nutrition, that there was the education and every school was promoting healthy choices. Every school was having healthy lunches, to make sure that the kids in the schools started to eat more healthy food.

Because we understood that it is not just about taxation. And if I have to say this all the time, it is about education. It is about changing people’s lifestyles. It is about changing people’s thoughts. And I was pleased to hear the Minister say that there was finally a survey that sort of said that we were bending the curve, because when I was the Minister of Health, every time I looked, it seemed to me that the statistics that were coming from a lot of the countries were not saying that it was working. And that bothered me. Because the bottom line is that it is not just about taxing if you do not turn around and take that money and use it for education. You have to educate people.

And we were starting to talk, and if I do nothing else, I have to stress this all the time. We keep talking about cigarettes. But, do you realise that we started to focus, just like other countries were focusing, on the fact that you had to start dealing with the children? Remember when we came in and we said we were going to stop flavoured cigarettes and we were going to make sure that children could not see them? Because it was a clear understanding that children get there, and they start to smoke. And then, after that, it is addictive and it goes on and on.

Well, sugar is the same thing, because it has been identified that if you can start changing the taste, or not even introduce the taste to children of sweet things, you can stop them from starting to feel that they need it. And that is why, in terms of nutrition, you have fruit and you have vegetables. Too often, parents are going there, and they are making sure that their children have lots of fruit—and I am talking about those little packaged containers or bottles—and not recognising that it is better to get them introduced to vegetables and to not get them into what I call that sugar habit.

So, I want to make sure that we understand clearly, it is not so much that we are saying, you know, *Don’t introduce tax* because if you can cut people’s consumption . . . I think what my colleagues are saying and what I am specifically saying is that I do not see enough emphasis on the education. I do not see enough emphasis on getting to our children early in terms of trying to making sure that we change.

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** And the reason I say that, Mr. Speaker, is because people do not realise that

there are many things that turn into sugar. Barbecued chicken with all that sauce, et cetera. In some cases, the consumption of things that we do creates issues that afterwards, in terms of consumption, create issues with respect to people having sugar. And it is not just what I call the sugary items. And I know the Minister said that she had turned . . . and then potatoes were in terms of the reduced duty.

But I guess I have to question, because I was not sure. I thought that potatoes were one of those items that there was a concern that it turns into [sugar quickly] and therefore also has an impact in terms of diabetes. But I am not a doctor. I am just asking the question. Because the bottom line is, we are all here trying to address the concerns that we have. So, to curb the unwanted consumption of foods is important.

But I think it is important also to recognise that in some cases it is comfort. Some of these things are comfort foods. And so, if people cannot get their chocolates or whatever else, and if they feel the need because they are stressed or whatever else to go for some other comfort foods, they are going to reach out, whether it is, say, the KFC, or whether it is the barbecued chicken, or it is the macaroni and cheese. Unless you start to educate people that too much of anything, too much of anything has a result, has a detrimental result. So, this is why we start to . . . you know, we talk about—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** In terms of looking at items, I was interested to hear that \$695,000 was the reduction in duty on some of these items. And if I understood correctly, that was offset by the additional duty in terms of what you lost in terms of duty on some of these “good items.” But what I have not heard, and I have not heard enough, and maybe the Minister and the Ministry are going to come out and talk some more, is how much of this money is being put towards educating the parents, educating the children, educating everybody so that we can start to see that the pattern, the consumption pattern changes? And as I say, it is all very well that the grocery stores have put their blue labels up.

I would just hope, and I see some of the stores still have the red labels up, the one that talked about greens and proteins and meat, the red labels that we put up with Savour the Flavour. I would like to think that more of them will do that, because then you will start to have people focusing on not that this one is more expensive because it has got the duty on it, but this one is better for you. And if we can get them to continue the reduction [on duty for healthy items], then maybe we will be able to also say, if the Ministry takes some of this money to utilise a reduction in the duty of some other things, which are also good, to be able to say that it is cheaper for you, but it is going to be good for you.

So, Mr. Speaker, I think, just think that there were a couple of other things that I wanted to point out. Because if you start to ring fence things . . .

Now, the Minister talked about the STEPS survey that it is going to be done in 2019. And I know that when the STEPS survey was originally done, there was obviously some . . . it had a range of things that it was designed to cover. Because I remember what I took from that was the fact that the average waist size for a woman, I think, had gone up to 34 inches. And I was just appalled and amazed, because I am thinking to myself—

*[Inaudible interjections]*

**Hon. Jeanne J. Atherden:** Mr. Speaker, I am telling you. People need to go and read some of these surveys. Because it suddenly made me realise that this 26–35 or 36–26–36, that has gone out the window. But then I realised that the STEPS survey had a range of things that it was designed to cover. So, by having that statistic come out of it, that was okay, because it had another range.

But I would like to challenge the Minister and the Ministry to say that, if we are going to start focusing on the sugar, if we are going to start focusing on the tax, and if we are going to start trying to focus on changing people’s habits and consumptions, that maybe it is worth our while to start having a more limited survey that is being done on a regular basis so that you could actually start to see whether this curve moves. Because I understand STEPS, and I know all of the things that are in there. But I am saying that, once you determine that diabetes is so prevalent, and when you start talking about obesity, I would just like to challenge them [by asking, Would] it make [more] sense to have another survey which we could do on a more frequent basis, and pick some metrics that we would want to use to see whether we are actually achieving the results that we want?

Now, with respect to the education . . . and as I say, we are not the Government. And I would like to think that some of the things that were put were continued. One, which was the fact that, you know, there was only water that was going to be in schools. So, that was something that, as a Government, you could turn around and you could make sure it happened. So, are there other things that Government can do with respect to the children? Because we recognise that if you get the children to change their behaviour and lifestyle, you have a better opportunity of, when they become adults, to change.

I also realise that the children have an ability, if you can get them engaged, to be able to change the way their parents function. And I say that because I remember when we used to give out the certificates for the healthy lunches that, you know, parents would be saying that, *My child came home and was participating. And I understand what needs to be done.* And

it made them realise that this is something that they need to do.

So, it is not just about turning around and saying that only the Government can do it, because I believe that all of us here want to see it happen. But I do think that the concern is not just about coming up with a tax which then goes into the Government coffers, but saying that if you truly want to reduce the diabetes, if you truly want to reduce the obesity, what are the other things that you can put in place?

Now, I do know that in some places, some insurance companies come up. And they give you some gym memberships because they realise that, in some cases, maybe exercise and all of those things are going to make a difference to you from the perspective of not only what you eat, but making sure that what you eat does not turn into sugar. And I say that because I recognise that there are some people who, although they cannot change how much they eat or absorb, they recognise it and they take steps in which to counter it.

Because I had a friend, and he used to say to me that he drank . . . he used to run so that he could drink more beer, which was okay. He had a logic. So, if people have to talk about what they need to do in terms of reducing their sugar, and if it means more exercise, and if it means understanding their habits and being able to understand the cause and effect, because in many cases people need to understand the cause and effect. And I think that is the other point that we are trying to sort of make.

And I know that the Diabetes Association is out there doing lots of things. And I am not knocking the Ministry, because I know that there is an action plan and all sorts of things. But what we are now talking very specifically about is the sugar tax and whether enough is being done to counter this concern that we have that, it is just not going to be what I call making revenue and not enough effort on the health reduction.

So, Mr. Speaker, obviously, some of my colleagues are talking about the consultation and the things that have to be done. And I would like to think that this is an ongoing thing. It took us a long time to get to the stage where people feel that, at least from cigarette smoking that people have started to reduce the cigarette consumption. But as I say, the study that I read or the information that I have read indicates that you need to get to the children earlier.

I remember the lady came from PAHO [Pan American Health Organization], and the one thing that she was saying was the fact that, you know, if you get people to start to breastfeed their children, that also was helpful because, one, you had nature's milk. And therefore, you were not having people using what we call the artificial baby foods, et cetera. And that was good, because then you did not get this issue of the children being . . . all of a sudden, their taste buds

being acclimatised to what I call, in a lot of cases, the sugar.

And so, you know, if people are talking about not being able to afford some of these things, there are a lot of options that we have to sort of say to people in terms of possibilities to be able to help Bermudians cope. Because I truly believe that most everybody wants to be healthy. But a lot of times, by the time you get to the stage where you have a lifestyle, you have gotten used to a certain amount of eating. You have gotten used to a certain number of things. The more your pattern has been developed, the harder it is going to be to turn around and reverse this.

And I know that the Diabetes Association have talked about something, some people whose type 2 diabetes have been reversed by changes in lifestyle, consumption, et cetera. But on the other hand, there are other people who have not. There are other things where it is very clear that if we can stop people from going along that route, then it is cheaper and better for them to not get them on that path.

Now, with respect to the last couple of things that I had. Educating our parents. I cannot overemphasise the fact that, in most cases, they are the ones who are going to the grocery store. They are the ones who have to resist. When I say "resist," resist the cries from their children of wanting to have, whether it be the chocolate bar or wanting to have the barbecued chicken or whatever. They have to be able to resist.

So, we have to do two things. We have to turn around, and we have to give them the ammunition so that they can talk to their children, and talk to their children about why they do not want this, talk to their children about why it is important not to have this. But without giving them their ammunition, it is going to be harder and they are going to turn and they are going to cave. Because you know that children can be very persuasive. So, we have to give them that information so that they do not have to make the lifestyle choices.

Mr. Speaker, as far as . . . I know he calls everybody "cousin." But I know Cousin—

*[Inaudible interjections and laughter]*

**Hon. Jeanne J. Atherden:** Yes. Honourable Cousin. You know, he is right. We do have to take on good habits, and we do have to start them at birth.

**The Speaker:** At least you two are agreeing today. That is a good thing. Yes.

**Hon. Jeanne J. Atherden:** Yes. You know, we have to start them at birth.

**The Speaker:** Good.

*[Laughter]*

**Hon. Jeanne J. Atherden:** And so, from that perspective, I just think that if we can encourage people to understand where sugar comes from, and where sugar comes from in total, let us not start focusing on small, little bits. Overindulgence of anything has the ability to turn around and make some things which are bad for you. I mean, we focus on sugar. But let us talk about obesity. You could still turn around and not eat the chocolate bars, but you could just as easily eat lots of other things. And if you do not do anything about getting healthy, TIPS, lots of other things, you end up, you can end up being obese.

So, let us not get distracted about one side of the problem. There are two related—obesity and diabetes. We have to turn around, and we have to change lifestyles. We have to make sure that people understand and are educated. And I am glad that my colleague spelled out some of the things in terms of interventions, the effective ways.

*[Inaudible interjections]*

**The Speaker:** Members!

**Hon. Jeanne J. Atherden:** Because the bottom line is that we cannot just take one of these. We have to do [more], because portion control . . . I know myself that I can put on weight. I am not going to say that I would become obese. But I can put on weight because, if I do not start stopping myself in terms of when I have had enough, afterwards I put on five pounds, seven pounds, ten pounds. You still have to talk about how you get it off. And it is the same thing for other people who put more and more on. The more you get into a habit and you have to try and stop and change what you are doing, it is so much harder to change the things that you do and to turn around and just not resist, and just give in.

So, things like portion control and talking about understanding about weight in terms of your size and height and all those other things, these are so important.

So, Mr. Speaker, I am not going to go on any longer. I just want to reiterate that I understand why this has been put forward. But I have a real concern that without doing some of the other things which are necessary to go along with it, with respect to education, starting with the children, without education in terms of the parent, without understanding that in some cases it is also related to what I call issues that people have where some of these things become comfort foods, just the same way some people smoke cigarettes. It is a comfort.

And so, if you do not start recognising that all of these things are factors that come into play, I am afraid that we could end up having lots of revenue collected, but not seeing a real reduction in the size of the girths of our men and women and the average weight of the people of Bermuda. So, I would like to

think if the Minister would consider perhaps some more targeted surveys, because that is really the true test about whether it is affecting people and their health, not about whether it is reducing the amount of revenue collected. Because, as I say, if people do not buy this item, but they buy more of the other one, then the revenue of that one is going down, and you are not looking at the revenue of the other one going up. And you are not paying enough attention in terms of their size and the diabetes. Then we have not done what we needed to do.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Member from constituency 6. Junior Minister, you have the floor.

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

I will not be long. But as we all are aware, taxing sugar will not be the end-all and be-all. We know that. We know that taxing sugar or taxing sodas, whatever it is, will not be the full thing that the Minister of Health does. We know that. We know that. There is no secret about all that. And the Ministry does quite a bit of other things besides taxing.

But we are also aware that price does have an effect on buying habits. The price of goods does have an effect on purchases. We know that. And I just heard the Honourable former Premier, the Honourable Michael Dunkley say that one particular business went out of business. Why? Because, I am assuming, because they said that the tax had an effect on . . . and they said that it was not worth people stopping and buying their particular candy. I am assuming that this is what they implied.

So, Mr. Speaker, let me tell you exactly the amount that the Government has collected from the sugar tax. The net effect was really just \$460,000—\$460,000. And the Ministry of Health, working with the Ministry of Finance, helped or encouraged us to reduce certain items. And we talked about it. We talked about potatoes and cauliflower and broccoli and carrots and turnips and oranges and apples and eggs.

*[Inaudible interjections and laughter]*

**Hon. Wayne L. Furbert:** Mr. Speaker, the impact cost the Government over \$200,000 . . . had an impact of over \$200,000 on our revenue collection, over \$200,000. So, the real difference now is from 460 less, 200 plus, 250, we are now down to roughly 200. And the Government has worked, or the Ministry has . . . I do not know, but I have seen signs on the backs of buses. I have seen signs on the back of buses that the Government is encouraging as far as sugar and obesity. There has been some advertising.

Now, could we do more? Yes! We can always do more. Right? So, I understand that. But you have got to realise that the Government has said, *Okay. We will spend money [with] the money we collect because of the sugar tax.* But first of all, you have got to know how much you are going to collect. So, this is the first year that we have actually done it. So now we know roughly what we will be collecting. Now the Government can produce programmes on those particular . . . more, we can do more. Because if we had overspent our budget on certain things, we would be back here again for a supplementary, whatever.

So, all I am saying to you is that now . . . and my Honourable Members up there are meeting because we know that the cash is collected later on. We do know the impact. That \$460,000 was up from October to March, even before we did the budget. So, my point is this, Mr. Speaker. We now know the impact of what we hope to collect from this sugar tax. The Ministry can now do other planning aspects of it. And one thing I did mention, Mr. Speaker, was that we reduced the duty on eggs. Well, I went to one shop in April when it was supposed to take effect, and the eggs cost more! I do not understand that, Mr. Speaker. It went from 5.0 per cent to 0.0 per cent, but in April that particular egg cost more!

And so, it was not because of my duty, I do not know why it was much higher. I do not know why. We dropped the duty, and the price went up.

[Inaudible interjections]

**Hon. Wayne L. Furbert:** So, Mr. Speaker, there has to be some working together between the Government on reducing certain habits. I mean, there was a particular store that had a sign that said, *This product is going up because of the sugar tax.* I did not see a sign on the cauliflower that the price is going down because of the reduction on duty. I did not see a sign on the price of carrots saying, *Because of the Government's reducing duty . . .* I did not see that.

[Inaudible interjection]

**Hon. Wayne L. Furbert:** That is my point. I did not see that. Absolutely right. When there is an embargo, when they have to buy carrots overseas, the duty takes effect. But when there is an embargo, they cannot bring it in.

Now, the Ministry will be working with the Ministry of Finance and Customs to see if there are some other things that we can do. We looked at some other products. And the Minister made some things very clear. We can look at some other things that we can probably reduce. Who knows? We might, maybe, be able to come back in the early part of this year, hopefully in the next month or so, to see what other things we can reduce. But Government said, *We will take this money and put it to the benefit of wellness.* And

we reduced, like I said, duty on some products, [and the Government] lost revenue. Hence, that part of it was collected.

So, Mr. Speaker, can we do more social media advertising? Yes. Can we do more advertising on buses? Yes. Can we do other things? Yes. And the Minister understands that. But you cannot say that raising taxes on sugar, on soda in particular, does not have an impact. It does. It really does. And so, there is a double . . . it is a multi-pronged approach on how we move this thing forward and how we encourage.

Now, I wish we had the \$6 million that is being spent on an island up there every year. We spend \$6 million on an island up there in Dockyard, on an island, right, that the former Government had made an obligation that we spend over the next five or six years. I wish we had that \$6 million that could be spent more on advertising and promoting good health, healthy living. But we do not have it because the Government built an island and held the country responsible for paying \$6 million a year! Can you imagine if we had \$6 million more, what we could do with that?

Do you know what we could do with that, Mr. Speaker? We could have taken that money and put it to certain things for promoting health. We probably could have put some things in place, worked with the health insurers to get certain benefits so people can get certain benefits from the doctor. We could have done that. But we do not have that, Mr. Speaker, because the Government at the end of the day held us responsible and tied our hands on certain things that we could spend.

So, you know, I understand that. I understand the importance of why we are here. And I understand the game that certain people on the other side may be playing. I understand that. I understand that, Mr. Speaker. But as we are aware, there are other countries that have put tax on sugar, particularly on soda. All right? I have the stories told to me that the Chairman of Coca-Cola was playing golf down there at . . . this is a true story. This is a true story. Down at . . . my son-in-law plays down at Mid Ocean. Right?

[Inaudible interjections]

**Hon. Wayne L. Furbert:** And Mr. Bloomberg was playing ahead of him, right? And the Chairman of Coca-Cola, the son said, *Isn't that the guy that you don't like?* Because, remember, he was talking about increasing taxes? I am not going to say what she said she should do to me with the golf ball. But my point is that we understand that. My point is . . . I am talking about sugar tax.

There are many countries around the world, there are many countries and states around the world that have talked about increasing, and they have increased tax on sugar. So, this is not new for anyone. Yes, we can do more educational stuff. And now, like I said, the Government has an idea what we will collect

over the next year. We will work with the Ministry of Health when we move forward. That is the whole operandi that we work with, Mr. Speaker. We just cannot spend it before we know where we stand.

So, Mr. Speaker, I applaud the Minister for going further. As a matter of fact, some of the items that we had in place, that is why it is net . . . certain items that we had in place that were 35 per cent, we have reduced to 15 per cent after encouragement by the Minister of Health. And that was on some water products, certain water products. There were certain water products that went down to 15 per cent. [It was] 35, so we did reduce it.

**Hon. Michael H. Dunkley:** It started at 15.

**Hon. Wayne L. Furbert:** Mr. Speaker, certain products that were at 35 per cent, right . . . certain products that were at 35 per cent, the Honourable Member is shaking his head. I could ask the Customs people exactly what that product is. I am not sure if he sells it.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker those products were reduced, I believe, in October. Okay? They were reduced in October. Now, maybe he did not reduce his price. That is why his price is still high. He still thinks it is 35 per cent. I understand that.

So, Mr. Speaker, with those few remarks, I think we are heading on a good wicket, a good wicket. And as the Minister looks at other new ways to encourage individuals to drink more water or do whatever it is as far as wellness is concerned, I applaud her effort.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

I will start off really where the Honourable Member left off. And that is, a health message should never require an increase in fees or money in order to push, run, get out there. It is a health message. And it is important to get that health message out there. We believe that the Government has a budget. But when we start talking about health, with the tenacity that this Government has gone, and to the extent that it has gone to increase the taxes, we would like to see that same tenacity with the health message, period. And I think that is where the balance is.

And if you would indulge me, Mr. Speaker, I would just like to tell a very quick story about a frame of mind when it comes to sugar. My family and I de-

ecided that we were going to cut out sugar. And I like Fruit Loops cereal. Now, Fruit Loops cereal—

**The Speaker:** Full of sugar.

**Hon. L. Craig Cannonier:** Full of sugar!

**The Speaker:** Yes.

**Hon. L. Craig Cannonier:** And, you know, I thought that each one of those different colour Fruit Loops was a different flavour. But, in fact, they all taste the same. You think you are eating a different flavour, but you are not. They all taste the same because the sugar has diluted any different flavour that might be there.

And so, we had decided that we were going to be cutting out sugar, like the honourable cousin in the corner there. And this story should appeal to everyone's frame of mind. So, I decided to go down to Harrington Hundreds, because I heard that they had all-natural Fruit Loops cereal. No additives, no sugar, it was naturally flavoured.

Now, I went down to Harrington Hundreds, and I took my son with me because he and I had a little thing when he was three. We eat cereal together. It was this bonding period that we were having. We get to Harrington Hundreds, and I look there. And I do not know for sure if they have got it, but I see this Fruit Loop all-natural cereal on the shelf. Now, I am jumping for joy. I am like, *Solid. We're in now! This is brilliant!* I can get my Fruit Loops cereal here with its natural flavourings. It should be just as good or the same, you know? Oh, well, even better . . . just as good or better.

So, I was a little taken off by the cover of the box because, you know, we kind of have got this thing in Bermuda that we are very cosmetic. We like brands. And so, if it does not look good, it probably does not taste good, which is such a wrong approach. However, the frame of mind was we wanted to be healthier. And I was not using, you know, the horror stories or the cases that I have seen with the diabetes and the like. The point was that we needed to be healthier.

So, I get the cereal. We get home. And first thing we are going to have is this cereal. Now, this is at night, because my son and I had this little thing where every Tuesday night, we would have cereal at night.

*[Inaudible interjections]*

**Hon. L. Craig Cannonier:** Well, yes, yes, yes. Hang on now. But this is all natural. Come on, cousin! This is all natural. I did not have to go the shredded wheat way because Fruit Loops is natural.

So, I get this stuff. We pour it in the bowl. And he poured his bowl, poured the cereal in. We put the milk in. And I know some of you might put your milk in

first and then the cereal. But my son and I put the cereal first and then the milk. I am not sure why they do it the other way. Anyhow, but you get more cereal if you put in the cereal first, right?

[Laughter]

**Hon. L. Craig Cannonier:** So, we put it in. And I have got my big spoon, and my son has got his little spoon. And I am like, we say the blessing. And I am like, *Look. This is on, mate.* We are so excited about the fact that we are on this new health kick! Great frame of mind we have here. Well, we eat the cereal. And I can tell you, within seconds my son sat there looking at me. He held the milk in his mouth. He held the cereal in his mouth. And I thought he was going to spit it out. And I looked at him, and I was like, *Don't you dare. You'd better eat it.* Because I was feeling the same way he was feeling. It did not taste the same!

But the point is this, Mr. Speaker. I realised then, the lightbulb went off, that I had become addicted to something that was killing me, the sugar. This is full of sugar. And I did not realise how strong the addiction was until I actually ate the natural thing, the real thing. And so, it took a shifting of mind-set to get to that point. And I could have easily gone back.

And what I think we are trying to get to here is that, sometimes as we are in the House and we are legislating, we sometimes get to the point whereby we are legislating behaviour. And we are getting towards a very thin line now whereby we are almost legislating behaviour. When I became the General Manager of People's Pharmacy, I can remember people fussing at me that, *How could you sell cigarettes?* And my reply was, *I can't be your conscience. I can't. You have the freedom of choice, a God-given right to choose what direction you wish to go in.*

And so, I understand the concept behind this aggressive tax, because we believe that it will incentive either positively or negatively. We can use either one when it comes to the sugar tax. You use positive reinforcement, which is really the health message. The negative reinforcement is making that cereal or that chocolate bar so expensive that, you know, you are not going to buy it. That is the negative reinforcement side of it. And so, there has to be a balance between the two of getting to this point.

And what we would appreciate is, and we know that these guys are working very hard in the Health Ministry, is if we could get pushing just as aggressively with the tax, get pushing as aggressively with the health message that it is important to have a healthy Bermuda. Our birth rate being so low, we need to have more healthy people living longer, running Bermuda. That is not the case right now. And so, we need to get some of these statistics out. I am excited to see that, within this Bill, there are some new measures being taken and put into place, because right now it is speculative. We do not know whether or

not this is going to work or not. So, it would be great to get some of this information back.

But at the end of the day, for too many of us, especially in Bermuda . . . I mean, I see the big bag. I mean, this is one of those tall kitchen bags full of candy being handed around in the House of Assembly. I participate in it. I have one or two every so often.

[Laughter and inaudible interjections]

**Hon. L. Craig Cannonier:** But what I am getting . . . what happens stays in the House.

[Inaudible interjections and laughter]

**The Speaker:** That bag never makes it up here to the Speaker. It never gets up here. No.

**Hon. L. Craig Cannonier:** If we are going to press this message, we also should be living this message. And so, what we need to do is make sure that when we get our dinner, that we do not have two and three starches out there, because . . . you see the Honourable Member . . .

[Laughter]

**Hon. L. Craig Cannonier:** Again, I am adjusting this in a balance. And I know that we have gone back and forth here. But what we really would like to see, Mr. Speaker, is we know that this is going to go through. We know that people are complaining about it. But I believe, truly, that the idea behind it, the push behind it is to have a healthier Bermuda. I genuinely believe that from the Minister.

But what we need to do, the Ministry needs to press the health message. And that health message is not dependent on how much money you get from, you know, coming up from the taxes. You need to go to one of those other Ministers and say, *You need to give up \$300,000 so we can get that health message out there.* Because it is that important. We are talking about life and death here. And I did not realise how intoxicated I was to sugar until that lightbulb moment went off.

So, I encourage you to go down to Harrington Hundreds, or one of these places that have this health food, check out the Fruit Loops, because it will take some adjustment, but eventually you will enjoy it.

Thank you, Mr. Speaker.

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

Would any other Honourable Member wish to speak?

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

**Hon. Zane. J. S. De Silva:** Thank you, Mr. Speaker (as I suck on my candy).

Mr. Speaker, the Honourable Member who just took his seat finished off by saying, *We must press the health message*. That is exactly what we are trying to do with this tax. This tax is going to help us to press the health message. You know? And when I listened to the Honourable Member Dunkley talk, and he talked about the effect it is going to have on business and how sugar tax does not seem to work anywhere in the world, it reminded me of a radio show I heard earlier this week when the diabetes folks were on David Lopes's show. And if you listen to that, it was very interesting, because Mr. Lopes, whose show I like to listen to on Friday mornings on my way to work, plays Oldie-Goldies. But one morning this week, he had on the diabetes folks.

And it was interesting because he was very upset that a business had closed because of the sugar tax. And the folks from the Diabetes Association talked about, well, they were disappointed to hear about that, but they reminded everybody what diabetes and sugar does to one. But it was interesting because, no matter how much it was emphasised by these folks what sugar and diabetes and all sorts of other things that happen because people indulge in too much sugar, no matter what they said, Mr. Lopes was still angry that a business had closed. And I think that is where (and he can correct me if I am wrong) MP Dunkley was heading, too. He was talking about how it is going to affect businesses.

Well, you have several former Health Ministers on that side. You have a current Health Minister on this side, and a few former Health Ministers on this side, of which I am one. And, Mr. Speaker, I think Deputy Speaker Burgess, my honourable cousin, mentioned that we have one of the highest amputation rates in the world. And he is right.

Now, many times in this House we talk about development. And I have said many times that if you ask me to choose, when it comes to giving someone development permission, between a tree and a Bermuda job, I am going to take the Bermudian job every time. I will plant a tree somewhere else. And if you ask me to make a choice between upping the tax on sugar rather than amputations, I am going to take upping the sugar tax. And quite frankly, if you ask me, I will say that we are not going far enough. And I have talked to a few people about the price of any sugar product. And you have heard me, Mr. Speaker, many times in this House talk about mayonnaise and deep-fried chicken and all that stuff, Kentucky Fried Chicken and what I think we should do with it, Mr. Speaker, because those are the things that are killing us.

Now, I heard a little bit about education. And I am glad to see that Honourable Member Atherden finished off about educating our parents, because she talked about educating our children and seemed to emphasise on that. But she finished off by talking about educating our adults and parents. And that is very important. And I will tell you why it is important,

Mr. Speaker, because I have four grandchildren and one on the way. And none of my grandchildren, who are between the ages of three and eight . . . none of them drink soda. And I have to give credit to my daughter, because she does not have any soda in her house, at all. No sweet juices, nothing. If her children want a drink, now they have got to a stage where they just ask for water.

So, you see, we can educate our children. And I know Marie Beach, in particular, does a fantastic job in our schools. But I tell you what. The education has got to go both ways. But it has got to start, I think, at home. You talk to anyone who has had a family member or a friend who has had their leg amputated. And think of what that does to our health system, which this year is going to be upwards to almost a quarter-billion dollars . . . a quarter-billion dollars. So, I think that that is where we have to go.

And the other thing that I think will resonate with me for a long time, and I never thought of it before until I heard the folks from the Diabetes Association talk about it this week, is, how many people in this House like plants, have plants or a nice yard? They water the plants in the yard. I see a few hands. Yes, I see another hand over there, MP Atherden. Well, you do not water your plants and grass with Coke, do you?

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Well, that is the example they brought up. Does anybody feed their animals Coke or orange soda? I added soda for you, MP Furbert.

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Coca-Cola, yes.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** Yes, that is right.

Well, you know, speaking of coke, that "coke", crack . . . well, you know, when the Honourable Member Dunkley was talking about, you know, people who sell sugary items . . . and he said that he really cares about the people of this country. Well, we know what business he is in. Well, you know. You mentioned to clarify which "coke" I was talking about. How about those fellows that sold crack and coke? A lot of those guys do not use, you know. They just sell.

So, Mr. Speaker, you know, I promised the Minister that I would not speak long, and I am not. And when I say I am not going to speak long, I do not. But I would like to just leave on this note, which is that cancer loves sugar—loves sugar to death. Okay?

**An Hon. Member:** Yes.

**Hon. Zane J. S. De Silva:** And I think that this move that we are making, and I think the Minister will give you some specifics in a minute about what we are doing in terms of advertising and trying to bring awareness, because we have been doing it for years. I watched Ministers on the other side when they were there for that short time, several of them. I think it was about three or four Health Ministers they had in five years. I watched all of them sing the same tune.

So, it makes no difference who is in Government. And I think everybody in this House does care about our people. And we do care about their consuming too many sugary items. But I have heard Members opposite talk about how they dislike and do not agree with this tax.

I tell you what. That bag of candy that is over there behind that counter, I bet you if it was \$50 for that bag of candies it would not be sitting there right now. How many people will buy a bag of candies if it was \$50 as opposed to \$5?

**An Hon. Member:** You will drink water!

**Hon. Zane J. S. De Silva:** You will drink water. You might even go down and get some of what MP Furbert was talking about, some carrots and broccoli, or some string beans or something like that!

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** That is right.

**Hon. Patricia J. Gordon-Pamplin:** You mean vegetables.

**Hon. Zane J. S. De Silva:** Vegetables. Commonly known as vegetables.

But, Mr. Speaker, all I want to say is I applaud the Minister for having the fortitude to bring this tax, this increased tax, to this House. And I look forward to furthering the scope that she currently has. I know she has made some reductions, and that shows that she is a listening Minister. We are a listening Government. And where there are some anomalies, we will get them fixed to encourage people to eat the correct foods.

But I would just like to say that I thank you, Minister, for bringing it here. And we look forward to supporting you as you try to make Bermuda healthier.

Thank you.

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

Minister Wilson, I see you sprang to your feet real quick.

**Hon. Kim N. Wilson:** Yes. Yes, I did. Thank you.

**The Speaker:** We welcome you to see that.

**Hon. Kim N. Wilson:** Thank you.

And thank you to my honourable colleagues for their contributions with respect to this debate. I did anticipate that it would be as spirited as it was last year, June 8<sup>th</sup>, when we first introduced this piece of legislation. As I indicated previously, this is just simply to extend some of the categories to which the sugar tax will be applied, as well as to increase it to 75 per cent for the existing categories.

Mr. Speaker, let me just reiterate a couple of sobering statistics. One is with respect to the health spend. The actual health spend [of] our country is \$770 million. I think there was a miscalculation that was said a few moments ago. It is actually \$770 million. And 10 per cent of that represents the health spending for individuals with diabetes. And we spend almost \$27 million on dialysis per annum. Again, these are with respect to illnesses that are non-communicable, preventable diseases, largely caused as a result of being obese. And we recognise the contributing factors with respect to obesity and the consumption of sugars.

Mr. Speaker, a lot has been said about this sugar tax being a revenue-maker and the like. But we have already heard the value that has been obtained heretofore since October, from the Junior Minister of Finance. This is not a revenue-maker. In fact, it is anticipated that perhaps, based on the number of products that we have seen thus far, we would probably be yielding about \$1 million. So, it is not a revenue-maker. It is simply to disincentivise members of our community from being addicted and continuing to use a product that we know is killing them.

And, in fact, when I speak about disincentivising them, there has been discussion about, *Oh, well, you know, sugar taxes don't necessarily prove successful in other jurisdictions.* Can I remind colleagues that the World Health Organization, along with the Pan American Health Organization and the Caribbean Public Health Agency, as well as the Healthy Caribbean Coalition have all recommended that packages of policy interventions, including fiscal policies such as sugar taxes, do prove successful?

And, Mr. Speaker, the reality is that we have heard of a lot of packages of other initiatives that have been started. And the Honourable Member who was the former Minister of Health, the Honourable Ms. Atherden, from constituency 19, spoke about a number of initiatives. Some of those initiatives started under the PLP Government and were continued under the OBA Government. Some of those initiatives were started under the OBA Government and continue under our PLP Government.

However, in addition to those initiatives, which are very, very helpful, and they are great, and we are continuing them, but more is needed. Every person who sat here has said how much more we need to do. And more is needed, and that includes things like the introduction of a sugar tax. That includes things like

the introduction of nutritional labels on menu selections so that when we go into a restaurant, we can make better healthy choices and choose wisely insofar as which items we are going to purchase and consume for ourselves.

I do not know anybody in here who is a nutritionist. But when we have nutritional labelling on our restaurant menus and it allows us to help make wise decisions, this, we are certain, Mr. Speaker, will help us to take the initiative and allow us to make healthy decisions. And the proceeds from the sugar tax will be utilised for this. We have also heard in the Throne Speech the introduction of vertical farming. We are trying to encourage people to grow their own produce. And as such, those are two initiatives that have been spoken about previously that will be utilised with respect to the sugar tax.

Now, Mr. Speaker, there was some discussion about the surveys. And I think that is very, very important and it is critical, because, obviously, that helps us to assess properly where we are with respect to consumption and the like. However, surveys are very expensive. And the STEPS survey that we last did in 2014 is very resource intensive. It is going to be repeated this year. But we also need to make sure that we have sufficient time to measure the results. If you do a survey after a survey after a survey in quick succession, that does not provide sufficient time to get proper analysis.

Mr. Speaker, there were some other comments that were made (and I will close here) with respect to whether or not the tax will actually help to disincentivise behaviour. Well, let us go through a couple of examples. When we look at smoking, we know that the increase in the tobacco products and the cost of same has shown a reduction in the number of persons who are spending money on smoking in Bermuda. We see that fines—we have put fines in place to help people to not ride without their seatbelts or to wear a helmet. We use laws to help force people to have a pension. We have laws to help provide and ensure that people have health insurance. And if not, then obviously there are penalties for that. Right?

We have laws that we spoke about this morning insofar as registering your establishment to have a liquor licence. And failure to do so will result in a penalty. So, there are a lot of laws in our books and a lot of policies in place that will help to curb people's behaviour by virtue of either the implementation of fines or increases in fees associated with that.

So, as such, Mr. Speaker, again I welcome the honourable colleagues' participation in this debate. This is simply an extension of a promise made and a promise delivered by this Bermuda Progressive Labour Party, from our Throne Speech, with respect to the implementation of a sugar tax. And I am thrilled that we are able to deliver on this. I am certain that we will see satisfactory results. We cannot continue to see the skyrocketing health costs that we are seeing,

largely attributable to diabetes and non-communicable diseases that are as a direct consequence of overindulgence in sugary substances which provide absolutely no nutritional value.

And on that, Mr. Speaker, I would like to move that this Bill be committed.

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

We call on the Deputy to take the Chair.

### House in Committee at 4:38 pm

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

## COMMITTEE ON BILL

### CUSTOMS TARIFF AMENDMENT ACT 2019

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

Minister, you have the floor.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

As I indicated previously in our brief, there is an amendment that I propose, which I understand has already been circulated. So, as such, I am going to ask that we—

**The Chairman:** I have not seen it. I have not seen it.

*[Pause]*

**The Chairman:** What particular clause are you going to amend?

**Hon. Kim N. Wilson:** Mr. Chairman, there will be two clauses that will be amended. I am proposing an amendment, 1704.901, Breakfast cereals; and 1806.901, Breakfast cereals. I think they are being copied now, Mr. Chairman.

**The Chairman:** Okay. But we have got to circulate these.

**Hon. Wayne L. Furbert:** We are preparing to do it right now.

**The Chairman:** Okay.

*[Pause]*

*[Crosstalk]*

**The Chairman:** Move clause 1, yes. Just move clause 1, and by then we should have the amendment.

**Hon. Kim N. Wilson:** Okay. Thank you, Mr. Chairman.

Mr. Chairman, I move that clause 1 be approved. Clause 1, Mr. Chairman, is the citation.

**The Chairman:** Any objections to approving the citation, clause 1?

There appear to be none.

Approved.

*[Motion carried; Clause 1 passed.]*

**The Chairman:** There will be some amendments in clause 2. We are just waiting [for the copies] to come. (Here they are.)

**Hon. Michael H. Dunkley:** Mr. Chairman, can I ask the Minister a question while we get the amendments handed out?

**The Chairman:** Most certainly. Go ahead.

**Hon. Michael H. Dunkley:** So, just for clarity, Minister. So, this now means that all chocolate is now taxed?

*[Inaudible interjection]*

**The Chairman:** Yes. We have not got there yet, Mr. Dunkley.

*[Pause]*

**The Chairman:** Okay, Minister. You can continue.

**Hon. Kim N. Wilson:** Thank you. And thank you for your indulgence, Mr. Chairman.

Mr. Chairman, I now move clause 2.

Clause 2 provides that headings 17.01, 17.04, 18.06, 21.06 and 22.02 and the subheading note in Chapter 21 of the First Schedule to the principal Act (Bermuda nomenclature and import duties) are repealed and replaced as shown.

May I continue, Mr. Chairman?

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

The revised rates relate to sugar and certain sugar products. Note that the First Schedule is published on the Bermuda Government portal at the following web address: [www.gov.bm/schedules-customs-tariff-act-1970](http://www.gov.bm/schedules-customs-tariff-act-1970).

## AMENDMENT TO CLAUSE 2

**Hon. Kim N. Wilson:** Mr. Chairman, I move that the Customs Tariff Amendment Bill be amended at clause 2(1) to delete and replace heading 17.04 and 18.06 as

follows, namely, Tariff Codes 1704.901 and 1806.901, Breakfast Cereals, to retain the current duty rate of 0.0 per cent.

**The Chairman:** Okay. Any speakers to that?

Ask the question. We are just talking about the amendment right now.

*[Inaudible interjection]*

**The Chairman:** Okay.

**Hon. Patricia J. Gordon-Pamplin:** Shall I carry on, Mr. Chairman?

**The Chairman:** Yes. You may.

**Hon. Patricia J. Gordon-Pamplin:** Okay. Thank you, Mr. Chairman.

Mr. Chairman, I just wanted to clarify. With the heading of the 18.06, which is "Chocolate and other food preparations containing cocoa." Does that mean chocolate bars such as whole nut chocolates, fruit and nut chocolates and the like, are included in this as going up to the 75 per cent for import duty? Because I believe chocolate was excluded from the original ones. And now I think it is going to be included now. So, I just want to double-check as to whether all chocolate bars are going to be included here.

And also, if such is the case, is there anything that would preclude anybody from repricing existing inventories? So, if you have new stuff coming in April 1 and beyond, then it is going to be subjected to the 75 per cent tax. But if you already brought it in from before, is there any reason why, or is there any real reason why anybody should really reprice? But is there anything that precludes that? Probably not.

And the other thing that I wanted to clarify was, if we are trying to promote (and this is in clause 2(3)) water as a healthy alternative, is there any reason why we are including a 15 per cent duty on water? Thank you.

**The Chairman:** Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

Mr. Chairman, with respect to the issue concerning the chocolate bars, that would be correct. As long as it contains cocoa powder, added sugar or other food preparations containing cocoa. So that would include the chocolate bar.

And with respect to the issue concerning the repricing of existing inventory—

*[Inaudible interjections]*

**The Chairman:** What about the water?

**Hon. Kim N. Wilson:** No, I am going to get to the water in a minute.

**The Chairman:** Okay. Okay.

**Hon. Kim N. Wilson:** But the chocolate bars that are already in your possession, as of April 1<sup>st</sup>, assuming, once this Bill is passed, then anything that is being sold will incur that 75 per cent duty. No?

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** If it is already in stock?  
I am going to yield to the Junior Minister, Mr. Chairman.

**The Chairman:** Continue. Continue, Minister Furbert.

**Hon. Wayne L. Furbert:** Yes. Thanks.  
And Honourable Members will be aware that anything that comes in, there is duty on it. But if there are chocolates in some warehouse, I would be very concerned if someone takes advantage of the people.

**Hon. Patricia J. Gordon-Pamplin:** Well, that's my question.

**Hon. Wayne L. Furbert:** And I understand that. And so, I am asking the people of Bermuda, if they see any major increases between now and the 1<sup>st</sup> of April, or five days after or ten days after, and no further car-goes come in with chocolate on them, let us know. And let us reveal who those people are.

**The Chairman:** Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
With respect to the water, Mr. Chairman, you will recall that last year, on June 8<sup>th</sup>, when we initially debated this, there was some comment concerning making water 0.0 per cent, obviously because of the health concerns. However, if you think about it, water obviously has its health benefits. Tap water is free. Bottled water comes in plastic. It is an environmental issue. And as such, we decided to continue keeping it at a 15 per cent duty rate.

**The Chairman:** Are there any further speakers?  
The Chair recognises the Honourable Member Pat Gordon-Pamplin.  
Ms. Gordon-Pamplin, you have the floor.

**Hon. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman.  
Mr. Chairman, water does not necessarily come in plastic. You can get bottled water. So, the question is, if water is the preference, can we not have a 0.0 per cent on water?

**The Chairman:** The Chair recognises the Minister.

**Hon. Kim N. Wilson:** Thank you for that Honourable Member's comments. But, no. The position is it will remain at 15 per cent.

**The Chairman:** Any further speakers?  
Minister, do you want to move the amendment?

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
I would like to move that clause 2 be approved as amended.

*[Crosstalk]*

**The Chairman:** What about the . . .

**Hon. Kim N. Wilson:** No?

**The Chairman:** Yes.

**Hon. Kim N. Wilson:** As amended?

**The Chairman:** It has been moved that clause 2 be approved as amended.  
Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clause 2 passed with amendment.]*

**Hon. Kim N. Wilson:** Mr. Chairman, before I move clause 3, may I just make a comment concerning the chocolate?

**The Chairman:** Go ahead.

**Hon. Kim N. Wilson:** And I thought I read that [part], but the chocolate is . . . only if it has added sugar is it included in that 75 per cent rate.

**The Chairman:** Okay.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
Mr. Chairman, I would like to move clause 3.

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** It provides, Mr. Chairman, that the commencement date for this is the 1<sup>st</sup> of April 2019.

**The Chairman:** Any further speakers to that?  
There appear to be none.  
Continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
I now move that all of the clauses—

**The Chairman:** No, no. The others have been moved. You move clause 3.

**Hon. Kim N. Wilson:** I am sorry, Mr. Chairman. I move that clause 3 be approved.

**The Chairman:** It has been moved that clause 3 be approved.

Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clause 3 passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I move the—

**The Chairman:** Preamble.

**Hon. Kim N. Wilson:** —preamble be approved.

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

Are there any objections to that?  
There appear to be none.  
Approved.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I move that the Bill be reported to the House as amended.

**The Chairman:** It has been moved that the Bill be reported to the House as amended.

Any objections to that?  
There appear to be none.  
Approved. The Bill will be reported to the House as amended.

*[Motion carried: The Customs Tariff Amendment Act 2019 was considered by a Committee of the whole House and passed as amended.]*

**House resumed at 4:49 pm**

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

## REPORT OF COMMITTEE

### CUSTOMS TARIFF AMENDMENT ACT 2019

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

Is there any objection to the Customs Tariff Amendment Act 2019 being reported to the House as amended?

No objections.  
So moved.

That brings us to a conclusion of that matter. We now move on to the next item on the Order Paper, which is [Order] No. 3. And again, it is the second

reading of the Customs Tariff Amendment (No. 2) Act 2019. And I believe the Junior Minister—

**Hon. Wayne L. Furbert:** Yes.

**The Speaker:** Junior Minister, you will be delivering this.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker. Mr. Speaker, with the Governor's recommendation, I move that the Bill entitled the Customs Tariff Amendment (No. 2) Act 2019 be now read the second time.

**The Speaker:** Any objections?

No objections.  
Continue on, Junior Minister.

## BILL

### SECOND READING

#### CUSTOMS TARIFF AMENDMENT (NO. 2) ACT 2019

**Hon. Wayne L. Furbert:** Yes, Mr. Speaker. There will be an amendment. So, I want to ask the Sergeant-at-Arms, at least if he can get it out while we are talking. I have no problem with that. There will be an amendment to this particular Bill. Yes.

So, Mr. Speaker, Honourable Members are requested now to give consideration to the Bill entitled Customs Tariff Amendment (No. 2) Act 2019. The Bill proposes to amend the Customs Tariff Act 1970, the principal Act, with measures that include increasing the import duties for alcoholic beverages and tobacco products, and amending certain end-use reliefs. These measures affect the First and Fifth Schedules to the principal Act.

Mr. Speaker, in the Budget Statement in support of the Estimates of Revenue and Expenditure 2019/20, the Government promised to raise duty on cigarettes and tobacco, and on beer, wines and spirits. Their increased duty rate is expected to achieve an additional customs revenue of about \$1.5 [million] to \$2.5 million. Accordingly, the Bill proposes the following duty increases: The duty on beer and cider will increase by \$0.10, from [\$]1.26 per litre to [\$]1.36 per litre. The duty on wines will be increased by \$1.00, from \$5.00 per litre to \$6.00 per litre. Duty on spirits, liqueur and cordials will increase by \$0.65, from \$31.35 per litre of alcohol to \$32.00 per litre of alcohol.

The duty on cigarettes will increase by \$0.03 per cigarette, from \$0.37 to \$0.40 per cigarette, or \$80.00 per carton of 200. The duty on all other tobacco products, except cigars, cheroots (I guess that is the word) and cigarillos . . .

**The Speaker:** We know you are not used to that.

**Hon. Wayne L. Furbert:** Absolutely right.

It will increase to \$500 per kilogram in order to achieve effective parity with the duty rate for cigarettes. It will increase to \$500 per kilogram.

Mr. Speaker, I now progress to the measure of the Bill containing end-use reliefs. Mr. Speaker, in the Budget Statement, it was pointed out that the most significant items of capital development expenditure in the 2019/20 budget included school maintenance, at \$3 million. In order to help make expenditure go that much further, the Bill proposes to add the following items to the list of qualifying goods under CPC 4110, [Customs Procedure Code] which provides duty relief for school equipment and educational supplies.

Lighting fittings, wall clocks, network equipment and cabling; telephones; flooring materials and systems; security cameras; plumbing; drywall supplies; dollies and casters; and doors, windows, and their frames and thresholds for doors.

Mr. Speaker, the Bill also proposes to amend CPC 4195, which currently provides duty relief for chemical products and equipment for combating oil pollution. It is intended to widen the scope of relief under CPC 4195 to include all goods for combatting pollution. As a control measure, the Environmental Engineer of the Department of the Environment and Natural Resources [DENR] shall certify that the goods are eligible for this expended relief.

Mr. Speaker, I will take this opportunity to mention that Bermuda Customs puts into practice a recommendation of the World Customs Organization (WCO) aimed at speeding up the forwarding of goods in the event of disasters, including the pollution events. In the case of imports, Customs will permit the duty-free release of goods on presentation of the relevant cargo manifests. No import declaration of monetary security is required upon the importation of relief consignments. No export declaration is required for temporary imports of emergency items.

Guidance on customs import procedures for goods for disaster management or humanitarian aid can be accessed on the governmental portal.

Mr. Speaker, the Bill further proposes to amend CPC 4215, which provides duty relief for goods for commercial goods production. It is intended to widen the relief to allow the duty-free importation of retail packaging of local animal and vegetable products. The predominant packaging matter for local produce is clear clamshell packaging. Such packages are largely supplied to commercial farmers via [DENR] or [the] Agricultural Service Centre. The packaging is designed to keep local produce clean and safe for human consumption in order to ensure high quality and to prolong shelf life.

The expended relief will help to reduce local food production costs, allowing local farmers to better compete with cheaper overseas imports.

Mr. Speaker, the Bill does a little housekeeping in a simplified tariff, heading 9803, and in the Fifth

Schedule to the principal Act. In the simplified tariff, the tariff code for footwear and watches is to be split into two separate tariff codes, one for footwear and one for watches. This split is revenue-neutral. Also, the tariff code for smoking tobacco and cigars is similarly split, and the new \$500 per kilogram rate is applied to smoking tobacco. Cigars will remain suitable at 35 per cent of the value.

In the Fifth Schedule, it is proposed to correct a small number of outdated references to the Director of the Department of Environmental Protection. The new style is, correctly, the Director of the Department of Environmental Protection and Natural Resources.

Finally, Mr. Speaker, I will be proposing an amendment on the floor to provide further duty relief on medical equipment and supplies in relation to goods used to compensate for physical, mental or learning disability by extending the scope of goods covered under CPC 4169. And I would like to thank the Honourable Tinee Furbert for pointing that out to us.

I will comment further on these and other measures of the Bill in Committee.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

Mr. Speaker, I am beginning to feel as though I am sounding like a broken record. Because this is one more drip in the Chinese torture that we are bestowing upon our people in this budgetary cycle.

I am not sure, Mr. Speaker, why the Government did not just say to every single taxpayer, *Walk by the Finance Ministry, drop \$5,000 on their step, in their coffers, in their envelopes, in their pockets, and then that is your additional that you are going to have to pay for the year. And if we fall short, we will do another assessment six months down the road.* Because this is, effectively, what is happening. This is death by 1,000 cuts. And I do not know how many people are going to be able to continue to sustain this added tax, one upon the other . . . I think this is like number 10 in this budgetary cycle.

The average person in the street cannot catch a break, Mr. Speaker! And all because we cannot see a Government that wants to get its arms around an effective management of the taxation purse. It is dreadful that this is happening. I remember in 2017, Mr. Speaker, we decided as the Government at that time that we would not increase the tax on beer. Because at the very least, we thought, if somebody had to be frustrated at the end of the day, they could at least afford to go and have a cold one. They cannot

even do that anymore, Mr. Speaker. These are the kinds of things that we are talking about, all the little comforts that people might ordinarily have gone to and turned to say, *I'm really trying to relieve some of my frustration.*

I understand that the Government finds itself in a position where, in the absence of vision and in the absence of being able to determine a better way of expenditure of the public purse, they continue to go back to the taxpayer.

I believe when we had the report from the Tax Reform Commission, they made an initial recommendation that there be \$50 million worth of taxes that should be raised in this tax cycle. And, as we had the Budget Speech, the Minister came, and he said that we could not conscientiously put \$50 million worth of taxation on people. What he did not say is that we put \$39.9 million worth of tax on people! Which is not a whole lot of difference! He saved you \$11 million this time. But it is only going to come up when we see supplementaries and when there is going to be additional money that is going to have to be exacted out of the taxpayer. And it is going to happen over and over and over again.

So, Mr. and Mrs. Bermuda, forget about your beer holding its prices firm because it is not going to happen. So, you will not have a chance to go and have yourself a nice cold one on a Friday evening. And for those people, Mr. Speaker, who use loose tobacco rather than rolled cigarettes and cigarillos, wow! Wow! Mr. Speaker, this has gone up from 35 per cent to a whopping \$500 per kilo on the loose tobacco. I have had representations from people who have been able to utilise—they choose rolling tobacco. I do not know the difference between the two. But they choose to use loose tobacco rather than going and buying cigarettes. And I do not know whether there is any health difference. I do not know. I am not a smoker, so I am afraid I cannot speak to this from a point of view of any knowledge.

But with that said, the people who have come to me are saying that they would rather use loose tobacco. And now the cost of that has become so prohibitive that they are beside themselves. All I can do, one more time, is to stand in this Honourable House and to make representations on behalf of those people who have complained to us, to explain to them that the costs that are going up are purely and directly related to the Government that you voted for.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member. That was short.

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

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

Mr. Speaker, I sat here incredulous, listening to the Member who just sat down argue about why we

are raising taxes on things that kill us, things that increase our medical costs, things that contribute to the carnage that we see on our roads with DUIs. I just cannot believe it. We just had a previous debate where the argument was, we are not doing enough to educate people so that they stay away from these sorts of things. We just had the former Premier of this country stand up and talk about the dangers of cigarettes and how the boxes are labelled *dangerous* and *can kill you*, and this should scare you away from doing that, and no one should want to do that.

But we just had a Member stand up and really give us an understanding—

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Just a minute. Let us take a point of order.

#### POINT OF ORDER

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Members is misleading the House. What the Honourable Member did say, apart from the confirmation that the—

*[Crosstalk]*

**The Speaker:** Minister, just—

**Hon. Patricia J. Gordon-Pamplin:** —just indicated.

**The Speaker:** Yes. There should only be one Member on their feet at a time.

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Leader also said that we cannot legislate behaviour.

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

**Hon. Diallo V. S. Rabain:** But, Mr. Speaker—

**The Speaker:** Did you get her point?

**Hon. Diallo V. S. Rabain:** Yes.

**The Speaker:** Good. Continue.

**Hon. Diallo V. S. Rabain:** I got her point, Mr. Speaker.

But it just brings me to the type of back and forth we have up here. We have a Member who got up and talked about everything that she sees wrong with this particular Bill. But she has not mentioned anything on this amendment that has come through, Mr. Speaker. Mr. Speaker, thanks to the Honourable

Tinee Furbert, we are now going to have zero duty on mechanical therapy braces, walking canes, seat canes and cane tips. Mr. Speaker, we have sat up here and spoken *ad nauseam* about how old our population is getting and how Mr. and Mrs. Smith have to decide whether to get medical supplies versus eating food.

We are now reducing the duty on that so they can get the food and the medical supplies. Mr. Speaker, 0.0 per cent on oxygen cylinders and regulators, 0.0 per cent on equipment designed to compensate for decreased vision and hearing. And here is one that really stands out, Mr. Speaker, because it draws back to the previous debate that just ended, 0.0 per cent on diabetic equipment and supplies. Every single person in here got up and talked about how Bermuda has the highest diabetic rates in the world and the highest [number of] amputations in the world. And here we are giving relief.

But do we hear that from the other side? No. We hear them complaining about people now having to pay a few extra pennies for beer. That is what we are hearing, Mr. Speaker. That is what we expect from that side. They are trying their hardest to appeal to Mr. and Mrs. Smith, Mr. Speaker. They have not realised how much—

**Hon. Patricia J. Gordon-Pamplin:** Point of order. Point of order. Point of order, Mr. Speaker.

**The Speaker:** A point of order.

#### POINT OF ORDER

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

The Honourable Member is referring to an amendment that is likely to come. And the amendment has only just been put in front of us, Mr. Speaker, with no advance notice, no information to let us know that there was an amendment coming. So, it would have been a little difficult to speak to something for which we had no information.

**The Speaker:** Junior Minister, did you not make a reference to an amendment that was coming?

**Hon. Wayne L. Furbert:** Yes, I did.

**The Speaker:** And you asked that it be circulated.

**Hon. Patricia J. Gordon-Pamplin:** Yes, but we just had it handed to us.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** It was. It was.

**The Speaker:** Okay. I know when he was on his feet, he made reference to it and asked for it to be distributed. And it was being distributed.

*[Inaudible interjection]*

**The Speaker:** Understood. Understood. But he made reference to it.

Continue.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, exactly what you said. It was made reference to. I managed to read it. A lot of other Members in here managed to read it. When you have and you form an opinion that you refuse to deviate from, Mr. Speaker, you will miss things like this. And this is what we get day in and day out when we sit up here with that particular Member across the floor.

**The Speaker:** Now, now, now, now! Let us try and keep it above board, please. Keep it above board.

**Hon. Diallo V. S. Rabain:** But, Mr. Speaker, I just wanted to end on that and point out to Mr. and Mrs. Smith out there that this Government is looking out for them when we bring amendments like this. No, we are not looking out for those who want to enjoy, as the Member opposite said, a beer at the end of the day. You can still go out and enjoy a beer. You just are going to have to pay a little bit more for it.

But—but when the medical issues come [to you] from enjoying those beers and that wine and that tobacco and those cigarettes, there is 0.0 per cent duty on items that you can use to help you when you get to that point, Mr. Speaker. Thank you.

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

Does any other Member wish to speak?

No other Member.

The Member from constituency 19, you almost missed my eye that time.

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

**The Speaker:** You can take the floor now.

**Hon. Jeanne J. Atherden:** Mr. Speaker, I had no intention of speaking. But I must not let that last statement made by the Minister go unanswered. The Government, the previous Government, the OBA Government made lots of changes to things that seniors had in terms of walking braces, as well as prosthetics. So, we always get information from people out there. And the Government of the day try to be very responsive with respect to making changes.

So, I think it would be unfair for the Minister not to recognise that we did not have the details of this particular amendment until it was just distributed.

So, we would not have been able to turn around and applaud the Government for doing that. I think it is always good for people to be aware of things that happen out there, where they are finding that, due to the changing conditions of the population, some amendments need to be made. And I encourage them, when they see things where duty is being paid, to sometimes go back to the CMO, the Chief Medical Officer, because back then it used to be the Chief Medical Officer that you would go to and advise her of some issues.

Now, it might be changed now. But back then, at least you could then try and ask to have your duty relief on an individual basis. But I think it is more important when you start to see that some of these things impact many people in the population to then start saying that this is being asked for in sufficient quantities to make it an overall, general relief.

And I applaud the Minister and those people who have drawn it to their attention, because this is the way people get some benefit. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Junior Minister, you can reply.

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

You know, I understand. I have been—I understand why the Honourable Member from [constituency] [23] continues to get up and talk about Mr. and Mrs. Bermuda. But, for some reason, they forget. The last time they were in Government, in 2017, Mr. Speaker, we mentioned that we were going to increase, that we would receive by doing this (let me see exactly the amounts in revenue) between \$1.5 [million] and \$2.5 million. That is what we said we will collect by doing this.

Mr. Speaker, so the Honourable Member can recall, or at least remember, they imposed excise duties on the ordinary Bermudians. One thing, they are going to hear the number, Mr. Speaker. We went up by 1.5 to 2.5. In 2017, they imposed new, additional taxes on this country of \$19.5 million—\$19.5 million. They have got short memories. I said, Mr. Speaker, on this particular . . . Mr. Speaker, actually unifying rates . . .

Here is what they say. “Imposed excise duties will also be increased to continue the process of increasing the revenue yield from indirect taxes. These increases in specific excise duties on alcohol, tobacco, and petrol will increase revenue by approximately \$10.3 million.” You can read it. It is in your last Budget Statement, 2017. All right? We are just doing the same thing. They did not do vehicles. Where most people, and in fact, BELCO bills go up for ordinary Mr. and Mrs. Bermuda. And you are talking about our \$2.5 million compared to \$10.5 million?

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

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

#### POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** Yes. The Honourable Member must realise, Mr. Speaker, that if there was an extra \$19 million or \$20 million in the Budget Statement to which he just referred, then that money was coming in on a consistent basis. So, there really should have been no need, with proper management and vision, to add additional tax. So, because there was \$19 million added before, there is no need to add another \$39 million now.

**The Speaker:** All right.

Junior Minister, do you hear her point?

**Hon. Wayne L. Furbert:** Mr. Speaker, you know, that is . . . I mean, the Honourable Member is stretching. That is stretching. We are doing budgets from time to time—2012, 2013, 2014, 2015, 2017 . . . we are talking about the last budget they did. They increased, based on tobacco, alcohol and fuel, their \$10.3 million compared to our \$2.5 million. Come on! Give me a break. Give me a break, Mr. Speaker! And that was just not the only thing. In that same year, they increased payroll taxes on the ordinary Bermudian by 1 per cent. Give me a break, Mr. Speaker! Give me a break.

No, payroll tax did not go up this year, Mr. Speaker. Payroll tax did not go up last year, Mr. Speaker.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** So, I mean, Mr. Speaker, I can understand the Honourable Member.

**The Speaker:** Just direct your conversation this way and do not get distracted, and you will be all right.

**Hon. Wayne L. Furbert:** As if this Government is charging more on Mr. and Mrs. Smith. That is the people they talk about.

But this Government has increased taxes less over the last two years than they [did] in one year. And, yes, we increased taxes on loose-leaf tobacco because there was a loophole. The purpose that was put together under the now former Government was to close the loopholes so people would not be as far . . . the same as with the sugar tax. But people found a loophole in the law that allowed them to bring in loose-leaf tobacco at a lower, cheaper rate. We could have done it last year, but we said, no, let us give them a two-year period. So, it went from \$300 to \$500, not

from zero to \$500. It went from \$300 since last year to \$500.

If we find loopholes in laws, as we have found some other loopholes, which we will be bringing to this Honourable House, particularly on stamp duties on certain transactions, the Government has the right to close them. So, you know, I do not understand the Honourable Member, every time she gets up, talking about as if this Government does not care about the people of Bermuda. Let me tell you. This Government does care about the people of Bermuda. It really does.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** So, Mr. Speaker, we will . . . and let me just tell you. I looked at wine. The volume of wine has not decreased, basically, over the last . . . and people will go tomorrow. And let me just say. By the way, let me just say this to you, Mr. Speaker. I did some exercise, being an accountant, just to look at some numbers. Right? The additional cost on, let us say, wine would be roughly \$5.14 landed cost. That is duty rate, CNF, and a whole bunch of things. Right?

But you know how much they sell a glass of wine for in certain restaurants. And do not go to the hotels. Do not go to the hotels. So, the profit margin on some wines and beers is up there. The profit margin is huge. It is huge. So, do not put all the burden on the Government. Not even yourself. I am not even going to blame you because you increased the duty on alcohol in 2017. I am not going to blame you for doing that. There are certain profit margins that are huge!

That is why Front Street is no longer Clothes Street. It is Beer Street and Alcohol Street. All that side, people found that they were making some good returns, and that whole street, from Bank of Butterfield up to the corner there is pretty [much] for drinking. Because they realise, because they know their profit margin. Nobody is putting any more clothes down there. They realise there is a profit in selling alcohol. So, I am not going to be out there crying.

Drink some Perrier and some water which has not gone up. All right? So, let us not get into all that type of . . . you know. I am not going to cry because we [increased taxes] \$2.5 million this year but they [increased taxes] \$10.5 million [their last year]. Ridiculous.

Mr. Speaker, unless anybody else wants to speak, I move that we move into Committee.

**The Speaker:** No one else would begin after you. You are good.

So, we will go into Committee now. We will ask the Deputy to assume the Chair.

Deputy.

**House in Committee at 5:16 pm**

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

## COMMITTEE ON BILL

### CUSTOMS TARIFF AMENDMENT (NO. 2) ACT 2019

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Customs Tariff Amendment \(No. 2\) Act 2019](#).

Minister, you have the floor.

**Hon. Wayne L. Furbert:** Mr. Chairman, I move clause 1, all of the clauses, 1 to . . .

**The Chairman:** Yes, yes. You can do clause 1.

**Hon. Wayne L. Furbert:** Yes, sorry. That is right. I move clause 1.

**The Chairman:** Continue.

**Hon. Wayne L. Furbert:** Well, clause 1, Mr. Chairman, is just the citation.

**The Chairman:** Would anyone want to speak to that?

**Hon. Wayne L. Furbert:** No, not really.

**The Chairman:** Do you want to move that to be approved?

**Hon. Wayne L. Furbert:** Yes. I move that clause 1 be approved.

**The Chairman:** It has been moved that clause 1 be approved.

Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 1 passed.]*

**Hon. Wayne L. Furbert:** I believe, Mr. Chairman, the amendment which we will bring is to clause 4. I think it is clause 4.

**The Chairman:** I do not. It is to clauses 2 and 3.

**Hon. Wayne L. Furbert:** Ah. Okay, yes. I am sorry. Yes, it is.

**The Chairman:** Yes.

**Hon. Wayne L. Furbert:** Mr. Chairman, new clause 2, which I will speak to.

**The Chairman:** Right. Continue.

**Hon. Wayne L. Furbert:** Clause 2 amends the First Schedule to the Customs Tariff Act 1970: (a) in tariff code 2203.000 by revoking and replacing the rate of duty "\$1.26" with the rate of duty "\$1.36." This amendment is being made for revenue raising purposes; (b) in tariff codes . . . There are a lot of tariff codes. Mr. Chairman. Do you want me to read all of those tariff codes? Code 2204 comprises 100, 210, 220, 290, 300, and then we go to 2205, which is 2205.100 and 2205.900, by revoking and replacing the rate of duty "\$5.00" with the rate of duty "\$6.00." These amendments are being made for revenue raising purposes.

**The Chairman:** Well, let us do the amendment [to the Schedule] first. That is clause 2, paragraph (e). Let us do that one.

**Hon. Wayne L. Furbert:** Paragraph (e)?

**The Chairman:** Yes. Yes.

#### AMENDMENT TO CLAUSE 2

**Hon. Wayne L. Furbert:** Yes. In clause 2(e), by deleting and substituting the word (yes, it was a misspelling) "ans" with the word "and." A-N-S should have been the word A-N-D. Very straightforward.

**The Chairman:** All right. Would anyone want to speak to that?

Okay.

[Laughter]

**The Chairman:** Okay.

[Inaudible interjection]

**Hon. Wayne L. Furbert:** You proofread it, so you should have picked it up.

**The Chairman:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** I did. I did pick it up.

[Laughter]

**The Chairman:** So, do you want to move that amendment?

**Hon. Wayne L. Furbert:** Yes. I will move the amendment, [changing the word] from "ans" to the word "and."

**The Chairman:** Any objections to the amendment being approved?

There appear to be none. Approved.

[Motion carried: The amendment to clause 2 passed.]

**The Chairman:** Now you can do the rest.

**Hon. Wayne L. Furbert:** All right. That was (e). I need to go back and do (c) and (d), though.

**The Chairman:** Yes.

**Hon. Wayne L. Furbert:** [The First Schedule to the Customs Tariff Act 1970 is amended with clause 2] (c) in tariff code 2206.000 by revoking and replacing the rate of duty "\$1.26" with the rate of duty "\$1.36." This amendment is being made for revenue raising purposes; (d) in tariff codes 2207.100, and 2208.200, 300, 400, 500, 600, 700 and 900, by revoking and replacing the rate of duty "\$31.35" with the rate of duty "\$32.00." Again, these amendments are being made for revenue raising purposes. (We already did (e));

So in (f) in tariff code 2402.200 by revoking and replacing the rate of duty "\$0.37" with the rate of duty "\$0.40." This amendment is being made for revenue raising purposes; (g) in tariff code 2403, which consists of 110, 190, 910 and 990, by revoking and replacing the rate of duty "\$300.00" (and this is the loose-leaf tobacco) with the rate of duty "\$500.00." These amendments are being made to achieve effective parity with new \$0.40 rate for tariff code 2402.200; (h) in tariff code 9801.103, by revoking and replacing the rate of duty "\$12.54" with the rate of duty "\$12.89." The accompanied personal goods rate is being raised to match the new rate for spiritous beverages of heading 22.08; (i) in tariff code 9801.104 by revoking and replacing the rate of duty "\$5.00" with the rate of duty "\$6.00." The accompanied personal goods rate is being raised to match new rate for wines of heading 22.04 and 22.05; (j) in tariff code 9801.309 by revoking and replacing the rate of duty "25%" with the rate of duty "35%." The accompanied personal goods rate is being raised to match the existing rate for cigars, [cheroots and cigarillos] of tariff code 2402.100; (k) in tariff code 9801.209 by revoking and replacing the rate of duty "\$74.00" with the rate of duty "\$80.00." The accompanied personal goods rate for cartons of 200 cigarettes is being raised to match the new rate for cigarettes of tariff code 2402.200. (l) by revoking and replacing tariff code 2401.100, thereby replacing the rate of duty "35%" with the rate of duty of "\$500.00." The duty rate for tariff code 2401.100 is being changed to a specific duty rate of \$500.00 per kilogram to match the rates for other unmanufactured tobaccos of heading 24.01; (m) by revoking and replacing tariff code 9803.141 with tariff codes 9803.141 and 9803.143, thereby dividing tariff code 9803.141 into two codes. These tariff codes are being divided into two to ensure that imports of footwear and watches via post and courier can be separately accounted for; (n) by revoking and replacing tariff code 9803.163 with tariff codes 9803.163 and 9803.164, thereby di-

viding tariff code 9803.163 into two. The tariff codes are being divided into two so that the duty rate for smoking tobacco imported via post and courier will match the duty rate for smoking tobacco in heading 24.03; and (o) in tariff code 9803.171 by revoking and replacing the rate of duty "\$74.00" with the rate of duty "\$80.00." The duty rate for cartons of 200 cigarettes imported via post and courier will match the new duty rate for 2402.200.

Mr. Chairman, I need to make an amendment, which I have already done. Yes, I have already done that. Okay.

Do you want me to speak to clause 3?

**The Chairman:** No, no, no, no. Let us discuss clause 2 first.

Any other speakers to clause 2?

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

You have the floor.

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

Mr. Chairman, the Minister had indicted in his responses earlier that tobacco was going from \$300 to \$500, loose tobacco, \$300 to \$500. The book indicated that . . . Customs Existing Tariffs indicate that it is going from 35 per cent to \$500. So, I am just wondering what that 35 per cent entails? What was the amount of money for, a kilo? What does that 35 per cent reveal? In other words, how much did it yield, I should say? And also, on tariff code 9803, the Minister indicated that it is split. Code 9803.141 has been split into 141 for footwear and 143 for watches. Now, the existing code for 9803.141 is 12.5 per cent. That is now being split between 141 for footwear, which is actually going down to 6.5 per cent. And watches will remain at 12.5 per cent.

Understanding that they need to account for them separately, but I just wanted to applaud the Government for decreasing a cost with respect to footwear, because that has now gone down. The import duty on that has now gone down from 12.5 per cent down to 6.5 per cent. And I think that that is welcome.

The only question that I also had was also in the next tariff, 9803.163. Code 9803.164 used to be included in the old tariff. It used to be included in 9803.163. That is, 164 used to include smoking tobacco, cigars, cheroots and cigarillos, containing tobacco. They all used to be one at 35 per cent.

**The Chairman:** Right.

**Hon. Patricia J. Gordon-Pamplin:** But I think if the Minister could answer me with respect to the 35 per cent, how much does that yield as against the \$500 on the other one, it will probably also give me the answer here.

But the only question that I have is, as I am not a smoker, I do not . . . I pity those people who have actually become addicted to tobacco. So, my question is, does it seem to be right to require somebody who has got to take the time to roll something up and buy papers and put it all together so that they can smoke loose tobacco, is it more effort for them than taking a cigarette out of a pack? I do not know. It just seems like we are charging them extra for doing extra work, as well. So, I am just curious. I just do not understand. I do not know. Just curious.

But if the Minister could just give me some indication between the 35 per cent, what that yielded, and the \$500, then we can have a proper comparison.

Thank you.

**The Chairman:** Minister.

**Hon. Wayne L. Furbert:** Yes. The 35 per cent . . . there were two codes. There was one that was being charged at 35 per cent, and one was being charged at \$300. I do not believe there was actually any revenue going to the 35 per cent. What we have done has made it parity as far as making it an even \$300, or just removing the 35 per cent. And now it is just \$300. That is where the part, \$300 . . . and to be honest with you—

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Yes. And let me just say to you. I do not want to say it, but I believe it was yourselves who decided this idea about this loose-leaf tobacco. Yes, yes, we did some research on it. And the loose-leaf tobacco, we were probably earning a couple of hundred thousand dollars in duty a year. Because of that, we lost somewhere between \$3 [million] and \$5 million on other cigarettes because people were buying it and rolling (I almost said "joint"), rolling the paper and buying . . . because it was very cheap. It was dirt cheap. And they were able to sell it and undercut the actual cigarettes, the real ones.

So, now the whole purpose was that, and the reason for it, it was parity. But the real reason for this is because we felt that it is like, I do not know, putting sugar in a different can and saying, *Let's sell it at a different rate*. No. We felt that a cigarette should be at the same rate. And so, now everything is parity. And it is possible, depending on whether we will gain the rate back, because we are hoping that people have cut back on smoking since that time. But it is possible, but the additional revenue in that sector, in that code because of we are now able to maintain parity.

And you asked about the shoes.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Footwear, yes. That is fine. And I appreciate that. But we did footwear last year,

6.5 per cent. That was something that we did last year, in last year's budget.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Pat Gordon-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Just for clarity, Mr. Chairman, the Honourable Member indicated that they did footwear last year, down to 6.5. But in the chart which is on the government website, it is still showing 12.5 per cent for shoes. And it also had 9803.141 being footwear, and it also included watches and everything in that same thing. So, now they have split it out, and footwear is down to 6.5 [per cent].

But it showed 12.5 per cent existing. So, I am just pleased that it is now 6.5 per cent, because obviously, shoes are a necessity. And very clearly, if it is slightly less to import shoes, then that is very positive. But I just wanted to be fair.

**The Chairman:** Any further speakers?

Minister, do you want to move clause 2?

**Hon. Wayne L. Furbert:** Mr. Chairman, I move clause 2.

**The Chairman:** It has been moved that clause 2 be approved.

Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clause 2 passed as amended.]*

**Hon. Wayne L. Furbert:** Mr. Chairman, we are going to make an amendment in clause 3.

**The Chairman:** Yes. Just—

**Hon. Wayne L. Furbert:** Sorry. I move clause 3.

**The Chairman:** Continue.

### AMENDMENT TO CLAUSE 3

**Hon. Wayne L. Furbert:** Okay. So, in clause 3, paragraph (a), CPC 4110 . . . do you have that? Do you have that? Okay. We are deleting the row containing the words "Qualifying Goods" and "All goods"; deleting and substituting the words "End-Use Conditions or Restrictions" with the words "Qualifying Goods." So, should we just move [the amendment (a) to] clause 3, or how?

**The Chairman:** Well, we have got to have response.

Any further speakers?  
The Chair recognises Ms. Gordon-Pamplin.

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

Mr. Chairman, I have actually recognised that as I was going through on this. And Qualifying Goods in all the other sections has its own nomenclature. And what had happened here was that there was a duplication with the explanation of End-Use Conditions of Restrictions in the two. So, Qualifying Goods will now be listed as all the items that were there, because that used to be what was listed under Qualifying Goods. So, I think it was just a pure typo. And I certainly accept that, because I did do my homework on this. Thank you.

**The Chairman:** Okay.  
Minister.

**Hon. Wayne L. Furbert:** Well done. You always do your homework.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** No, you are a good person. I must admit.

**Hon. Patricia J. Gordon-Pamplin:** Aww . . . Aww . . .

**Hon. Wayne L. Furbert:** So, I do not expect you to give me a hard time from now on.

*[Laughter]*

**Hon. Wayne L. Furbert:** Clause 3 [amendment] (b), I am inserting another amendment after paragraph (b), the following, "(ba) by revoking and replacing CPC 4169 with the following table:" and I believe you have the table in front of you. Do you have that?

**Hon. Patricia J. Gordon-Pamplin:** 4169?

**Hon. Wayne L. Furbert:** Yes, 4169. So, medical equipment, again I would like to . . . this had to do with when Ms. Tinee Furbert approached us because it was missing out of the other portion as far as educational, and it was very important. We felt that individuals who need these particular medical equipment and supplies, it was very important that we included them within this amendment. And so, I appreciate the Honourable Member Tinee Furbert, Customs, and the Financial Secretary, for agreeing and working hard to make this amendment and make it work right now.

So, I do not think there is any need to read the whole Schedule. I think you can see it. But if you have any questions, I will be glad to take them. But it includes a whole lot of qualifying goods.

**The Chairman:** Ms. Gordon-Pamplin.

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

Mr. Speaker, I just wanted to highlight that that CPC 4169 is new. And it is now being inserted where we did not have a 4169 before. So, this is the amendment that was actually just recently circulated. And as the Minister said, while it is not necessary to identify every single item, certainly things relating to things like oxygen cylinders and regulators, oxygen concentrators and the like, sleep apnoea monitors, ostomy supplies, these are things that people who have serious illnesses are reliant on for quality of life. And certainly, all of these types of things, things like lymphedema sleeves and equipment, all these kinds of things—renal dialysis equipment—these are things that people who have serious illnesses rely on.

So, we certainly applaud the Government for including these items at a zero rate of import duty. Because this helps to alleviate some of the financial strain on the people who most need it, and those people who rely on these various supplies for enhanced quality of life. Thank you, sir.

**The Chairman:** Minister.

**Hon. Wayne L. Furbert:** The listening audience and the Shadow Minister would be aware that this code was there. What we have done is enhanced it. So, if you look at number 12, we have added 12 and 13. “Assistive technology devices or equipment that compensate for physical, mental or learning disabilities.” Number 13, “Parts or accessories to qualifying goods.”

And end-use of condition, the goods must be used to compensate for physical, mental or learning disability, or to treat or monitor a chronic medical condition.

So, those are the three things that we really have added. The rest of them were already there. So, I am sorry; I should have pointed that out at the very beginning.

**Hon. Patricia J. Gordon-Pamplin:** Okay.

**The Chairman:** Any further speakers?  
Minister, will you move that?

**Hon. Wayne L. Furbert:** So, I move [the amendment (b) to clause 3.

**The Chairman:** As amended.

**Hon. Wayne L. Furbert:** As amended (sorry).

**The Chairman:** It has been moved that clause 3 be approved as amended.

Any objections to that?  
There appear to be none.  
Approved.

*[Motion carried: Clause 3 passed as amended.]*

**Hon. Wayne L. Furbert:** So, now I will move clause 3(c), (d) and (e).

**The Chairman:** What are you doing?

**Hon. Wayne L. Furbert:** Clause 3—

**The Chairman:** No. You are doing clause 4 now.

**Hon. Wayne L. Furbert:** No, we just did clause 3(a) and (b). But we have not done—

**The Chairman:** Well, why did you move them?

**Hon. Wayne L. Furbert:** I was really moving clause 3(b). That is what I thought we were moving.

**The Chairman:** No. No, no, no. We do the whole clause. That is what we did.

**Hon. Wayne L. Furbert:** That is what you want me to do?

**The Chairman:** That is what we have done. The whole clause.

**Hon. Wayne L. Furbert:** Well, it is up to . . . I do not mind moving the whole clause.

**The Chairman:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** I'm fine.

**Hon. Wayne L. Furbert:** All right.

**The Chairman:** And do you want to do clause 4 right now, commencement?

**Hon. Wayne L. Furbert:** Clause 4 has to do with the commencement date, which is operational on April 1<sup>st</sup>, 2019.

**The Chairman:** Are there any further speakers?  
There appear to be none.  
Do you want to move that?

**Hon. Wayne L. Furbert:** I move clause 4, Mr. Chairman.

**The Chairman:** It has been moved that clause 4 be approved.

Any objections to that?  
No objections.  
Approved.

*[Motion carried: Clause 4 passed.]*

**The Chairman:** Do you want to do the preamble?

**Hon. Wayne L. Furbert:** Mr. Chairman, I move the preamble.

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

Any objections to that?  
There appear to be none.  
Approved.

**Hon. Wayne L. Furbert:** I move that the Bill be reported to the House as printed and . . . sorry, as amended. (Sorry). As amended.

**The Chairman:** It has been moved that the Bill be reported to the House as amended.

**Hon. Wayne L. Furbert:** Amended, yes.

**The Chairman:** Any objections to that?  
There appear to be none.  
Approved.  
The Bill will be reported to the House.

*[Motion carried: The Customs Tariff Amendment (No. 2) Act 2019 was considered by a Committee of the whole House and passed with amendments.]*

**House resumed at 5:38 pm**

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

## REPORT OF COMMITTEE

### CUSTOMS TARIFF AMENDMENT (NO. 2) ACT 2019

**The Speaker:** Thank you, sir.  
Good afternoon, Members.  
Are there any objections to the Customs Tariff Amendment (No. 2) Act 2019 being reported to the House as amended?  
No objections.  
So moved. It has been reported.  
This now brings us to the next item on the Order Paper, which is Order No. 5, consideration of the Government Loans (Suspension of the Annual Contribution to Sinking Fund) Order 2019.

**Hon. Wayne L. Furbert:** Carry that one over, Mr. Speaker. We are not going to do that one right now.

**The Speaker:** You are carrying it over?

**Hon. Wayne L. Furbert:** Yes.

**The Speaker:** Okay. Are you going to do [Order] No. 6?

**Hon. Wayne L. Furbert:** Yes.

**The Speaker:** Okay. Order No. 5 has been carried over. We are now moving on to Order No. 6, which is consideration of the Supplementary Estimates (No. 3) for Financial Year 2017/18, in the name of the Minister of Finance.

And the Junior Minister will be doing this?

**Hon. Wayne L. Furbert:** Yes, Mr. Speaker. I will start off. But the other Ministries which qualify for the supplementaries . . .

**The Speaker:** Yes. The other Members will speak to their respective pieces.

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

**The Speaker:** Okay.

### SUPPLEMENTARY ESTIMATES (NO. 3) FOR FINANCIAL YEAR 2017/18

**Hon. Wayne L. Furbert:** Mr. Speaker, the Schedule identifies two items, totalling \$1,298,093, to be included in the Supplementary Estimate (No. 3) for Financial Year 2017/18, made up of \$1,280,302 on Current Account and \$17,791 on Capital Account.

Honourable Members should note, in 2017/18, total Current Account expenditure was \$36.9 million, or 3.3 per cent, below the original estimate of \$1.1 billion. Honourable Members will note in respect of the total \$1,298,093 supplementary, all is considered a technical supplementary. A technical supplementary indicates that the requirement for additional funding can be met within the original appropriated estimates. However, it cannot be transferred, since they are appropriated within another Ministry and/or Capital Account.

Supplementary Estimate 2017/18 (No. 3) request directly relates to one Current Account item, \$1.28 million, for the Department of Education, additional funding required for substitute teachers.

On the Capital Account, a minor amount of \$17,800 additional was required for the bus shelters project. In respect of this capital project savings from existing capital projects have been identified. However, a technical supplementary was required to revise the total authorised figure (TAF) in 2017/18 for this project. Total Capital Account spending for 2017/18 was \$56.6 million, or \$10.9 million, 16.1 per cent below the original budget of \$67.5 million.

Honourable Members will recall that the criteria for determining debatable supplementary estimates requires all items on Current Account to be debated if the total Current Account spend of the Ministry shows an increase of greater than 10 per cent, or \$250,000, when compared to the original estimate. All capital items are debatable. Applying the criteria that I

have just described, both items on the Current Account and Capital Account are debatable. I will therefore move the approval of items as follows: Current Account 1, which is debatable, and Capital Account 2, which is debatable. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 23.

Honourable Member, you have the floor.

*[Inaudible interjections]*

**The Speaker:** Yes. Let us just clarify that for the listening audience. The Junior Minister moved the whole supplementary estimate. And the respective Ministers are going to speak to the pieces of those supplementaries that reflect on their Ministry.

So, I believe the Minister of Education is going to start off now? Okay.

So, Minister of Education, you will speak to the parts that affect your Ministry.

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

Mr. Speaker, public school education is an investment in the future of Bermuda. In this regard, public school education must be viewed from the lens of providing our students with the learning environment that best meets their needs, both individually and collectively.

Mr. Speaker, the Ministry of Education was allocated an original budget estimate of \$126,991,126 for fiscal year 2017/18 for the provision of public school education. However, actual spend for the Ministry in 2017/18 totalled \$129,271,426. This translated into an over-expenditure of \$2,280,302, or surpassing the original budget estimate by 1.8 per cent.

Mr. Speaker, as a reminder, last year the Ministry of Education applied for a supplemental in the amount of \$1 million. This was approved and used to increase the operational grant provided to the Berkeley Institute, whose budget we knew had been underfunded since the start of successive cuts in the Ministry budget as mandated by the Ministry of Finance, starting in 2013. This was a priority for the Government in supporting one of our two senior schools. After factoring out the \$1 million supplementary, a further budget supplementary of \$1,280,202 is now required to offset the overspend for the 2017/18 actual estimate.

Mr. Speaker, let me also add that the Ministry budget cuts since 2013 also crippled the adequate funding for the substitute teacher budget account. Thus, the supplementary is needed to fund the shortfall in the substitute teacher cost centre.

Mr. Speaker, when the 2017/18 budget for the Department of Education was presented, it was noted that the Student Services Section facilitates the provi-

sion of 11 different programmes that support the diverse range of special learning needs for our student population. One of these programmes is the delivery of paraprofessional support services. It is important that skilled paraprofessionals are in place, as they provide instructional support, ensure protection and safety, and provide support for transition and life skills for students with special needs.

Mr. Speaker, at any point during the course of the school year, a student may enter the public school system for the first time and have a special need that must be serviced by the Department of Education. Also, there are students who may already be in the system who, after needed assessments, require the immediate services of a paraprofessional. In alignment with the Education Act 1996, every child has a right to receive free public school education suited to his age, ability, special needs, aptitude and health. As such, the department is committed to providing continued educational services that support the diverse special needs of our student population and, in this instance, the provision of paraprofessional support services.

Mr. Speaker, the original budget estimates for the substitute teacher account could at any time be under- or over-funded due to not being able to predict when a service will be suddenly required. Therefore, in light of the increasing need during the 2017/18 fiscal year to service our children with special learning needs, the department was intentional to ensure that every child was serviced effectively. Mr. Speaker, as such, the supplemental request is for the delivery of continued paraprofessional support services to meet the wraparound services delivered to our students during the 2017/18 fiscal year. Thank you, Mr. Speaker.

*[Pause]*

*[Crosstalk]*

**The Speaker:** So, you can respond to the Junior Minister. When he finishes, we will go into Committee. And then we will respond to the different departments, ministries, from there.

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

Mr. Speaker, I just wanted to point out that while we move into Committee, the same way that the Government will allow their Ministers to determine what will happen in respect of the two areas, that we will also do the same. So, when we get into Committee, our speakers will be the Honourable Member Cole Simons in respect of the Education debate, and our Honourable Leader Craig Cannonier in respect of the Public Works. That was my only comment. Thank you.

**The Speaker:** Thank you, Minister.  
Will you now move us into Committee?

**Hon. Wayne L. Furbert:** Yes. No problem, Mr. Speaker. Thank you for informing us of that.

I believe that the Honourable Minister of Education has already spoken. So, I am not sure whether he wants to speak again.

*[Crosstalk]*

**The Speaker:** Well, just move us into Committee. Without his having to repeat it.

Members, you do not want the Minister to repeat what he said, right, the Education Minister?

*[Inaudible interjections]*

**The Speaker:** Right.

**Hon. Wayne L. Furbert:** In accordance with Standing Orders 43(4) and 43(5), I move that the Supplementary Estimate from financial year 2017/18 be approved *[sic]*.

Mr. Speaker, I move that we go into Committee.

**The Speaker:** Yes, not approved. It is just putting us into Committee. Just move us into Committee. That is all. Just the first half of it. Move us into Committee.

The Deputy will come take the Chair, and then you can follow all the conversation in Committee.

**Hon. Wayne L. Furbert:** Yes. Thank you.

**The Speaker:** And you can respond to the Education Minister's statement just now. There is no need for the Minister to repeat it. Right? Okay. You respond to his statement in Committee.

### House in Committee at 5:50 pm

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

## COMMITTEE OF SUPPLY

### SUPPLEMENTARY ESTIMATES (NO. 3) FOR FINANCIAL YEAR 2017/18

**The Chairman:** We are now in Committee of Supply for consideration of the Supplementary Estimates for the Ministry of Education.  
Minister.

**Hon. Diallo V. S. Rabain:** I already spoke.

**The Chairman:** Okay. Any further speakers?

The Chair recognises the Honourable Member Hadley Cole Simons.

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

Mr. Chairman, if you look at the supplementary estimate, it says the Ministry of Education, Education Department, Head 17, Current Account, substitute teachers. Mr. Chairman, as we are in Committee, I would like for the Minister to clarify: Why did he address most of his presentation around paraprofessionals while we are talking about substitute teachers? I have other things to say, but I need that clarity.

**The Chairman:** Okay. We will get him to clarify, yes.  
Minister.

**Hon. Diallo V. S. Rabain:** Mr. Chairman, thank you.

Mr. Chairman, you will recall in this year's Budget Debate, there was a shift of funding from the substitute cost centre to the paraprofessional cost centre. In 2013, the incoming One Bermuda Alliance Government Minister of Finance froze hiring. For us to hire paraprofessionals, we were not allowed to do that. So, the department, needing to supply services to our children, would lump the paraprofessionals in the substitute budget, which would be temporary employees, in order to accomplish our fulfilling the mandate of educating our children. So, this is why this year we have moved those monies over so that we can properly account for the paraprofessionals out of the paraprofessional cost centre.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Hadley [Cole] Simons.

**Mr. N. H. Cole Simons:** Yes. Thank you. I would like to thank the Minister for the clarification.

So, as we all know, substitute teachers are a requirement, given that teachers do get sick. Teachers go on leave. Teachers go on maternity leave. And schools must continue, and our children need to be educated. So, generally speaking, we support what is going on. But I just have a few questions that I would like to have addressed.

**The Chairman:** Mm-hmm.

**Mr. N. H. Cole Simons:** In 2016, we had 44 substitutes. And in 2017, we had 44 substitutes/paraprofessionals whom the Minister has just indicated. With the amendment, the 2019 Budget Book indicated that the actual cost for the substitutes was \$4,707,000. Now, the original estimate was \$2,100,000, Mr. Chairman. That is a difference of \$2.6 million, Mr. Chairman. We have a supplementary of \$1.28 million. And that does not quite add up to the \$4.7 million, or am I missing something?

The other issue that I would like to address, from 2016 to 2017, we went from \$3.877 million to \$4.707 million, which is an increase of approximately

30 per cent. So, I would like to have clarity in that space.

Mr. Speaker, when we look at the unit cost per substitute teacher, in 2016, the unit cost was approximately \$90,380. And in 2017, that went up to \$117,000. Again, this is a 30 per cent increase per teacher. So, I would like to have some clarity as to why we felt it necessary to have such a vast disparity, Mr. Chairman.

Other than that, at this point, I will wait for the Minister's comments.

In particular, [I question] the variance between the original estimate of [\$2.1 million] and the final adjustment of \$4.707 million]. And if we take out the \$1.28 million for the supplemental, it still does not come up to that \$4.7 million. So, I just want some clarity around the numbers. Thank you.

**The Chairman:** Minister.

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

Mr. Chairman, as I said in my brief, we received a supplemental last year of \$1 million to offset. And additional savings were found within the department to offset as much as we can before we go for supplemental. You as a former Minister would know that the first thing you do is look where else you can get money so that you do not require that big of a supplementary—as small a supplementary as possible here.

Looking at the unit cost of the substitute teachers, as I explained, unfortunately, the paraprofessionals, who are paid more—

**Mr. N. H. Cole Simons:** But why?

**Hon. Diallo V. S. Rabain:** Because they are teachers. They are actual qualified, certified teachers. And so, the paraprofessionals are paid a little bit more. And unfortunately, they were being lumped into that cost centre, and this would elevate the cost of the per unit.

**The Chairman:** Honourable Cole Simons.

**Mr. N. H. Cole Simons:** Thank you very much.

So, that explains quite a bit. Because we saw that in 2018, the unit cost went down to \$107,000. In 2019, it went down to approximately \$80,000. So, what we have allotted, basically, is for substitute teachers and not the paraprofessionals. But the Minister has answered my questions, as he said that they are paid more than the substitute teachers.

I think those were my questions. I generally support the need to have the substitute teachers and the supplementary, because it is needed. And I am satisfied with the increase in cost.

**The Chairman:** Okay. The Chair recognises the Honourable Member Pat Gordon-Pamplin.

Ms. Gordon-Pamplin, you have the floor.

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

Mr. Chairman, I just wonder if the Minister could advise whether there is a possibility of segregating the paras and the substitutes, especially since they are being paid at separate rates, so that there is better tracking through the budgetary process? Just a question. It is not a criticism; it is just a question. Thank you.

**Hon. Diallo V. S. Rabain:** Thank you for that, Member.

Mr. Chairman, as I stated during the Budget Debate, and I think I stated it here as well, what we have done is we have reallocated those funds to the paraprofessional cost centre so that we can have an accurate account of how many paraprofessionals we are hiring versus how many substitute teachers we are hiring. And this was something where, when I became Minister and I saw that, because it is something that, when I was that side, I used to ask all the time. Why is the substitute budget going up and down? And this is when I discovered it was because we were using it for something that it was not supposed to be used for, substitute teachers. I said, *We need to stop that. And the money that we use for paraprofessionals needs to be in the paraprofessional cost centre.*

If you look at the Budget Book, and all of us noticed it, there was a huge movement of over \$2-plus million that had gone from substitutes over to paraprofessionals so we can start tracking that more accurately than what has happened in the past.

**The Chairman:** Any further?

Ms. Gordon-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Yes. Just from an accounting perspective, and to explain what I am meaning by "clarity," if we had paraprofessionals being code number 1 and substitutes being code number 2, even if you needed to move money from 2 to 1, you would be able to see that movement. And it makes it a little clearer. That way, you would know precisely what you paid for paras and precisely what you paid for substitutes. It is just an accounting mechanism, because my mind is accounting-tidy.

And it was just a recommendation for the Minister to look at so that he has a better indication, going forward, in terms of the comparison of apples with apples, substitutes with substitutes and paras with paras.

But I certainly understand the need to commingle funds, as it were, to ensure that they are paid out of the budget for the additional support services.

**The Chairman:** Any further speakers?  
Minister.

**Hon. Diallo V. S. Rabain:** Mr. Chairman, just a quick clarification, because I think you were outside when I mentioned that to MP Simons. The reason it was being done that way is because there was a hiring freeze. Paraprofessionals are hired on a permanent basis. Substitutes come in and out. And so, in order to get around the hiring freeze and get paraprofessionals, they were just being lumped into the substitute budget because we can hire people on a temporary basis in that.

*[Inaudible interjection]*

**Hon. Diallo V. S. Rabain:** Well, unfortunately, it started in 2013. So, but it is not happening anymore. That is what I can say.

**The Chairman:** Any further speakers?  
Honourable Simons.

**Mr. N. H. Cole Simons:** Thanks. Yes.

I would just like for the Minister to clarify that dollars differential. As I said earlier, in 2017, the original budget was \$2,100,000. If we add the supplemental of \$1.28 million, we get to \$3.38 million. That is the supplementary plus the actual for 2017.

Then, I look at the 2019 budget, and I see the actual for the 2017 year being revised to \$4.707 million. Can the Minister tell me what the difference is between the \$4.7 million and the \$3.38 million, which is the original estimate plus the supplemental? Thank you.

**Hon. Diallo V. S. Rabain:** Thank you for that question, MP Simons.

Mr. Chairman, I would have to endeavour to get back with him on that. I would have to talk to Finance and see how that happened, or what is being accounted for in there. But, as I said, what we would do is try and find whatever additional monies that have not been spent and apply it before we go for the supplementary. So, that is where I think it that difference might be. But I will endeavour to get that answer for the Member.

**The Chairman:** Any further speakers?

Minister, do you want to move that head, please?

The Chair recognises the Honourable Member . . .

*[Crosstalk]*

**The Chairman:** You have to move your head, 17. Finish it.

**Hon. Diallo V. S. Rabain:** Mr. Chairman, I move Head 17, Supplemental (No. 3).

**The Chairman:** Any objections to the approval of Supplemental Estimate (No. 3) being approved?

There appear to be none.

Approved.

*[Motion carried: Head 17, Ministry of Education, passed.]*

**The Chairman:** Now, we have one other that is not debatable, Head 65, because it is under the amount that is debatable.

*[Inaudible interjections]*

**The Chairman:** Oh, it is capital? I am sorry. My apologies. I just did not look. Yes.

Continue, Minister.

**Hon. Zane. J. S. De Silva:** Okay. Mr. Chairman, the allocated budget for cost centre 75048, Bus Shelters, for fiscal year 2017/18 was \$50,000. Due to additional work expected in fiscal year 2017/18, an additional \$145,729 was carried forward from the prior fiscal year. These funds were used to repair or erect new bus shelters, as follows: on South Road near Horsehoe Bay; plexi shelter near Greene's Guest House in Southampton; plexi shelter on Cooper's Island Road, near Clearwater Beach; shelter on Palmetto Road, near the Devonshire Recreation Club; shelter on South Road, Southampton, near St. Anne's Road; shelter on North Shore Road, Crawl Hill, near Midland Heights Church; and shelter on Harrington Sound Road and Devil's Hole, near Knapton Hill.

Mr. Chairman, the Ministry of Public Works requests that supplementary funding of \$17,791 is approved to capital cost centre 75048, Bus Shelters.

Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Leader of the Opposition.

Mr. Cannonier.

**Hon. L. Craig Cannonier:** Thank you, Mr. Chairman.

Just a point of clarification, just trying to understand. It says here for the supplementary estimate, capital development, Head 65. There is no Head 65 for capital development under the subheading of bus shelters. So, I am just curious as to that. If he could just take a look at that.

But I do recognise and have seen throughout the Island the work that has been done. I did notice in the Budget Book where we had expended a revised amount of about \$190,000 for bus shelters throughout the Island. It has been evident. It has been actually quite pleasant to see the work that has been going on. So, there is not really much to say to this here. We recognise that there was an extreme push to get these bus shelters done. Maybe I do not understand

exactly why it was a huge push. We have tripled the amount in the revised amount.

But again, this is good work. So, there is not really much to say to this here. We want to make sure that our bus shelters are good.

**The Chairman:** Yes. You ought to have seen it in page C-6.

**Hon. L. Craig Cannonier:** On page C-6?

**The Chairman:** Yes.

**Hon. L. Craig Cannonier:** I see bus shelters on C-6, but I did not see the head. Yes, it is Head 65. There is no . . .

*[Inaudible interjections]*

**The Chairman:** I do not have the book. What is the appropriate head there?

**Hon. Zane. J. S. De Silva:** I am not sure, Mr. Chairman, but I see it on page C-6, as well, 2017/18.

**The Chairman:** What head would that come under? It does not show.

**Hon. Zane. J. S. De Silva:** I do not think it shows, Mr. Chairman.

**The Chairman:** All right. Is Head 65 a part of Public Works in the book?

*[Inaudible interjections]*

**Hon. L. Craig Cannonier:** Yes, just for the record, so it is just correct.

*[Crosstalk]*

**Hon. Zane. J. S. De Silva:** What are you looking at, though, Craig?

**Hon. L. Craig Cannonier:** It should have been under Head 82, Works and Engineering.

**The Chairman:** Yes. It is obviously a typo.

**Hon. L. Craig Cannonier:** Yes, yes. But we just want it for the record.

**The Chairman:** Yes. Thank you. We appreciate your pointing that out.

*[Pause]*

**The Chairman:** Let us move on. Yes.

**Mr. N. H. Cole Simons:** It is Head 82.

**The Chairman:** All right. Any further comments?

Okay, you can move that head. But move the correct head.

**Hon. Zane. J. S. De Silva:** Thank you, Mr. Chairman. Mr. Chairman, I move the adoption of Supplementary (No. 3), 2017/18, for bus shelters.

**The Chairman:** It has been moved that the adoption of Supplementary (No. 3), Head 82, be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Pause]*

*[Motion carried: Head 82, Public Works, passed]*

**The Chairman:** Do you want to move the supplementary estimates?

**Hon. Wayne L. Furbert:** Mr. Chairman, I move that adoption of the Supplementary Estimates (No. 3) for Financial Year 2017/18 as printed be reported to the House.

**The Chairman:** It has been moved that the adoption of the Supplementary Estimates (No. 3) for Financial Year 2017/18 be approved.

Any objections to that?

There appear to be none.

Approved.

Do you want to move that it be reported to the House? Oh, you did? Oh, I am sorry.

And will be reported to the House. The Supplementary Estimate will be reported to the House.

*[Motion carried: The Supplementary Estimates (No. 3) for Financial Year 2017/18 was considered by a Committee of the whole House and passed.]*

**House resumed at 6:08 pm**

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

## **REPORT OF COMMITTEE**

### **SUPPLEMENTARY ESTIMATES (NO. 3) FOR FINANCIAL YEAR 2017/18**

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

Are there any objections to the consideration of the Supplementary Estimates (No. 3) for Financial Year 2017/18 being reported back to the House?

No objections.

So moved.

That now brings us to [Order] No. 7, which is the Resolution to be moved by the Premier. Are you doing that, with reference to the salaries?

## MOTION

### MINISTERS AND MEMBERS OF THE LEGISLATURE (SALARIES AND PENSIONS) ACT 1975 BE REVOKED

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

Mr. Speaker, I move that the House do now take into consideration the following resolution:

BE IT RESOLVED that previous resolutions of this House made pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked;

AND BE IT FURTHER RESOLVED that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members of the Legislature listed in Part A and Officers of the Legislature listed in Part B of the table below shall be as set out in column 3 of the table with effect from 1 April 2019 to 30 June 2019.

**The Speaker:** Does any Member wish to speak to that?

No Member wishes to speak to it.  
Premier.

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

Mr. Speaker, I move that the said resolution be approved.

**The Speaker:** Any objections?

No objection.  
So moved.

**The Speaker:** That brings us to an end of that matter. It would be nice if all matters went that quickly, yes?

Now, Mr. Premier. That brings us to the final matter, Order No. 8 on the Order Paper today. And it is a motion in the name of the Premier.

Honourable Premier, would you like to read out your motion?

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

Mr. Speaker, I move that the House do now take under consideration the following motion, notice of which was given on the 4<sup>th</sup> of March 2019.

**The Speaker:** Any objections?

No objections.  
Continue.

## MOTION

### MOTION TO REJECT UK GOVERNMENT'S ATTEMPTED INTERVENTION INTO BERMUDA'S DOMESTIC AFFAIRS AND THE REPORT AND RECOMMENDATIONS WITH RESPECT TO BERMUDA AND THE OVERSEAS TERRITORIES

**Hon. E. David Burt:** Mr. Speaker, the motion reads as follows:

WHEREAS the House of Commons Foreign Affairs Committee has issued a Report on the United Kingdom and its Overseas Territories;

AND WHEREAS this Report represents an attempt to erode the Constitutional rights of Bermudians and is a retrograde approach to relations between the UK and Bermuda;

BE IT RESOLVED that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda's domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories.

**The Speaker:** Any objections to that continuing?

None.  
Continue on, Premier.

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

Mr. Speaker, in the midst of all that concerns this community, our families, this Honourable House and the people of Bermuda generally, we are compelled to pause for a moment and spend valuable time to mark what I term as a test of our Constitution. I have moved the motion for the consideration of this Honourable House, and in so doing, commenced the debate that should signal a bipartisan message to the Government of the United Kingdom and to Bermudians at home and abroad that we in this Honourable House will not countenance an unwarranted and an unjustified attempt at intervention into Bermuda's domestic affairs.

Mr. Speaker, there is a need for context around both this debate and the report that has made it necessary. Firstly, it is important to note that this report is not a report of the United Kingdom Government, but one of a committee of the House of Commons. The United Kingdom Government has two months within which to formally reply to the recommendations. And Honourable Members will note that the UK Government has been consumed by other issues of late.

Secondly, this debate is in no way connected to the European Union's actions regarding Bermuda as a non-cooperative jurisdiction for tax purposes. And attempts to link the two have no merit. The report comments on the adoption of a public register of beneficial ownership for Bermuda. On that issue, our posi-

tion is a bipartisan one endorsed by successive governments. We will adopt a global standard for a public register of beneficial ownership when one is implemented.

In fact, Mr. Speaker, although I did not appear in person before the committee (like a few other of my Overseas Territories leaders we decided that we would not appear), that committee understood perfectly well where Bermuda stood as they recorded the following, which was submitted in writing, and I quote: “<sup>1</sup>When we asked the Bermudian Premier, David Burt, if Bermuda intended to publish a register, we were told that ‘Bermuda is committed to meeting any properly adopted, global standard for such matters and will work with the UK Government as necessary once such a standard is promulgated.’”

Mr. Speaker, as I indicated earlier this month, the motion tabled in the House today is necessary for three important reasons: First, to make Bermuda’s position clear on the recommendations; second, to signal the political unanimity of Bermuda on the issues. And three, to meet the growing threat the report represents.

Mr. Speaker, since 1968, the relationship between Bermuda and the United Kingdom has matured. The term “self-governing” has become our way of life as we elect our leaders, determine our own immigration policy, fund our government and services from our own taxation and revenue generation and, most importantly, make our own laws. Our Constitution and the body of laws that support it are home-grown. This principle is now at stake in this relationship. And on this point of principle, there can be no erosion of rights.

Mr. Speaker, let us carefully examine what the report recommends. There are some 14 recommendations, and they touch on issues as far-ranging as the implementation of a public register of beneficial ownership to the laying of wreaths at the Cenotaph on behalf of the Overseas Territories servicemen on Remembrance Day. The recommendations are a curious mix of olive branch on the one hand, and poisoned chalice on the other.

Mr. Speaker, there is a clear recognition of the inequality of the relationship between the United Kingdom and the Overseas Territories. Our distance from London assists in our issues being afterthoughts, and not always receiving the attention warranted by the constitutional relationship. I know from my own interaction with colleague premiers and chief ministers that their frustration is directly connected to the extent of the dependence on the United Kingdom—the greater the dependence, the greater the frustration. Bermuda is unique among the remaining Overseas Territories. Our 1968 Constitution has long been the envy of others in a similar bond with the United King-

dom and has been the standard sought for some time by those territories.

It is no secret that the intention was that, within five years or thereabouts, Bermuda would have joined the family of nations and the—

[Crosstalk]

**Hon. E. David Burt:** It is no secret that the intention was that, within five years or thereabouts, Bermuda would have joined the family of nations and the 1968 Constitution was a stepping-stone to that change in status for Bermuda. That has never happened. And the consistent gauges of public opinion on the matter demonstrate that any such move would have been the subject of a sustained national discourse leading to a clear expression of the will of the people.

Mr. Speaker, beyond the functional and operational recommendations of the report, in what I am sure the committee considered was saving the best for last is recommendation 14. And it reads as follows: “<sup>2</sup>Belongership and its equivalents are wrong. While we recognise that the OTs are small communities with unique cultural identities, we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and hold elected office. This elevates one group of British people over another and risks undermining the ties that bind the UK and the OTs together in one global British family. *The UK Government should initiate a consultation with the elected governments of the OTs and work with them to agree a plan to ensure that there is a pathway for all resident UK and British Overseas Territories citizens to be able to vote and hold elected office in territory. In its response to this report the FCO should lay out a timetable for this consultation process and set a deadline for phasing out discriminatory elements of belongsership, or its territory-specific equivalents.*”

Mr. Speaker, this recommendation is a quantum leap, riddled with assumptions and contradictions. The committee is at great pains to make the case that the OTs have been the stepchildren of Britain. But on the issue of voting rights, it seems that we magically become one British family. Mr. Speaker, the territory-specific equivalents to which the report refers should not be glossed over. Those specifics have been developed over several decades and contain elements founded in the experience of Overseas Territories with slavery, overt discrimination against people of colour, the deliberate frustration of the rights of women and the determination of vested economic interests to regularly limit the extension of the voting franchise in this country.

Mr. Speaker, this recommendation actually ignores the unique cultural identities that it purports to recognise. That uniqueness is founded in a tortured

<sup>1</sup> [Global Britain and the British Overseas Territories: Resetting the relationship](#), page 14

<sup>2</sup> *Ibid.*, page 32

history of voting rights in this country. It is laced with the still-simmering resentment of unequal opportunities afforded to people based on race or country of origin. The uniqueness of Bermuda, in particular, and its polite system of repression of people of colour have made the issue of voting divisive and something which we must jealously guard.

Mr. Speaker, like most Western societies, the right to vote was always the preserve of males who own property. It was not until the 19<sup>th</sup> century that the idea that all adults should have the right to vote began to take hold. So rare was the black male property owner that even they were permitted to vote as free-men before Emancipation. Once slaves were freed, however, barriers were devised to dilute what may have been their voting power. So, the value of land owned then became part of the criteria for voting rights.

The noted Bermudian educator and historian, Dr. Kenneth E. Robinson, recorded much of the development of the franchise in his book, *Heritage*. Dr. Robinson sets out in detail how on the one hand the then-House of Assembly passed one Act for the abolition of slavery, which fully embraced the United Kingdom's position on the issue, and then, less than a month later, passed a second Act to repeal laws exclusively applicable to freed black people. Extend to them the laws applicable to whites, but to also fix the qualifications for jurors, voters and the electors and candidates for certain offices and places of trust.

So, in a familiar pattern, vested interests appear to give with one hand, but take far more with the other. He termed this increase in the property qualification a (and I quote) "cold-blooded retrograde piece of legislation." To demonstrate its impact, Mr. Speaker, before Abolition, one had to own property valued at £40 to vote for House of Assembly candidates, or £200 to stand as a candidate. After Abolition, it became £100 to vote and £400 to be a candidate. Numerically, it meant that before Abolition, 654 whites could vote, and after Abolition, 615 whites could still vote and only 31 blacks. It is important to note that on the 1<sup>st</sup> of August 1834, Emancipation Day, more than 4,149 blacks were liberated and 1,286 freed blacks were supposedly made free citizens.

Mr. Speaker, *Heritage* further records that between the general elections of 1837 and 1844, Bermuda's black people continued to make up the majority of the population. And I will quote now, Mr. Speaker, "and the white power structure, conceiving them to constitute a veritable black peril, continued to press three countermeasures against them. That is to say, its strangulating property-based franchise, its gift of emancipation propaganda and its deliberate encouragement for white immigrants."

That scenario, Mr. Speaker, should sound most familiar. The Foreign Affairs Committee would dangle a wreath-laying in London and shades of a greater voice in Westminster in exchange for a voting

regime that would dilute the very unique cultural identities it purports to recognise. Mr. Speaker, by 1851, the brother-in-law of the then-Speaker of this House recorded in his diary, and I quote again, Mr. Speaker, "The coloured people in Bermuda are acquiring real property rapidly." This recognised that not 20 years after Emancipation, there was a quiet move to regularise voting rights in this country, a move that sought equality in the execution of the voting franchise.

Mr. Speaker, the hard-fought battles for equality of voting rights cannot be spoken of without regard to the struggle for a woman's right to vote. From 1867, when the Church Vestries Act specifically restricted the franchise to males, the proposal of the first Act to allow women to vote in 1895 failed, and attempts in 1925, 1929 and 1931. And any extension of voting franchise in this country has been slow and frustrating. Among Bermuda's national heroes is Gladys Morell, who was instrumental in the founding of the Bermuda Women's Suffrage Society and the cause of voting rights for Bermudian women.

But, Mr. Speaker, even in 1944, when Edna Williams became the first black woman to vote, and in 1948, when Hilda Aitken and Edna Watson were the first women elected to this Honourable House, the yoke of property qualifications still restricted voting rights.

MP David Tucker, a lawyer and also the then-Editor of the *Bermuda Recorder*, said in his 1944 editorial . . . and if you will allow me, Mr. Speaker, I will quote again, "Less than 300 ladies were powerful enough to alter our franchise. Surely 20,000 people, if united, should be able to bring about universal [adult] suffrage and, thereby give every adult in the Colony an opportunity to have a voice in the affairs of Government."

Mr. Speaker, this historical background frames this debate in the appropriate terms. It demonstrates that the wanton introduction of additional voting capacity without regard to the struggles for equality in election, and ignoring the significance to the system we enjoy today is an attempt at eroding the constitutional rights of Bermudians and must be classified as a retrograde step.

Mr. Speaker, my comments of earlier this month bear repeating. Less than one year since we celebrated the 50<sup>th</sup> anniversary of universal adult suffrage in Bermuda, and the 50<sup>th</sup> anniversary of our Constitution, Bermuda and other Overseas Territories are confronted with views and recommendations expressed in London that defy the very nature of our settled relationship.

The right to vote in Bermuda has evolved to our democracy of today, where Bermudian men and women, registered to do so and age 18, cast their votes freely in elections for the candidate of their choice. Within the memory, Mr. Speaker, of many living today, the right to vote has been restricted by property ownership or even gender. And when those

things were done away with, a system of undue paperwork and administration was used to frustrate those who would express themselves at the poll.

Here we stand, 16 years after the first true election of universal adult suffrage, of single-seat constituencies, with one woman or one man, one vote of equal value, required to defend the rights of Bermudians to determine the direction of their own country.

Mr. Speaker, let us for a moment examine the more modern fight for universal adult suffrage. Bermuda in 1946 was still in the grip of the property vote. And in his petition to London in that year, Dr. E. F. Gordon termed that system one which gave (and I quote) “the monied classes a distinct and definitive control over the election results.” The fight for universal adult suffrage was led by men and women of political legend. Dr. Eustace Cann, W. L. Tucker, Walter Robinson, Edward Dejean, Florence Maxwell and Edwena Smith, and several others.

But the undisputed leader of this movement, known as the Committee for Universal Adult Suffrage, was Dr. Roosevelt Brown, or Dr. Pauulu Kamarakafego. In *Me One!*, Pauulu’s vivid autobiography, he records his attendance, in 1960, at a youth meeting at the St. Paul AME Church, where they were discussing the extension of the voting franchise. He then spoke with Edwena Smith, Florence Maxwell and others about the need to inform the public of the issue.

The meeting at St. Paul so preoccupied him that Pauulu recorded his thoughts thus: “I came to the conclusion that everything came down to the vote and everyone having their vote. We could only change the system by educating people about the vote, whatever their status was—rich or poor, black or white. Therefore, free voting in a universal adult suffrage system is, for us, the most efficient form of democracy when there has been sufficient education for voters to be aware of their responsibilities.”

Mr. Speaker, that simple but eloquent summary is precisely why I have chosen to frame this debate in this way and why this motion has been brought in the first place. There is an education component to the exercise of democratic rights. And in language that mirrors that of the late Dame Lois Browne-Evans, Pauulu rightly terms voting as a responsibility and not simply a right. Mr. Speaker, by the election of 1963, political parties began to merge, and in that first election under a revised system, the Progressive Labour Party was born, with the United Bermuda Party coming a year later.

The 1966 Constitutional Conference set the stage for the 1968 general election, which eliminated property votes, but maintained dual-seat constituencies.

Mr. Speaker, it would take a newly elected Progressive Labour Party Government to achieve the most just system of electoral politics in Bermuda’s history. Under the leadership of then-Premier Dame Jennifer Smith, 21<sup>st</sup> century Bermuda had some

catching up to do. And in a packed public meeting at Government House, Mr. Speaker, it is incredible to think that there were those who warned then that one woman, one man, one vote and each vote of equal value would be the end of society as we knew it. Dame Jennifer was accused of legislating dictatorship. The British Governor was petitioned to stop the reforms in their tracks. And the United Kingdom’s Foreign and Commonwealth Office’s representatives were almost told to find a way to make the reforms unconstitutional.

Those arguments, Mr. Speaker, should also sound familiar to Honourable Members because, as we are in this place today, yesterday in one of our courtrooms those were the same arguments being made again in a different context. Mr. Speaker, one woman, one man, each vote of equal value was not the end of society as we knew it. It was not dictatorship or one-party rule. It was fairness. And dare I say that what the Foreign Affairs Committee is recommending is unfair?

Mr. Speaker, in 2003, 2007, 2012 and most recently in 2017, Bermuda has peacefully engaged in two transitions of power under a system that is perhaps as fair as can be achieved, barring some further tweaking, as all systems must evolve and can stand to be improved.

Mr. Speaker, the motion before this Honourable House is in strong terms. But after the kind of historical battles that I have outlined for some, and of which I have tried to remind others, there can be no equivocation on this issue. The Government campaigned on providing a fair system of immigration and one that puts Bermudians first. Honourable Members would have heard my colleague, the Minister responsible for Immigration, indicate that the issue of belonging is in hand. And I would remind Honourable Members and the public that this Government’s 2017 general election platform promised an immigration policy that advanced and protected the rights of Bermudians while recognising the need to grow our economy.

Mr. Speaker, there is no doubt that this report’s recommendation, if adopted, would err on the wrong side of a delicate balance that must be struck in modern Overseas Territories. Bermuda is a sophisticated financial services jurisdiction with a high standard of living and a complex economy. The local lesson of the global economic downturn of the last decade is that we must be vigilant in building capacity amongst our own people, and use immigration as a tool for economic growth and not one to influence the cultural or political balance of society.

Mr. Speaker, to suggest that, beyond voting in Bermuda’s election, people with an undefined, unregulated and tenuous connection to the community would have the ability to stand for elected office is among one of the most tone-deaf recommendations emanating from the United Kingdom House of Com-

mons. It may well be the vision of the committee and some elements of a British society that a return to the days of Empire and Rule Britannia is the order of the day. There are some who think they can simply speak familiar relationships into existence.

But, Mr. Speaker, for as long as there is passport control between L. F. Wade International and London Gatwick, there is clearly no one global British family. We are open for business. We welcome investment. But that welcome should not be mistaken for foolhardiness or ignorance of the history that brought us to where we are today.

Mr. Speaker, as I come to a close, it is my fervent hope that we will have unanimity today from all Members to send a loud, clear and unified message to the Foreign Affairs Committee that this Honourable House is the place where decisions are made for the people of Bermuda. It is the people's representatives who will decide our laws and our standards, following free and fair elections by and for persons with Bermudian status. It is my hope that we will have unanimity in stating that our Constitution is unique. And though, before the time of my birth, in that period between 1968 to 1973, those who sat in these seats at that time chose not to move to nationhood, that does not make our Constitution any less relevant.

Make no mistake, Mr. Speaker. This is a test, a test of our resolve, a test of our collectivism, a test of our democracy and a test of our Constitution. In recent days, persons have rallied when faced with external threats from the EU. And both sides of the political divide in our business sector have come together to face those threats. I hope and expect the same united sense of purpose today.

Mr. Speaker, as I commend debate on this motion to other Honourable Members, I look forward to a strong, unified and unqualified echo of support from this Honourable House that makes it clear [that] the people of Bermuda and her elected representatives call on the United Kingdom Government to reject this report, to reject its retrograde recommendations with respect to Bermuda and the other Overseas Territories.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

Does any other Member wish to speak?

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

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

And due to the nature of this important report, I want to first say thank you to the Premier for his deliberation thus far on this particular matter. I believe that when we heard of the report coming out, we in unison were very much concerned about the recommendations that came from this rather lengthy report.

It goes without saying that, yes, there is a bipartisan message. And that bipartisan message is reflected quite clearly in the motion. On the one part, the motion speaks to the fact that this Honourable House rejects intervention into Bermuda's domestic affairs. We stand aligned in that manner. Two, we also stand in line to the part that calls on the UK Government to reject this report.

Mr. Speaker, in the past, certainly when this report came out, the Premier, others of this Honourable House, Honourable Members spoke very clearly to their concern, including myself, and the matters that were within this particular report. And I do not take the report in the sense that we would say "lightly." It is a recommendation, and I believe that is all it is, is a recommendation at this point in time. It does speak to potentially much of the blindness, as the Honourable Premier has already stated, to the history of many of the Overseas Territories.

What I will say is this. I believe, and I have spoken to the Premier about this here, that a robust discussion, and I say "discussion" because we are in alignment in our messaging to the UK concerning this—not debate, but discussion. I believe that now is not the time for robust discussion concerning this matter. And the question is, Why do I not believe it is the appropriate time? Certainly, we heard the Premier give us an educational, historical lesson. There is always plenty of time for that.

But to have a robust discussion concerning what is in this report, quite frankly, this report right now is just paper. It means nothing to us. It is a committee that has gone and put some recommendations together in the cloak of "Global Britain." And as I read through the particular report, "Global Britain" was repeated over and over and over. And I kept asking the question, *Well, what is this Global Britain?* When we as an Overseas Territory . . . it clearly states in the summary, from the very beginning we have our Constitution. We govern ourselves. We have gone so far as to even pay for our Governor who is here, the only Overseas Territory that does that.

And so, when I go back to why I feel now is not necessarily the time, we would like to have seen this a little later on for this discussion, it is because this is our reality right now: We have our friends to the south who are speaking in a not-so-complimentary manner towards Bermuda down in the islands, attempting to, as they would say, seek out our lunch. We have the thin line that we are on concerning substance when it comes to the core of our economy, the business that keeps us ticking. We have the threat from the UK concerning public beneficial ownership, which they have been pressing and pressing and pressing upon us. And then, we have the most damning thing that we are attempting to deal with and that the Premier aptly is seeking with the Finance Minister to address, and that is having just recently been blacklisted.

These two threats of substance and beneficial ownership, but yet the third being the blacklist, are a reality for us, not a threat. We recognise that there is a concern with the industries in Bermuda, whether they be in ABIC or ABIR. They are very much concerned about where Bermuda sits. And my concern is this, that during this time where we recognise we have the reality of this list, being blacklisted, and the threats by the UK, the UK actually stood back and did not exercise its veto right that would have allowed Bermuda to stay off of the list. And I am all too familiar with our relationship with Britain and sometimes how it can fluctuate back and forth. One minute it appears as if they are in support. Another minute, maybe they are not so supportive.

And so, to see something like this here, I believe that our Government needs to continue to seek out alliances that would put us back in good stead, that we can deal with the major threats that are upon us, and that we can deal with getting off of this blacklist that we are on. Certainly, within the Opposition, we have two Premiers who had the opportunities to meet with this particular committee. We also understand that our Government had the opportunity. They did not take up the opportunity. And, certainly, Administrations will deal with things slightly differently.

I recognise, and the other former Premier of Bermuda, Mr. Dunkley, recognises, that regardless of whether or not we believe that they understand Bermuda as a jurisdiction, it is imperative upon us to continue to press our message, repeat it over and over. Because sometimes, people just do not get it the first time around. Sometimes, it requires more and more face time. And I am not talking about when I'm on the computer. It requires us being there.

And so, there is a difference, potentially, in the approach to the Foreign Affairs Committee. And having met with them, our Government chose not to. And I am sure that they made sure that our concerns were noted. But if it is so important for us to bring a motion to the floor at this time, I believe, with the importance of bringing a motion to the floor of this significance, that the Premier has done, it also would have warranted being in front of them to ensure that if there were any misconceptions, if there were any misunderstandings about our history, then it could have been made well known at that time and continued to be backed up, as well, through letters to the Governor, letters to the Prime Minister of the UK, London, and in addition to that, to Bermuda to express our concerns.

I also recognise that the Overseas Territories that we are looking at, in understanding our history . . . and certainly Bermuda has a very rich history. And the Premier aptly brought out some of that history when it was concerning blacks and being able to vote. I recognise that many of these Overseas Territories that they are making this recommendation to are multi-cultured. Not all of them are majority black. Some of them are majority white. And so, these recommenda-

tions are not just being made to jurisdictions like Bermuda, who have a majority black, but they are also being made to jurisdictions that are majority white.

My concern is not the other jurisdictions. My concern is Bermuda. And I believe, clearly, that there is no question that we share the [same] concerns as our Premier does [have]. And I repeat: We have publicly made that known, that we stand together concerning this particular issue.

This report continues on with many recommendations. And what I gleaned from the report was this: It is clear that we as a Bermudian jurisdiction must come up with an immigration policy that addresses the concerns that we have domestically. Whether or not this report came in the way that it did because we have not addressed those concerns may be the case. I do not know. However, it is clear that it does highlight that we in Bermuda have much work to do.

We have set up a committee to address these concerns. And I am imploring this Government to move feverishly on clearing up some of these matters domestically so that we have two legs to stand on when we have others outside of our jurisdiction who, quite frankly, are trying to fit us within the scope of what they call a "Global Britain." I take note. All of us [should].

**An Hon. Member:** Global Britain?

**Hon. L. Craig Cannonier:** Yes. They call it "Global Britain." Global Britain. Well, you read the report. You saw it all through and through there. I am still confused as to exactly what that is. They do not clarify what that is. But there certainly is intent.

But I go back to my original statement in saying this is not a priority. And what we need to do is we need to find a way to address the concerns locally right now that involve our overseas friends, if you will. That is the UK and including the EU Territories. We need to address those concerns because [that which] contributes to our GDP more than any other industry is being threatened. We need to form those alliances. We need to address our local issues. That should be our priority at this time.

And I do not want to disparage anyone in the room who would like to give a historical lesson as to where and how Bermuda got to where it is. We have much to champion in the fact that we have a Constitution that, compared to the rest of the Overseas Territories, is second to none. They are all looking to be like Bermuda. And what we need to do is continue to set the pace when it comes to the concerns of our immigration laws so that we can clear up all of this stuff in here where they talk about giving people voting rights. It is a very, very sensitive, if I will say, subject because of our history and what it took to get to where we are today. And there is more work to be done concerning this here, Mr. Speaker.

I would implore this Honourable House that, as we go through this here . . . and I will say this. I will be the only one to speak to this on our side, because we believe that this motion in its entirety should be debated at a different time. Our concentration should be getting off of this blacklist. We are still in an area of greyness, not understanding. There are still issues in the community where they do not understand; they are trying to understand. We need to clear up these issues. That should be our priority. This report has gone nowhere off of anyone's desk, quite frankly. And I agree with the Premier. As he says in the second part, we call on the UK Government to reject this report. Certainly! Certainly! Most certainly.

But let us ensure that we are taking care of, as the Premier has said, *Bermuda first*. Let us take care of Bermuda first and its concerns. And let us not jeopardise [Bermuda], potentially, by saying something that may put us in even more hot water, considering, as I have already said, that Britain stepped back. They stepped back and allowed us to be put on a blacklist! They could have vetoed it. But they did not. We need to understand the reasoning behind this here. And I know that the relationship, having been in the Premier's position, is a moving target all of the time. We keep talking about it. The goalposts continue to move. Let us solidify our alliances and our relationships so that we do not continue to put ourselves in jeopardy.

And that is all we have to say to this, Mr. Speaker. Thank you.

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

Does any other Honourable Member wish to speak?

We recognise the Honourable Minister De Silva. You have the floor.

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

Mr. Speaker, the Honourable Member who just took his seat agrees with the position of the Premier. But he also said, and I agree with him, that this report means nothing. I think everybody in this room shares that view. What I disagree with, with the Opposition Leader, is his statement saying, *Why do we have to have this discussion now?* Well, the reason we have to have this discussion now, Mr. Speaker, is because this report is in the public domain. And I think it is important that we as a country led by our Premier lay down a marker. We must draw a line. We must lay down the marker.

And we have to lay it down early. To let this report sit around and let other people start opining and making all their judgments about which way the Foreign Affairs Committee thinks that we should run our country and who should be running it . . . no, no, no. We need to lay down that marker today. We must let them know, Mr. Speaker, that we will defend the vot-

ing rights of the people of this country vigorously, very, very vigorously!

Then I hear the Opposition Leader say, *Not now*. I am sorry. But my question would be, Who do these people who sit on this committee think they are? Who do they think they are? And let us be clear. Let us be clear. Discussing this motion tonight, we are not going after the UK Government. We are in total disagreement with this Foreign Affairs Committee, Mr. Speaker. We should be talking about this tonight, because when we talk about our voting rights, Mr. Speaker, being taken away and being diluted with what they propose.

You will remember earlier, when was it, last year when we fought with the fact that they were not happy with our public registers of companies in Bermuda, not happy with them, Mr. Speaker, tried to tell us what we should do. We have an organisation called the BMA [Bermuda Monetary Authority] that does a fantastic job with all of the due diligence that is required of companies that want to set up in Bermuda. And I have all the faith in those in the BMA that they do their job and they do it to the best of their ability, with all of the interests of Bermudians at heart.

Our Constitution that both the Premier and the Opposition Leader talked about . . . which is the envy of the Caribbean and any Overseas Territory, Mr. Speaker. Our Constitution is one which they look to. So, Mr. Speaker, when you have a group of people who certainly do not look like most of us, do not look like most of us . . .

*[Inaudible interjections and laughter]*

**Hon. Zane. J. S. De Silva:** That is right. I will say that tonight. They do look like me.

*[Laughter]*

**Hon. Zane. J. S. De Silva:** But let us be real. Look who they want to come to this country. Look who they want to come to this country and vote and talk about taking public office! No. Cannot have that. So, when the Honourable Member Sylvan Richards says, *Can't have that* and so does the Honourable Member Pat Gordon-Pamplin, everybody in this House, Mr. Speaker, we will not have it! So, the time for this motion is now. And hopefully, by the time we are finished here tonight, these folks will get what we call *the message*—the message from the people in Bermuda.

You know, you cannot help but, and I think the Premier gave us a nice bit of history with regard to how voting has gone in this country. It started out with white men who had property. And after the abolition of slavery, the land values were increased for one reason and one reason only. And what was that for? It was to maintain that white supremacy, to maintain the oppression of people of a certain colour in this country, Mr. Rolfe Commissioning.

Then it went from one stage to another. The next stage it was, well, if you owned several pieces of land, you got several votes. Now, we just finished discussing the municipalities in this country. It is funny how things . . . the same . . . what do they say? The more things change, the more they stay the same. And here we are. So, we have the municipalities that we are trying to give the votes back to the people of this country, being denied. Right? No, no, no. We are trying to give it to them. It was taken away in 2013. Okay? The voting rights, the voting rights of the people, if you recall.

Now, let me give a little history. In 2010, the residents of the municipalities were given the right to vote. This particular Minister brought that motion to this House, brought that Bill to the House. In 2013, it was changed back to give the businesses a vote in this country. And as it was said earlier, who now have, some of those folks have two votes. They vote in a general election, and they vote in the municipality election.

*[Inaudible interjection]*

**Hon. Zane. J. S. De Silva:** That is right. They have a property vote. If someone in the city has a property, they get to vote. They get to vote on who is the mayor and who the councillors are. They also get to vote in a general election. You see, so the history, the history is there. And let us not forget we also [almost] had a vote that would have taken place in this House [about the] Pathways to Status issue we had, did we not? And we know what happened then.

Can you imagine, Mr. Speaker, for one moment if UK citizens could vote and take elected office in this country? And all of a sudden, the makeup in this very room was that of many Anglo Saxons who are not even from this country? Can you imagine? I cannot imagine. I cannot imagine.

Mr. Speaker, there are not many times in this House that we on both sides get up, hold hands, sing from the same hymn sheet, sing *Kumbaya*—choose your example. There are not many times, Mr. Speaker. But in this particular case, in this particular case we are so glad to hear that Members opposite, along with Members on this side, are going to stand up for what we believe in and for our country.

And, Mr. Speaker, before I take my seat, I would just again let these folks know on this Foreign Affairs Committee that we tonight are drawing a line. We are setting, making a mark. And they should take note that we will not stand for them to come into our country and mess with our Constitution, mess with the voting rights of the people of this country and dictate as to how and when we run our country. We will not do it. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Minister.  
Would any other Member wish to speak?

We recognise the Honourable Minister Brown from constituency 17. Minister Brown, you have the floor.

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

Mr. Speaker, back in the 1960s, as Bermuda was going through a period of a gradual process toward democratisation, there were some interesting laws that were passed. One law increased the voting age from 21 to 25, believing that young people were too radical, and therefore their voting should be suppressed. Secondly, they added the plus vote for property owners so that property owners got an extra vote. That was a sign to give the weight to property owners in the electoral process. And the third change that was made, Mr. Speaker, was that they gave all British subjects [who were] resident in the Island three years or more the right to vote.

So, actually, Mr. Speaker, the British subjects got the right to vote in Bermuda—exactly what is being argued for now by the Foreign Affairs Committee.

That was a very controversial decision, Mr. Speaker, to grant British subjects resident for three years the right to vote. And it was a bone of contention for many years. It was not until the 1970s that it was finally abolished at a Constitutional Conference. But, Mr. Speaker, all of those British subjects who were put on the voting register in the 1960s and 1970s were retained on that voting register.

It is interesting that if you look at the census data, Mr. Speaker, for the 1950s, it shows net migration to Bermuda of about 800 people. By the 1960s, when this law came into effect, the net migration to Bermuda was about 8,000. And, Mr. Speaker, the vast majority of these people came from the British Commonwealth, or from the Commonwealth, part of the Commonwealth. And therefore, they were entitled to vote after being resident for three years or more. That, Mr. Speaker, is manipulation of immigration policy for political purposes. That is why it was so hotly contested.

That was then. This is now. Mr. Speaker, let us go fast-forward to 1999 when we had the *Partnership for Progress and Prosperity* White Paper produced by the British Government. This was a British Government White Paper designed to define the new relationship between the Overseas Territories and the UK Government. It promised a great new working relationship with the Overseas Territories. But what it did do, Mr. Speaker, was effectively provide for the devolution of power, more power back to the United Kingdom. There was more and more power devolved back to the UK.

Mr. Speaker, one of the blatant examples of this was the claim in the report in 1999 that all Overseas Territories needed to abolish the death penalty and that those who chose not to abolish the death penalty would have it imposed on them through an

Order in Council. So much for a working partnership, Mr. Speaker.

Mr. Speaker, in 2003, there was a report called the Overseas Territories Relationship with the UK report document. This document stated *inter alia*, Mr. Speaker, that the world is becoming much more complex and interconnected. It said that the line of demarcation between foreign affairs and domestic affairs is becoming increasingly blurred. And the UK stated very clearly that they believe that there are areas in the working relationship with the Overseas Territories whereby the Overseas Territories might see [these areas as] their constitutional remit to have responsibility for, but the UK do not see it as such. So, there is a blurring of the lines in the eyes of the UK Government on this matter. And they argued that they could basically involve themselves in constitutional affairs of the Overseas Territories.

This was a very dramatic step forward in the relationship, Mr. Speaker, because it demonstrated the willingness of the UK Government to intervene in the affairs of the Overseas Territories, very much so. That is why I say there was a devolution of power back to the UK.

Now, tangentially related to this is the issue of the belongers, Mr. Speaker. The belongers is a connected issue. But who was first thought of as a belonger? A belonger, under our Constitution, is someone who holds Bermuda status and is someone who is a naturalised British Overseas Territories citizen. It is the spouse of a Bermuda status holder or the children of a Bermuda status holder. The belongers issue has become a contentious one in Bermuda in part because of the recent decision by Government House to decide who can become a naturalised citizen. Mr. Speaker, up until the early 2000s, no one was naturalised as an Overseas Territories citizen unless they were also in line to be granted Bermuda status. That was the rule of thumb. You were only naturalised if you were in line to receive Bermuda status. So, everyone who was naturalised eventually got Bermuda status.

Of late, though, Government House has decided to naturalise people who are in no position, ready or aligned to become Bermuda status holders. So, it represented a dramatic shift in the terms under which people can become belongers. This has created an issue, because you had some court rulings now which outline the rights of belongers in Bermuda. And it is an issue that has been looked at by the UK Foreign Affairs Committee, as well. So, it is an issue that is a bone of contention as far as we are concerned, and it is one that impacts on all of these decisions regarding the rights of foreigners in Bermuda.

Now, the UK Foreign Affairs Committee's position is not that belongers should have the right to run for and hold public office or to vote. It is that all British subjects should have that right, every single British subject, whether they are belongers or not. So, that is

actually a broadening of the pool of people who are potentially able to vote in Bermuda and run for public office. This is a dramatic step forward, or a step backwards, depending on how you look at it, Mr. Speaker.

To that I say, *Hogwash! Errant nonsense!* It is a position that cannot stand. We will not tolerate the UK Government or any agent of the UK Government granting British subjects the right to vote in Bermuda or to be able to stand for public office. It is something that we will resist vociferously and very, very strongly.

Now, Mr. Speaker, there are five reasons why I believe this motion is valid and should be upheld. There are five reasons why I believe that the Foreign Affairs Committee's position is untenable. First, it represents an interference in our domestic affairs. We have a very clear constitutional remit, Mr. Speaker. We have responsibility for internal affairs. No other power has authority over our domestic affairs. We have full authority over our domestic affairs. It is inappropriate for them to be involved in our domestic affairs.

And the British have a penchant for expressing support for universal principles as a prelude to domestic intervention. It is a prelude. They talk about these great principles that they want to advocate. And they use that as a pretext for getting themselves involved in domestic affairs. They have done it on a number of fronts of late. And I do not want to speak about any other issues that we have before the courts, Mr. Speaker. But there are other issues that the UK Government has expressed a principle position on that directly interferes with our domestic affairs. And that is untenable.

Secondly, Mr. Speaker, we are separate and apart from the UK. We are politically connected, to be sure, but we have a relationship that is based on a dominant/subordinate relationship. We are not a family of equals, Mr. Speaker. We are a family of unequals. We have a relationship of disparate power. The UK has power over ours. We do not share equally in power. So, for them to argue that the rights should be granted to British citizens to have an equal say in our Parliament is untenable. There is no equality of position between the two of us.

Thirdly, Mr. Speaker, there is no reason why we should grant those privileges to the UK citizens any more than we should grant them to any other citizens of any other country. What makes the UK so special in this regard? If we grant the right of UK citizens to vote or to hold public office or run for public office, Mr. Speaker, why should we not grant it to every other citizen of every other country? There is nothing special about the UK that requires us to even consider this here. But that is what they are demanding. That is an untenable position, as well, Mr. Speaker. It is something we will resist very forcefully and very fervently.

Fourthly, we are a small territory, Mr. Speaker, where as few as 10 votes can make all the difference in an electoral outcome. Our electoral constituencies have about 1,200 people in each constituency. We have won or lost seats on 12 votes, 10 votes, Mr. Speaker.

**An Hon. Member:** Four votes!

**Hon. Walton Brown:** Four votes, four votes! We have won or lost elections or seats on that. By contrast, Mr. Speaker, the UK has a population of 63 million to our 65,000—63 million. The average constituency size in the UK is 76,641 people. It is a vast difference. And so—

*[Inaudible interjection]*

**Hon. Walton Brown:** Right. Each constituency in the UK is larger than the total population of Bermuda.

So, that is an issue for us, as well. But you cannot have this presence of the UK having the vote, because the numbers would greatly outweigh and have an unbearable impact on the outcome of the elections.

And finally, Mr. Speaker, because the UK has granted citizenship rights to Bermudians, it does not mean that UK citizens should have equal rights in Bermuda. We have been made British citizens by the UK Government. The British Overseas Territories Act of 2002 made us all British citizens whether we wanted to be or not. We are all British citizens in law. Whether or not you have a British passport, you are a British citizen. And they made us all British citizens. And so, therefore, as British citizens, British citizens have the right to vote in the UK.

British citizens in the UK do not have the right to vote in Bermuda, nor should they get the right to vote in Bermuda, Mr. Speaker. They are not Bermudian. And they should not get the right to vote.

So, finally, Mr. Speaker, we need to reject this position as outlined in the Foreign Affairs Committee report. And let us reassert the principle of internal self-governance and reject the UK interference in our domestic affairs. We need to do so very vociferously. We need to do it very firmly, Mr. Speaker.

Thank you very much.

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

We recognise—

Honourable Member from [constituency] 36, are you getting up to speak?

**Hon. Michael J. Scott:** Yes.

**The Speaker:** Okay. I recognise the Honourable Member from constituency 36.

You have the floor.

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

So, this debate seems to provoke a number of potential introductory remarks, it is so wide-ranging and important. I believe it is a debate of the utmost national importance. And so, one of the introductory remarks is that this debate should be carried in the mouths not only of the Members of the Government, led by the Premier, and not only in the mouth from the opposite benches by the Opposition Leader, but in [the mouths of] many other Backbenchers and Frontbenchers of the Opposition. So, it is a curious concern that I have that we will hear only from the Opposition Leader, because the matter is of huge and important national interest.

And I know—I know that Members of the Opposition Front Bench have views on this matter. But they have elected through the declaration of their Leader that only he will speak. And it is a curious position, given the importance of this. That said, the indication is clear and precise of the Opposition Leader to indicate a fulsome bipartisan support of the motion and statements of the Premier and all Members who are speaking as we carry on this debate. It is both necessary, it is welcomed, obviously, and it is appropriate.

Mr. Speaker, this debate might have another introduction that bounces off or takes leads from things that have been said. The Opposition Leader, Mr. Cannonier, indicated that throughout this report, for the record, the Global Britain and British Overseas Territories are resetting the relationship. Some resetting, some relationship, I say. In the beginnings of . . . but the Opposition Leader, very properly, pointed out his recognition of the occurrence of this nomenclature of “Global Britain.” And he asked the question, *So, what is meant by this?* May I tell him?

This is the neo-colonial project that is happening in Britain. It is a project that is determined to take actions against Bermuda to clawback revenues, take actions against Cayman to clawback revenues, take actions against all centres, financial centres that Britain regards as causing a seepage of its revenues for the revenues of large entities, of corporate entities, [which] keep their profits and their capital in territories such as ours.

So, it is a neo-colonialist project that is going on. And I cannot take credit for that description. It comes from an African professor, Professor Lumumba of Kenya, who had some things to say about just where we are in a neo-colonial setting with all of the former Colonies, Mr. Speaker, not just Britain, but France and others.

But, Mr. Speaker, to the motion at hand, this [report of the committee](#), with your permission, Mr. Speaker, laid down some opening features. With your permission, Mr. Speaker, it said “The FCO [Foreign and Commonwealth Office] inherited responsibility for the OTs [the Overseas Territories] from the Colonial Office in 1968, via the short-lived Commonwealth Of-

fice. The OTs' relationships with the UK have changed significantly since then. Most notably, in 2002 these territories, which had been colonies and later dependencies, were recategorised as Overseas Territories. This was intended to reflect a more modern relationship with the UK, based on partnership rather than dependency. Reflecting this modern partnership, 2002 also saw the creation of the British Overseas Territory Citizenship," (so a new class of citizenship) "which placed OTs citizenship on an equal footing with British citizenship." (You may think that this was progressive, Mr. Speaker.) "Despite these and numerous other attempts to modernise the relationship, [former Governor] George Fergusson told us that the FCO's role 'has not been seriously reviewed' since it inherited it from the Colonial Office. The evidence we received suggests that many in the OTs believe that it is time to reconsider that role."

It strikes me rather harshly that, obviously, this committee thinks it is time to reconsider the role.

And the words that I have just read, Mr. Speaker, particularly the references to the partnership setting of the relationship between OTs and the administering authority, these were the egalitarian pronouncements of not a Tory Government, Mr. Speaker, but the Labour Party. It was the Labour Party that had established the Partnerships for Progress, and it was there that we began to see these references to "partnership" and the giving of equal citizenship to us here in Bermuda. And you saw what results it had. Many of our citizens have taken advantage of it. This was partnership. It was equality. And it was welcomed.

But what we see in this iteration of this committee represents a very serious step backwards. You know, in history, this kind of interventionism by Britain has been seen. After all, Mr. Speaker, if we just think about the history of Africa or the Commonwealth, or even the United States of America, where there was rule from taxation from Britain without representation of those 13 Colonies. People, as we are doing this afternoon, resent and have been resenting these kinds of ambitious forays because they are unfair, and so people make the step for sovereignty when these things happen.

Mr. Speaker, under our Constitution, on the topic, Mr. Speaker, of just forays of interference by the administering power into the domestic affairs of this country, we all know that the Governor's special responsibilities are found within the Bermuda Constitution under section 62. And those four special responsibilities we all know to be external affairs; defence, including the armed forces; internal security; and the police. That is the purview of the administering authority, acting through its representative, the Governor.

And so, we have a recent example of interference by the Governor and the foreign office that he represents in today's affairs. There is nothing vaguely external in its affairs or involving defence, internal se-

curity or the police connected with the municipalities discussion that is going on in our country. And yet, we see the involvement of his (and I mean the Governor's) appointees having this improper influence over a thoroughly domestic matter.

I cite it only because I am on the topic of the inclination, as indicated by Minister Brown, [toward] the development of interference by Britain in territories' affairs. We are going to see more of it. I venture to say, Mr. Speaker, we are going to see it as it was recognised by Professor Lumumba at the Security Summit held last year in Kigali, where he made the analysis that in the advent of Brexit, where Britain and the people, a fair proportion of the electorate of the United Kingdom, said, *We will break with the European Union*. Why? Because people of Britain and politicians in Britain did not like this uneasy relationship they have in the EU with Germany or with France, who were the stronger partners. And so, Brexit is what we have.

My thesis was to be, with Brexit, and it was Professor Lumumba's thesis, too, that with Brexit . . . but that seems too tenuous now. But with Brexit, Britain's interference would be more widely felt within the Commonwealth, and I would say within the Overseas Territories, because they simply will move away from their involvement with European countries.

Interference, therefore (back to my theme), that spawned the 13 Colonies separating from the [UK] forming the United States. It formed Canada, Australia, seeking independence. In 1957, in this very month that we are now in, March, Ghana became one of the first African, Sub-Saharan African countries to go for independence when its leader, Kwame Nkrumah, made it clear that we live by these words, that we believe in the rights of all people to govern themselves. And so, this is the context. This is the context.

We have said, through the introductory remarks of the Premier, that the recommendations contained in this report to influence who become electors in the franchise and who is to influence our very fiscal affairs with this beneficial ownership matter . . . and I recall the Opposition Leader indicating, making references to how Britain was looking at different treatments of not only just black territories, but he said majority white territories. I am not quite sure what was meant by that.

But here is the disparity of treatment of Theresa May with reference to the Crown Dependencies, where she determined that she should defend the right of the Crown Dependencies, defend their right, Mr. Speaker, to delay the amendments being considered so that they could position themselves better. The Crown Dependencies, Jersey, Guernsey—all have the strongest and similar opposition to opening their books as we do, open registers.

But we get this report. And the Crown Dependencies get the leader, the Prime Minister of Britain, making concessions to the Crown Dependencies.

So, there is no equal treatment. It is very clear that the open agenda of the neo-colonialist project is to close down Bermuda. And it is the reason that we must debate it tonight and continue the discussion. There is no need for the Opposition Leader to remind us that we must keep open dialogue going with the administering authority. We will never be short of opportunities to be in touch or in coordination with bureaucrats of the United Kingdom Government. It goes on daily, monthly and constantly. And so, that is not going to be a solution.

What is very clear is the open agenda of destruction of our fiscal and economic arrangement in this country. And as long as we focus upon that, that we know what is up, as long as we understand that, then we can better position our position of offence or strategy of offence or strategy of response. But it is particularly un-strategic simply to say that the keeping open of lines of communication is going to be the be-all and end-all when what is so clear there is this malignant agenda to close down Bermuda.

And I do not say this lightly. These are the views of any and every attorney who practices in this area, who have given presentations to myself and committees and boards on which I serve. The analysis is very clear. The former Minister of Finance, Mr. E. T. Richards, has made the very same kind of analysis of what we are up against from the chair that is directly in front of me. So, knowing exactly what we are up against is also important.

Mr. Speaker, we are in an era of the neo-colonial project. And it has been exacerbated or worsened by the British dissembling on its separation from Europe under the Brexit mess. The reason why larger countries interfere with countries both large and small is also a concerning agenda. Interference or establishing or creating conflict in places where the relationship is one of coloniser and colony or former colony and coloniser is an industry. Again, these are not my words. Conflict is an industry. It is a deliberate industry that sows instability in a territory or a country.

In large countries, such as in Africa, for example, ripe with minerals and other wealth and wealth of goods, the conflict is established there by France and Britain and the United States trafficking in arms sales to those countries, buying off politicians in those countries, treating them with special treatment for the exchange of intelligence, selling to Egypt and Saudi Arabia aircraft, weaponised aircraft. All of these are the tools of conflicts and sowing of instability in regions. So that, whilst those countries' domestic and municipal governments focus on the mess that is created socially, economically and politically, their position of Britain and France and the United States is improved. It is enhanced for getting what they want out of these African countries.

In Bermuda, there is no need for us to be sold large F-14s or Kalashnikov rifles. In Bermuda, the conflict takes the form of a more subtle agenda. And

this one is called, this report from the committee, it is called "beneficial ownership." It is called "economic substance." It is called "Class A drug dumping" into this territory so that a segment of the society is constantly dealing with a part of the population engaging in criminal gang warfare. These are all destabilising agendas. The one reserved for the smaller territories is the putting of drugs in the streets of this country, the dumping of Class A drugs into this country.

Now, lest anybody misunderstand me, Class A drugs from cocaine and heroin and cannabis are all entering this country. And it began . . . it was not always so. But it did begin in the 1970s. And I have made this speech in this House before. It is and has been a very seriously destabilising player in our midst. And if you look at the other Caribbean independent nations, and the Overseas Territories, they are all dealing with this problem, the entry of and dumping of drugs into our countries and the deleterious, fatal results, largely the silent deaths of black men in our midst. How destabilising is that? And it is just a part of . . .

So, there are the blatant destabilising forces such as the reference to Class A drug dumping these days, related with firearms, and the more subtle [forces] that we are dealing with, which are the beneficial ownership and telling us who can vote in our elections, making recommendations about granting status to broader classes of people, and economic substance.

So, the motion tonight is important. It is of national importance. And it will require a focused and consistent and persistent battle to deal with it until it is removed. I have always known, as all Members of this House know, that we are a resilient nation—state, mini-state. We have always been resilient. If you just compare us with even large countries and the capacity for us to punch above our weight, that is part of the description of our resilience.

This is not only a time for the Leader of the Opposition to stand alone and declare that he agrees that the threat is ever clear and present as a danger, but to continue throughout this month, throughout this year and throughout this strategic period to be wary of and to put in place countervailing and counterbalancing strategies. You see, because it is also known and clear . . . and the Premier has said it in statements and Ministerial Statements to this House, the blacklisting issue is going to, no doubt, we feel most confident, be resolved once the new language is put in the Economic Substance Act and sent back over.

But I have absolutely no confidence, obviously, and I do not think any of us should that this will be the end of the matter. The industry called "conflict and destabilisation" is continuous. And so, with that put to bed, there will be other continuing efforts by the EU and Britain to clawback what it sees as lost revenues and to close down this jurisdiction. Frankly, as an attorney, it is important in fixing this strategy and collab-

orating together on strategy that we look even at legal remedies where we find that these motivations to close down a country's economic affairs and harm a jurisdiction and Overseas Territory economically should become a matter of serious consideration for adopting all legal remedies. But there must be many arrows in the quiver and many strings to the violin that we must play as we, as a resilient nation, meet these existing threats, the future threats, as well.

And so, Mr. Speaker, this is where we are. The debate tonight should reflect not an end of matters, but a beginning of matters to deal with this report. That is really a shocking, shocking misstatement of an invitation to this territory to partner. I mean, it could not be further from any level of partnership when a report recommends to a nation 20 square miles in size, a population density of 65,000 people, a nation that is committed to putting its people, its Bermudian people first in education and in jobs, that a recommendation can come from the administrative authorities' house committee suggesting that we have some level of equivalence, of openness to emigration into our territory as a larger country goes in the face of the Labour Party's and the Labour Government's recognition of this fact being inapplicable. And I think it was called . . . "Equivalence" is the word that occurs to me, but it had a specific, obvious . . .

The obvious calculation is that we cannot open our territory, open our immigration entry permissions in the same way that Canada can or a large country can, because of the geographical constraints and the population density constraints. The Labour Government were prepared to acknowledge this. This committee has completely driven a coach and horses through that kind of concept. And for them to think that anybody in this country can accept the recommendations in this report as either fair or credible or just is whistling *Dixie*. The report could be re-characterised as the sending-up of the colours on the mast of a serious conflict with the administering power.

We may have some comfort in knowing that a general election may be soon ensuing in the United Kingdom, and hopefully a Labour Party, even though a Labour Party Government will park in back to the principles of former Labour Government's of being just decent and fair in relation to Overseas Territories, as opposed to this vigorous offensive that they are unleashing upon us.

So, let me be made absolutely clear, as I underscore the call by Mr. Premier to send the clearest message from this House, a message, alas, that is coming only from the Front Benches and Backbenches of the Government and the Opposition Leader of the Opposition party, as clear as that can be, that this country rejects the recommendations of this committee and hopes that, in three months, the recommendations never see the light of approbation by the Government, whoever they may be in the United Kingdom, whether Labour or Tory.

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

We recognise the Member from constituency 21. Honourable Member Commissioning, you have the floor.

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

Mr. Speaker, it may be efficacious to start from first principles, that being what we call the resolve that is found in the motion moved by the Honourable E. D. G. Burt, the Premier of Bermuda. And that resolve is as follows: It says, "BE IT RESOLVED that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda's domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories."

That motion has called for this House on both sides of the aisle to unequivocally and unreservedly reject that report of the British Parliamentary Foreign Affairs Committee and its retrograde recommendations. We are well on our way to accomplishing that, Mr. Speaker. We on this side of the aisle recognise that Bermuda is an unfinished project, a place where, in the modern and indeed postmodern world, the people of Bermuda have sought to advance the virtues and principles of democracy at the expense of tyranny and racial oppression. But our present state reveals an imperfect democracy, and nowhere is that revealed more than in our constitutional order that was brought into being by an act of the UK Parliament in 1967. I repeat: We can now reveal an imperfect democracy, and no more can that be asserted than in our constitutional order.

I ask all of the listeners out there: Do they know that nowhere in our Constitution is the word "Bermudian" ever used? You will not find it in the so-called Bermuda Constitution. That term "Bermudian" has no constitutional or legal status. For us Bermudians, of course, it has great resonance. It means so much to us. But it is, I guess, a cultural construct and one forged through ties of family and community that go back generations. But under the Constitution that governs us, there is no recognition of us as the term I assert, "Bermudian." That is a constitutional lacuna, but it does also reveal some of the fictions that we fervently live by.

Mr. Speaker, I was a member of the Bermuda Independence Commission in 2005 or so. I was appointed by a former Premier of this country, Premier Alex Scott. I want to reveal another fiction here. On page 9, with your indulgence, Mr. Speaker.

**The Speaker:** Yes.

**Mr. Rolfe Commissioning:** Under the heading, "Findings of the Commission," subheading, "Constitutional, Political and Legal Issues," it reads: "Bermuda is a non-self-governing territory administered by the Unit-

ed Kingdom.” The fiction being, of course, that we are an internal polity that has internal control of our affairs. Even I from time to time over the years have asserted that fiction. But even whatever degree of control over our internal affairs [we have] has only been delegated by the dominant power, that being the United Kingdom.

So, it is against this backdrop, Mr. Speaker, of this imperfect democracy that we have here, this non-country called Bermuda, this non-nation which we always assert is a nation, that we always use the term “citizens of Bermuda.” That, too, does not exist. We are neither a nation nor are we citizens of a place called Bermuda. That, too, is a fiction.

So, again, it is against this backdrop that we have this assault not only on the current imperfect constitutional order, but upon our own identities as Bermudians by this UK Foreign Affairs Committee. Certainly, when the news hit of its recommendations, I am sure that people like Peter Sanderson was jumping for joy. He probably had a party at his house. I would not be surprised, Mr. Speaker, that a lot of lobbying by the Peter Sandersons of Bermuda, probably some of his private school friends over in the UK, who are all in high positions within the current conservative government, contributed to this result. And I hear the Member from constituency 36 extrapolate, my dear friend and learned Member, that his brother might fall into that category.

Mr. Speaker, you heard me speak a couple of weeks ago. And I used a sort of catchphrase of, *Well, we have seen this movie before*. Our parents have seen it, our grandparents, my generation . . . we have seen this movie. The Honourable Member from constituency 17, Mr. Walton Brown, in his groundbreaking book, highlighted, and I have said this before, but again with your indulgence, Mr. Speaker, that from 1960 to 1970, you had (and I hope the *Royal Gazette*) . . .

A couple of weeks ago, and I might just interject here on myself, I guess. They said that I quoted from Mr. Brown’s book. But, you know, they did not even list one sentence as to what I quoted. I wonder why? Maybe it is because of this: “Mr. Brown indicates, as the writer, the author, that from 1960 to 1970, you saw a 66 per cent increase in migration to the country that took the total up to 14,496 persons. Only 15 per cent were black, while 83 per cent were white. And since more than half of these new residents, 56 per cent, were from the British Commonwealth, they were all entitled to vote after living in the Island for a period of three years.

“Finally, well over two-thirds of all foreign-born persons living in Bermuda in 1970 (69 per cent) came to the Island during the 1960s.” He goes on to say, and I think I have not said this before, and I think it is illustrative of the great anxiety around this present issue. He goes on to write this: “While it seems reasonable that a considerable proportion of this number

was brought to the Island to work in the increasingly expanding tourism and international business sectors, there was an important racial and political dimension which should not be overlooked. Alongside this 10-year influx, the Government repeatedly raised the fare that Bermuda was becoming overcrowded and that the birth rate was too high. Government Leader Henry Tucker went so far as to suggest that if present trends continued, Bermudians in 20 years’ time might seriously consider leaving the Island altogether.”

Certainly, Mr. Speaker, we know that Sir Henry Tucker was speaking about black Bermudians, of course, because at the same time, his United Bermuda Party Government were indulging in some of the worst forms of racialised social engineering to foster white migration in the country, in an effort to maintain their hegemony over Bermuda’s political and economic affairs into the modern era at the expense of black Bermudians.

Do not listen to me, Mr. Speaker. We have Mr. Lang, who is now retired from the Bank of Bermuda Foundation, who essentially made the same claim today, or not too long ago, in the paper a couple of days ago. We have seen this movie before. And so, for my parents’ generation, for my generation and maybe one or two generations afterwards, the effrontery of this committee seeking to impose same-sex marriage, and we will not address that because it is before the courts, a public register of beneficial ownership and, I think, the issue that unites more Bermudians, frankly, than the other two, [which is], in their vehement opposition, they recommended that British citizens be given the right to reside and vote and even run for office in Bermuda.

Now, Mr. Speaker, I heard a sanguine view over there when that was mentioned that, *No, that could never happen*, or something to that degree. *They will never get elected*. Mr. Speaker, half of Bermuda’s population were foreign-born Anglos by the time we got to the 1970s. Why would not these people get elected? Hey, maybe one or two, after all, in a slight break from the spirit of bipartisanship. Over 80 per cent of the voting base of the other party comprises white Bermudians, almost half of whom were foreign-born. And a significant percentage of those are white Anglos who came from the UK and Canada! Why would not at least one or two of them, considering that reality, get elected? Let’s not be naïve here, Mr. Speaker. (I am not saying you are, of course.)

Mr. Speaker, there has been a concerted effort that continues deep into the postmodern era to marginalise black Bermudians in this society. The beat has changed, but the melody remains the same. People who are adamant that the same unearned privilege that prior generations, as revealed again in Mr. Brown’s book, that they were able to take advantage of, should be extended to them at the expense of ourselves. And we cannot let that happen, Mr. Speaker. We cannot let that happen at all.

Even the issue of beneficial ownership, we have talked briefly about that over the last few weeks, is an affront. But again, let us be honest. They are the dominant power. As the Member from constituency 17, Mr. Walton Brown, stated, we are a subordinate power. And if they really wanted to, they could impose their will. Is there the will now within the British Government to make that leap in potentially a post-Brexit environment? I do not share the view that the British are looking for any opportunity to get rid of these colonies.

People forget that in 1998, Mr. Speaker, or 1997, with the Partnership for Progress, touted and promulgated by the Labour Government of Tony Blair, part of the rationale for that so-called modernisation project was to ensure that the United Nations Decolonisation Committee would not have Bermuda in its sights. So, they did this new song and dance, this new branding, “Global Britain,” to some degree, I forget whether it was an actual catchphrase back then under Blair,

**An Hon. Member:** “Cool Britannia.”

**Mr. Rolfe Commissiong:** “Cool Britannia” as part of this whole exercise to not have Bermuda and its territories viewed as *colonies*! But in the real terms, constitutionally, the status has not changed.

It has not changed.

So, that is where we are at. I do remember that in 1997–1998, Mr. Philip Perinchief, a former Attorney General of the Government then, and I did an Island tour talking about the prospect of this offer of British Overseas Territory citizenship and what the implications were for Bermuda. Certainly, Mr. Speaker, the word that was on the lips of everyone then was the word “reciprocity.”

And whether having now been conferred, almost parachuted in . . . because, remember, nothing came through this Chamber in relation to that offer by the UK Government, they parachuted these rights upon Bermudians. We did not pass any legislation here in relation to that. But they parachuted in those rights in 1997–1998. And they assured Bermudians that there would be no reciprocity, that Bermudians would be able to take advantage of these rights in the UK, and by extension the European Union, to reside and live and work—

**An Hon. Member:** Access health care.

**Mr. Rolfe Commissiong:** Access health care and the rest. But that the British Government, the UK Government would not mandate that reciprocity be part of that overall arrangement. They have thrown that out the window with this, at least for now.

And the test will be . . . and I want the listeners out there to understand. As the Premier pointed out, the final decision as to which of these recommen-

dations, these somewhat odious recommendations, the British Government now has to consider, which of these recommendations they will adopt has not yet occurred, or, if it has, it has not been made public. They may adopt one, they may adopt two; they may adopt five of the overall . . . I think there are 18 recommendations. Or they may, in a very extreme example, adopt none of them, although convention would tell us that this is highly unlikely—out of respect for a parliamentary committee. So, we are still waiting on that decision.

But this is a useful debate to have. As the Premier stated and as the Opposition Leader stated, to his credit and that of his party, this sends a marker, a strong signal. My one criticism of what took place on the Opposition [side] tonight is that we only heard from the Opposition Leader. I would have loved to have heard from Mr. Dunkley. I would have loved to have heard from one of the newer Members, Mr. Pearman, who with his legal and international business background could bring a different perspective. But like I said, the Opposition Leader did indicate his support for the motion. And at least we can say that both parties are in support of the motion and what it represents.

So, Mr. Speaker, in closing, I was on the Kim Swan show (some of you may have heard of him) the other night. And I said that in the struggle for independence . . . and it is no secret. I mean, why would we hide the fact that the Progressive Labour Party has historically always supported that principle of Bermuda being fully independent? I would hope that some of your listeners out there would consider this matter again in light of these fictions I talked about that we delightfully live under and perpetuate, when they have no legal or constitutional standing, to return to thinking about how we can improve ourselves from a constitutional basis and embark upon our own modernisation project. I would hope that some of that resonates with the persons out there in radioland.

But I will leave you with this thought. In the history of the struggles for full self-determination, resulting in independence, I have never seen one that has been successful without the full investment of the people in a passionate determination to achieve that goal—never—in an effort to achieve and pursue the goal of a common national identity, and the pride inherent in that. It is not just about the cold numbers. It is not just about the cold philosophical, ideological concepts. Do we want to be Bermudians? Do we want the world to see us as Bermudians and citizens of Bermuda? Because as of right now, at a level that defines who we are constitutionally, that does not exist.

Mr. Speaker, I thank you for these few minutes. And I will take my seat.

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

Does any other Honourable Member wish to speak?

The Honourable Member from constituency 11, Honourable Member, Mr. Famous. Mr. Famous.

**Mr. Christopher Famous:** Good evening, Mr. Speaker. Good evening, colleagues. Good evening to the people of Bermuda and the people of the Overseas Territories who are listening.

Mr. Speaker, I am going to speak from a local and a regional standpoint today. Last May, Mr. Speaker, my mother and my father, and every one of my aunts and uncles stood at the Botanical Gardens to commemorate 50 years of their getting to vote. Mr. Speaker, at that time [last May] I was only 49 years old. So, that meant before I was born, my parents and my aunts and most people of their generation never got to vote. Some of them were 30 and 40 years old before they got to vote in this country. Why? Because of the things that the Premier spoke about earlier, you had to have land. Then when you had land, the land had to be of a certain value.

And we all know, Mr. Speaker, they devalued the property value in the Back o' Town. You could have 10 pieces of land. No, not enough. Not good enough for you to vote. What they really were saying is, *You black people, [there] are too many of you. If we allow you to vote, it is going to be a problem.* So, you know what, Mr. Speaker? People like Lois Browne-Evans, Freddie Wade, Arnold Francis, Roosevelt Brown and many others, Ms. Smith, who passed away last year, they went around and they educated the people about why they needed to register to vote. They educated the people about how to vote, how to properly cast your ballot. Make sure that "X" is inside of that box.

Because, you know what, Mr. Speaker? Let us go back. Many of those people in that generation were denied an education. So, many were functional illiterates. They could build a house, but some of them could not read. So, our people had to go around and educate them about how to vote, who to vote for, and why they were voting that way.

So, last year when my family stood in front of the Botanical Gardens, they cried tears of joy that they could see 50 years of them getting to vote.

So, let me fast-forward, Mr. Speaker. Last year, July, just before Cup Match, I stood in this same House and I asked the people did they remember Paul Revere? Some may say they do not, some say he did not say it. But there was a saying attributed to Paul Revere, *The British are coming! The British are coming! The British are coming!* And, guess what, Mr. Speaker? I laid out then that there are people, not the British Government, per se, people within the British Government, who want to change our laws to suit their own needs—immigration laws, public register laws and other laws.

As usual, the usual suspects online took it upon themselves to say, *Famous is lying. Nothing like that would ever happen. We are our own self-governing territory. Here he goes again with his fantasy conspiracies. Britain would never do that to us.* All right. Let me fast-forward again. Mr. Speaker, on February 20<sup>th</sup>, a report came out from the Foreign Affairs Committee. Eleven MPs in England decided amongst themselves . . . let me clarify. It was not the UK Government, but 11 MPs, five from the Labour Party, five from the Conservative Party, and one from the Scottish National Party, none of whom have any ties to this country or, dare I say, any other Overseas Territories. They may have some financial ties; but cultural ties, they have zero.

I want the people of Bermuda to look, google Foreign Affairs Committee. And look at their pictures and ask yourselves, *How in the world do these 11 people have any rights, any moral rights, to dictate to 250,000 people in the Overseas Territories spread throughout this world?*

Let me be clear. To 250,000 people in "colonies"? That is why they think they have a right, because they see us as nothing more than a colony of Britain. They do not see us as equals. There is no family of Britain. They are not going to say, *Oh, we're a family! But we're going to put Order in Council to force you to do what we want you to do.* That is not how families operate. That is how dictatorships operate.

Again, I want the people of Bermuda to google Foreign Affairs Committee. And there is a picture. And you can decide for yourself, are you going to let these 11 people dictate to 250,000 people? What is that ratio? That is 1 to 24,000, for argument's sake. So, for every one of these, they could dictate to 24,000 people.

Let me read out their names. Tom Tugendhat, Committee Chair, Conservative Party; Ian Austin, Labour Party; Christ Bryant, Labour Party (they disgrace the Labour Party); Ann Clwyd (whatever her name is), Labour Party; Mike Gapes, Labour Party; Stephen Gethins, Scottish National Party (How ironic! I used to be a fan of the Scottish National Party.); Nicola Sturgeon, fighting for their independence. And here they are trying to dictate to us, because we are nothing more than a colony. Let me go on, Mr. Speaker. Ms. Nusrat Ghani, Conservative Party; Ian Murray, Labour Party; Andrew Rosindell, Conservative Party; Royston Smith, Conservative Party; Nadhim Zahawi, Conservative Party.

Now, I am not saying Theresa May's Government is doing this. I am saying that this committee has sat down in some room for a couple of weeks and said, *No matter what they come with, we are going to do what we want anyway.* Do you know why, Mr. Speaker? Part of our PLP Constitution is for us to keep close ties with our Caribbean neighbours. And over the last two years I have made sure to keep ties

with persons in various Caribbean Overseas Territories governments. And each one of them let me know that they made their submissions to that committee. And no matter what they said, these people came back and did what they wanted.

So, that argument about, if we had gone there, this might not have happened, no; this was a predetermined result, what they wanted.

Let me move on, Mr. Speaker. On February 25<sup>th</sup> of this year, less than a month ago, the British Virgin Islands had a free and fair election. They had a stable change of government with not one example of voter fraud. The Green Party VIP defeated the Red Party, the NVP. Sounds familiar, right? Two days after that election, there was a CPA [Commonwealth Parliamentary Association] election observer group, people from the British Isles and the Mediterranean. Hmm. The British Isles and the Mediterranean, not even from the Caribbean. They made their report, which said it was a free and democratic change of government. But they also made some recommendations. Let me read this out. May I read this out, Mr. Deputy Speaker?

[“Belongership contravenes Civil & Political Rights—VI Election Observers—Echoes”](#) (key word) “Echoes UK Parliament Committee report on removing status.”

How is it that this committee, on February 20<sup>th</sup>, came up with recommendations? A week later, election observers from the British Isles and the Mediterranean said, *Hey. We concur with that. You all need to let belongers vote for you.* Let me read what they had to say.

“Road Town, Tortola, VI . . . a preliminary report from the Commonwealth Parliamentary Association, British Islands and Mediterranean Region Election Observation Mission which [cited] distrust in the Virgin Islands Electoral System is also pointing that the VI’s belongership status contravenes civil and political rights . . .”

“According to the report, the status ‘contravenes International Covenant on Civil and Political Rights which seeks to ensure all individuals within its territory have the right to vote and stand as a candidate without distinction of any kind such as national or social origin, property, birth or other status.’”

It goes on to say, “It says due to that, there are citizens with resident status who are not granted suffrage rights and non-citizens residing abroad with the right to vote and stand, ‘This again undermines’ (*undermines!*) ‘the principles of equity, fairness and representation . . .’”

Again, these were election *observers*. They do not have any right to say how the VI carries out their elections. They are there to observe. Was it free and fair? Was it violent? No. Was there any fraud? No. So, who are you to tell them how they should carry out their elections? How long before they tell the Cayman Islands how to carry out their elections? How

long before they tell Turks and Caicos how to carry out their elections? How long before they tell Montserrat how to carry out their elections? How long, Mr. Speaker, before they try to tell us how to carry out our elections?

Oh! My bad. They did it, February 20<sup>th</sup>. They have already said how we should do this.

Let me go on, Mr. Speaker, because right now I am very upset. I am thinking about my mama, who cried because she got to vote in 1968.

[*Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair*]

**Mr. Christopher Famous:** Mr. Deputy Speaker, with your permission, I would like to read something from several premiers of different Overseas Territories because I want the people of Bermuda to understand that this is not just the sentiment of 36 of us in this country, 64,000 of us in this country. This is the sentiment of our brothers and sisters in fellow Overseas Territories.

With your permission, I am going to read something from the <sup>3</sup>Premier of the Turks and Caicos Islands.

**The Deputy Speaker:** Continue.

**Mr. Christopher Famous:** “We have our own identity, our own aspirations, our own beliefs and values and our own democracy. We cannot” (I repeat) “We cannot, and must not, let anyone force their values and culture on us and in numbers.

“As we unite with our fellow OTs, we too must unite at home and put aside differences . . .” Similar to what we saw earlier this evening, we united, for the most part, and put aside our differences because we know that no one should be coming in here to vote in our country. “As we unite . . . and put aside our differences that pale in comparison to these matters that go to the heart of who we are.

“We remain strong in our stance to fiercely reject the enlargement of our franchise in any other way than agreed by, and administered by, our people. We equally stand on our values and cultures . . . This is a fight we won before and we must not retreat now . . .” I am going to repeat that for the people of Bermuda. These are our blood relatives in the Turks and Caicos saying, “This is a fight we won before and we must not retreat now, but boldly take these steps to those who seek to believe that it is okay to trample on the rights of a people.

“God bless you and may God bless the Turks and Caicos Islands!” That is Premier Cartwright-Robinson of the Turks and Caicos Islands. That is just one.

<sup>3</sup> [The Sun, 20 April 2019](#) “Premier Robinson responds to Foreign Affairs Committee report”

May I read another one, sir? This is from the Premier of the Virgin Islands. “<sup>4</sup>Our struggles in this Caribbean basin have always been one and the same—and it manifests itself in the modern day through our shared interest in having to defend and protect our different financial services sector from unfair and onerous demands from . . .” a few.

“He says that the VI [Virgin Islands] will continue to seek solidarity . . .” Have you heard that word before, Mr. Deputy Speaker, “solidarity”? What does that mean? I am kind of slow.

**The Deputy Speaker:** Well, you continue. You are doing very well.

**Mr. Christopher Famous:** “<sup>5</sup>The VI will continue to seek solidarity in standing up to a new aggressive push from outsiders, ‘which seems determined to issue edicts to its overseas territories in the region, without paying attention to the expressed will of the people, and ignoring our own values and customs . . .’ This is from Premier Andrew Fahie, of the BVI [British Virgin Islands]. Do you see a common trend there? The Premier of the Turks and Caicos says we must unite. The Premier of BVI says we must stand in solidarity.

Let me read one more premier [quote]. This one is going to come as a shock. Premier Alden McLaughlin, the Premier of Cayman Islands—the same Cayman Islands that we keep hearing that we must be just like.

“<sup>6</sup>Premier Alden McLaughlin has made it clear that he does not consider a report from UK’s Parliamentary Foreign Affairs Committee on the British Overseas Territories as significant because it does not represent the current British government’s policies.”

Let’s be clear. He is saying that this committee, these 11 persons, do not represent the British Government. Let us hope that what he is saying is true.

“But he said that if the UK implemented the recommendations of the cross-party committee report regarding citizenship rights, which would allow non-Caymanians to stand for office, he would ‘lead the charge for independence.’”

If anyone knows the Cayman Islands, they know that they are probably the most conservative of the OTs. But they themselves are riled up so much to think that people from England can come there, say they are working wherever and they can vote and they

can run for office. They will not have that. Let me conclude [by reading] what he says.

“The Premier said the report suggestions represented ‘neo-colonialism’ at its worst over issues long ago devolved.”

He is sounding an awful lot like the Member from constituency 21. Anyone who knows the Premier of the Cayman Islands, knows he is a very conservative guy.

Mr. Deputy Speaker, let me go further. Let us not forget . . . I am not saying forget the overseas leaders. I have family in all of these islands. I know a lot of radio hosts in all of these islands. Brother Kim and I have worked very hard to build relationships over the radio with the people of these islands. There is no one from any of these islands, including Bermuda, who is in favour of this—no one. So, again, 11 people dictating to 250,000 . . . that is neo-colonialism, according to Premier Alden McLaughlin of the Cayman Islands.

You see, Mr. Deputy Speaker, I am about to wind up. I have to go for my long-service award. This House cannot form a committee to dictate to the people of England. We cannot say, *Okay, we’re going to take five from this side, six from this side. And let’s figure out how we’re going to dictate to England and tell them, you know, everybody should support Manchester United.* We cannot do that. But somehow or the other—

**The Deputy Speaker:** Probably Liverpool.

[Inaudible interjections]

**Mr. Christopher Famous:** Somehow or the other, 11 people in England, who have no ties to us, can sit down in a room and say, *Wow, guys, what are we going to do today? I know! We’re going to take over the Overseas Territories again!* Because, you know what, Mr. Deputy Speaker? Today, [they are] telling us we are going to let anybody who lives in here vote. You know what it is going to be tomorrow? *Hey, let’s form our own party!* Next day, it is, *Hey, let’s just remove immigration control. Let anybody from England come to the Overseas Territories, [let them] work without a work permit!*

Last year when I said, *The British are coming!*, they said I was a liar. What are they saying now? It does not matter what they are saying. Because all that matters is what these people are saying. And it is complete and utter garbage. No offence to Theresa May, because she has her own challenges. But these folks? No way. We are not listening to them.

As the Member from constituency 22 said, *It will never happen.* Well, we have to make sure that it does not happen, because what if, two weeks from now, they say, *Ah. Wow. Well, we’re pushing three things on them. Hmm. Why don’t we tell them you can drop two and they could take one?* As we know, the

<sup>4</sup> [Caribbean News, 16 March 2019](#) “BVI Premier calls for regional solidarity in defending financial services sector

<sup>5</sup> [Virgin Islands News Online](#), 18 March 2019 “VI seeking solidarity to fight EU, UK pressure

<sup>6</sup> [CaymanNewsService](#), 22 February 2019, “Premier dismisses FAC report on non-local rights”

history of the oppressor has always been, *We are going to take what we want*. What is to say that they do not say, *Okay. We will roll back on that whole public benefits, public register thing. But we still want [the] vote. We'll roll back on that other thing that you were all upset about. But we still want the right to vote*. You cannot take half a drop of arsenic and say, *Well, it's only half a drop*.

So, I say to the Honourable Opposition Leader, maybe, yes, we have to, as you say, keep allies with those we need. But at the same time, if you do not show people that you respect yourself, they are never going to respect you. If a guy has got his foot on my throat, I am not going to polish his shoe. I am not going to say what I am going to do, but it will not be polishing his shoe.

So, Mr. Deputy Speaker, let me bring it back to the local because I have already shown you what they are saying overseas. So, nobody can say, *Oh, it's just you guys saying this*. My mama is 73. My daddy is 83.

**Hon. Zane. J. S. De Silva:** Our mama, man.

**Mr. Christopher Famous:** Yes, our Mama, yes, Zane's and my mama. My aunt is 92. My other aunt is 81. My other one is 87. They represent a generation that never got to vote until they were 40 years old. Do you think I am going to stand here as their nephew, as their son, as their representative and say, *Well, you know, let's just see what the English do? Because maybe we could just send them some Easter lilies and they won't do this to us?* No! These 11 people will not dictate to my mama, to your mama, my auntie, nobody's mama in this country, nobody's daddy. We cannot do it to them.

So, Mr. Deputy Speaker, let me close here and say . . . let me address the Opposition, the one who is there now. I understand we need to protect our bread and butter, which is international business. But let us remember, one of the recommendations of this thing is public registers of beneficial ownership. When are we going to stand up? Because if that gets implemented, we are going to have some challenges, just like we have now. And I say to those in international business, thank you for all your hard work. Our economy needs it. But there is no way we can sit down and allow people sitting in a room in London to dictate to any 250,000 of us in the Caribbean.

I am going to close, Mr. Deputy Speaker, with this. I know I got in trouble the other day because I quoted somebody. So, I am going to just say this. When you say someone who is staunch OBA, staunch UBP, as UBP as it gets, writing in the paper that there is no way that British people should vote in this country, that says it all. Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you.

Any further speakers?

The Chair recognises the Honourable Member Kim Swan. Mr. Swan, you have the floor.

**Hon. Hubert (Kim) E. Swan:** Yes. Thank you, Mr. Deputy Speaker.

Mr. [Deputy] Speaker, I want to start off by thanking the Premier for moving this motion:

WHEREAS the House of Commons Foreign Affairs Committee has issued a Report on the UK and its Overseas Territories;

AND WHEREAS this Report represents an attempt to erode the Constitutional rights of Bermudians and is a retrograde approach to relations between the UK and Bermuda:

BE IT RESOLVED that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda's domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories.

And I speak in support of this motion, Mr. Deputy Speaker. And I do so, knowing that the Opposition has chosen to speak only through the voice of the Opposition Leader, which is its prerogative, and spoken in support of the motion, made a few comments in regard to it. But I certainly, Mr. Deputy Speaker, could not allow this to go past without offering some comments on this important motion before us this evening.

When I read through this [One family: rethinking Britain's relationship with Overseas Territories](#), I was reminded of those British romance novels, you know, and all of that that goes along with it. And, Mr. Deputy Speaker, if I was not apprised of our history, reminded of it even when I may have gotten it wrong, I would be wrong. It would be wrong of me not to point out to Bermudians and particularly to those of our sister Overseas Territories in the Caribbean and around the world, as well, that this is no romance novel that was written by the Foreign Affairs Committee.

And let me just put in context where Britain is at this moment in time. At the time that this Foreign Affairs Committee, Select Committee of the House, is going around visiting Overseas Territories, they in their country are faced with probably . . . I would not say it is as tumultuous as what the late Sir Winston Churchill had to deal with during his tenure as leader and as a parliamentarian because that was a wartime when he had to contemplate some very serious matters of state. But for Britain, it definitely is up there in the top three of [tumultuous] times that the British people have had to face.

We know that the people of Scotland have had to consider independence at one time in a referendum, and it is not a dead issue. There are some strong feelings when it comes to the autonomy of a country. Britain's relationship in Northern Ireland has been one of great interest for many years for many different reasons. I spent a fair amount of time in the

UK in both Northern and the Republic of Ireland, and around many Irish people, to know that, Scottish, as well as others within the United Kingdom.

And I know that we make the mistake in Bermuda of buying into that romantic novel-style narrative that gets put our way because, maybe because our history really has not been truly appreciated and taught in our schools. There are some of us who learnt it as we went along, by hook or by crook. And ignorance is very much commonplace in our land. And so, some of us, many of us, in our country could easily think that when someone from the Foreign Affairs Committee writes and suggests that the UK and its Overseas Territories have a very strong bond . . . people could believe that and not appreciate the strong cultural ties that we have in amongst our own country.

And it is from that that I have to speak tonight on this important motion that the Premier has laid, to be able to dispel any myths for anyone in the UK who might look at this debate as a reason for determining how they might vote when time comes in the United Kingdom. You know, that romantic style portrayal of this relationship that exists between overseas and particularly Bermuda and the UK would not even take into consideration that just in recent history in Britain persons of Caribbean descent had to relive the painfulness of what has endured with the Windrush revelations—very real. Very real, indeed, in modern day Britain.

But as these persons were going around the Overseas Territories formulating this position on behalf of the committee that they were charged to do, at home, as I mentioned, Mr. Deputy Speaker, at home all was and is not well. Britain woke up one morning after a referendum and found itself faced with the will of people that says that you have to go in a direction that many were not and are not prepared to go, whilst at the same time it is telling its Overseas Territories that they have got to do this, that and the other that threatens our very financial existence.

And may I say it is at this point where my honourable friend, the Member from constituency 11, Mr. Famous, who wrote an article praising the person whom he replaced in Parliament, an opposite Member, because it is in this area where our Finance Minister and the former Finance Ministers of Bermuda found common ground, that Bermuda has been able to carve out its own niche in the world of finance and has done it very well, and has been able to do it in such a way where countries have come here to identify how best to do it when setting up similar models in their own land.

It is not uncommon for Bermuda, dare I say, Mr. Deputy Speaker. Because if the world of international finance in Bermuda is 50 or 60 years old, the world of tourism in Bermuda . . . as you would know better than anybody here, and myself having been groomed there, we set the model for tourism here so

that many countries came here and looked at the model that we had, and went away and found a way to do it better. We have always been trendsetters. I read an article in the *Bermudian* magazine, published by the late, I think it was Sir Stanley Spurling, talking about how Bermudians used to build boats. He left out my great-great-great-grandfather Charles Roach Ratteray, but he might have left out yours, too. You know, he did not cover us. But we have been boat builders, and we have helped to shape this country. Such is the disparity that we have had to live with in this country.

**The Deputy Speaker:** Charles is in Dr. Kenneth Robinson's book, Charles Ratteray.

**Hon. Hubert (Kim) E. Swan:** Thank you.

**The Deputy Speaker:** Okay.

**Hon. Hubert (Kim) E. Swan:** Thank you, sir. Charles Roach Ratteray, his great-great-great-grandson, Charles Ratteray, was a very famous trade unionist, whom you would have served with for many years, as well, our family.

But I say that because the Two Bermudas are alive and well today. And it was overt and alive yesterday. The Foreign Affairs . . . good evening, Mr. Speaker.

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

**Hon. Hubert (Kim) E. Swan:** The Foreign Affairs Committee did not touch on some of those important facts and realities that exist in Overseas Territories, particularly those where my family would have originated from. St. Kitts, Anguilla, Turks [and Caicos] and other areas of the Caribbean that still . . . and some of which still remain Overseas Territories. They would not have taken that into consideration. They would come down with a decision on the very thorny issues such as same-sex marriage, for instance, without taking into consideration the whole construct of those countries and where those countries have come from and why those countries may have a different position from Britain.

And so, for persons representing a Foreign Affairs Committee, going to countries and making broad-brush recommendations as they have done, without addressing or speaking to the very context and where those countries are, different as they might be, similar as many are culturally, they have done a disservice to us, and they have done a disservice to the UK Parliament. And I certainly am speaking tonight to encourage those Members of the British Parliament who might look at their report to ask those critical questions. To ask, *Why? Why haven't [we] examined the cultural impact that a decision would have? Why do these countries still hold those positions?* Not that those positions are right or wrong. But

we are talking about human beings. Why are human beings thinking this way in 2019?

You know, Mr. Speaker, when the Foreign Affairs Committee looks at Bermuda and fails to look at how Bermuda has evolved, how Cayman has evolved, how the British Virgin Islands have evolved, how Anguilla has evolved, without looking at their role in those countries and how they have evolved, then basically their colleagues in the UK Parliament, those who might have a more social-minded approach, which many have had over the years, might look and say, *Hey, hey. Now, wait a minute. Why haven't you guys looked at the composition of labour, the composition of business, how the voting construct exists? Why have you just thrown us these broad-brush decisions? You must do this* (for these Overseas Territories), *you must do this collectively*. . . without taking the opportunity to look at how these countries have been dealing.

And how has Britain been acting?

Bermuda in its evolution through time . . . I was looking through some Acts downstairs. I spent my lunchtime in the Law Library. The Honourable and Learned Member Michael Scott took me down and said, you know, *Here it is*. And I looked. And then, I found some of those old statute books. And I looked at some of the . . . you know, I stumbled across the Development Act that related to Tucker's Town.

**The Speaker:** Hmm.

**Hon. Hubert (Kim) E. Swan:** And, of course, being a golfer, being one who could play Seth Raynor, Charles Banks and Charles Blair Macdonald courses as well as anybody, I felt, served me well as I went around the world. I did well on those courses. I did not realise that I was walking on similar ground.

But as you look at that composition, some may say, *My gosh, Swan. You're going back over 100 years*. But, you know, I often tell people, when you go back 100-and-so years ago, it is not that long. It is less than half of my life. I mean, you know, I have lived more than half of that. And when I look at the context of when that Act was being formulated, my grandfather was just being born. My great-grandmother, Harriet "Babes" Ratteray from the top of Cooks Hill, was in full flow at that time, the grandmother of a former Member of this House, Walter Brangman. There would have been a time when she would have been nurturing her grandson, Walter. It would have been a time when her nephews were being formulated. Her nephews would have been George and Stanley. Yes, those would have been her nephews.

And I am saying all that to say that, in the context of passing it all down, it is not that long ago. But to not take into context what that would have meant, because just like we have the legacies of . . . saw the H. A. & E. Smith Act. I saw all types of . . . and I saw

people whom I knew because I grew up playing golf, so I would have known that the Act of the Coral Beach and the Horizons Act. I would have known the late Alfreda Smith (born a Smith, became a Wardman died a Chapel. I would have known those people through that . . . So, it is not that long ago!

And we would have had, in the context of Bermuda, a Bill in the last sitting of this House that dealt with that.

**An Hon. Member:** What?

**Hon. Hubert (Kim) E. Swan:** Not with that area in Paget, but would have dealt with what took place in Tucker's Town.

And what was taking place in Bermuda throughout, when persons who would have resided in this place would have passed Acts that would have had business associations? You know, I was looking through an Act this morning . . . you know, God works in mysterious ways. I was looking for something else, and I was reading on. I came across the Riddell's Bay Act. Did anybody know that to build Riddell's Bay, the Government of Bermuda gave Riddell's Bay a loan to build Riddell's Bay, that became the most . . . yes! The Government, it is right there! I got the book. I could not believe it. The Honourable Member took me there and said, *Here is it*. You know what? Put something right in front of somebody's face, sometimes they do read it. That was the Government of Bermuda!

I remember when my Uncle Herman had the putt for a course record. And the fellow picked up the ball and threw it to him, says, *Not here today*. And I would have . . . and what I am saying is, that is not a story that I read. That was a story that I was told by the person to whom it happened. And I am saying that because, you know, when Britain has its members coming over to our country looking at things, and they are distressed in what they have got going on in their midst, and they are trying to say, *Boy! How could we do this?* You know, the guy could say, *You know what? Remember in history class 'Rule Britannia,' where the sun never set on the British Empire? You know, we have still got the Commonwealth. You know, maybe we can use these Overseas Territories as our satellites to be able to plug in, and in a bigger way!*

Oh, my, my, my! My, my! When at the same time, Bermuda and Cayman and other countries, but particularly Bermuda and Cayman in financial services, are leading the way. You would have thought, you would have thought, Mr. Speaker, that someone would have gone away, and said, *Look! You know, places like Bermuda are not a charge on Britain*. I know Bermudians have gone to the UK. I know that. I know the relationship was changed recently. I understand that.

I also remember in 1980 a young fellow left Bermuda, came home and was sent to Europe. He went to an airport in Portugal, and he was escorted back to London at gunpoint. It was covered in the *Telegraph*, if anybody does not believe me. It happened. It was written up! And, you know, officials of the European tour made sure that he got back on the plane, made sure—and thank you to Mr. John Paramor and Mr. George O’Grady, who went on to be the head of the PG European Tour Incorporated. Great men who had been to Bermuda, as well. They made sure, they knew that that was not right; they intervened for that young man who stands before you today.

But that relationship was changing because Britain did not care as much about its Overseas Territories, because it was worried about its relationship with Hong Kong and the millions of people who were there. That is the reality that this report should have in its context! And if there is a British parliamentarian who looks at the Bermuda Hansard today, I challenge them to do some research into our history. Because as I talked about the relationship of the Act that developed Tucker’s Town, the Progressive Labour Party and Opposition, I believe, in 2014, led by that Shadow Minister who does great work, Mr. Walton Brown, former lecturer at the Bermuda College, who has long been a champion for independence of Bermuda, led a motion that passed this House, that did not receive the assent of Government House! I am not talking about something that your grandmother or the grandmothers or Dinna Smith, who was taken out of our house in Tucker’s Town, kicking and screaming! I am not talking about then!

I am talking about in 2015 in the day of our Lord. And I call the Lord’s name because at every sitting of Parliament, we turn and face East and say the Lord’s Prayer. And we say, *We beseech Thee to abide!* We say those prayers. But yet, we have the Court who up until . . . still some sit below us, would have us throw out what our Christianity means, or faith—you know, our faith, for those of us who might not be Christians, who might be Muslim, who might subscribe to Judaism or a person who subscribes to a higher being—our faith. They want us to throw our faith out of the window!

I am saying, *Man!* And last I looked, I think there were still some bishops in the UK who had maybe peerage. And I stand to be corrected. But they were part of the peerage system in the House of Lords! I stand corrected.

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

**Hon. Hubert (Kim) E. Swan:** But all I am saying, Mr. Deputy Speaker, what I am really saying is that this report needs to take into consideration the individual situations of every Overseas Territory before it looks at the collective will of each territory.

When I was in the UK in the early 1980s, plying my trade as a young practitioner, I was there. One of my mentors came from Buenos Aires. I remember Vicente Chino Fernández was one of my mentors, wanted to take me to Buenos Aires. I wish I would have gone earlier. I went there in 2007. He said, you know, *I can nurture you in Buenos Aires. My teacher can teach you.* I did not speak the language. I spoke English, and they would have made sure.

But I was there in 1981–1982 with him during the Falklands wartime. So, those who might be in Overseas Territories in the Falklands, right, would have a different relationship with Britain—and for good reason! Those in Gibraltar would have a different relationship with Britain than we would have in Bermuda—and for good reason. So, they might jump and down, or they may not, depending on how it impacts them going down the road.

But those situations, the situations of the Crown Dependencies like Jersey, where I spent many days in Jersey plying my trade, as well. Great connection between Jersey financial and Bermuda. I mean, as far back as 1981, Bank of NT Butterfield had offices in Jersey. You know, my friends who used to play on my pro-am team took me to their estates in Jersey. You know, I went to The Grove there. And I certainly understood that things were done a little bit differently there. And, you know, they enjoyed life there, and they enjoyed their financial services to the highest order. And many would have had accounts both in Bermuda and in the Channel Islands—Guernsey and Jersey, Isle of Man and the like.

So, when we have a committee that would cause us great angst, I would implore those Members of Parliament who are sympathetic to human needs to look at this report and do a little bit more research into the situations of the people of those countries, do more than what was done by those who looked and developed this. I respectfully urge you to do so. And I hearken back to the relationship that Britain finds its own self in with regard to its position in Europe. And it concerns me, as I am sure it concerns . . .

Mr. Deputy Speaker, how much time do I have?

*[Inaudible interjection]*

**Hon. Hubert (Kim) E. Swan:** Oh, dear. Thank you, Mr. Deputy Speaker. If it is 10 seconds, I want to thank you for your time.

**The Deputy Speaker:** Thank you, Honourable Member, Mr. Swan.

Any further speakers?

The Chair recognises the Honourable Member Scott Simmons.

Mr. Simmons, you have the floor.

**Mr. Scott Simmons:** Good evening, Mr. Deputy Speaker.

Mr. Deputy Speaker, I remind those who are listening, and certainly those in the Chamber, that the motion was moved by the Honourable E. D. G. Burt:

WHEREAS the House of Commons Foreign Affairs Committee has issued a Report on the UK and its Overseas Territories;

AND WHEREAS this Report represents an attempt to erode the Constitutional rights of Bermudians and is a retrograde approach to relations between the UK and Bermuda;

BE IT RESOLVED that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda's domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories.

Mr. Deputy Speaker, I have had the opportunity of listening to distinguished colleagues on both sides of this House. Certainly, the weight of the discussion has landed on our side of the House, while the Opposition have chosen just to give one simple speaker. And the rest of them have decided to not speak on this matter. And I have listened to the Honourable Opposition Leader in that he said the reason is that we simply do not give much value, much weight (I am paraphrasing, Mr. Deputy Speaker) as it relates to this. He does not give [this] much weight.

It is easy, Mr. Deputy Speaker, to overlook the fact that, while we casually approach this, and I say "we" because every single one in this House is connected together, primarily because the Honourable Opposition Leader stated that he joins the Government in its view towards the United Kingdom's moves against us. But I will say this, that in that unified, unified view that he took, he still left us with the feeling that he felt that it was not of all that much value.

Mr. Deputy Speaker, this is my first stint in this House. And all of my life living in this country, I certainly have been a born Bermudian. And as a born Bermudian in this honourable country, I join the rest of our residents in recognising that Bermuda is a serious matter. Citizenship in Bermuda is a serious matter. I believe that we have been reminded, from the very beginning of our existence as young people in this country, we have been given an understanding that there was always a mother country and that we were always under that as an Overseas Territory.

And so, we worked day and night understanding that. And there has been a level of respect. But what has happened over a period of time, with all due respect to all that we have talked about, we have had to discuss that relationship. And we have had to question that relationship, Honourable Deputy Speaker. As a result of that, there has been a profound understanding from each and every one of us that one day they would either, with all due respect to them, tighten

it or they would loosen it. And so, as a result of that, we see a committee formed in the United Kingdom.

Now, Mr. Deputy Speaker, this is not uncommon behaviour by the United Kingdom Government. When they want to discuss the matters of the day, when they want to reshape the things around the Commonwealth that need to be fixed, they have formed a committee to make it happen. We do so in this Honourable House. But I return to my original statement in that we should not take this lightly. This is a serious, serious matter. And while we in our . . . and I say "we." But while the Opposition treats this in silence—first a highlight, then silence—I cannot. Because I believe sometimes that when one says it, you had better believe it.

And so, while we can gloss it over as being somewhat mischievous of the United Kingdom Commonwealth committee, I believe that this committee, which is the Foreign Affairs Committee, is heavy. It is heavy. It is heavy in Labour and also in the Conservatives. But, Mr. Deputy Speaker, be under no illusion that because it is well represented on both sides of the aisle and in the House in the United Kingdom, this means that there has to be some support for the reshaping of our countries, our Overseas Territories. So, we cannot take it lightly.

Mr. Deputy Speaker, there has been tremendous investment. And I started out by simply saying that I am a born Bermudian, but there has been tremendous investment in Bermuda at every level by every Bermudian in this country. And while some have prospered, others have kept (how shall we say, Mr. Deputy Speaker?) their head to the grind. And they have toiled in this country. And all they know is this country.

Now, while there are others who can have the luxury of being able to move around and be able to say that they are parts of something else, there are Bermudians who are absolutely connected to this country, who must, who must be heard, but also understood. And so, when you hear it being said that there is even contemplation about disenfranchising a group that has been the majority in this country . . . and if it is allowed what is being suggested, it will erode and swiftly evaporate that community.

And I will say this, Mr. Deputy Speaker. That group, of which a lot of us are a part, have been extremely giving. It is a warm community, a community that has understood their place, but has not failed to dream! They have not stopped believing that Bermuda is a place where they can prosper, that they can finally reach that mature level that says, *I am something in a country that I love, a country that I am a part of, a country that I have a passport that says I am a part of this Bermuda, whether it is an Overseas Territory or it is the City of Atlantis. But I am a part of it.*

We have begun the process, and I say "we," the entire British Empire, we have started this process of creating doubt and eroding hope in a people who

want to be realised in a country they have invested in. We have seen, and we can talk all night on the number of things that have happened to erode the society in Bermuda. But those individuals must be heard tonight and going forward. And we have a responsibility to accept the fact that they must be respected.

This committee that has been formed so far away has been a threat to them for 400 years. Those who live in Bermuda today hold property and have made investments. And those investments include academic investments, they include property investments, they include all of the financial things that made us who we are. And we have invested in this country. And then, just at a simple snap of the fingers, a committee in the United Kingdom speaks of disenfranchising them by simply saying that, *While you were the occupants of the Overseas Territory, thank you for taking care of it for us. We now are coming to claim what is rightfully ours.*

Mr. Deputy Speaker, there has been much talk tonight about democracy. There has been much talk about how we as a community must stick together. There has been much talk about how we have been (how shall we say?) left in the wind. But, Mr. Deputy Speaker, what I take pride in is a community that stands up, a community that recognises the significance of it being together, but also sees the importance of being strong together and making the decisions together so that we can move forward together. It is going to be tough. But as I say, as a cardholding member of Bermuda, I have a responsibility to state tonight that I take exception, like so many throughout Bermuda, and we have to let the United Kingdom Government know, with all due respect to them, that they can make the decisions.

I believe that the Opposition have chosen tonight, and I will switch to the other point, several points that I wanted tonight. And that is a recognition of just who the United Kingdom are. You do not have to remind Bermudians of who the UK are.

*[Inaudible interjection]*

**Mr. Scott Simmons:** The United Kingdom committee. What I think the Foreign Affairs Committee have to understand is the significance of every single person who is here. We recognise that they have the right, in the United Kingdom and through that committee, to deliberate on whatever it is they wish to deliberate on. But we have to understand, they have to understand that there are people on these shores. I return to the investment.

But more importantly, Mr. [Deputy Speaker, we have a responsibility to speak to our young people. I believe that they have to realise the contribution of their parents and their grandparents in a country that matters. I think they have to seriously understand that Bermuda has to be preserved for them. We cannot allow it to form into a system where we are no longer

a part of Bermuda forward. And that is what I think is the crux of where this goes.

But on another note, Mr. Deputy Speaker, the one thing that I am clear on, having worked in so many different departments within this Government, and having been given an opportunity to serve at the Cabinet Office and to serve in the Office of the Premier, and to have an opportunity to understand how foreign affairs work, like many of my colleagues in this House, and to be able to see for myself the way that this plays out . . . Mr. Deputy Speaker, I think that we have to understand that Bermuda is an Overseas Territory. And I saw it many times when we used to attend the Overseas Territories meeting. We were huddled together, all the Overseas Territories and us. And they were relying very heavily on our being strong and being meaningful and being able to contribute.

But what I saw as I sat, from my seat behind our leader of this country, and the leaders of the other Overseas Territories, I saw each and every one of us fighting for an identity, wanting to be not only heard, but understood. We wanted a respect level. We recognised that the United Kingdom were absolutely the ones who own the country that we lived in. And we knew that they would make the decisions that they have to make, but every single meeting that I attended, there seemed to be a level of respect and decorum and understanding.

But what this committee, the Foreign Affairs Committee of the United Kingdom Parliament, have done is that they have rolled back, in my humble opinion, that line of trust that existed for so long. And so, Mr. Deputy Speaker, I think that what we have is a situation where we must see this committee, the Foreign Affairs Committee of the UK Parliament, respecting us as a country. Our country is watching. We are concerned about it.

And the reason why I mentioned having sat in so many of those meetings, having talked to the Foreign Affairs Secretary, having had those long conversations and watched those conversations and then heard the dialogue afterwards and listened to it, you gain a respect for our country and our Overseas Territories at every level. So, if there is a question on whether or not—and in my humble opinion into whether or not the Bermuda Government and the other Overseas Territories are capable of handling their affairs, we can. We have met every challenge. We have met everything that has been asked of us as members of the OTCC [Overseas Territories Consultative Council]. And we have done it respectfully.

But now we are faced with so many challenges, financially, socially and I think at every level in our Overseas Territories and Bermuda. And as a result, we have gotten to the point where we must realise that we cannot allow this to stand. So, to this insignificant committee in the lower reaches of that House, of the House in the United Kingdom, we have to stand firm and meet every challenge. Because what they

say, they mean. And eventually, we are going to have to get to that very point.

So, Mr. Deputy Speaker, as I conclude, I would encourage all of us as Bermudians to understand the position that we are in, do not take it lightly [but] see it for exactly what it is. Thank you, Mr. Deputy Speaker.

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

Are there any further speakers?

The Chair recognises the Honourable Minister Jamahl Simmons.

You have the floor, sir.

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

Mr. Deputy Speaker, I thought that for the benefit of history it would be important for me to take to my feet today to speak on this topic and to share my support for the motion laid down by our Premier. For history, I could not be silent. When I think back I think about my great-great-grandfather, Henry Dowling of St. George's, who thought it not robbery after he acquired land and the right to vote that he helped others to acquire land and the right to vote, and helped to nominate people like Dr. E. F. Gordon to represent the people of St. George's.

And I had to stand for my parents, who lived through the adjustments and the re-adjustments and the injustice of voting rights changes during their lives. And I had to stand for my children, for whom this retrograde move and this retrograde step by this committee cannot be allowed to go unchallenged.

Mr. Deputy Speaker, I support this motion. I support the words that have been said by all of my colleagues previously. And I think that history will record that we stood as one Parliament. We took to our feet, and we made a stand to make sure that we speak for those who came before us who could not speak for themselves and for the generations to come who cannot speak yet. Thank you, Mr. Deputy Speaker.

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

Any further speakers?

The Chair recognises the Honourable Member, Mr. Neville Tyrrell. Mr. Tyrrell, you have the floor.

**Mr. Neville S. Tyrrell:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I really had no intention of speaking to this motion, because all of my colleagues before me have hit all of the talking points. So, it would only be a bit of a repetition for me, and I do not think you want to hear that at this time of night.

But let me say that I certainly felt duty-bound to get up and show my support for the Premier for lay-

ing this motion, which has been read out a couple of times, so I would not bother to read it out anyway. But certainly, I support him in bringing the motion. I am no technocrat or expert on the Bermuda Constitution. So, I certainly would not hit any of the technical points.

But let me say that I got the report entitled [Global Britain and the British Overseas Territories: Resetting the relationship](#) about three days before I was due to go off on a trip, a holiday trip. So, I did not have time to read it before [I left]. But I took it with me. And, lo and behold, I was obviously on my way to London. And I decided after looking at the selection of movies on the flight whether I should actually read it or look at a movie. But I decided that I would start it. And I said, *Well, I'll only probably just look at the summary*. And I got down to about the fifth paragraph of the summary, and one of the sentences just caught my attention.

And if you will allow me, I will just try and read it very, very briefly. It says, "In the long term, rethinking how the Government and Parliament interact with the OTs will help to ensure that the UK's bonds with the OTs remain strong. There are also steps both sides can take in the short-term. On the one hand, the UK Government needs to ensure that those who should be able to claim British Overseas Territories citizenship can do so and that OT citizens can access NHS [National Health Service] treatment in the UK when they need to. On the other hand, belongingship and its equivalents are wrong: we do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office."

Well, that is what got my attention. And I said, *Okay. I have got to read this. I have got to continue to read this*. Mr. Deputy Speaker, I read it. And then I got right almost to the end and read the paragraph, I think it is paragraph 14, which certainly wrapped it up for me that this committee, entitled the House of Commons Foreign Affairs Committee, definitely have got it all wrong. They certainly do not know the history of some of the Overseas Territories, and certainly not this one in particular. So, I certainly cannot support the position that they are taking.

I am happy to hear that the Opposition Leader has shown some bipartisan support. But like my colleague, Honourable Member Simmons, I think he has probably given the impression that he is taking it a bit lightly by telling us—and I am going to use my words—as *if we have got bigger fish to fry* or something like that. This is big.

**An Hon. Member:** This is the fish.

**Mr. Neville S. Tyrrell:** This is it.

So, I certainly cannot support that position that he has taken. And for that reason, Mr. Deputy Speaker, I certainly support and hope that we certain-

ly do the right thing. Thank you very much, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you.

Any further speakers?

The Chair recognises the Premier of Bermuda, the Honourable David Burt. Premier, you have the floor.

**Hon. E. David Burt:** Thank you very much, Mr. Deputy Speaker. And good evening to you.

Mr. Deputy Speaker, we have had a fulsome debate. Although one-sided, we have had a fulsome debate, and the contribution from a number of Members who spoke to the history of voting rights in Bermuda, the challenges which we have faced, and what we must do to go forward into the future.

And although I would have preferred more participation from the Members opposite, what I can state is that the Honourable Opposition Leader has signalled his side's support for this motion. And that is important, because the motion as it reads is sending a clear and unified signal from this particular place that we are not in support of the recommendations, and we call on the United Kingdom Government to reject these recommendations. And it was important, Mr. Deputy Speaker, so that we can table this motion and have a unified voice, so they can understand that, though there may be challenges and though there may be differences and some back and forth, Bermuda stands united on this issue.

And so, whether or not it is the Government or the Opposition, we are both saying, *Foreign Affairs Committee, you have got it wrong. Don't tell us who are going to vote in our elections. Don't tell us who can stand for office. And don't tell us what to do with our own laws, because this Honourable House is the place where the elected representatives of Bermuda, who are voted for by Bermudians, and who are Bermudians, are the ones who will make decisions for this country and nowhere else, because our Constitution is substantially different, and it has to be recognised.*

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

**Hon. E. David Burt:** And, Mr. Speaker, I will just go a little bit off topic. Because I remember when there was this entire issue in the UK Parliament about public registers of beneficial ownership. And I remember that there were some people in the UK Parliament who decided to bring it back. And this time, they added in the Crown Dependencies. And that Bill has not seen the light of day. So, for the Overseas Territories it was okay. But for the Crown Dependencies, it was not. But here is the thing, Mr. Speaker. Our constitutional position here in Bermuda is remarkably similar to those of the Crown Dependencies.

But yet, they did not accept our arguments then. But they accepted the arguments of the Crown Dependencies. And that shows proximity, the fact that [these] people 3,000 miles away can feel comfortable feeling that they can actually tell us what to do. And that is a challenge which you have with our Overseas Territory status. But all Overseas Territories, Mr. Speaker, are not created equal.

Just a few points that came up in the debate, one from the Opposition Leader specifically, speaking about the European Union List of Non-Cooperative Jurisdictions for Tax Purposes, Mr. Speaker. I have explained on many occasions the reason why we are on that list. And I have accepted the responsibility for the technical omission which took place. But we know that the language and the outlines which we had established, and items which are currently in force now, which cover all of the things inside of the European scoping paper, specifically regarding intellectual property, are in line with what the European Union has requested. And so, we are confident in the removal [of Bermuda] from the list at the earliest opportunity.

But we can walk and chew gum at the same time. And we do not have to wait until we come back, Mr. Speaker, because this, the UK Government, although they are preoccupied with a few things, have been asked to respond to this report in the next two months, after its publication.

So, Mr. Speaker, then there was another question. And I heard the comments from the Opposition Leader about, why not appear in front of the Foreign Affairs Committee? Mr. Speaker, there are many reasons. But here is what I can tell you. Our points were recognised and noted. The specific issues which they inquired about were recognised and noted and were communicated in writing.

*[Inaudible interjection]*

**Hon. E. David Burt:** Well, yes. We were not the only other Overseas Territory that went in front.

*[Inaudible interjection]*

**Hon. E. David Burt:** What was that, Mr. Opposition Leader?

**Hon. L. Craig Cannonier:** We are not on the list.

**Hon. E. David Burt:** What list?

What list?

Okay. Here we go. I am not going to let this debate devolve. Because when you start comparing that to something that happened in an appearance in November, compared with the list, I think that you are just trying to stir it up, Mr. Opposition Leader. But I will stay on the wicket. Because if we have unity on this issue, and if we have support from the Opposition Leader on this motion, it will be recorded as a unani-

mous motion in this House, and will send the strong message of which we wish to send.

And so, Mr. Speaker, with that, I will ask that this Honourable House, and the Minutes will reflect, that with its unanimous opinion, that the following motion be accepted by this House, the motion that says . . . shall I read it again, Mr. Speaker?

**The Speaker:** Yes, you can read it, for the sake of clarity.

**Hon. E. David Burt:** Thank you.

WHEREAS the House of Commons Foreign Affairs Committee has issued a Report on the UK and its Overseas Territories;

AND WHEREAS this Report represents an attempt to erode the Constitutional rights of Bermudians and is a retrograde approach to relations between the UK and Bermuda;

BE IT RESOLVED that this Honourable House rejects the unwarranted and unjustified attempt at intervention into Bermuda's domestic affairs and calls on the UK Government to reject the Report and its retrograde recommendations with respect to Bermuda and the Overseas Territories.

**The Speaker:** All in favour?

**Hon. Members Present:** AYE.

**The Speaker:** And all opposed?

None.

The Ayes have it.

So, it is recorded that the motion passed without any naysayers.

*[Motion carried unanimously: The House rejected the UK Foreign Affairs Committee Report entitled "Global Britain and the British Overseas Territories: Resetting the relationship" and called upon the UK Government to reject the Report and its recommendations with respect to Bermuda and the Overseas Territories.]*

**The Speaker:** Now, that brings us to a close of the items that are on the Order Paper for today.

And we will do our third readings, Ministers.

**Hon. Kim N. Wilson:** Mr. Speaker.

**The Speaker:** Yes.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Kim N. Wilson:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Liquor Licence Amendment Act 2019 be now read the third time by its title only.

**The Speaker:** Are there any objections?

None.

Proceed.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### LIQUOR LICENCE AMENDMENT ACT 2019

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

I move that the Bill be now passed.

**The Speaker:** Thank you.

So done. It has now been moved and passed.

*[Motion carried: The Liquor Licence Amendment Act 2019 was read a third time and passed.]*

#### SUSPENSION OF STANDING ORDER 21

**Hon. Kim N. Wilson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Customs Tariff Amendment Act 2019 be now read the third time by its title only.

**The Speaker:** Any objections?

No objections.

Continue.

*[Motion carried: Standing Order 21 suspended.]*

### BILL

#### THIRD READING

##### CUSTOMS TARIFF AMENDMENT ACT 2019

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

I move that the Bill do now pass.

**The Speaker:** Any objections?

No.

The Bill has now been passed.

*[Motion carried: The Customs Tariff Amendment Act 2019 was read a third time and passed.]*

**The Speaker:** Junior Minister.

#### SUSPENSION OF STANDING ORDER 21

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

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Customs Tariff Amendment (No. 2) Act 2019 be now read the third time by the title only.

**The Speaker:** Any objections to that?  
None.  
Continue.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### CUSTOMS TARIFF AMENDMENT (NO. 2) ACT 2019

**Hon. Wayne L. Furbert:** I move that the Bill now do pass.

**The Speaker:** It has been moved and passed.

*[Motion carried: The Customs Tariff Amendment (No. 2) Act 2019 was read a third time and passed.]*

**The Speaker:** Those are all matters done regarding third readings.  
The only thing left this evening is, Premier.

## ADJOURNMENT

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

Due to the events which took place in the other place, I move that this House do now adjourn until Friday, March 29<sup>th</sup>.

**The Chairman:** Next Friday until 10:00?

**Hon. E. David Burt:** Yes, Mr. Speaker, 10:00 am.

**The Speaker:** Is there any Member who wishes to speak to that?  
Deputy, are you on your feet there?

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker. A little late for me, but—

**The Speaker:** Yes, it definitely is a little late for you.

**Hon. Derrick V. Burgess, Sr.:** But we can try and I will not be very long, Mr. Speaker.

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

#### BROWN-DARRELL CLINIC PATIENTS DEMAND RETURN OF MEDICAL RECORDS

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, today the patients from Brown-Darrell Clinic and Bermuda Healthcare Services delivered a signed letter to the Governor and others asking for the return of their medical files.

Mr. Speaker, approximately two years ago, the Bermuda Police Service gained entry into the Bermuda Healthcare Services and broke into Brown-Darrell Clinic to search and seize patients' medical files. Mr. Speaker, the question I would ask is, while they were in that facility, why would the policemen cover the cameras? Normally, they have those cameras on to help the police in investigation if someone breaks into your property. But they covered the cameras. Mr. Speaker, when law enforcement covers the cameras in a place that they have illegally entered (my words), that disturbs me. These are the people who are supposed to be protecting us.

Mr. Speaker, patients, they have voiced their disapproval and annoyance at their files being taken from the offices of the Bermuda Healthcare and Brown-Darrell Clinic. Mr. Speaker, if I may, I would just like to read just a paragraph from the statement that was given to the Governor.

**The Speaker:** Continue, Deputy.

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

It says, "The patients passionately state that their medical files belong to them; that they confided in their doctors things that they have never disclosed to their husbands, children, parents, employers or friends; and that they fear being further humiliated by the public hearing of this information. Rhetorically, they ask, Why would the Bermuda Police Service, who are supposed to be their protectors, do this? Why would the Governor allow them . . ." And in the last line it says, "In a world where democratic societies try to protect patient confidentiality, patient confidentiality is being sacrificed in Bermuda."

Mr. Speaker, it has been over eight years that the Bermuda Police Service, approved by the Foreign and Commonwealth representative in Bermuda, have investigated Dr. Brown. I would venture to say, Mr. Speaker, this is the longest in our history that a man, a person has been investigated. Enough is enough! Mr. Speaker, why do they continue to investigate certain people, based on an allegation, now, Mr. Speaker, while others where they have information, they do not investigate? Mr. Speaker, I am asking, in the interest of all, that this investigation must stop. And I am also requesting that the files be returned to these patients, Mr. Speaker.

#### RACISM IN BERMUDA

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, I will go on to another issue. This morning, I congratulated Larry Mussenden on his appointment as the Puisne Judge. I am glad for the appointment. But as we all know, he had applied for another position some months ago and was not given that position, Mr. Speaker.

And then again, I said this morning that I hope that the next appointment of the DPP [Department of Public Prosecutions] will not be white. And I know some people probably were incensed by it. But I said that, Mr. Speaker, having the history and what I have been through, because people get incensed because they think they are entitled to that job, and I am not entitled to it. See, Mr. Speaker? Because when folks like us go for a job, we have to serve in an apprenticeship, no matter what age, no matter what experience we have. And then we get the job when we are 64 years old, Mr. Speaker.

Mr. Speaker, so, I do hope that the next appointment to the DPP is a born Bermudian—preferably a black Bermudian. And the reason why I say black Bermudian, Mr. Speaker, if you look at the Chief Justice, he is white. If you look at the Royal Regimental Army, the Bermuda Regiment, as I know it, the head is white. The Commissioner of Police is white.

**Hon. Zane. J. S. De Silva:** Do not forget up on the hill.

**Hon. Derrick V. Burgess, Sr.:** The Chief Justice is white. He goes for white in this country. He is accepted as white. He would not have that if he was looking like me.

And, Mr. Speaker, it would seem that they want the head of the DPP to be white. And I hope this is not the case. It is about time that the Foreign and Commonwealth Office reps in this country start to see us as equals. Do not see me as having some condition because I am this complexion. See me like you see everybody else, Mr. Speaker. That is where we have got to stop that. This perpetual racism has started from that House on the hill. They seem to be the chief patrons of perpetual racism. That is not good, Mr. Speaker!

You know, and, Mr. Speaker, when we talk about racism, you know what that stuff is called? *Oh, he's a racist because he's talking about it.* Mr. Speaker, I am not afraid to talk about the messy stuff. I am not going to gloss over it. We have to talk about the messy stuff and racism to get where we should go. And, Mr. Speaker, it is long, long overdue!

Mr. Speaker, I would also venture to say that out of all of the appointments that come under the Foreign and Commonwealth representative to Bermuda, 75 per cent of them, at least, are Caucasian. No problem! And that must stop, Mr. Speaker. Because, Mr. Speaker, you know, when we look at the courts, I will go back to Reverend Monk's time, 1898, he came here, his trial in the early 1900s. He did not stand a chance. And he knew it. Why, Mr. Speaker? The Chief Justice was Mr. Gray. And as Reverend Monk says, *I can't get justice. I'm going before the Father, Son and the Unholy Ghost.* He could never get justice in their courts! And that is the way it seems today.

And we must stop that, Mr. Speaker, because the history of the courts in this country is not great. Many people have gone to Westgate, Casemates, down St. George's when the prison was down there. What did they used to do, 9 to 3? You and I know what that is, 9 to 3. And a lot of them were innocent. You know, it was lies that were told by others!

Just the same thing that they did to Julian Hall. When the Bermuda Police Force (at the time that was their name) planted information onto computers, and when Julian Hall went to Canada, he went to school in Canada to a class reunion; they stopped him, based on information which was on the computer. And they held him for five days. None of it was true, because they accused him of lying, misleading information.

And he called back to Bermuda, spoke to Dame Lois Browne and Michael Scott for them to intercede. And they could not get him out of that jail for five days. It was lies, lies, lies! A policeman had put it on there. Then he went again a few years later, because the lady, a white lady whom he lived with had died. And they held him up for a few hours because the information still had not been taken off of the computer.

*[Inaudible interjections]*

**Hon. Derrick V. Burgess, Sr.:** They did not take it off.

But, my colleagues over there say, *They don't take it off.* I understand that.

**Hon. Zane. J. S. De Silva:** For black people, they don't take it off.

**Hon. Derrick V. Burgess, Sr.:** I mean, why would they keep lies on a computer? He did not commit any of those crimes, Mr. Speaker. So, you see, the point is, [because of] those who have been authority in this country, a lot of our people have gone to the gallows. I would venture to say they murdered Sally Bassett. There was no evidence that Sally Bassett did what she was accused of. It was circumstantial. Not only murder, they tortured her and murdered her! That is what they did. Burned her alive, beat her from Southampton. Every 30 steps they stopped and licked her until she got down here. And then they burnt her.

This is the type of stuff we go through. These are the scars that a lot of white folks do not understand. Not all of them, but a lot of white folks do not understand that. That affects me today. I can still feel it. And they never talk about what they said. People are saying that she did that because the masters were taking their little granddaughter and having their way with her. Nobody talks about that. That deserves every punishment that one can give. When you start taking my little girl and having your way with her, you deserve the punishment that any man can give you.

But they do not talk about that. They talk about *Sally Bassett poisoned the master*. They never talk about what the master did. And that annoys me. They always concentrate on, *Oh, well, he did that*. What did the master do? Have his way with our children. In fact, I was looking at a programme on Sunday and how they sold our little girls and boys. In one plantation, they put these children from 10 years old in this snake-infested field, not only snake-infested, but mosquito infested. And not only . . . I think it was just one. She was named Priscilla. One survived. Most of those children died before they were 16. And these are the types of atrocities that we go through.

And they get vexed at us when I talk about it? You need to understand . . . Oh, he has gone, the Honourable Member. I knew it was Mr. Pearman; he would get annoyed at me. And that is fine! Fine. You see, I cannot live and let those types of things . . . I cannot be quiet about them. I have got to talk about them, Mr. Speaker.

So, Mr. Speaker, I want Mr. Pearman, who got so incensed this morning, and we exchanged some words across the floor . . . I make no apologies for it. And I will never withdraw them because that is what I feel. And when we talk about racism, I cannot be held accountable for what will come out. Because what they did to my cousins and greats and greats and greats, that is unforgiveable. Thank you, Mr. Speaker.

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

Does any other Member wish to speak this evening?

No other Member.

But before I hit the gavel to close us out, let me just acknowledge our Assistant Clerk, Ms. [Sierra] O'Meally. We have all been graced with her presence here assisting us for the last year and three months, I believe it has been.

*[Desk thumping]*

**The Speaker:** But what you do not know is that Ms. O'Meally has found employment in what her real field is. And we hate to see her go, because she has fitted in so lovely with us and has been excellent in the service that she has provided. Her knowledge exceeds her age. Because you see she is a very young person. But the ability that she has brought to the House, she handles her job and does her job, you would think it was somebody of many more years than what she really has. She has been that well in the service that she has provided for us. So, we are really sad to see her go.

She actually has already started the other employment. But she has been coming here every evening during the budget and filling in with us.

*[Desk thumping]*

**The Speaker:** Yes. Yes. Right.

So, before we close, I just wanted to acknowledge that and say thank you on behalf of all Members, from the Members, as well as us who work with her daily as staff. She has been outstanding, and we wish her well in her new endeavours.

Thank you, Ms. O'Meally.

And on that note, we stand adjourned until next Friday. Members, have a good weekend.

*[Gavel]*

*[At 9:44 pm, the House stood adjourned until 10:00 am, \*Friday, 29 March 2019.]*

*[\*The House resumed on 11 May 2019]*