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HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT

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

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****1 DECEMBER 2017****10:03 AM***Sitting Number 11 of the 2017/18 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mrs. Shernette Wolffe, Clerk]***CONFIRMATION OF MINUTES***[Minutes of 24 November 2017]***The Speaker:** Good morning, Members.

Members, we received the Minutes from the sitting of the 24th of November. Are there any objections or amendments to those Minutes?

No objections; no amendments. The Minutes have been confirmed.

*[Minutes of 24 November 2017 confirmed]***MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****APOLOGIES**

The Speaker: Yes, I have one set of announcements this morning, and that is the absence of Members. We have six Members absent today: The Honourable Premier and Deputy Premier are both unavailable today; the Minister Jamahl Simmons is also unavailable today; and Member, Leah Scott, Member Michael Weeks, and Member Cole Simons, are all absent today.

MESSAGES FROM THE SENATE**The Speaker:** There are none.**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: We have six papers indicated today. And the first is from the Minister of Health.

Minister Wilson, you have the floor.

**FINANCIAL STATEMENTS FOR THE HEALTH
INSURANCE FUND, THE FUTURECARE FUND
AND THE MUTUAL RE-INSURANCE FUND FOR
THE FISCAL YEAR ENDING 31ST MARCH 2015****Hon. Kim N. Wilson:** Good morning, Mr. Speaker.**The Speaker:** Good morning.

Hon. Kim N. Wilson: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Financial Statements for the Health Insurance Fund, the FutureCare Fund, and the Mutual Re-Insurance Fund (MRF) for the fiscal year ending 31st March 2015. Those said statements will be available electronically, Mr. Speaker, because of the size of the content.

Thank you.

The Speaker: Thank you, Minister.

Minister, I believe you have a further paper. Would you like to do that one at this time?

Hon. Kim N. Wilson: Yes, thank you.**PHARMACY AND POISONS (THIRD AND FOURTH
SCHEDULE AMENDMENT) ORDER 2017**

Hon. Kim N. Wilson: I have the honour to attach and submit for the information of the Honourable House of Assembly, the Pharmacy and Poisons (Third and Fourth Schedule Amendment) Order 2017, proposed to be made by the Minister responsible for Health in exercising the power conferred by section 48A(1) of the Pharmacy and Poisons Act 1979.

The Speaker: Thank you, Minister. You have a further . . . yes, your next one.

**MISUSE OF DRUGS AMENDMENT
REGULATIONS 2017****Hon. Kim N. Wilson:** Thank you.

I have the honour to attach and submit for the information of the Honourable House of Assembly the Misuse of Drugs Amendment Regulations 2017 proposed to be made by the Minister responsible for drug prevention in exercising the power conferred by sections 14 and 38 of the Misuse of Drugs Act 1972.

MISUSE OF DRUGS (SCHEDULE 2 AMENDMENT) ORDER 2017

Hon. Kim N. Wilson: And finally, Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly, the Misuse of Drugs (Schedule 2 Amendment) Order 2017, proposed to be made by the Minister responsible for drug prevention in exercising the power conferred by section 24A(1) of the Misuse of Drugs Act 1972.

The Speaker: Thank you, Minister.
We have further communications from—

Hon. Jeanne J. Atherden: Mr. Speaker, just for clarification. I know you said the other things would be circulated, but those statements and the Misuse of Drugs, all of that, we have not had that circulated to us. Is that going to come shortly?

The Speaker: Yes. Those papers will be circulated as we proceed.

The Clerk: Those statutory instruments will be sent out electronically because they are by a negative resolution procedure.

The Speaker: Okay. Thank you.
Further communications. We have Minister of Education.

PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

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

The Speaker: Good morning.

Hon. Diallo V. S. Rabain: Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly a report entitled "Plan 2022: Bermuda's Strategic Plan for Public School Education," published by the Ministry of Education and Workforce Development.

The Speaker: Thank you, Minister.
And the final communication this morning is from Minister Burch.

WEST END DEVELOPMENT ANNUAL REPORTS (2014 AND 2015)

Lt. Col. Hon. David A. Burch: Mr. Speaker, good morning. I have the honour to attach and submit for the information of the Honourable House of Assembly a report entitled Annual Reports of the West End Development for 2014 and 2015.

The Speaker: Thank you, Minister.

And just for the knowledge of the House and the public, Minister Burch is actually Acting Premier today in the absence of the Premier and the Deputy Premier. So, Minister Burch, we will be referring to you as Acting Premier today.

That was the last communication.

PETITIONS

The Speaker: There are none.

STATEMENTS BY MINISTERS AND/OR JUNIOR MINISTERS

The Speaker: Yes, we actually have five statements indicated on the Order Paper today. And we are going to start with the Acting Premier, with his statement this morning.

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

The Speaker: Good morning.

TABLING OF WEST END DEVELOPMENT ANNUAL REPORTS

Lt. Col. Hon. David A. Burch: In accordance with section 25 [the] Annual Report to the Legislature of the West End Development Corporation Act 1982, the Minister shall lay before each House of the Legislature a copy of every statement of accounts and every report received by him under sections 22 [of the] Accounts and Audit, section 23 [of the] Auditor's Report and section 24, [of the] Corporation's Annual Report.

Mr. Speaker, you will note on the Orders of the Day that I will be tabling the [West End Development Corporation \[WEDCO\] annual reports](#) for years 2014 and 2015.

One may wonder or ask why the 2014 and 2015 annual reports are being tabled on the same day, and I can advise Members that the 2014 report was previously submitted by WEDCO, but never tabled in the House as a result of an oversight within the Ministry. I invite either the Honourable and Learned Member who signed the report, or the Honourable Member who should have tabled it, to explain that oversight.

Mr. Speaker, with regard to the 2014 report, in the opinion of the Auditor, "the consolidated financial statements present fairly, in all material respects, the consolidated financial position of WEDCO as at March 31st, 2014 and its consolidated results of operation, change in net debt and cash flow for the year then ended in accordance with the public sector accounting standards generally accepted in Bermuda and Canada."

The 2014 report is unremarkable, with satisfactory financial results and a clean audit opinion.

Mr. Speaker, with regard to the 2015 report it is noted under the “Consolidated Statement of Financial Position,” accounts receivables increased significantly during 2014/15 in the amount of \$700,000.

WEDCO faces perennial challenges in the collection of outstanding rents due. All efforts to collect funds are made including legal recourse and this is highlighted in the General Manager’s Report.

In an effort to mitigate this problem a new application process has been expanded to include a more comprehensive assessment to ensure tenants are capable of meeting their financial obligations.

Funds due from government significantly decreased year over year and this represents government contributions to meet principal obligations of the Capital G (currently Clarien Bank) loan relating to the Waste Water Treatment Facility. This loan was fully paid in May 2016.

With regard to “Tangible Capital Assets,” Hurricanes Fay and Gonzalo damaged certain properties of the Corporation in October 2014 and, as a result, the Corporation recognised a write-down on tangible capital assets of \$6.3 million. Insurance proceeds of an identical amount were received and that amount was recognised in revenue (proceeds) and equally in the expenses (write-downs).

Mr. Speaker, other items and points worthy of highlighting from the 2015 report include Government Grant: During 2014/15 the Corporation secured loan financing through Butterfield Bank guaranteed by the Government. Government contributed approximately \$1 million annually towards the interest costs. This amount is reflected in government contributions and administration expenses (financing costs). Except for the items mentioned above, revenues and expenses continued to meet forecasts from year to year. The cash position increased significantly for the year due to the insurance proceeds received. However, the cash position today is significantly reduced due in large part to expenditures made in upgrading/renovating properties in the Dockyard.

Mr. Speaker, WEDCO has advised that the delay in the submission of their annual reporting is a result of the Auditor General’s Office completing their review and signoff of audits from previous years. WEDCO has already completed the 2016 and 2017 audits and they are currently in the final review stage with the auditors Price Waterhouse Cooper [PwC].

Once the review is completed, PwC will forward the reports to the Office of the Auditor General for their final review and signoff. It is anticipated that both sets of accounts will be available for WEDCO Board approval during the scheduled December 2017 meeting. Assuming the above schedule is maintained the reports for years 2016 and 2017 will be ready for tabling in early 2018 and at that stage WEDCO’s annual reporting will be current. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Hon. Dr. E. Grant Gibbons: Mr. Speaker, it would be helpful if we could have copies of those reports. They have been tabled, but we have no copies to look at on this side. Thank you.

The Speaker: Yes. They will be distributed. There has been . . . this matter is being resolved. They will be distributed as we proceed this morning. They are here.

The next Minister we are going to call on for statements would be Minister Brown. Minister Brown, you have the floor.

ADVISORY REGARDING TRAVEL TO THE UNITED STATES BY RESIDENTS WHO ARE BRITISH OVERSEAS TERRITORIES CITIZENS (BOTCs) BUT NOT BERMUDIAN

Hon. Walton Brown: Good morning, Mr. Speaker, and good morning colleagues.

The Speaker: Good morning.

Hon. Walton Brown: Mr. Speaker, I rise to inform this Honourable House about a recent notification to the Department of Immigration regarding persons who do not possess Bermudian status but are in possession of a [British Overseas Territories Citizen](#) (BOTC) passport.

Mr. Speaker, we recently received a complaint that a spouse of a Bermudian, who had been naturalised but did not possess Bermudian status, had been denied entry to the United States. Honourable Members would be aware that there are persons who are not Bermudian but who possess BOTC status because they were either born in Bermuda before 1983 or naturalised as BOT citizens.

As a result of this complaint, we raised the issue with the U.S. Customs and Border Protection agency and received the following response: “In accordance with US Law, only Bermudians can travel visa free. If someone is using a BOTC passport but is not Bermudian, they will not be allowed to travel to the US visa free. They have to present a passport from their country of citizenship and a valid visa to travel.”

Mr. Speaker, to be clear: Persons using BOTC passports but are not displaying the observation, and I quote, “Holder is registered as a Bermudian” (unquote) will not be permitted entry to the US without a visa. Additionally, it should be noted that Bermudians traveling with BOTC passports that are not displaying the above-mentioned observation will not be eligible for entry to the US under the visa-exempt classification. That observation in our passport is necessary to reflect that the person possesses Bermudian status to benefit from the “visa exempt” classification. Other persons who qualify to possess

BOTC passports but do not possess Bermudian status and are, therefore, not eligible to obtain the observation “Holder is registered as a Bermudian” will not be permitted travel to the US as a visa-exempt national.

Mr. Speaker, the previously mentioned list details clearly the position of the U.S. Customs and Border Protection Agency according to the relevant US legislation as it pertains to eligibility for visa exemption. There are a number of persons who qualify for and do possess BOTC (Bermuda) passports, but they are not eligible for the grant of Bermudian Status. Therefore, we encourage Bermudians to check their Bermuda passports to ensure that the observation has been added to their passport before travelling to the US. Persons who do not possess Bermudian status but are in possession of a BOTC (Bermuda) passport are advised that if they plan to travel to the US, [they should] either travel with a passport that identifies their citizenship, or, if they are using the BOTC passport, make arrangements in advance to secure a US visa. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The next Ministerial Statement that we have this morning will be by the Minister of Health. Minister Wilson, you have the floor.

WORLD AIDS DAY AND INTERNATIONAL DAY FOR DISABLED PERSONS

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

This morning I rise to highlight to this Honourable House and the listening public two highly relevant observances internationally and in Bermuda: 1) [World AIDS Day](#), and 2) The International Day for Persons with Disabilities.

Mr. Speaker, World AIDS day is observed globally today, on 1st of December. It is an important occasion for us to take note of the great strides Bermuda has made, but remember that HIV has not gone away, and I am proud that the Department of Health continues to advance public awareness and education so that younger generations continue to be aware of the risks, and are sensitive to the needs of those affected.

In Bermuda, there are currently over 300 people living with HIV. Two thirds are between the ages of 45 to 64; three quarters are male, and 4 out of 5 are Bermudian.

The [United States] Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) recommend that everyone get tested for HIV at least once as part of routine health care. Knowing one’s HIV status and early diagnosis are important to maintain health and reduce the spread of the virus.

Mr. Speaker, preventive measures such as this have made it possible for Bermuda to have had

no mother-to-child transmissions of HIV for two decades. Indeed, last August the World Health Organization, in conjunction with the Pan American Health Organization [PAHO], declared that Bermuda has eliminated mother-to-child transmission of HIV and syphilis. Bermuda joined what at that time was a very short list of just five other countries worldwide to have achieved this great goal. It is, indeed, a great accomplishment and I know this Honourable House will join me in congratulating the dedicated Department of Health staff and our healthcare partners in this great achievement, especially today, on World AIDS Day.

In addition, Mr. Speaker, Bermuda has also achieved drastic declines in the number of cases reported as being transmitted through injection drug use. Indeed, fewer than 10 new HIV infections have been reported each year since 2011, with all reporting sexual contact as the mode of transmission. While this is good news, the number has remained static, and we all want to see that number declining.

Mr. Speaker, to celebrate and honour World AIDS Day, today at 12:30 [pm] the Department of Health will hold their last “Move More Dance Walk” for 2017. The Dance Walk will start at the Ministry of Health headquarters and the public is invited to wear red in support of those living with HIV/AIDS. In addition, Mr. Speaker, the Department of Health is also hosting an observance for World AIDS Day today at City Hall at 5:30 pm today, to which the public is invited.

We also invite the public to tune in to CITV tonight at 9:00 pm for the premiere of “HIV/AIDS in Bermuda: A look back at how much things have changed over the last 35 years for persons living with HIV/AIDS.” The programme will feature interviews with the healthcare professionals and community advocates who were there at the beginning of the AIDS epidemic and the work that continues in ending the AIDS epidemic.

Just as important, Mr. Speaker, is the International Day of Disabled Persons, which is proclaimed annually by the United Nations on the 3rd of December. This important observance aims to increase awareness and promote the rights of persons with disabilities. These issues are as meaningful in Bermuda as in larger jurisdictions, as the well-being of affected individuals and their families is impacted in all spheres of society. It is important to continue to advance the situation of persons with disabilities in every aspect of life.

Mr. Speaker, this year, the international theme is “Transformation towards a sustainable and resilient society for all,” a theme that speaks to the broader goal to “leave no one behind.” Bermuda will celebrate its contribution towards this noble goal between today and Monday the 4th of December by highlighting some of the issues faced by persons with disabilities, and how persons with disabilities can be both beneficiaries

and agents of change towards a more inclusive society for all.

To celebrate this observance, local businesses will be highlighted for providing meaningful employment with full benefits for persons with disabilities. Additionally, organisations that have made accessible changes to their buildings to ensure their facilities are readily accessible, usable, and barrier-free will be recognised as well. An accessibly designed environment taking into account the needs of all its users will remain imperative in the future as well.

Ultimately, Mr. Speaker, we will not transform our society by continuing to do what we have always done. So Bermuda needs a mind-set change to refocus our attention on ability, rather than disability. In that, Mr. Speaker, I would like for the House to join me in recognising World AIDS Day today and the UN Day of Disabilities on the 3rd of December. Thank you.

The Speaker: Thank you, Minister.

The next Minister that has a statement this morning is the Minister of Education. Minister Rabain, you have the floor.

PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

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

Mr. Speaker, I rise this morning both pleased and excited to present to this House and the general public: [Plan 2022](#), a multi-year [Strategic Plan for the Bermuda public school](#) system.

Mr. Speaker, it is this Government's belief that children and their future should be put first, that they should be the primary beneficiaries of a public education system that engenders confidence and trust. All children, regardless of parental income or social circumstances should have the advantages that a high-quality and culturally relevant education brings.

Mr. Speaker, our beliefs about children and their value in society inform our actions. Our children deserve consistency, coherence, and adaptation. This is why prior to being elected this Government committed to review and implement the recommendations of the Strategic Plan for public school education. We know that our children deserve better than what they have been provided in the past. They, along with their parents, educators, and others in the community deserve to have an achievable and optimistic plan for public education.

Mr. Speaker, today, the Government's pledge to raise confidence, quality, and investment in public education is being realised through the introduction and delivery of Plan 2022: Bermuda's Strategic Plan for Public School Education.

Guided by the core values of transparency, inclusivity, and engagement, this plan was community-driven and community owned. It was written by our very own Bermudians who have expressed and

shared their vision for public school education. This approach was taken to reflect the aspirations of the community, and to help insulate the plan from the ups and downs and waves of change that have plagued public education for decades.

Mr. Speaker, this Government is committed to this community-driven approach so to ensure all stakeholders were given a chance to comment, additional community engagement sessions were arranged in September. It is of paramount importance to get this Strategic Plan right, so this Government's decision to delay the final report pending more unscheduled consultation sessions with the public, demonstrates this commitment to our children and our country.

Mr. Speaker, Plan 2022 was written by a diverse team of community members using research-informed best practices. The use of design-thinking meant that feedback numbering at least 3,000 pieces of information and data were used to shape and improve the plan over a period of 10 months.

In 2018, the Department of Education will commence the operationalisation of the Plan. It will be a Plan with a life span of five years, from 2018 to 2022. The plan is structured by five priority areas that have clear, measurable, and qualitative outcomes, and specific actions for delivery. The priority areas are:

- 1) Increasing academic rigour and student engagement by providing a diverse and differentiated curriculum that pushes students to their learning edges and connects to their many and varied interests.
- 2) Ensuring career, college, and workforce readiness by integrating academic and vocational training into a comprehensive and seamless system of training and support which begins early in the educational years of our youth.
- 3) Enhancing the quality of teacher practice and system leadership in order to have a sustained and transformative impact on the academic achievement of young people.
- 4) Improving infrastructure and instructional resources so that students are taught in well-maintained, clean, healthy, and modern facilities, and are exposed to cutting-edge technological tools in preparation for participation in a global economy.
- 5) Ensuring system success so that the Bermuda public school system looks beyond teaching and learning to ensure that policy, governance, and operational systems are in place to enable the success of both students and teachers.

Mr. Speaker, Plan 2022 will be the driving force to ensure that the Board of Education, the Ministry and the Department of Education, inclusive of the Child Development Programme and all schools, focus on the entire public education system from birth to

graduation so that (and I quote) “All students are educated to lead personally and professionally, compete locally, and contribute globally.”

Mr. Speaker that is the new vision for our public school system; and to ensure we understand the importance, I wish to repeat it for my honourable colleagues and the listening public: “All students are educated to lead personally and professionally, compete locally, and contribute globally.” That is what the community envisions for our public school students.

Mr. Speaker, we are diversifying options for students, especially those in the middle years so that they can focus on pathways meaningful to them, like technical and vocational education. Those students whose needs are high will receive better wrap-around support so that they do not fall between the cracks or get left behind their peers. We will strengthen IT and improve school infrastructure. We will also bring forward fairer budgets so our children get the education that they need and deserve.

Mr. Speaker, I believe strongly in a framework for accountability so that it is clear what needs to be done, when, and by whom, and of course with fidelity. Therefore, the Department of Education will be working on delivery plans during the month of December so that the first rollout of the Strategic Plan can start in January 2018. This focus on delivery is a reflection of considerable feedback from our stakeholders. The guiding principles from the planning process are synonymous with those of the delivery process. Therefore, we commit to continued transparency, regular communication with the general public on the execution of the plan, and engagement with the community as the strategy is translated into action.

Mr. Speaker, Plan 2022 will not sit on the shelf. It will be a living and working document. The priorities, objectives, and key performance indicators will steer the direction of public school education in the years to come. Mr. Speaker, every educational programme and service delivered by our public school system must align with the direction of the Strategic Plan.

Mr. Speaker, there are so many people to thank who contributed to the development of and ensuring the completion of Plan 2022. These individuals include first and foremost Mr. Curtis Dickinson, Chairman of the Board of Education, and all members of the Board of Education; the Ambassador Design Team that was comprised of 34 persons who sacrificed evenings and weekends to write the plan; the Strategic Review Team that was comprised of 48 persons who also sacrificed many evenings reviewing successive prototypes of the plan.

Mr. Speaker, we are indebted to all of the students, parents, educators, and other community members who invested their time and intellectual capital through feedback into the plan; to Dr. Jeremiah Newell who helped to facilitate the development of the plan; and finally to Ms. Lisa Smith of the Ministry of

Education who individually spent hundreds of hours during the days, evenings, and weekends working as the architect, planning, organising, and designing the direction of the strategic planning process. As a result, today we have the final product delivered in hand and at the point where we can commence the execution phase.

Mr. Speaker, I am very proud of Plan 2022 and the commitment that this Government is making to fellow Bermudians—especially to our children, their families, our educators, and all advocates and friends of public school education. This plan is a reflection that they are valued and respected members of our community who were empowered to help transform our public education system for our children and their futures.

Mr. Speaker, you will recall from the Government’s Throne Speech delivered in September, that this Government pledged to ensure that the Strategic Plan for our Public Education System would be completed and in place by September 2018. Once again, Mr. Speaker, promise made, promise kept.

Mr. Speaker, I encourage my honourable colleagues and the general public to read through Plan 2022 which will be posted on the Ministry of Education website www.moed.bm. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The final statement for this morning is that from the Minister of National Security. Minister Caines, you have the floor.

**DISASTER AND EMERGENCY PREPAREDNESS
BELCO MAJOR ENVIRONMENTAL EMERGENCY
CONTINGENCY PLAN TABLETOP EXERCISE
HELD ON 29 NOVEMBER 2017**

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

Mr. Speaker, I am pleased to advise this Honourable House of a significant [disaster and emergency preparedness](#) exercise that was conducted this week by BELCO.

As part of the Island’s critical national infrastructure, BELCO has a number of emergency or disaster plans to prepare in the event of a significant crises of this kind.

Mr. Speaker, in November, BELCO engaged an instructor to teach three classes on the Incident Command System method of managing serious incidents, culminating with the ICS-300 course or Intermediate Incident Command System.

Although this course was principally for BELCO’s managers and supervisors, the company also made spaces available for other agency representatives that would work with BELCO to stabilise an incident and bring it to a satisfactory conclusion.

Mr. Speaker, for a range of different scenarios, including chemical spills, large fires, explosions, or a large number of subscribers without power for a

long period of time, and not forgetting hurricanes, the Emergency Measures Organisation would be the co-ordinating organisation for all of the agencies involved. BELCO would be a part of this response and, depending on the nature and location of the incident, may have a large role to play or could, in fact, be the lead agency.

On November 29th, once all of the Incident Command Training was completed, a Tabletop Exercise was held centred around the BELCO Plan for major Environmental Emergency Contingencies.

Mr. Speaker, by holding this important training, and including other agencies in both the training and the exercising, BELCO has demonstrated leadership in taking these plans and its role in these types of incidents seriously, showing that it understands the need to be prepared should any such incident occur.

Mr. Speaker, within the government, all disaster plans are coordinated by the National Disaster Coordinator who was a participant in this training and the final exercise. The Coordinator works to ensure that all of the government disaster plans and those plans from the private sector that have an impact on national infrastructure are in sync with each other. He also ensures that training takes place across all of the relevant agencies, and exercises are held to test those plans. Importantly, the Coordinator holds training sessions for the EMO agencies [Emergency Measures Organisation] to prepare them to lead their departments and agencies to work together to solve the problems presented by a major incident.

Mr. Speaker, for the information of Honourable Members, some of the plans we hold in the various states of readiness are for:

- Hurricane;
- Airport Emergency Plan for air crashes;
- Marine Search and Rescue Plan;
- Public Health Emergency Response Plan for pandemics and infectious diseases;
- Marine Pollution Contingency Plan for chemical spills in our territorial waters;
- Counter Terrorism Plan;
- Mass Casualty Plan; and
- Cruise Ship Disaster Plan for fires and accidents on board cruise ships.

Presently, Mr. Speaker, there is no legislation underpinning the EMO. Honourable Members will recall the previous Administration indicating a need for such a statutory framework. I am pleased to advise Honourable Members that this Government will bring the necessary Disaster Management Legislation which will lay the foundation of governance for the EMO and its responsibilities. The aim is to create a Department of Disaster Management with the appropriate leadership to ensure Bermuda follows international best practices for small island states.

Mr. Speaker, there is much work that remains to be done. Not only do all of the above-mentioned plans need to be maintained, agency staff must be

trained and exercised, but further plans need to be developed in areas such as:

- a national threat and risk assessment;
- critical national infrastructure planning;
- cybersecurity;
- active shooter plans;
- single national alert system;
- fuel and energy security;
- water security;
- food security;
- large scale explosion or propane gas incident;
- tsunamis.

Whether or not the likelihood of some of these events is high should not prevent us from being prepared for them or discussing them as a community. This should include understanding what our national concerns are and how we should save lives, the lives of our neighbours, should the unexpected or the unlikely occur. Many of these plans will cost little to implement and they will take time. They require community input and an understanding for a plan to be put together which is written down so it can be understood.

Mr. Speaker, this new department will be immediately fit for purpose relying on existing, experienced officers from the Bermuda Police Service and the Bermuda Fire and Rescue Service.

Mr. Speaker, I had the opportunity to visit the exercise at BELCO and found the participants to be fully engaged and keen to be prepared in the event of an emergency or national situation. I wish to commend BELCO for this important exercise and I encourage the public to foster greater awareness of disaster and emergency preparedness. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

That brings us to the end of the Ministerial Statements.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: I remind Members that we have 60 minutes for this, and of the statements that were read out this morning, we have questions from five Members to Ministers. The first question will be to Minister Brown.

Minister Brown, you have a question from the Honourable Member from constituency 22. Honourable Member Gibbons, you have the floor.

QUESTION 1: ADVISORY REGARDING TRAVEL TO THE UNITED STATES BY BOTCs WHO ARE NOT BERMUDIAN

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker, and good morning to you.

Mr. Speaker, my question for the Honourable Member relates to page 3 of his statement in which he says, "There are a number of persons who qualify for and do possess BOTC (Bermuda) passports, but they are not eligible for the grant of Bermudian Status."

Would the Honourable Member give us an indication of roughly how many persons we are talking about that fall into this category?

The Speaker: Minister.

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

We do not have the numbers for that. We do know that persons who were born in Bermuda before 1983, all of whom lived here for 10 years and over, would all qualify for BOTC passports. We do not have enough data to make that clear determination. And then also you have the individuals which we can count who are married to Bermudians who are entitled to get a BOTC passport. There are others who have the ability to live here without work permit control and, therefore, can get BOTC passports. We do not know the numbers. We just do not have good enough data for the totality of that.

The Speaker: Thank you, Minister.

Is there a supplementary for that?

SUPPLEMENTARIES

Hon. Dr. E. Grant Gibbons: Yes, supplementary, Mr. Speaker.

The Speaker: Continue on.

Hon. Dr. E. Grant Gibbons: Thank you.

In the same vein, would the Honourable Member be able to say how many Bermuda passport holders who are eligible for the stamp "Holder is registered as a Bermudian" . . . roughly how many of them does the department think do not have that stamp in their passport?

The Speaker: Minister.

Hon. Walton Brown: Mr. Speaker, I will undertake to get the information for the Honourable Member. All Bermudians are entitled to get it. I am not quite sure if Immigration is keeping track of those passports which have actually received the stamp. So I will have to get back to you on that.

The Speaker: Thank you.

Supplementary or new question?

Hon. Dr. E. Grant Gibbons: Supplementary, Mr. Speaker.

The Speaker: Continue on.

Hon. Dr. E. Grant Gibbons: Would the Honourable Member feel that it would make sense when the department issues a Bermuda passport to a Bermudian that that stamp be put in as a matter of course, rather than having to have it requested? I am hoping that the department does that these days, as opposed to simply having the person have to go back and get that stamp later. Would the Honourable Member comment on that, please?

The Speaker: Minister?

Hon. Walton Brown: Yes. As the Honourable Member would now know, the issue of passports is a problematic one for us because they are now printed in the UK. We have to work, unfortunately, with the UK Passport Office to get any additional information included in those passports.

My understanding is that they are now included with the new passports, but we have literally thousands of other passports that were not issued by the Passport Office in the UK which do not have that stamp in it, and Bermudians are all encouraged to get that stamp.

The Speaker: Thank you, Minister.
New question?

Hon. Dr. E. Grant Gibbons: New question, second question.

The Speaker: Yes . . . oh, supplementary

Okay. I recognise the Honourable Member from constituency 23, the Honourable Member, Gordon-Pamplin. You have the floor.

SUPPLEMENTARY

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

Mr. Speaker, just in light of the Minister's recent response to the question, is there any progress with respect to the passport printing in the UK, to which the Honourable Minister alluded, and the reconciliation of the GBD versus BMU designation?

The Speaker: Thank you, Member.
Minister?

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

I am not sure I will use the word "progress," but there has been movement. We now have a quote

for what it will cost to actually provide for us to do that [printing] ourselves. There is representation being made this week to the UK on this matter, and we will continue. But, it is a challenge; but we will persist in getting back the right to print our own passports.

The Speaker: Thank you, Minister.

Any further supplementaries? New questions from the Honourable Member from constituency 22?

QUESTION 2: ADVISORY REGARDING TRAVEL TO THE UNITED STATES BY BOTCs WHO ARE NOT BERMUDIAN

Hon. Dr. E. Grant Gibbons: Yes, thank you, Mr. Speaker, a new question.

With regard to those BOTC passport holders who are not eligible for the stamp "Holder is registered as a Bermudian" would it be fair to say that in addition to their BOTC passport they would likely have a second passport? Many of them would be British Commonwealth passports, maybe UK passports, and those would give them a choice of whether they got an ESTA [Electronic System for Travel Authorization] or other means of getting into the US?

The Speaker: Thank you, Member.
Minister?

Hon. Walton Brown: Mr. Speaker, that is an assumption without an abundance of fact to support it. It is a case that these individuals would all have citizenship in another country, not necessarily Commonwealth citizenship. They could be from any number of other countries that are not Commonwealth countries. They would have passports . . . one of the challenges is that some of these passports . . . if they have not used the passport for years, they have expired and they need to get new passports. Others will be more of a challenge to get an ESTA because it is not a Commonwealth country passport, it is not a Canadian passport, it is not a passport that automatically lends itself to getting a US ESTA.

So there are challenges. But one cannot assume that the majority of these individuals hold passports from Commonwealth countries.

The Speaker: Thank you, Minister.
Supplementary?

SUPPLEMENTARIES

Hon. Dr. E. Grant Gibbons: Yes, thank you, Mr. Speaker, supplementary.

In relation to the BOTC passports, where a holder is not registered as a Bermudian, further to my honourable colleague's question, has there been any distinction between a BOTC passport that has a BMU designation on it, in other words, it was issued by

Bermuda versus those more newer ones that are issued as GBR passports and, therefore, are having digestive problems in terms of going through US Immigration?

The Speaker: Thank you, Member.
Minister?

Hon. Walton Brown: No, there is no distinction from a US Customs/Immigration standpoint. The issues have less to do with the demarcation GBR versus BMU; it has more to do with clearly identifying the citizenship of the person carrying the passport, and holding a BOTC passport is not a clear indication to US Customs, US Immigration officials, of the citizenship of that national.

The Speaker: Thank you, Minister.
Supplementary or . . .

Hon. Dr. E. Grant Gibbons: Supplementary.

The Speaker: Continue on.

Hon. Dr. E. Grant Gibbons: In relation to BOTC Bermudian registered as a Bermudian passport, are there any further issues now that have been reported to the Minister in terms of those having difficulty getting into the United States, either in Bermuda going through US Immigration here, or in other gateway cities in the US?

The Speaker: Thank you, Member.
Minister?

Hon. Walton Brown: Mr. Speaker, there is no real issue here with the GBR demarcation on the passports because US Customs and Border Protection people are all fully informed of the issue. It remains an issue at times in any number of other countries where someone is trying to get on an airplane to travel to the US, and the airline people have in their system that the GBR coded passport requires an ESTA to go to the US. The airlines have been informed, but the information does not always get down to the desk level at the check-in counter.

It is also an issue sporadically at different ports of entry to the US, where you will have that Immigration official who is not familiar with the GBR and has not received the information about Bermuda status holders, and so it does become an issue. It is an issue every so often. So, we still need to get the issue resolved.

Once we can get back to the passports having a purely BMU demarcation on it, there will be no issue. It is a problem with the GBR, where GBR does not show a necessary connection to US policy regarding the visa exemption for Bermuda status holders.

The Speaker: Thank you, Minister.
Any supplementaries?

Hon. Jeanne J. Atherden: Supplementary.

The Speaker: I recognise the Honourable Opposition Leader. Madam, you have the floor.

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Minister, you mentioned something there which I just wanted to raise because I think as we start to deal with issues coming up, you mentioned getting this information down to the desk, the person at the airline, the desk check-in. I am just wondering how we are going to sort of get around that. If you agree that understanding the nationality of the passport holder and saying that the person is registered as a Bermudian, and you have people using online check-in, which means that they do not get to see what it says in there, all they get to see is the fact of the country where the passport was issued, is there any way that we are going to be able to turn around and get that fact that the person is registered as a Bermudian somehow linked, or being able to get to the airline, especially the ones that are flying directly to Bermuda, because it is so silly not being able to check in or having to turn around and say, *I am flying out tomorrow*, as a way to turn around and fudge the system? So I just wondered if we have been able to identify how we can make this problem . . . come up with a solution to this problem.

The Speaker: Thank you, Member.
Minister?

Hon. Walton Brown: Mr. Speaker, there is an obvious solution, but we are not at a point where we want to contemplate that solution today. The question that the . . . the issue is that Bermuda status is not citizenship. And so most countries in the world have clear identification of who is and what is a citizen. We are in that ambiguous grey area where we are British, but hold Bermuda status. But not all British citizens have equal rights in Bermuda, and, therefore, Bermuda status is a separate demarcation recognised in Bermuda, in the UK, but I doubt anywhere else.

The Speaker: Thank you, Minister.
Any supplementaries? No supplementaries.
No further questions?

The next Minister who has questions regarding their statement is the Minister of Health, regarding your statement on World AIDS Day, and that is from the Member from constituency 21, Member Commissioning.

QUESTION 1: WORLD AIDS DAY AND INTERNATIONAL DAY FOR DISABLED PERSONS

Mr. Rolfe Commissioning: Thank you, Mr. Speaker.
Minister, as you know and you have heard me say in this House during the period from the late 1970s to about 1995, we had about 180 individuals, or so, who contracted HIV/AIDS and who achieved fatality as a consequence of [heroin] use, by way of shared needles. The question I have for the Minister is, We know, anecdotally at least, that heroin use is growing. Is that something that is being monitored by your department?

The Speaker: Thank you, Member.
Minister, do you want to respond to that?

Hon. Kim N. Wilson: Thank you, Mr. Speaker.
The Health Department does keep various statistics as it relates to factors that they are seeing with respect to persons who are coming within the community health or the doctors' offices and the like. I will have to get that further information. I do know that there is a lot of data collected regularly from the Health Department, whether it breaks it down to the individual type of drug use, as opposed to general drug use, I do not know, and I will have to get that information for the Honourable Member.

The Speaker: Thank you.
Any further . . . is it a supplementary?

Hon. Jeanne J. Atherden: Supplementary.

The Speaker: Supplementary. Continue, Opposition Leader.

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Just for clarity because I think on page 3, Minister, you indicated that fewer than 10 new HIV infections have been reported since 2011 with all of them [were related] to sexual contact. So, does that mean that the trend has now been reversed, which is, people getting HIV from drug use? And does that mean that as we start to make people aware of our status that we can actually not only have no transmission mother-to-child, but maybe would ultimately have no new transmission whatsoever?

The Speaker: Thank you, Member.
Minister?

Hon. Kim N. Wilson: Thank you, Mr. Speaker.
Yes, as statistics are showing, they have decreased drastically with respect to new transmissions of HIV via drug use, shared needles. However, we are seeing that there are also reductions with respect to AIDS generally, contraction of AIDS, but the majority

of those cases are as a result of sexual contact as opposed to intravenous drug use. So the message is getting out with respect to that.

And if I can also add, Mr. Speaker, as part of everyone's health plan, we are encouraging people to have HIV tests.

The Speaker: Thank you, Minister.

Any other questions? No other question? We move on.

The next statement that Members have indicated they have questions for, is for the Minister of Education in reference to his statement on the Plan 2022. The first Member who has questions is the Member from constituency 22. Honourable Member, Gibbons, you have the floor.

QUESTION 1: PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker.

On page 4 of the Minister's Statement, he indicates that "the Department of Education will be working on delivery plans during the month of December so that the first rollout of the Strategic Plan can start in January 2018." Mr. Speaker, given the fact that the former Commissioner of Education has been suspended, and the Department has also lost, through the pursuit of another opportunity, a very senior member of the Education Department, could the Minister please explain how this next five-year Strategic Plan will be affectively implemented without a Commissioner of Education and the loss of that very senior member of the Department?

The Speaker: Thank you, Member.
Minister?

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

The Strategic Plan is driven by Board of Education in concert with other senior members. We have been operating as if we had to operate without the Commissioner in place and we will be pushing forward with the Strategic Plan keeping with the schedule that was established previously.

The Speaker: Thank you, Minister.
Supplementary or further question?

SUPPLEMENTARIES

Hon. Dr. E. Grant Gibbons: Supplementary, Mr. Speaker.

The Speaker: Continue.

Hon. Dr. E. Grant Gibbons: Mr. Speaker, as the Honourable Member will know, the Board of Education does not have operational responsibility. The im-

plementation of the Plan is one that is required to be done by the Department. Could the Honourable Member please explain who in the Department will be leading this exercise?

The Speaker: Thank you, Member.
Minister.

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.
The entire Department will be leading the exercise.

The Speaker: Thank you, Minister.
Supplementary?

Hon. Dr. E. Grant Gibbons: Yes, supplementary, Mr. Speaker.

The Speaker: Yes.

Hon. Dr. E. Grant Gibbons: Could the Honourable Member give us an update on the replacement or resolution of the issues surrounding the former Commissioner?

[Inaudible interjections]

The Speaker: I do not know that this was part of the Statement that was given this morning. So it may be outside of the realm of what was read out this morning as part of his Statement. So, if you can—

Hon. Dr. E. Grant Gibbons: Perhaps I can put it another way.

The Speaker: You can attempt to.

Hon. Dr. E. Grant Gibbons: Okay, thank you, Mr. Speaker.

As the former Commissioner would have been intricately involved with development of the Strategic Plan, perhaps the Honourable Member can give us an indication of how his replacement is coming along, because it is the responsibility of the Board of Education to, in fact, make a recommendation.

[Inaudible interjections]

The Speaker: You stretched it but it did not make it in. Do you have a new question?

[Crosstalk]

The Speaker: Okay, thank you.

Minister of Education, you still have another Member who wishes to ask a question, and that is the Member from constituency 23. Honourable Member, Gordon-Pamplin, you have the floor.

QUESTION 1: PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

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

In the absence of having received a copy of the plan, and not being able to refer thereto—

The Speaker: They were distributed.

Mrs. Patricia J. Gordon-Pamplin: Okay. Sorry, I did not have it. But the question that I have is, and it may be included therein, but if the Minister could just perhaps allude to, on page 3 of his Statement when he spoke to the issue under number 3, of “Enhancing the quality of teacher practice and system leadership in order to have a sustained and transformative impact on the academic achievement of young people.” Can the Minister advise whether this enhanced quality of teaching will include an annual evaluation for the teachers, and offer training if a teacher falls short, or dismissal if their situation is irreparable?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.
Without going into many specifics on the operational side of it, yes, the Plan does speak to how teachers, how educators and administrators will have to keep their skills abreast on a regular basis. So it does speak to that.

The Speaker: Thank you, Minister.
Supplementary?

Mrs. Patricia J. Gordon-Pamplin: No, I have a new question.

The Speaker: New question? Go ahead. Continue on, Member.

QUESTION 2: PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

Mrs. Patricia J. Gordon-Pamplin: Thank you.
On page 4 at the top, is where the Minister indicates that they will bring forward fairer budgets so the children get the education that they need and deserve. Within the private sector the actual cost per child for education is actually less than that of what we are getting in the government sector, but the outcomes seem to be better. My question is, Are we going to be able to reconcile the outcomes? Because the students' success is the important thing. Are we going to be able to reconcile the outcomes of those results that are coming from the private versus the public?

The Speaker: Thank you, Member.

Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, I think I must preface the answer to the question by making sure that the Honourable Member who asked the question understands completely the difference between public school and private school, in that the comparison that she is asking me to make is apples to oranges.

Mr. Speaker, private schools are allowed to select their students that attend their schools. Public schools do not have that luxury. We have to educate everyone that shows up at our door. That is why we have to provide wraparound services such as para-educators, educational therapists, psychologists, also programmes for autistic children that are in the autistic spectrum, things that the private schools do not have to provide and do not provide unless the parents are willing to pay extra for that. So, therefore, to ask the question that compares the cost of educating a child in public and private schools is disingenuous at best, without taking into effect all of those factors, Mr. Speaker. Thank you.

The Speaker: Thank you, Minister.
Supplementary?

Mrs. Patricia J. Gordon-Pamplin: Yes.

The Speaker: Yes.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: The concern is the output and the ultimate success of the students. And my question was really relating to when bringing forth fairer budgets that we are looking to ensure that the output and the success of our students, in respect of the extra services required in order make public and private rank *pari passu*, that we want to make sure that the outcomes for our students are effective. So I just want to make sure that that is a key—

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: —I have not finished the question—a key consideration within the 2022 plan.

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: I am kind of confused here, Mr. Speaker, because if we are going to ask if we are intent on making sure that our children are succeeding, you know, why would we ask that question when that is the sole purpose of this plan, to make sure that our children are able to compete on a global level along with their counterparts in private schools. So the answer to the question is, everything will be done to

ensure that our children receive the services that are required for them to compete with any other students on this Island. So the answer to her is, yes, everything will be . . . things will be put in place to ensure that.

The Speaker: Thank you, Minister.

Supplementary from the Opposition Leader?

SUPPLEMENTARY

Hon. Jeanne J. Atherden: I have a supplementary, Mr. Speaker.

The Speaker: Yes.

Hon. Jeanne J. Atherden: On page 4 the Minister indicates, “We will bring forward fairer budgets so the children get the education that they need and deserve.” I just wondered how does the Minister quantify or describe a “fairer budget”? What . . .

[Inaudible interjections]

Hon. Jeanne J. Atherden: Mr. Speaker—

The Speaker: Continue on. Speak to the Chair.

Hon. Jeanne J. Atherden: I would just like clarity as to a “fairer budget” because, to me, a budget . . . if I am looking at a budget, I am presuming that it has some identification of what should be in there, the amount that should be there and how it is going to be spent so there is a comparison of the budget to what was previously available to produce the outcome.

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker.
The outburst reminded me of something. An example of a fairer budget, Mr. Speaker, is not taking the IT budget that the Ministry has had that has been decreased from over a million dollars in 2012 to \$400,000 in 2016—

An Hon. Member: Ooh!

Hon. Diallo V. S. Rabain: —in which it excluded the fact that this now prevents us from doing the things that we wanted to do, like putting Wi-Fi in schools, replacing computer labs, and the like. So when we talk about “fairer budgets” we talk about looking at the monies that we have available and making sure that we get more bang for our buck, including making sure that our children are looked after first and foremost.

The Speaker: Thank you, Minister.

Supplementary, from the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

SUPPLEMENTARY

Mrs. Patricia J. Gordon-Pamplin: Yes, I have a supplementary based on the Minister’s response. He spoke to the interpolation by the Honourable Member who sits on his side, the Honourable Minister, and the question that I have is that in that very disingenuous interpolation we had, the Honourable Member indicated that fairer budgets would suggest not spending on the America’s Cup.

This is coming from a Member who took full advantage of the America’s Cup and the spending, and the spectating, and I just wonder whether—

The Speaker: Member, Member.

Mrs. Patricia J. Gordon-Pamplin: —he is being completely disingenuous.

The Speaker: Address your question to the Minister that is appropriate to the topic that was being responded to. Do not take a sidetrack because it is not going to be allowed. If you have a question, it is going to go directly to the Minister’s response, speak to the Minister to respond. Do not speak to heckling from someone off the floor. That person was not being recognised. The Minister was the one being recognised. Your supplementary goes to the Minister.

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

Mr. Speaker, it is just that when the Minister responded he mentioned the interpolation, so that is the reason why I asked the question.

The Speaker: Does anyone else have a question for the Minister of Education?

I recognise the Honourable Member from constituency 22. This is a supplementary?

Hon. Dr. E. Grant Gibbons: No, actually, Mr. Speaker, it is a second question. I had asked my first question and two supplementaries.

The Speaker: Yes, you did ask one before. Yes, yes. Continue on.

Hon. Dr. E. Grant Gibbons: Yes, thank you. Second question.

The Speaker: Second question. You asked one question before. Yes.

QUESTION 2: PLAN 2022: BERMUDA’S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, given the volume of statements that Government has been making around technology and the hub at Southside, and all the rest of it, could the Honourable Minister explain how the Strategic Plan will address the issue of providing our students with the required technical and other skills necessary to participate in this?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, yes, in the Strategic Plan, when we refer to number four, "Improving Infrastructure and Instructional Resources," it is covered under that area. That will include increasing the IT support within the schools.

The Speaker: Thank you, Minister.
Supplementary?

SUPPLEMENTARIES

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I have not had a chance to read this Strategic Plan; I assuming the Minister has. Perhaps he could do a little better than that and give us a little bit more of a fulsome response in terms of—

[Inaudible interjections]

The Speaker: Members! Members!
Continue on.

Hon. Dr. E. Grant Gibbons: —whether the Strategic Plan would include issues of, for example, teaching coding and at what level? How will this be addressed in the public schools because the private schools are already well on top of this?

The Speaker: Thank you.
Minister?

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

As the Member would well know, this is the Strategic Plan. And I did talk about the implementation phase. The implementation phase is now taking the Strategic Plan and creating the programmes and such that will be put into it. Coding and the like, coding and computer lessons and stuff like that will be included because it is stuff that we are talking about. But it is not included specifically in the Plan, exactly what these initiatives will be, but they will be hashed out.

The Speaker: Thank you, Minister.
Second supplementary, or new question?

Hon. Dr. E. Grant Gibbons: Second supplementary.

The Speaker: Go ahead.

Hon. Dr. E. Grant Gibbons: Yes. So, Mr. Speaker, if I may ask the Minister, is there going to be a curriculum developed for this or will the existing curriculum suffice?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, as the Strategic Plan does talk about the curriculum, the Cambridge will be retained but there will be additional things put in place to allow for students to have a wider . . . a lot more opportunities at additional things outside of the Cambridge core curriculum.

The Speaker: Thank you, Minister.

Hon. Diallo V. S. Rabain: Which will include coding.

The Speaker: Supplementary?
Supplementary. We recognise the Honourable Member from constituency 23. Honourable Member Pat Gordon-Pamplin. You have the floor.

SUPPLEMENTARIES

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

Mr. Speaker, I just wonder if the Minister can share whether it is the intent to continue the liaison between our local students and their ability to, as the previous Government, previous, previous PLP Government, had initiated and supported the liaison with New England Institute of Technology and schools such as that to ensure if that liaison will continue, is that part of that strategy?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, the connection with the New England Institute of Technology is with the Department of Workforce Development, not the Department of Education.

The Speaker: Thank you.

Mrs. Patricia J. Gordon-Pamplin: Supplementary

The Speaker: Supplementary.
Continue, Member.

Mrs. Patricia J. Gordon-Pamplin: I am concerned about the educational component which our students have the capacity to study with . . . to have a liaison for students to have better outcomes. Irrespective of who houses the programme, I am looking for student

excellence. So I said it a little slowly, maybe the Minister will be able to appreciate—

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: —what it is that I am trying to get at.

The Speaker: Let's, let's keep it above board, Members. Keep it above board.

Mrs. Patricia J. Gordon-Pamplin: I am saying—

The Speaker: Keep it above board.

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: Mr. Speaker, I speak—

The Speaker: All right, Members! Members! We are not going to have this today.

[Inaudible interjections]

The Speaker: I have no problem showing the door to any Member who does not understand how this House is going to be run. That is for *all* Members. The Member on the floor has the right to speak to this Chair. I do not need any interpretation from anyone else. If they feel they are going to do that, let the door hit them in the back before I ask you to leave.

Continue, Member.

Mrs. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker. I was not being pejorative. I was asking the Honourable Member, because I know I do speak quickly.

The Speaker: Your question was put.

Mrs. Patricia J. Gordon-Pamplin: I was just asking about the liaison and for student excellence, and not who houses the programme that helps to create that student excellence. Is that liaison likely to continue under the Strategic Plan?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, the liaison with overseas institutions will continue.

The Speaker: Thank you.
Supplementary or . . .

Hon. Dr. E. Grant Gibbons: I am up to a third.

The Speaker: This is your third question. You have had two supplementaries on that question.

Hon. Dr. E. Grant Gibbons: Third question, Mr. Speaker, yes.

The Speaker: Third question, yes.

QUESTION 3: PLAN 2022: BERMUDA'S STRATEGIC PLAN FOR PUBLIC SCHOOL EDUCATION

Hon. Dr. E. Grant Gibbons: Yes, exactly.

Mr. Speaker, could the Minister say whether there is anything in the Plan which address the declining numbers of students over the last few years in the public school system that relates to consolidation of schools, or perhaps closure of schools, because clearly this was something that the department was looking at going back a number of years.

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, the Plan does not speak specifically to consolidation and closing of schools, but at this point, as we have stated in our Throne Speech, we will be undertaking an exercise to look at all schools from a building perspective and see what needs to be done on that perspective.

In terms of the declining enrolment, Mr. Speaker, I believe the Member would know that enrolment has edged up just slightly here recently and so when we are looking at . . . and the Plan also speaks to the revamping of schools in terms of, as you know, our Plan is to phase out middle schools, and we anticipate that we will not be losing as many students as we [have been] when that does come into effect.

The Speaker: Thank you, Minister.

Supplementary. I recognise the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

SUPPLEMENTARY

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

Mr. Speaker, I just wonder if the Minister could share whether the home school environment, which there seems to be a proliferation of home schools, how significantly the Strategic Plan considers the home school environment and its impact.

The Speaker: Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, the department views home schools as alternative schools and it is spoken to, but it is not included within the Plan.

What this Strategic Plan is, it is a plan for Bermuda *public* schools. It does not include private schools. It does not include home schools into that effect. It is about creating a curriculum and creating a plan to move forward with Bermuda public schools.

The Speaker: Thank you, Minister.

Do you still have a supplementary?

I recognise the Opposition Leader. You have the floor to ask your supplementary.

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Yes, thank you, Mr. Speaker.

Mr. Speaker, a lot of the discussion has caused me to read a little more into the [Plan 2022](#), so that I can appreciate all of the objectives that are there. I just wondered if the Minister could just clarify or just enlighten us, because in the technical strategies, there was an indication in terms of educator evaluation and performance management. The fact that the Department of Education was going to position the Human Resource Department to identify personnel to support the Commissioner of Education [CoE], directors, and assistant directors in monitoring quality assurance and compliance in terms of performance [management], and I think that sort of goes to a question that we had earlier in the sense that you now do not have the Commissioner of Education, you also do not have a director. Is this going to impact on the achievement of this technical strategy which is quite important?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, quite simply the answer is no. It will not impact. And for complete . . . although I do not speak to operational matters, that director post is being temporarily filled as we speak.

The Speaker: Thank you, Minister.
Supplementary?

Hon. Dr. E. Grant Gibbons: I do have a supplementary, Mr. Speaker—

The Speaker: Yes.

Hon. Dr. E. Grant Gibbons: —in relation to the Minister's answer to my question about consolidation.

The Speaker: Sure. Continue on.

SUPPLEMENTARY

Hon. Dr. E. Grant Gibbons: Could the Minister please give us an understanding of what the timeframe is to review the schools, and the necessity for the number of schools given the plan for the closing of middle schools? Are we talking about 2018? Are we talking about 2019? What timeframe is the Minister likely to come back to this House with a report and recommendations?

The Speaker: Thank you, Member.
Minister?

Hon. Diallo V. S. Rabain: Mr. Speaker, one thing that I will state unequivocally that this administration will not push things forward for political expediency. When the time is right, the time will be right. Our children deserve at least that. And so to answer the Member's question, our platform stated that the phasing out of middle school is a long-term plan and that plan will be done very strategically and with lots of stakeholder consultation. So when it is ready to be done, then I will make an announcement on that.

The Speaker: Thank you, Minister.
Supplementary?

Hon. Jeanne J. Atherden: Supplementary. As I say, some of the questions have caused me to quickly read some of the information that is in here.

The Speaker: Okay.

SUPPLEMENTARY

Hon. Jeanne J. Atherden: Could the Minister indicate, based on what is in this Plan, whether budgets have been developed because it says "Ensure budgets are developed by December for the next school year and school leaders are provided some autonomy to establish budget priorities for discretionary funds." Recognising that budgets and fair budgets are very important, and even when we talked about, you know, what would happen in terms of schools, is that something which will be taking effect in this December, or is that something that is going to be December 2018?

The Speaker: Continue, Minister.

Hon. Diallo V. S. Rabain: Mr. Speaker, as the Statement . . . and it has been very publicly stated, this Plan will be in full implementation by September 2018. So all of the things which are spoken of on Plan this will begin to really take form after that point.

The Speaker: Thank you, Minister.

There are no further questions for the Minister of Education.

The last Ministerial Statement that Members have a question for is that of Minister Caines.

Minister Caines, you have a question from the Honourable Member from constituency 10. Honourable Member Dunkley, would you like to put your question?

QUESTION 1: DISASTER AND EMERGENCY PREPAREDNESS BELCO MAJOR ENVIRONMENTAL EMERGENCY CONTINGENCY PLAN TABLETOP EXERCISE HELD ON 29 NOVEMBER 2017

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. And good morning colleagues, and those listening.

Mr. Speaker, just before I put the question I would like to congratulate the EMO and the good work they have done and the progress that we have made over the past couple of years, not only dealing with challenges, but in bringing this area into a much more effective area.

In regard, Minister, on your page 4 of 6, the second paragraph where you say, "The aim is to create a Department of Disaster Management with the appropriate leadership to ensure Bermuda follows international best practises . . ." A question for you. Has this been a major push of the UK? And the second part of that is, Any idea . . . you have thought about it, you have had this Statement, is there any idea of the size of the department, the cost, the number of positions, and if the expertise in that department will be able to be provided on-Island with the professionals that we have at the present time? Thank you, sir.

The Speaker: Thank you, Member. Minister, you have the floor.

Hon. Wayne Caines: Yes, Mr. Speaker.

All very good questions. This has been considered and I would not say "pushed" by the UK but they are looking at the small island states making sure that the infrastructures are in place to deal with national disaster.

Mr. Speaker, this came to the fore as a result of the recent hurricanes and a lot of the countries having the lack of the facilities. Looking at some of the countries, they have departments of national disaster, they have 12 and 13 people in there with really big budgets. The Deputy Governor was recently in contact with our offices asking us how will we deal with national disasters. We have put together a plan that sees a Department of National Disaster, and this has been in train for a while, Mr. Speaker.

It will initially be housed and staffed . . . right now it has an inspector that is on loan, Inspector Steve Cosham. He acts as the Director of the EMO, working every day in that department. The plan is to second an officer from the [Bermuda] Fire Service and another officer from the Bermuda Police Service. We are still in the budgeting phase now, but we do not anticipate having to go outside and get a department .

. . . no more than four or five people with an administrator. But we believe we have the expertise on-Island. They now do the majority of the work.

We simply now need to look at things specifically. Let's look at specific protocols and specific areas as it relates to disaster management [and] terrorism management. Mr. Speaker, our EMO is an ad hoc committee that oftentimes only meets when there is a national disaster. We believe that it is an opportunity for us to develop a long-term strategy looking at a multiplicity of issues and having a team on-Island that can do it.

The next question is . . . we do believe that we have the necessary expertise on-Island. That expertise has been identified and we are putting steps in place to put them in on a long-term basis, Mr. Speaker.

The Speaker: Thank you, Minister.

No further questions? No further supplementary?

Further question or supplementary?

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

The Speaker: Continue on.

SUPPLEMENTARY

Hon. Michael H. Dunkley: I thank the Honourable Minister for that in-depth reply.

I note, Minister, in the comments that you made in reply to that question, you referred to challenges with our Caribbean neighbours with the hurricane. Minister, do you believe that our EMO operates much more effectively than some of our neighbours to the south, even with some of their disaster management teams, and that is why constantly we are asked to give advice and support down there? Do you believe that we are in a much better position now, even without this department being as you would like it to be going forward?

The Speaker: Thank you. Minister?

Hon. Wayne Caines: I believe that Bermuda has had a very robust response dealing with hurricanes. That is our area of speciality. So when we look at responding, and the global response that we have . . . well, when we have a hurricane, we have very good planning laws, and we have a very good Bermuda Regiment, a very highly specialised police force. And so when you put all of these things in place, over the time we have developed a subspecialty dealing with hurricanes.

There are certain elements of national disasters where we have not been tested as yet. So, when

it comes to what we have seen with our neighbours, a lot of things to do with the budget, their building practices, they have come up short, i.e., based on what has happened with the hurricanes. But I can say that our EMO has acquitted themselves well on every occasion. But we believe that this is an opportunity to look at this and look at a lot of different examples, modalities, so we are prepared for any national disaster, Mr. Speaker.

The Speaker: Thank you, Minister.
Supplementary?

I recognise the Honourable Member from constituency 25. Honourable Member Baron, you have the floor.

SUPPLEMENTARIES

Mr. Jeff Baron: Thank you, Mr. Speaker.

Mr. Speaker, this is right and just and I commend the Minister for updating us and also advancing this.

My question as a result of his comments regarding the four to five estimated people that may be in this department, can the Minister expand a little bit? He touched on it briefly. Can he expand on the subject matter “experts” that fall outside of the police and fire [service] to manage these plans that he identified to need development?

The Speaker: Thank you, Member.
Minister?

Hon. Wayne Caines: When you look at the areas that we will be preparing: hurricanes, emergency plans for the airport, marine, search and rescue plans, and I will fast forward to counter terrorism plan [and] a mass casualty plan. When you are putting together a plan, as with any exercise, we will find the subject matter experts in those areas and they will help us to develop the plan. What we are doing is, we are putting together the bones of a plan. And what these area experts will do, they will develop our national strategy using experts in the specific fields to advance a national disaster plan.

The Speaker: Thank you, Minister.
Supplementary?

Mr. Jeff Baron: Thank you, yes.

The Speaker: Continue on.

Mr. Jeff Baron: Thank you, Mr. Speaker.

Just to drill down on that specific point, when you have, again on page 4 into page 5, the 10 items that need to be developed, six of those items, Mr. Speaker, fall outside of the range of subject matter expertise between the Bermuda Police Service and

the Bermuda Fire Service, which is why I asked the question regarding subject matter experts, how are we engaging folks who are professionals in food security, water security, fuel and energy sectors? I would like, Mr. Speaker, some specific answers.

The Speaker: Thank you, Member.

Hon. Wayne Caines: Mr. Speaker, the absolute genesis of this statement is showing the collaborative approach that we are using. We did not have the expertise as it pertains to dealing with major oil spills, dealing with the BELCO incident, and what did we do? We partnered with BELCO, the experts at BELCO, and we put together a plan to develop a disaster management plan going forward with a tabletop exercise. We believe that there is . . . if you look at the 10 areas, of course, we will not have subject experts on-Island. We have the opportunity to develop an overarching disaster management plan. As it relates to each element of the plan, we will have to employ subject matter experts to help us to drill down to the specific, to the finite elements of the plan.

Let’s go to the plan again. We have an EMO and they have been dealing with national disasters as they occur. We now see an opportunity for us to develop a Department of National Disaster that puts together a national disaster strategy. Elements of that will have to be honed in with obvious specialists looking to put together a specific plan. Do we have the names of those specialists now; the cost of those specialists now? We do not. Those matters are in train as we are developing that plan as we speak, Mr. Speaker.

The Speaker: Thank you, Minister.
Supplementary?
We recognise the Opposition Leader.

SUPPLEMENTARIES

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

To the Minister, I just wondered, because we can get expertise and advice from lots of people and it helps us not reinvent the wheel. Have you taken advantage of the expertise that comes through PAHO [Pan American Health Organization]? Because of course, we are a member and they have lots of information as it relates to disasters, especially when you start getting down into things like the food security, water security, and other things like that. So I just wondered whether we have engaged PAHO to help us with our development.

The Speaker: Thank you, Member.
Minister?

Hon. Wayne Caines: Absolutely. There are a number of agencies worldwide that we are a member to, we

are signatories to, and we believe a part of this process, Mr. Speaker, and so that we are all aware, the Foreign & Commonwealth Office has a disaster management plan for each of the islands. They have looked at a number of the countries [to see] where there are failings and where there are shortcomings. The entire plan is to make sure that there is a consistent and a contiguous plan across all of the islands. And Bermuda is simply saying that we get it! We are putting a plan together. And we are going to use the relationships and leverage the relationships that we have to put together—bearing in mind the costs, bearing in mind the budget that we have—a team that best reflects the needs and the future for Bermuda and making sure our Island is indeed safe.

The Speaker: Thank you, Minister.
Supplementary?

Hon. Jeanne J. Atherden: Yes, I have a supplementary.

The Speaker: Yes.

Hon. Jeanne J. Atherden: The reason I ask the question is because every time we do many of these things it becomes a budgetary issue and sometimes we are able to take advantage of programmes, especially like PAHO, that they might have where we can get some of this expertise at no cost to ourselves, and I just wanted to make sure that we are utilising all of these—

The Speaker: Thank you, Member.
Minister?

Hon. Wayne Caines: I am not aware of the question, Mr. Speaker. What was the question?

The Speaker: Just a yes, that is all.

Hon. Wayne Caines: The answer is—

The Speaker: Yes. We are in good stead.

[Inaudible interjections]

The Speaker: Yes.

Hon. Wayne Caines: I just do not like to say “yes” arbitrarily. I legitimately was not . . . I did not see the question—

The Speaker: Question in there.

Hon. Wayne Caines: —in that, and if my friend—

Hon. Jeanne J. Atherden: Okay.

The Speaker: Member, he is asking you to rephrase it in a clear question.

Hon. Jeanne J. Atherden: Okay.

The Speaker: You danced a little on that one. I was giving you a leeway, but make it a clear question.

Hon. Jeanne J. Atherden: My supplementary was, have we reached out to any of these agencies to see whether from a budgetary point of view we could take advantage of some of the [free programmes] that they might have available to us? Not just from the point of view of perhaps giving us expertise.

The Speaker: Thank you.

Hon. Wayne Caines: So, Mr. Speaker, the purpose of this Statement was to do two things. It was to alert and notify this House of some things that the Government is doing, but, more importantly, to show the global opportunity that we have for key partnerships.

The Speaker: Mm-hmm.

Hon. Wayne Caines: If the Bermuda Government were to host a seminar such as the one in the Statement, it would have been exceedingly cost prohibitive. We decided to partner with experts in a specific [field] to benefit not only the private sector, but the public sector, but specifically the people of Bermuda. I believe that in keeping with the Foreign & Commonwealth Office and the push to standardise the procedure for the departments across the Caribbean, we have to and we will leverage international relationships. Number one, keeping in mind the budgetary constraints, but not limiting to the expertise that is indeed available. Obviously, we realise that there are signatories to different conventions, different associations, and we will make use of our partners globally to the benefit of the people of Bermuda, Mr. Speaker.

The Speaker: Thank you, Minister.

No further questions. No further . . . you have a supplementary or a new question?

Hon. Michael H. Dunkley: A new question unless somebody has a supplementary.

The Speaker: No, they have used their supplementaries on that.

Hon. Michael H. Dunkley: I am sorry to hear that, Mr. Speaker.

The Speaker: Okay.

QUESTION 2: DISASTER AND EMERGENCY PREPAREDNESS BELCO MAJOR ENVIRONMENTAL

EMERGENCY CONTINGENCY PLAN TABLETOP EXERCISE HELD ON 29 NOVEMBER 2017

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. To the Honourable Minister, in regard to the Tabletop Exercise that BELCO held, and I congratulate them. The Minister used the words “demonstrated leadership.” However, I think it is expected by our utility provider to demonstrate that leadership. We will recall the incident we had years ago—

The Speaker: Put your question now. Put your question.

Hon. Michael H. Dunkley: I am getting right to that. But years ago when the Island was without power for a long period of time, we had some challenges. So now that we have had this Tabletop Exercise, what specific recommendations [are there], and who will follow up with those recommendations as a result of the Tabletop Exercise?

The Speaker: Thank you. Minister?

Hon. Wayne Caines: The team that was present. So, the first part of it was the . . . before we go into to the Tabletop Exercise, the first part of it was looking at the infrastructure of BELCO. The first part of the exercise was understanding the significance of Bermuda.

The second part was classes that were held on the Incident Command System—how that runs, how do you manage it. So, soon into that was the Tabletop Exercise and the question-and-answer. The person who represented the Bermuda Government—was also described as the senior administrator—was Steve Cosham, on behalf of the Ministry of National Security. He will be the reservoir of information and will be responsible for the action items and the procedures, the policies, implementing the plans going forward, Mr. Speaker.

The Speaker: Thank you, Minister. Supplementary?

SUPPLEMENTARY

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

The Honourable Minister mentions looking at the infrastructure at BELCO.

Hon. Wayne Caines: I did not say that.

Hon. Michael H. Dunkley: Was the report done by the RA that looked at the infrastructure using this Tabletop Exercise?

The Speaker: I think . . .

Hon. Wayne Caines: I did not say that.

The Speaker: The question was from a different perspective. They are looking at the response as far as a disaster.

Your question was actually looking at the infrastructure of BELCO in regard to a different perspective from the RA; there are two different perspectives in this sense.

Hon. Michael H. Dunkley: No. Mr. Speaker, for clarification, when the Honourable Minister started to answer the question, he referred to looking at the infrastructure. And because of that, I have asked the question: In the look at the infrastructure, was the RA report used?

The Speaker: To be fair, I tried to give some clarity on it.

But you can finish it for him.

Hon. Wayne Caines: No. No.

The Speaker: No. Thank you. No further questions?

Your third question now. Third question; go ahead, last question for you.

QUESTION 3: DISASTER AND EMERGENCY PREPAREDNESS BELCO MAJOR ENVIRONMENTAL EMERGENCY CONTINGENCY PLAN TABLETOP EXERCISE HELD ON 29 NOVEMBER 2017

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

Mr. Speaker, in previous years, thanks to the leadership of the former Minister, Minister Baron, text messaging has been used quite effectively during the preparation for the oncoming of the hurricane season. Is that programme still one that the Minister believes is important, and are our cell phone providers on board to continue that? Social media has played a valuable part in getting the message out, and I would hope that would continue.

The Speaker: Minister.

Hon. Wayne Caines: For clarity, it was not the last Minister that put text messaging in place, just for clarity. From another position that I had, Mr. Speaker, I can tell you that it was the Progressive Labour Party, a Progressive Labour Party Minister who initiated that and started that process, even in an unofficial capacity. That is a fact, Mr. Speaker.

[Inaudible interjections]

Hon. Wayne Caines: That is a fact, as I can tell you, from the CEO of a telecoms company locally. That is fact.

The Speaker: Continue.

Hon. Wayne Caines: Mr. Speaker, technology has evolved. So we are not saying, *Are we going to use Instagram, Facebook?* That is now an integral part of the system of notifications with our Department of Communications, with the Bermuda Police Service, with our senior communications. That is now part and parcel of all messaging for the Bermuda Government. Using social media, using text messaging, [we] are getting the message out to the general public, Mr. Speaker.

The Speaker: Thank you, Minister.

No further questions. And that brings us to an end of the question-and-answer period.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: We now move on. But before we move on, I would like to acknowledge in the Gallery, Senator Hayward.

Senator Hayward, thank you for visiting us today.

[Desk thumping]

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: I recognise the Honourable Acting Premier, Minister Burch.

You have the floor.

Lt. Col. Hon. David A. Burch: Yes. Mr. Speaker, I would like to somewhat give condolences to St. George's Cricket Club—

[Laughter]

Lt. Col. Hon. David A. Burch: —in announcing that—

The Speaker: Well, you have got the ear of the people from the east. Go ahead, now. You have got their attention.

[Laughter]

Lt. Col. Hon. David A. Burch: I knew I would.

To put them on notice, Mr. Speaker, that Somerset Cricket Club last night held its AGM [annual general meeting] and elected a new and dynamic leadership in Somerset.

The Speaker: Yes, yes.

Lt. Col. Hon. David A. Burch: So, let me just first pay tribute to the outgoing President of Somerset Cricket Club, of seven years, Mr. Alfred Maybury, who gave stellar service. Whilst in Somerset Cricket Club last night, Mr. Speaker, I had to reflect on that I may never complain about PLP caucuses again, because it took us about five hours almost to get to a point where we actually were able to elect a new leadership at Somerset Cricket Club.

The Speaker: A lot of business at hand, eh?

Lt. Col. Hon. David A. Burch: Oh, yes, a lot of business conducted, Mr. Speaker.

But what I would like to do is to extend congratulations to the new Executive at Somerset Cricket Club, the new young Executive at Somerset Cricket Club, led by Vashun Blanchette, who has moved up from Vice President to President. Nadir Wade is Vice President; Christopher Dechabert is Treasurer; O'Brien Roberts is Assistant Treasurer; Dawn Simmons is Secretary; and Nasir Wade is Assistant Secretary.

Mr. Speaker, I would also like to note that, in electing a 10-member Committee of Management, it includes somebody who is a member of this House, the Honourable MP, Dennis Lister III. And so, I would ask that the substantive Premier also be associated with these congratulations, Mr. Speaker. Thank you.

The Speaker: Thank you, Minister.

Does any other Member wish to speak on congratulations or condolences?

No other Member?

Oh, okay. I recognise the Honourable Opposition Leader. You folks are slow this morning. We almost moved on.

The Honourable Member, you have the floor.

Hon. Jeanne J. Atherden: I am sorry, Mr. Speaker. I just assume everybody would be up on their feet, and I was bidding my time.

The Speaker: You thought everybody would be congratulating Somerset; I understand that.

Hon. Jeanne J. Atherden: Oh, yes. I am a Somerset supporter, so I go for that.

Mr. Speaker, I just want to ask this House to send congratulations to the Georgia State University Risk Management Foundation. One might wonder why I would be asking congratulations to be sent to an organisation that might not look like it has a relationship to Bermuda. But it does. And I want to make it clear that the Georgia State University Risk Management Foundation has been collecting funds so that Bermuda students could go to Georgia State and study risk management, and we have a number of students who are there. And it is significant that the

way they have been raising [these funds] is to have a track from the Bermuda Railway, starting from Somerset Bridge all the way down to Swizzle Inn. And this has been going on for 14 years, from 2003 to 2017. And I must admit, it caused me to get out yesterday and to be on the Railway Track. And I am quite amazed at how much you see, going through the railway.

But the people who have been associated and involved with this are ABIC, the www.bermudascholarships.com, BFIST [Bradley Fire Support Team], and JLT. And you have got Willis [(Bermuda) Limited] and [Willis] Towers Watson; and McGriff, [Seibels & Williams, Inc.], and also Paragon. And I just wanted us to recognise that we do not always realise that people who operate here many times turn around and look at how they can contribute not just through donations, but also through other events. And this, to me, recognises something that they do. And I am sure that there are others who are doing this as well, but I just want to offer congratulations.

While I am on my feet, I would also like to have congratulations sent to Gosling Brothers [Limited], who, once again this year, have been holding their Gosling tournament. And the reason I want congratulations to be sent from this House is because they have been a stalwart at the forefront in making sure that this event attracts not just local golfers, but lots of people from abroad, professionals as well as amateurs who come down. And it very much fits into the tourism theme, if you will, that Bermuda has lots of opportunities for us to do things. And they make sure that they come. And this year, they spread it around so that it was golf at Port Royal, as well as Belmont, so it means that you have exposure to some of our government courses and some of the private facilities.

And last, but not least, while I am on my feet, and I am sure I am not going to be the last person to speak on this, but I just wanted to say that I would like to have—

[Timer beeps]

The Speaker: I think the clock has run out on you, Member.

Hon. Jeanne J. Atherden: Sorry. [Condolences to the family of] Patricia Talford Holder. Thank you.

The Speaker: Okay.

Any other Member? I recognise the Honourable Member from constituency 21.

Honourable Member Commissiong, you have the floor.

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

Mr. Speaker, I would just like to have this House commend the work of Pastor Leroy Bean. As

we know, he is the Gang Intervention Coordinator, more specifically because of the public announcement of the formation of the Fathers Support Group. These are the fathers who have been affected by gang violence for too long. I think many Members here will concur that the fathers have been the invisible parents around this issue. And I have the Honourable Derrick Burgess, from constituency 5, who wishes to be associated with these comments. And so, I am happy that we are getting the fathers involved here. Like I said, for too long they have been the invisible faces behind this ongoing Bermudian tragedy. And again, I want to have Pastor Leroy Bean keep up the good work thus far. Thank you, Mr. Speaker.

The Speaker: Thank you.

Any other Member?

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

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

Mr. Speaker, I would like this Honourable House to send a letter of condolences to the family of Mrs. Patricia Holder, long-time teacher in Bermuda. I think the entire House will want to be associated.

The Speaker: Yes, you can associate us all. She taught many of us.

Hon. Diallo V. S. Rabain: Unfortunately, her services are today [*sic*]. And I am sure there are many of us who would like to be present at that who will not be able to be.

An Hon. Member: Sunday.

The Speaker: Sunday. Sunday, Sunday, Sunday, Sunday.

Hon. Diallo V. S. Rabain: Oh, is it Sunday? I am sorry. I do apologise. I thought it was today.

The Speaker: No, no; Sunday.

Hon. Diallo V. S. Rabain: Mr. Speaker, I would also like congratulations sent to Ms. Sandra Dill, who organised the Bermuda International College & University Fair that started yesterday. It is a fair that brings universities from overseas, and includes our own local Bermuda College. And it allows high school students a chance to talk first-hand with recruiters from these various institutions, versus having to go there and see them.

Also, Mr. Speaker, the CedarBridge Academy family celebrated their first Annual Founders Day this week. As we know, this year is the 20th year of the founding of CedarBridge. I am quite happy to see that they are doing things to . . . there are different teams promoting the school itself and the excellence that comes from there. There was a surprise presentation

to the principal by the students that was very well received, as well.

Mr. Speaker, CTY, or the Centre for Talented Youth, held their annual Math Olympiad this Sunday, which I attended. And I would just like a letter of congratulations to be sent to them, as they continue to look to push our students to perform in mathematics and in other subjects, but, in this case, particularly in mathematics.

Also, Mr. Speaker, I would like to congratulate the graduates of the CedarBridge fall graduation class, who walked across the stage yesterday and took up their certificates. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member . . . I recognise the Honourable Member from constituency 26. The Honourable Member Tyrrell, you have the floor.

Mr. Neville S. Tyrrell: Thank you very much, Mr. Speaker, and good morning. Good morning to my colleagues, as well.

Mr. Speaker, I stand to ask that this House send condolences to the family of the late Claude Gregory St Clair Boyles, of Devon Springs Road. I have been in connection with Mr. Boyles and the Boyles family in two instances. Firstly, some of you may know that I canvassed in that area and ran in that area a couple of times. And the Boyles family were very complimentary to me in terms of running in that area. Obviously, I was not successful there. But in another instance, his son, Ranay, and his family actually live in my constituency; they are my neighbours. So I ask that this House send condolences.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member . . . I recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

Mr. Christopher Famous: Yes, good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Christopher Famous: Good morning to the listening audience.

Like my cousin, Honourable Member from [constituency] 26, the Boyles family has been the foundation of constituency 11. And I had the opportunity to speak with Mr. Claude Boyles a week before the election. And he gave his blessings that our party goes forward. So, Mr. Boyles was a master excavator. Many houses and buildings in this country, the foundation is built on his work.

Mr. Speaker, I would like to give congratulations to St. George's Cricket Club President, Mr. Neil Paynter. His 50th birthday was two days ago. And I

happened to notice that half of the people named in the Somerset new executive [were] down there taking notes. I do not know what the Colonel has to say. But I think the next day they went and realised that they had to up their game.

[Laughter]

The Speaker: Is that a sign that we are congratulating Somerset as well?

An Hon. Member: No, no.

Mr. Christopher Famous: No, sir.

[Laughter]

Mr. Christopher Famous: I congratulate them for taking notes.

Mr. Speaker, there was an opening in a book, "It was the best of times, it was the worst of times . . ." Mr. Speaker, a year ago to today, it was the worst time in Bermuda. I am sure we will speak on it later, but I just want to congratulate the Bermudians who stood firm that day in the face of something that we have never seen before. So I just want to take the time for all of us to reflect that what happened one year ago should never happen again. Again, I want to thank the Bermudians who stood firm.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

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

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

Mr. Speaker, I would ask that this Honourable House send a note of congratulations to the Chamber of Commerce. Earlier this week, they put on an absolutely incredible Breakfast Panel Discussion on Living Wage in which they had a guest speaker, who was Chuck Collins, the author of the book called *Born on Third Base: [A One Percenter Makes the Case for Tackling Inequality]*. The panel was moderated by Dr. Myra Virgil, and consisted of Craig Simmons and Nathan Kowalski. Through their discourse, they were able to highlight some of the challenges, as well as to offer some of the solutions that we can implement—at least consider—from our Bermuda perspective. I think it was not just timely; it was certainly effective. And I would ask that my Honourable Leader, Opposition Leader Atherden, as well as, in her absence, the Deputy Opposition Leader, Leah Scott, be associated with those comments, as well. And I think it might also be that the Member who leads the Panel on Living Wage, appointed by the House, the Honourable Member from constituency 21, who was also in at-

tendance, would probably also want to be associated with those congratulations to the Chamber.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

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

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

The Speaker: Good morning.

Mrs. Renee Ming: It has been a lot of talk around here today about St. George's/Somerset, but I will get to that after the fact.

First of all, I want to just give condolences to the Holder family, as well. Mrs. Holder was my year 4 form teacher. And those of you in Berkeley know I was in the East, which was at that time, and probably still is, considered the best of the forms in Berkeley.

The Speaker: No, no, no, no. You are going onto soft territory now.

Mrs. Renee Ming: So, Mr. Speaker, is it my time to speak, yes? Thank you.

But I do want to just let Scott and Lisa—and Lisa was in my year in Berkeley—know that they are in our thoughts and prayers at this time. I am sure that each and every one of us has a Mrs. Holder story. I do not care to share any of mine at this time.

[Laughter]

Mrs. Renee Ming: But—

The Speaker: Remember you are on the air now. Do not share them. Do not share them.

[Laughter]

Mrs. Renee Ming: Yes. But I just want to let them know that they are in our prayers.

I would also like to send congratulations to Mr. Richard Todd for being elected the President of the Bermuda Football Coaches Association. Everybody who knows Richard knows that he has been involved in football for some time. And also, congratulations to the Parks staff. Last night, they officially launched *The Old Fort Is Alight*. And I would encourage each and every one of you to go down to Fort St. Catherine and see. I must admit, though, Mr. Speaker, that St. George's has got it going on right now in terms of lights. Anyone who has had the opportunity to even visit us and see the town area and that lighting, you would definitely be missing something if you had not.

And congratulations to the Mayor, Quinnell Francis, and her team, for the town, as they had their official lighting ceremony last week Saturday, as well.

So I just want to make those notes, Mr. Speaker, and let you know that . . . I know that you sit on the other side in terms of the St. George's/Somerset thing. But definitely, St. George's has it going on and is alight at this time, Mr. Speaker.

The Speaker: Sure, there are a lot of red lights up and down this time of year, too.

[Laughter]

The Speaker: This season brings red lights down there for you folks.

I recognise the Honourable Minister, Minister Foggo.

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

Firstly, I would like to be associated with the comments made by my honourable colleague, Renee Ming, regarding congratulations going out for the Mayor of St. George's and her team. St. George's is definitely alight. St. George's is definitely the place where things are happening.

The Speaker: Maybe I should have taken the other Member.

[Inaudible interjections and laughter]

Hon. Lovitta F. Foggo: And I want all Members here to understand that. The mayor has done a remarkable job in ensuring that St. George's stays on the map. And I would say to our Acting Premier, he needs to come down and visit and he will see that. Hopefully, he will be there tomorrow evening when Santa Claus comes to town.

The Speaker: Is that a role for the Acting Premier? He is supposed to be Santa Claus now?

[Laughter]

Hon. Lovitta F. Foggo: Hopefully, he will be there to invite Santa.

[Inaudible interjections and laughter]

An Hon. Member: I would like to take a picture of that one. That would be a first.

Hon. Lovitta F. Foggo: But also, Mr. Speaker, I have to join in with the condolences for Madam Holder. She was a teacher par excellence. I am sure the Clerk can attest to this: She indeed did teach me French, and I did a stellar job because of her. I consider Madam Holder not just a teacher, but also a friend. She defi-

nately looked very keenly at my career in education, and did give me sage advice on numerous occasions. The Berkeley family definitely mourns her loss. And it is a loss. I know she has not been teaching there or [serving as] the principal there for quite some time. But whenever we lose a member with that sort of history, it impacts us deeply. And so, condolences to her family, her son, Scott; her husband, Leonard; and her daughter, Lisa, who likewise is a friend of mine. And they should know that the whole Berkeley family is standing arm-to-arm with them at this time of bereavement. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

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

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

Mr. Speaker, I would like to be associated with the condolences to the Boyles family. I was the MP for that area when the boundaries were first changed. And I certainly always viewed that family as a foundation for Bermudian community, as many Bermudian families are. So, condolences to wonderful people.

I would also like to pass on condolences, have the House send condolences to the Peacock family, Alan Peacock's wife, Esther, and son, Jonathan. I think Members of the House would like to be associated, the Opposition Leader and MP Tyrrell from constituency 26. He passed away recently after a short illness. I first met Mr. Peacock on the football field. He certainly had prowess not only in the community in business, but he loved his football as well.

[Inaudible interjection]

Hon. Michael H. Dunkley: And I will disregard the comment from Minister Caines over there, because I do not know the last time I saw him put cleats on over there, Mr. Speaker.

Mr. Speaker, I would like this House to send a message of condolence to Gita Blakeney and her family for the passing of St. Clair just recently, after suffering from a major illness. I know it is tough times for them, a wonderful family. And I think our message of comfort will help them to get through this.

Mr. Speaker, I would like this Honourable House to send congratulations to the Royal Family on the recent engagement that was announced with Prince Harry and Meghan Markle just recently. Now the Duchess of Cambridge has some competition as far as the paparazzi is concerned and the pictures that they wish to take. But we wish them all the best as they move forward towards their wedding day next year.

And lastly, Mr. Speaker, I would ask that congratulations be sent to government workers. And I am

sure the Minister of Works, the Acting Premier, would like to be associated with congratulations to Mr. Roger Parris and Mr. Sam Santucci on their continuation of the Skills Development Programme, which this Government has supported, going forward. There is a new cohort that started yesterday, and the Minister introduced them. And I think it is a wonderful cross-community initiative that will pay rich benefits for all of the people of Bermuda. Thank you, sir.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

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

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

Mr. Speaker, I would like a suitable letter sent to the President of the Par 5 Golf Club, which is celebrating 20 years in existence in our community. Mr. David Burch and the Opposition Leader, Mrs. Atherden, would like to be associated. They are an outstanding organisation that came together through friendship and have carried on a great legacy of not only participating in organised, structured golf events, but providing great camaraderie and also travelling across the world. They will celebrate with a banquet this weekend, and I look forward to bringing some suitable remarks as their after-dinner speaker.

Mr. Speaker, I would also like to be associated with the condolences sent to the Blakeney family on the passing of Mr. St. Clair Blakeney. And I would also like to be associated with the remarks sent to the Gosling family with regard to the Goslings Invitational that concludes today at the Belmont Hills Golf Club, after playing with Port Royal. I associate with the birthday wishes to my president, Neil Paynter, and indeed associate also with the condolences sent to the family of the long-serving schoolteacher, Mrs. Holder. And finally, Mr. Speaker, I associate with the congratulations being sent to Mayor Quinell Francis and her team on the lighting ceremony that I had the pleasure, along with the Members from constituency 1 and constituency 3, and also with the [Deputy] Premier Roban, of being a part of that ceremony. It was wonderful. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

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

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

First, let me just associate myself with the condolences to the Blakeney family. I spent quite a bit of time with Mr. Blakeney, getting into the political arena. And the advice and history alone that he gave were quite phenomenal. And it seems that we are at a

stage politically when we are beginning to lose many of the stalwarts of the beginnings of democracy in Bermuda, back in the 1960s when we started the political parties. I have travelled quite a bit with the families. Year after year, we would go on cruises together. And so, it is not necessarily shocking; we knew that he was ill, fighting. But again, it is always tough to take a loss like that, someone who historically has been a big figure in Bermuda in so many ways, bringing equality to the country.

On a lighter note, I would like to commend . . . I did not hear Camiko Smith's name mentioned. At Port Royal, he shot—Honourable Member Swan, he shot a 64 at Port Royal! So we need to commend our young people who continue to do well in a sport that . . . we would like to see him [play] internationally, abroad, overseas. I know that Honourable Member Dunkley keeps close to all of that golf stuff; I am sure he wants to be associated with that, and the Honourable Opposition Leader as well.

Also on a lighter note, I had the opportunity again to be at the Christmas Parade that Marketplace puts on. And I want to thank again Ms. Ferrero for the opportunity that she has provided for Bermudians to show up. Our young people showed up in droves. I brought my grandkids. Of course, parents were not happy, because they walked away with bags and bags of candy. But it is always good to see Bermudians together enjoying this time of the year. So we want to congratulate Marketplace on the fantastic job, and that they continue to have that parade. Thank you.

The Speaker: No other Member?

We recognise the Honourable Minister De Silva. You have the floor.

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

Mr. Speaker, I would like to join colleagues in offering condolences to a few people who have passed in the last couple of days, and that being, certainly, Mr. Peacock, who I have known for many years. He was a good friend of my brother, played football with my brother for many years. And of course, he was a long-term employee. And I think he will be sorely missed by all those at Colonial Insurance. Also, Mr. Speaker, to Mr. Blakeney and his family, who have strong roots within the Progressive Labour Party. So I surely do wish the family all the prayers that we can give for them as they go through this period.

Now, Mr. Speaker, the Honourable Member, my colleague, Mr. Famous, talked about Claude James [*sic*] and how he—

Some Hon. Members: Boyles. Boyles.

The Speaker: It is Boyles. Boyles.

Hon. Zane J. S. De Silva: I mean Claude Boyles, Claude Boyles, Mr. Speaker. It is funny. Because we are talking about golf, I think about Claude James.

But certainly, I had many experiences with Claude and his son, and I think everybody knows his son and what a character he is. But, certainly, he will be missed. And I wish the family many prayers in the coming days, also.

Now, Mr. Speaker, I would also like to associate the congratulations with our young pro, Mr. Camiko Smith, who shot . . . I do not know if folks realise how low 64 is. It is not up at Princess where the par is 54. It is up at Port Royal, which is a very, very tough course, Mr. Speaker.

The Speaker: Have you hit those numbers yet yourself?

Hon. Zane J. S. De Silva: And I could tell you that we had major championship winners, Mr. Speaker, come to Port Royal over the years. And I can tell you, for him to shoot that score at Port Royal under tournament conditions was absolutely phenomenal.

And whilst I am on golf, Mr. Speaker, I would also like the House to recognise a long-term visitor to Bermuda. And that is Mr. Pat Horgan III. He is here. He is doing quite well, Mr. Speaker. I think, as of yesterday, he was in about fourteenth spot. He is now a senior. And I think that he fell in love with Bermuda about 25 years ago, he got married here, Mr. Speaker, and has been a regular returning visitor. And I think that yesterday he indicated that he wants to sit down [to talk], and when the Minister of Tourism comes back, I certainly would like to have a chat with him because he has some ideas for Bermuda and the Champions Tour and possibly holding an event here in Bermuda, Mr. Speaker. So I remain very optimistic that, with his influence and the influence of former PGA President Joe Steranka, that we might be able to pull that off. So, let us stand by for that, Mr. Speaker.

[Timer beeps]

The Speaker: Thank you—

Hon. Zane J. S. De Silva: And again, to Pat Horgan III and his family, welcome to Bermuda.

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

Any other Members?

I recognise the Honourable Member from constituency 32. Honourable Member Simmons, you have the floor.

Mr. Scott Simmons: Good morning, Mr. Speaker.

Mr. Speaker, I rise and ask that I be associated with the remarks so far on the passing of Mr. St. Clair Blakeney. It is with respect that I extend my

deepest condolences from my family to their family. Mr. Speaker, Mr. Blakeney was synonymous with his given surname. He was a true icon, and his memory will not soon be forgotten. Known for his masculine elegance and eloquence, he exuded deep, deep pride in family, social and business standing, and the country that he loved. Mr. Speaker, in my experience, Mr. Blakeney was not easily read. He displayed a beguiling and buoyant and disarming personality. And he was a true treasure of a bygone era. Mr. Speaker, as the world turns on this day, he and those of his class and stature are all the more missed. We send our condolences to his family. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

No further Members wish to speak.

We will now move on to the next item on the Order.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

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

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: We have one Government Bill to be introduced today. And we recognise the Honourable Minister. Honourable Minister De Silva, you have the floor.

FIRST READING

MISUSE OF DRUGS (DECRIMINALISATION OF CANNABIS) AMENDMENT ACT 2017

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

Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017.

The Speaker: Thank you, Minister.

OPPOSITION BILLS

The Speaker: There are none.

PRIVATE MEMBERS' BILLS

The Speaker: There are none.

NOTICES OF MOTIONS

JOINT SELECT COMMITTEE TO EXAMINE, REVIEW AND MAKE RECOMMENDATIONS ON EXISTING LEGISLATION WHICH ADDRESSES THE NECESSITY FOR A PUBLIC SEX OFFENDERS' REGISTER

The Speaker: We recognise the Honourable Member from constituency 1.

Honourable Member Ming, you have the floor.

Mrs. Renee Ming: Good morning, Mr. Speaker.

The Speaker: Good morning, again.

Mrs. Renee Ming: I give notice that I propose to move the following motion at the next day of Meeting:

WHEREAS it is acknowledged that the public are becoming increasingly aware of incidents relating to sexual offenders, and these incidents are alarming and create widespread concern as to how we manage the information relating to sexual offenders and how we protect our communities simultaneously;

BE IT RESOLVED that this Honourable House establish a Joint Select Committee to examine, review and make recommendations, and report to this House its findings on existing legislation which addresses the necessity for a public sex offenders' register, along with other pertinent matters relating to convicted sex offenders.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

ORDERS OF THE DAY

The Speaker: We are now on Orders of the Day, Members, and the first item that we will be taking up this morning is Order No. 2, in the name of the Minister of Health. And it is the Residential Care Homes and Nursing Homes Amendment Act 2017.

Minister Wilson, you have the floor.

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

Mr. Speaker . . .

The Speaker: Yes?

Hon. Kim N. Wilson: I am just trying to get the Clerk so I can pass a copy of the brief to the Shadow.

[Pause]

The Speaker: Take your seat. Take your seat real quick, Minister. Take your seat for a moment. Let him walk across. Let him walk . . . I am doing you a courtesy. I am giving you a courtesy; go ahead.

[Pause]

The Speaker: Real quick. All right. Now you can resume to your feet, Minister.

Hon. Kim N. Wilson: All right. Thank you, Mr. Speaker. Thank you for that pause. I wanted to share a copy of the brief with the Shadow Minister. This morning when I was walking in this morning, I was approached by the Opposition Leader to see whether or not I would be prepared to share the brief, which, of course, I had photocopied already. And I was prepared to do so, notwithstanding the fact that when I sat on the other side as the Shadow Minister of Health, the brief was never shared with me. But nonetheless—

The Speaker: It is a new day. Let us go forward.

Hon. Kim N. Wilson: It is a new day. And as Christopher Earle, who is a novelist as well as a motivational speaker, said, *it is always important to be gracious in defeat and humble in victory*. So with that, I will anticipate and help, encourage myself and my colleagues, to be humble in this honourable place, particularly when we are the Government.

The Speaker: Thank you. We appreciate that.

BILL

SECOND READING

RESIDENTIAL CARE HOMES AND NURSING HOMES AMENDMENT ACT 2017

Hon. Kim N. Wilson: Mr. Speaker, I am very pleased to rise before this House today for the Second Reading of the Residential Care Homes and Nursing Homes Amendment Bill 2017.

Mr. Speaker, the Residential Care Homes and Nursing Homes Act 1999 regulates care homes, for example, residential care homes and nursing homes that provide room, board, and personal care to two or more seniors or persons with disabilities. The overall purpose of this legislation is to protect and ensure the health, safety, and well-being of these residents.

Mr. Speaker, despite a dynamic and evolving sector, the legislation has not been substantially up-

dated since inception, which was nearly 20 years ago. Recognising the breadth of changes required, the Ministry is moving forward amendments in phases, addressing first and foremost some urgent improvements to the regulation of care homes. This first phase addresses the most pressing areas identified by stakeholders and lays the foundation for future improvements. Specifically, the objectives of this amendment Bill are (1) to clarify and improve the Ministry's intervention authority and compliance mechanisms; (2) to modernise the regulatory framework in order to provide standards on the model of care, level of care, and specific residence needs; and (3) to raise the minimal care standards.

Significantly, Mr. Speaker, the Bill introduces and it includes fundamental components of the Protection of Persons in Care Act, which I proposed earlier this year whilst in Opposition, to enhance reporting of abuse and powers to intervene.

Mr. Speaker, currently the Chief Medical Officer has oversight of 22 care homes and delegates the administration, registration, and compliance monitoring processes to Ageing and Disability Services. The Elder Care Team is the team of inspectors who assess compliance with the legislation. This team includes persons from the Health Department's Community Rehabilitation Programme, Nutrition Services, Environmental Health and Community Nursing. In addition to inspectors from Ageing and Disability Services are the Bermuda Fire and Rescue Services.

Mr. Speaker, the diversity of inspectors required shows that the regulation of care homes is a complex and resource-intensive task. In addition, care homes do not all fit within a single mould. They come in varying sizes and provide different models and levels of care, and can specialise in serving particular sub-populations requiring long-term care, such as adults with physical disabilities. Over the past three years, Mr. Speaker, Ageing and Disability Services has made substantial improvements in monitoring and enforcing compliance in care homes. As a result, we have seen improvements in the quality of care by the homes, although much variation remains, and continued enhancements are a work in progress.

In fact, limitations in the legislation and broader systematic challenges have restricted the extent to which regulatory interventions and standards can be advanced. This amendment seeks to unblock some of these limitations. In particular, the specific factors shaping this amendment are the challenging realities with respect to capacity and financing. First, care homes are consistently close to 100 per cent capacity, especially facilities that provide higher levels of care. This reality challenges enforcement options when problems are discovered, as closure is not often a viable solution, since there are no alternative placement options for residents.

Second, many homes struggle financially, which makes it a challenge to improve standards. Fi-

nancial difficulties are, in part, due to the high cost of operating care homes, people's inability to pay out of pocket for residential care, and the reliance on government benefits.

Both supply and financing of long-term care are currently being targeted in the Ministry's strategic initiatives, such as the Long-Term Care Action Plan, and efforts to identify incentives for private sector investment in long-term care sector are underway. However, these are not quick or easy fixes. Consequently, the amendments proposed have taken these limitations into account to achieve as much as possible within the current realities.

Mr. Speaker, I will now highlight the primary components of the amendment Bill. First, the amendment explicitly establishes an improved graduated system of notification and interventions based on risk and reoccurrence of noncompliance. The aim is to improve the overall protection of persons in care. Depending on the type of intervention required, these amendments provide for the Ministry or the courts to take action, including publication of conditions and restrictions on a care home to ensure greater public accountability and transparency; ministerial orders to require immediate action to protect residents' health, well-being, and safety; interim management orders by the courts to put in place interim administrators or operators in circumstances of serious risks to the safety, health, and well-being of residents; notification and appeals mechanisms to ensure due process for operators; and, finally, a tiered re-registration fee based on the level of compliance.

The higher the level of compliance, the lower the annual registration fee. This serves as an incentive for care homes and maintains the current low fee for the fully compliant homes. Although the fees remain far lower than the actual cost of regulating the care homes, the aim has been to reflect the intensiveness of regulation required. Less compliant homes need more inspections, monitoring, and enforcement, thus costing more to regulate.

Second, Mr. Speaker, the amendments provide for a Code of Practice to be published, which will set a higher standard of care across the sector. Specifically, the Code will improve compliance by providing a comprehensive resource for care homes, making standards and expectations explicit; set general standards for all care homes, in addition to standards specific to a home's level, or model, of care; include best-practice guidelines, not yet mandatory, but to prepare homes for future advancements in the minimum standards; and, finally, enable continued increases in standards by regularly updating the Code, with consultation.

The first edition of the Code will include existing requirements, as well as new and improved standards in three priority areas, namely, (1) health and care services, which includes requirements for assessment of residents' care planning and clinical

practice standards; (2) protection from abuse, use of restraints, and managing challenging behaviours. Mr. Speaker, this includes standards to ensure better protection for persons in care from abuse and neglect, which is a top priority for this government; (3) staffing. This includes supervision, training, qualification, and minimal staffing levels.

It is important to note here the one change to the regulations at this time is to raise the qualification requirements for administrators and deputies. Existing administrators will be grandfathered in at the current facility, but may be required to take additional training, based on compliance levels.

Future editions of the Code will continue to raise standards, based on care, priorities, cost, and available resources. Enhancing the regulatory environment for care homes will be an ongoing process, Mr. Speaker, and these amendments set the stage for continued progress in improving standards and regulation. Future phases of amendments will update the regulations and continue to enhance the Code of Practice to better respond to broader long-term care initiatives.

Mr. Speaker, in closing I want to acknowledge the time and effort put into this amendment by the Ageing and Disability Services, the Elder Care Team, care home administrators, and key community stakeholders. In addition, subject matter experts and stakeholders have been involved in the development and review of the new sections of the Code of Practice and continue to contribute to this work. We look forward to maintaining our engagement with partners in Government and the community, as we know how much work remains to be done to improve long-term care in Bermuda. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 20. Honourable Member Jackson, you have the floor.

Ms. Susan E. Jackson: Thank you, and good morning, Mr. Speaker.

I want to also thank the members of the Ageing and Disability Services, Members of the Ministry of Health who have worked very hard to make these amendments possible, and certainly all of the administrative and owners of residential care homes and nursing homes in Bermuda for all of the effort and good intention that is placed in their daily commitment to the population.

I want to begin by just declaring my interest, Mr. Speaker. I have been working for the past year and a half or so with a residential care home, Summerhaven. And I want to put that out there because we have been through quite a journey, and much of that journey and its learnings, I personally believe, are a main part of the amendments to this Act. So, I just

want to let everyone know that there are certain amendments in this Bill that I certainly have personally been a part of, through the process.

So, I would like to begin by just speaking to intervention, triage, recovery. Much of the amendments to this Act are around enforcement and how the Government can support or step in to intervene and assist any kind of residential care home or nursing home that is struggling with their standards of care. And certainly, Mr. Speaker, the responsibility of an administrator and an owner/operator of a home is critical. But one of the pieces that I am feeling is not as readily clear in this piece of legislation is the patient's rights. And certainly, at some point in all of the reporting and enforcement of standards in homes, can [we] officially, or in some way, structurally include a patient's right to make a full and official complaint and that this can be used and be a part of enforcement, moving forward?

Because certainly there are a number of people, and certainly Members on both sides of this House have stood up here on motions to adjourn and at other times and expressed their concern for patients who may have been traumatised or have felt that their standard of care has not been appropriate. And we, as Members of this Honourable House, are at all times doing our best to make sure that everyone is afforded the best care.

But from time to time, we do find that there are people in our community who are not as comfortable in their residential homes as they could be. And I have my first feeling around this, that there are sometimes patients who are in homes, or homes that are accepting and taking care of people who may be outside of the definition of their particular home. And when these things happen, and certainly there have been a number of cases brought to this House, the home is then responsible for any kind of maladministration. And I just want to talk to that for a minute.

So, Mr. Speaker, a person opens up a residential home and they take in residents, and they take in residents based on what the Government is trying to say—*Let's see if we can keep people in their homes or in their place of residence for as long as we possibly can so that they can feel as though they're ageing in a home where they are comfortable and their level of care is consistent.* When a person opens up a home . . . let us say it starts out as a nursing home, and they accept a resident, you know, at an age at which they are still able to walk around and converse and carry on and be able to feed and care for themselves. But over a period of time, that person is going to become more frail as they age. Unfortunately, there seems to be a bit of a breakdown in the resident ageing and having more physical disabilities and having more demands for medical care, and the home is being stretched in that the definition of that particular facility or home does not cater to the medical needs of the resident, albeit that the resident may

have lived in this home for a number of years and that this may be considered to be their home. For financial reasons, it can become difficult for a care home owner to want to transfer a resident to a nursing facility or somewhere where they are going to get additional medical care.

The other side is that in some situations the family is having a difficult time wanting to move the resident because there are additional costs or the level of care is such that it is something that cannot be managed from home. So there becomes this conundrum where all of the onus falls on the rest home because they are the ones that are reaching their level of capacity to care for an elder who is now having additional and increased medical needs. And because of that, there becomes this generation or environment where the government then, the inspectors and such, will go into the home. And the inspection, the reporting of the standard of care is then less than compliant. And so, then this is where the conflict shows up. And we need, as a Government, to find a way around that.

There are a myriad of situations where the financing [is such that] it is costing more to care for a resident when the medical and care standards fall below, because it is beyond the capacity of a home to care for the medical needs of a resident. When there is not enough money, because of the allocations . . . many of the seniors who are in homes are on financial assistance, and if there is not enough money to cover the cost of care for individuals living in the home, then we have a huge increase in trauma and threat of maladministration in an organisation. And with all of that and levels and layers of complexity, it makes it very difficult for the home to keep abreast of all of the changes that are taking place.

And so, I guess what I am getting at is that it can be a very complicated and complex situation that is going on in many of the homes. And I am not convinced, or I would like to see that there is more support available to owners when they reach that stage of emergency and intervention, and that Government can provide as much support for triage and recovery as possible.

The piece of legislation today, the amendment, includes, which I believe is the first step to curing or assisting in strengthening our care homes, is the qualifications of those who are working in the system. So, at present, someone can own a home and there are not as many requirements or qualifications for the administration, the people at the top who are caring for the residents and the operations of the home. And, moving forward, according to the amendments in this Bill, there will be greater attention paid to the qualifications of administration. So I believe that this is a very good first step in beginning to strengthen and improve the quality of care in the homes.

The second level that Government is introducing through this piece of legislation is the inspection. And I have seen the inspection report. I can honestly

say that it is thorough. I believe that the inspections themselves and the rating of the various line items are fair. My concern is that we are able as a Government to be able to fill the capacity. So, right now, we do face delays. So inspection reports can be a little delayed, and it poses the risk that rest home owners and residential care owners will then, too, delay their improvements to standards. I am not convinced that there are enough inspectors on staff to reach out and be able to provide timely inspections and reports. So if we are going to rely on this legislation, based on inspections, there probably needs to be more done to make sure that we meet the capacity to do and carry out these inspections in a timely fashion.

Now, if a home owner is threatened by what may come out in an inspection report, within the amendments of this Bill there is now a piece that says that an owner can close their establishment. And yes, part of this, which is fantastic, is that they have to give six months' notice. And if someone is, in all disclosure, closing their home because they wish to retire themselves, or it is not working out, it is not economically feasible, it is beyond what their means are as far as caring for seniors, then fine. Six months, you let the Ministry know. Give that notification in writing. And then, everything needs to be done to make sure that the residents in that residential care home or that nursing home are placed in appropriate alternative living residences. And that is great.

The other side of that, though, is using closure as a threat. And, certainly, we have to be cognisant within the framework of the law that people who are not keeping their residential care homes up to standards are not using the closure of the facility as a threat. This can be a silencer for the residents who are living in the home. And it can also be a means to a sort of get-out-of-jail-for-free card if you say that you are going to close a home and you are then able to maybe duck some of the inspections, compliance or noncompliance. That is certainly something that could create some reputational risk for the home owner.

So, with the compliance, the Code, having a number of other standards that are in here, it is very clear to me that this is one phase moving toward accreditation. And I just want to make sure that Government—and it has been very clear that Government will be taking its time.

[Inaudible interjection]

Ms. Susan E. Jackson: Excuse me.

The Speaker: She has got a minute. I was about to have her yield.

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

The Speaker: You have got one minute.

Ms. Susan E. Jackson: Really?

[Inaudible interjections]

The Speaker: You have got one minute.

Ms. Susan E. Jackson: Okay.

The Speaker: To lunch.

Ms. Susan E. Jackson: Okay.

So, we are making these steps toward accreditation. But I just want to, before we close, Mr. Speaker, say that before . . .

[Inaudible interjections]

The Speaker: I tell you what.

Ms. Susan E. Jackson: Yes. I get that.

The Speaker: I tell you what. Being that there seems to be some confusion going on, let me ease you—

Ms. Susan E. Jackson: I get that.

The Speaker: —and have you take your seat now. And I will recognise the Deputy Premier *[sic]*. Deputy Premier, you have the floor.

An Hon. Member: Acting Premier.

The Speaker: Acting Premier, sorry.

Lt. Col. Hon. David A. Burch: You are as confused as I am, Mr. Speaker.

[Laughter]

Lt. Col. Hon. David A. Burch: I move that we adjourn to lunch.

The Speaker: Thank you, Members.
The House stands adjourned until 2:00 pm.

Proceedings suspended at 12:31 pm

Proceedings resumed at 2:02 pm

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

BILL

SECOND READING

RESIDENTIAL CARE HOMES AND NURSING HOMES AMENDMENT ACT 2017

[Debate thereon continuing]

The Speaker: Members, we are resuming the debate on the Residential Care Homes and Nursing Homes Amendment Act 2017 and the Shadow Minister, the Honourable Member Jackson, had the floor.

Member, do you wish to continue?

Ms. Susan E. Jackson: Yes, thank you, Mr. Speaker.

The Speaker: Go right ahead.

Ms. Susan E. Jackson: So we have had a look at the fact that there are inspectors. I would suspect that Government is going to increase their group of inspectors that will be supporting residential care homes and nursing homes. We will probably have a comprehensive Code of Practice coming out soon, and I believe that owners and clients, residents of residential care and nursing homes, should look out for it. And these will be the frameworks from which residential home owners will be held to account moving forward.

Failing that the amendments to this legislation are going to put enforcement in a very direct path so that the Ministry and Government will be able to have a simplified and efficient way of stepping in and intervening, when necessary, in order to enforce whatever intervention is needed in order to make sure that residential home clients are kept healthy and safe.

There was a time when the enforcement of such was not really that well-defined and, therefore, it was more difficult to enforce any laws in order to intervene with homes. With the amendments to this Act being able to intervene and enforce laws in order to [ensure] health and safety and/or the taking over of a rest home can be done as quickly and efficiently as possible . . . and when that does happen, these amendments are allowing for a team of professionals to come into the rest home in order to basically create and serve as triage in order to make sure the improvements are made and that the rest home is complying with the Codes and the licence.

I am not going to speak too much to all of the particulars. I do feel that the amendments are . . . they are within the fees. So if a home is non-compliant, the fees get incrementally higher, as the Minister had mentioned in her brief, and there is a considerable amount of concern amongst owners of homes that they would have to pay those fees. And very clearly it was stated by the Minister that it is the anticipation that homes will abide by the inspection, the Codes, and will put into practice the standards the Ministry of Health are demanding. If they do not, then they are going to have to pay a substantially higher fee for the licence in order to continue to practice and, of course, those fees are going to be paying for the additional cost of support in order to help get those homes compliant.

But I would like to think that the Government will keep an eye on rest homes and not allow these levels of concern to grow to such an extent that there

would be that level of non-compliance. And certainly, again, as I mentioned before, Mr. Speaker, I have seen the Code and I have seen the inspection reports, and many of the line items in the report are things that a home that is engaged, a home that wants to provide a standard of care, can certainly take the time . . . many of the requirements are not about large expenses, but are about making sure that on a daily basis the right kind of accountability and standard of care is being put in place. And some of it is a commitment to making sure that homes have that level of high standard and care.

So, with that, I really do not have a whole lot more to say in the general debate. The rest I can speak to in Committee. But just to say that certainly this amendment is all about enforcement; this is all about being able to step in. So when we find that there are clients out there and . . . we get reports on a regular basis and sometimes it feels as though it is not enough to intervene. But when you are hearing multiple reports from clients—residents of homes—and/or the reporting starts to escalate, then there is a certain level of concern. And if there is any additional amendment that I would love to see put into this legislation, it would be to create some sort of legal framework to allow for client reporting. I am not aware of any real whistle-blowing legislation that covers people who want to report through the rest homes and that might be a nice addition to add to future amendments.

And so, Mr. Speaker, with that I am going to take my seat and look forward to Committee. Thank you.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

We recognise the Honourable Deputy Speaker. You have the floor.

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

Mr. Speaker, I am always glad and happy to see something coming forward that would enhance the situation with rest homes and our seniors. But I am not satisfied . . . I will never be satisfied until the residents of rest homes can get at least a three-star establishment to stay in and five-star treatment.

Because, Mr. Speaker, what concerns me . . . and I have visited some homes, and I will be doing some more very shortly. What you see—

[Inaudible interjection and laughter]

An Hon. Member: Very shortly!

Hon. Derrick V. Burgess, Sr.: Well, they . . . those are my relatives—

[Inaudible interjection]

Hon. Derrick V. Burgess, Sr.: Yes, those are my relatives there speaking, Mr. Speaker. And I am going to try to take care of them also.

But Mr. Speaker, you know, when we talk about the furnishings of a rest home, the bedding, they should have proper mattresses, not any cheap mattress that you put in a room. You know, you need to have the type of bedding, mattresses, as they would have in at least a three- or four-star hotel, Mr. Speaker. And the furnishing, because I have seen some furnishings and bedding that require a lot, it looks like you just got it from any old place and maybe not necessarily second hand, because you can get good second-hand stuff, but it is not furniture of good quality, Mr. Speaker.

Mr. Speaker, we will be tabling or taking up a motion in this House on the Charter of Rights for Seniors—those in long-term care and those that are physically challenged—very shortly, which will be the foundation for a reference, actually a document as to how you should be treating seniors, because seniors should not be abused in any way, whether it is physical, emotional, financial, or even pharmaceutical, because as it stands today they do not have a choice on medication. They really do not have a choice on whether they get a second opinion. It is not enshrined in the law. And those things should be enshrined in law because just because they are a senior, just because they are 90 years old, they still have rights just as you and I and others have, and they need to have that protection that they can get a second opinion.

Their privacy is respected; because I know of a few cases, not many, and thank God it is not many, where there has been alleged physical abuse. The police have been called and the reaction from the police has not been great. And I guess the policeman said, *Well, this person's got this and that. They are so many years old and I can't take this seriously because they really can't explain.* But that is why I think the police need to have somebody especially trained in dealing with the abuse of seniors.

You know, certainly when you look at a senior [and] you look at somebody 27 years old, there is a different approach and different method to how you deal with it, Mr. Speaker. And, you know, in the legislation you can call the Minister and we know what that means.

But Mr. Speaker, what I would like to see—and I am advocating and will continue to advocate for it—is a hotline. I think seniors need a hotline just like other folks my age and younger can call a hotline for certain things, like you can call a hotline for immigration. They should have a hotline and they can make these calls because a lot of times families and seniors themselves are reluctant to make this call about physical abuse or emotional abuse because they are afraid that, *If I leave my mama there or my daddy there, there may be retaliation in some form.* Not physical

form, but one of emotions, the way you talk to them and that type of thing.

So we have to make our seniors as comfortable as possible in anything they do in their life in that home. And, again, I know there are some guidelines on meals that have not always been observed in rest homes. When you hear of some rest homes giving seniors hot dogs . . . that is the last thing a senior should have—hot dogs and pizza! They should not have that type of foolish food. That is what I call it—foolish food. But that is what some of them are doing.

Now, do not get me wrong, we have some good homes . . . some good homes and some not-so-good [homes]. You know, I have the evidence where [there are] bedsores on some of our seniors. It looks terrible. I would not show it to the average person. But that is what goes on, Mr. Speaker, those types of things in this new responsibility which I have been given, with others. We will certainly do our best to deal with this situation, Mr. Speaker.

Mr. Speaker, we have been in homes where (not me, but one of my folks has been in homes) the residents have been restrained without a doctor's order, doctor's letter. You cannot tie up seniors in any form unless you get permission and the reasons from a doctor. But they do that. So that is something that we have to put in law, that you cannot do that.

Mr. Speaker, in the Regulations, as it presently stands, just about anybody with experience—that is all it is, experience—can open a rest home. In England, I think you have got to have probably up to a master's degree before you can operate a rest home. And I am not trying to bring down others because I know we have some good people out there doing their best, all right? So, some homes, I think, many of us will not want to go there. And if we do not want to go there, why should we think that others should be there? These people have got to bring their game up and our intent is to have that happen—to bring their game up, Mr. Speaker.

You know we have some homes that even during the summer do not have their air conditioners on or they only have it on certain times of the day. Those types of things cannot happen, Mr. Speaker, because there are criteria, guidelines in the Act for how many can be in a room, how a room should be situated, windows, and those types of things. It is there already. But some of that is not always being adhered to, Mr. Speaker.

Mr. Speaker, when we see reports of falls . . . one fall is too many in a rest home. And I really do not know what has been done to eliminate any falls at all. Or what can we do because, you know, at that age the bones are brittle. They tell me, in some people . . . I guess I have to ask Zane De Silva. He would know; he is older than me . . . if his bones are brittle, you know.

[Laughter and crosstalk]

Hon. Derrick V. Burgess, Sr.: But I understand that is what happens, and, obviously, if they are brittle, they break very easily, Mr. Speaker.

Mr. Speaker, even the staffing in the rest homes, there needs to be special training to work in a rest home. That is not enshrined in the law. Because folks, many folks, are not trained in how to deal with dementia patients. And that is becoming a bit too common today. When I talk about “common” I am talking about the number of people that have come down with dementia, although many people . . . we would prefer that people, if they can, families should keep their folks at home. Sometimes that is not possible because it is very, very, expensive, Mr. Speaker.

But I think the big deal right now, Mr. Speaker, is how we pay for all of this stuff because many families cannot afford to keep their folks in these homes. And I think we have to develop a public/private based system to pay for seniors because our seniors should not be hampered. Families should not be hampered, whether I leave my granny or momma in this home and they cannot pay, because we do have some homes that are owed monies. They are not going to put them out on the streets, but they just cannot pay, and some families are not paying, sometimes they cannot afford to pay it. So we have got to address that. We have got to address that early.

In order to get the standards to where they should be we have got to address that issue. . . it is almost like health care—affordable health care. It is the same thing, in my opinion. We must address that . . . and it is a cost . . . there is going to be a cost. I am not concerned about that because it is almost like . . . what do they say? Pay now and go later. That is what it is, because those seniors have done their work. We, in this House, stand on the shoulders and backs of these people who have been out there, built this country up, this system that we have. And we cannot, because of a certain age, [consider] that they are gone.

Because, you know, as I understand it I think the most reasonably priced seniors’ home in Bermuda is Lefroy House. It is government run. But most of them are like \$5,000 and up a month. I am not sure if that is the correct price, I am not sure if that is too high or too low. I would tend to be on the side of it is too high, but we will be looking into that, investigating that to see if that is the proper price, Mr. Speaker, to charge folks. You will hear something on this later.

And then activities, Mr. Speaker, I have been in homes where I have seen people just sitting around in a square or a circle doing nothing. The Act calls for an activities coordinator. I guess the day I went they were probably off . . . I am assuming, I guess. But you just cannot have people just sitting up there like they are waiting to . . . *Whose is going to call me? Is it the Lord, or who? One of my children?* You know that should not happen.

We should try to model ourselves after England when it comes to taking care of seniors. England

is in the top 10 as far as having good care for seniors. And we must model ourselves after that because that is our endeavour—to be in the top 10—as far as taking care of our seniors. Because many of us think that younger people . . . I think they feel that they are never going to get that age; they are never going to need care in a home. But you never know what tomorrow is going to bring because you do not have to be 65 to go in a seniors’ home. But there are people in seniors’ homes that need that care that are not 65 years old, Mr. Speaker.

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

The Speaker: Thank you, Deputy.

Does any other Member wish to speak?

Okay, we recognise the Leader of the Opposition. Madam Opposition Leader, you have the floor.

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

Mr. Speaker, obviously, a year ago I would have been the Minister of Health and Seniors, so when I look at a lot of the things that are being considered here they are things that I am very familiar with and things that are dear to my heart.

And I am reminded, when the Deputy Speaker talked about what he would be doing very shortly, that last December and January I visited all 22 seniors’ rest homes with a view of getting out and not only seeing what they were doing, but to be able to understand some of the difficulties they were having, some of the challenges. Because as we go forward I am sure all of us, I am sure the new Government and the Minister, we all want to do what is right to improve the care and the well-being of our seniors. We are all going to be going there and whether we are ageing at home or whether we are ageing in a facility, the bottom line is we have to have some standards that talk about consideration for our well-being and the fact that we have helped the community get to wherever they are.

Therefore, I look at this as a progression, and I am very pleased to see many things come forward because there are many things that I am aware of. I think the one thing I just wanted to make . . . and I know that Minister did not enumerate on all of the people that helped to get us there, but the one group that also came to my mind was the Seniors’ Advisory Council. So I just believe that it is good to be aware that lots of groups have been trying to look at the problems, make some suggestions, and it is very good that this Act, this Bill, has now come forward.

I would just like to just go through and make a few observations in terms of what has been put here because the fact that we are talking about improvements in terms of the monitoring and compliance. We have known that this has been an issue. And Ageing and Disability Services have done a mammoth job of trying to get out there using their resources available

to them, to try and help the various rest homes and nursing homes to improve their standards.

By and large what I found when I went out visiting all of them was that most of them actually wanted to do the best for their residents. Most of them had difficulty, perhaps, complying because sometimes they did not understand, sometimes they were not able to turn around and actually appreciate the impact. So when I look at some of the increases and when I look at some of the standards here, I just . . . I want to make a couple of observations.

The mere fact that we are now talking about making sure that the register is going to be published on the website, so it means that individuals will know what licences a particular home has, and they will then understand, either before they go to decide to put a family member in there, or even when the family member is there, that it is licensed and what type of licensing it has. That is going to be very good, because sometimes people do not appreciate the difference between a rest home and a nursing home. And by the time they have gone there or thought about it, they do not understand the difference in care that they are actually going to have given to their family member.

And the mere fact that the Minister now has greater ability to be able to talk about setting conditions relative to the licence that the particular rest home or nursing home has to adhere to, that goes a long way to starting to turn around and make sure that we hold our administrators accountable. Because a lot of times you know that you want to continue to give them a licence, because you are up against what we all know are the issues—where are they going to go if you have to shut the rest home down? Or where are they going to go if suddenly you have to turn people out? So, knowing that we have this six month, if you will, lead time for people to decide if they are giving up their licence or the ability for us to turn around and say, *We're going to allow you stay operating but we are going to give you these conditions*, that is going to go a long way to hopefully help people to buck up and do what is needed.

I do want to say that there is one thing that caused me a little bit of concern. And this was when I went back to the part that says that there is going to be a transitional provision. I appreciate that when you are starting to put in new regulations you have to turn around . . . everybody cannot do it overnight, and you have to . . . you want to make sure that they stay in operation. And I am just going to throw this out as something for the Minister to consider, which is the fact that if you do have this transitional period, and you are going to have a requirement for persons who have been designated as administrators and deputy administrators to have certain qualifications, et cetera, and you are having a transition that says that these things will not apply to those persons who have already been designated as administrators, before this

comes into effect, I would like to throw this out for the Minister to consider if you do that: that you somehow set some sort of timeframe or relationship so that if somebody has been given a transitional . . . has been grandfathered, if you will, that you start to reduce the period in which they can continue to be grandfathered based on the licensing.

You know, if they are having super . . . if they are having a licence issued and everything is going well and they are doing well—fine. But if you are starting to see that this particular administrator, when you go through and you review their premises and you review their operations, if you are having to put lots of restrictions on them, to me that says that you need to turn around and reduce the length of time that they have before they need to turn around and say, *You need to adhere to the new criteria that is given for the new people that are going to be administrators and deputy administrators*.

And I am just going to say that it might already have been considered, but my concern is that if you do not do that, you have potentially an open-ended grandfathering. And if you come up with something that shortens it, the shortening of the period should be related to how well they are performing.

The other thing that I just wanted to say was that I do recognise . . . and in the Minister's speech, he talked about the fact that there are going to be substantial improvements and Ageing and Disability Services have been doing lots of work within the limitations and the fact that improvements in monitoring were also being contemplated in terms of the Long-term Care Action Plan. I know that very well, and I know that this is something that we need to do. And I know that the Minister and her technical team will make sure that this goes forward.

I think the only point that I want to make is that some of the difficulties, as the Deputy Speaker alluded to, relate to financing and how people are able to pay. And as we go forward, if we are able to turn around and have different options in terms of long-term care, then that would mean that in terms of what the residents will have available to them, as rest homes and nursing homes, will also be increased. And then you could potentially have, if you start to translate that care into what people can have as it relates to insurance and what they can actually charge, you then might find out that it creates more availability of people wanting to come into that business, if you will, or into that area of health care, because they will start to see that it makes sense to get involved, not just because it is a business, but they can see that they can make a difference.

And especially when you start to put more regulations to say, *If you're going to be in this business you have to adhere to these standards*. You do not want people to all of a sudden be frightened and back away because they are not sure how viable it could be.

I will just throw this out, because I know I have said sometimes to some of the technical officers, and I say to the Minister as well, the one thing that I found when I went around and looked at some of these rest homes and nursing homes, especially those that have been in there for a long time and were having administration challenges, some of them, with the best will in the world, are challenged as to how to make sure that they take care of the residents under their care.

And as we go forward we might have to . . . and the Government might have to start considering that maybe people, instead of getting out of being an administrator, would be prepared to make way for professional administrators or people who administer two or three different homes. So a home that has got a good administrator and is well run might take over running another facility even though they do not own it. That sometimes if we could start moving towards what I call "joint administration," . . . a lot of people are administrators because they own the facility. They went into business, but maybe they are not administrators. And if we can start saying to people, *Well, let somebody administer this for you because you do not have the talent*, but they can still have a business, and going forward you can sometimes reduce your costs by having people administering two or three different facilities, utilising the benefits of administering more than one facility, reducing the costs, understanding some of the bulk-buying opportunities, et cetera. Because as we go forward we have to do things to make sure that these facilities can benefit from reducing their costs and improving the quality of care.

The Deputy Speaker mentioned something about restraints, et cetera, and meals. All I just want to say is that I am reminded of the fact that the regulations that are set out make sure that there is meal planning that needs to be done, make sure that when the team goes around they are able to see the meal plans, they are able to see that the residents have refrigerators—full refrigerators. And I must admit I was reminded of the fact that pizza and hot dogs, et cetera, does not necessarily mean that this is something which is not appropriate, because I remember a nutritionist saying to me, *You don't want heavy meals at night; you actually want . . .* So all I am saying is that that caused me to reflect on the fact that I was not going to try and be the expert. I wanted to just make sure that I understood how . . . we tried to make sure that the residents have something that is appropriate.

And I also want to say—and I am saying this to the public out there—the fact that I then understood that having a fall does not necessarily mean that you did not try to take care of an individual. Because on the one hand you are trying to make sure that you do not restrain people unnecessarily, because that is a bad thing, you know, having people sitting up there in restraints, et cetera. But that does not mean that you do not try and make sure that they do activities.

The fact is that sometimes people, as they are more fragile and if they do not use their walkers or whatever else, could actually have a fall. But as long as the facility has this true balance between their capabilities, and when they start to become unsteady on their feet, start to put things in place to adjust for that, then it means that at least their care is more geared up to the individual.

And I think that is the thing that we keep trying to make sure that they have individual care plans because that means this person might have to have a restraint because they have a problem that would cause them to fall or do whatever else. But it is not sort of like where you go somewhere and everybody is sitting in there in restraints because that is the way you make it simply so that you can have fewer people taking care of them.

So I think that . . . and I am certain that as we go forward, and I am sure as the Minister starts to come back, we will see some other things which will come into effect which will work towards us saying that we want to be sure that the residential care homes and the nursing homes have the type of structures set in place.

There are just two other things that I want to mention. This was with respect to the ability to be able to appoint interim administrators, et cetera. I know from when I was Minister that sometimes there are some things that we wanted to do but the Act just did not allow us. So seeing some of these things being presented, I am pleased, and I know that as we go forward that this is not the end of what we will see, because as you have said, you cannot put everything in place. You are trying to do it in line with making sure that you do it over a progressive timeframe because it is impossible for the persons that are in the business right now to be able to do everything at once.

But I want to just say, with respect to the requirement to keep the proper accounting records, that has been something that actually, I think, the Ageing and Disability Services team has been working to make sure that lots of people do that. But they were working for it by effectively saying to them, *Do you want to get accredited? Would you like to become licensed?* Then you tell people that this is what you need to do. But now the fact that it is actually in the Act, then it means that you do not have to try and encourage people to do things; you can make it a requirement. And I think this is what this Act is doing. It is taking away things . . . it is making things that we had to encourage, turning around and making sure it is actually in the Act, because then it means that you are going to get a better level of care for the people of Bermuda who are going to be utilising these facilities.

So last, but not least, I just want to say that I think it is very appropriate that the Minister now has some more responsibility, as opposed to the Chief Medical Officer, because the Minister has responsibil-

ity for other aspects of it. And as we go forward it is going to be something that will be an improvement because we are all going to be headed in that direction.

And I just want to make the observation that in some cases some of the things that you put in here I would ultimately see that we will start to go from nursing homes and rest homes and be the type of things that you would put in terms of just anybody who is caring for a senior in their homes. We keep talking about ageing in their homes, [and] that is going to mean that other people might care for them at their home and you might have a care provider. They are not an administrator, but they are still a care provider. So I am hoping and believing that ultimately when we start to talk about seniors' abuse and we start talking about vulnerable persons, et cetera, that this will be the next thing that we see coming, because the bottom line is the fact that it does not matter what happens at rest homes. We have to make sure that it translates into any type of care that you give to a senior. Thank you very much, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 26. Honourable Member Tyrrell, you have the floor.

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

I do not want to belabour the introduction of this amendment Act, but I do wish to commend the Minister and support her in bringing it forward.

Let me say that I believe that all avenues must be pursued in improving the levels of care for our seniors in these homes. And I certainly recognise that as we have an ageing population it is going to be even more important for us to look in this direction. I am not as seasoned as my colleague from the Bible belt down there, but I certainly agree with many of the things that he said.

But, back to the Act itself, in terms of the regulations, bringing systems of notification for accountability, I mean, that is something that should happen anyway because, again, it speaks to the health and safety of the residents in the homes. The compliance . . . and certainly being compliant, again, for standard of care, whether it be for just looking after the residents themselves, or the food that is prepared, or the activities that they are given to keep them, sort of excited about . . . in their final (if I can use the term final) years that they may be going through.

I certainly like the idea that the homes now will not be able to go unchecked or unreported when there is abuse or negligence, because sometimes I think family members may not know some of the things that go on in the homes. And this certainly speaks to it.

I did note that there was some concern on the Opposition side in two areas. One was the inspectors. I believe that they were concerned that we would not have enough inspectors. But I am hoping that the Minister . . . and I am sure that the Minister has given some thought to how this can be regulated so that the inspections can be done on a timely and consistent basis. And I think the other concern was the transitional period, which I certainly think is reasonable. It is humane, it is giving people the opportunity, I think, to get their act together.

And last, before I take my seat, Mr. Speaker, let me say that I would wish to commend the staff in most of these residences. I have had the opportunity, from some personal experience, to visit some of these homes. And I will tell you that it is not the sort of job that I would want to do. I do not think I have the patience or (I do not know that the term is) be able to give attention to the sort of residents that go to these residential homes. It takes a special type of person, and I certainly would like to commend them.

Again, I thank the Minister for bringing forward these amendments. Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

No other Member?

Minister.

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

And I thank those Members who contributed to this debate for their support and, in particular, the Honourable Leader of the Opposition, who helped to clear up some misconceptions that have been raised.

Let me just start from the back, I guess, with respect to some of the issues. As I indicated previously, this will be rolled out in phases. And then there will be a number of phases coming. The next phase includes the updating of the regulations. What is also being considered, Mr. Speaker, is expanding the scope of this legislation and the Codes, in particular, to also include day care facilities as well as home care.

Mr. Speaker, a lot was said concerning the rights of the patients. And though I did not go into full detail concerning the content of the Code, let me just explain a couple of the things that the Code will include. And one is with respect to a resident's Bill Of Rights that will also be included in the Code of Practice so that this will allow residents and their family members, in particular, to understand what their rights are as patients. Some of the rest homes . . . many of the rest homes already have adopted this, but the Code of Practice will ensure that all the other rest homes also follow suit.

The Code of Practice, Mr. Speaker, will also include issues concerning the multiple levels of care. So the Code of Practice . . . a lot has been discussed today about the continuity of care. When a person's

needs change there are oftentimes situations where the individual . . . maybe the family members do not wish to move that person from that comfort zone or from the place where they were previously residing and that care facility might not be the appropriate place to care for that patient because they do not have the level of care that this patient needs. But the family members may choose for a number of reasons not to move that patient.

So what the Code of Practice will also be doing is looking at the varying levels and developing more provisions with respect to the varying levels of care. And I can also add, Mr. Speaker, that there is a universal assessment tool that has also been developed to address this. And that is being rolled out now.

In fact, the Bermuda Hospitals Board has already rolled that out and Sylvia Richardson is 70 per cent complete insofar as rolling out that assessment tool. And that will also help to identify some of the concerns that have been raised today and address it when it deals with the different levels of care for the facilities.

A lot was also spoken about concerning the length of time that the inspections were taking place and so forth. And, Mr. Speaker, up until recently there have been hiring freezes, so we have seen shortfalls in staffing and staffing shortages that have affected some services, and the ADS [Ageing and Disability Services] is one. So the reality is that we recognise that those hiring freezes have affected certain things, particularly as it relates to the inspections. But the ADS is actively taking steps to improve the inspection process.

We are actively recruiting as well so that we can add more people to that team who provide a very, very, valuable resource to Bermuda because they are the inspectors. They inspect the rest homes and they are the ones that are on the front line going into the rest homes, hearing the complaints. They play a very, very, vital role in this, and I commend that department. It is a thankless job, but they are all deeply committed. And, again, as I have indicated, they are on the front line and they are the ones that do the inspections, and they will be receiving further support through increases in staffing.

Mr. Speaker, real quickly, there was another issue that was raised concerning the fees for the registration, and the fees do not adequately represent how much it costs to regulate. I have indicated previously that the re-registration fees are going to be based on a tiered system, so the higher the level of compliance, the lower the fees.

For example, for the [Level] D, which would represent low compliance, the re-registration fee is \$1,000, whereas for [Level] A it is \$75. So I do not think it is going to break the bank; but at the end of the day it is a fee that: (a) will address and identify the level of compliance, so we are trying to encourage people to be more compliant because their fee will be

lower; and (b) as I have indicated, it pales in comparison to the cost of regulation when you think about the expenses associated. But in any event that [deals with] the fees.

And the last point that a lot was spoken about was concerning “grandfathering in” with respect to the individuals and the administrators. Mr. Speaker, as I have indicated before, unfortunately as it stands now, there are administrators that . . . I think, the criteria is you have to be 18 years old to run a rest home. And the reality is that this can create a dangerous scenario. So, part of the compliance levels that will be identified in the Code will require administrators to have certain types of training—internationally accepted training—with respect to how they run a nursing home and the things that I spoke about. We recognise that there are some nursing homes where the administrators may require a little bit more help to get them up to speed and that is what the department of ADS is there to do. So we will work with them.

And there was another question that was raised concerning the six-month time limit if a rest home has to close because of lack of compliance. Again, it is a gradual system. So if there is some type of infraction, the inspectors will identify it, they will give the administrator and the deputy administrator time to rectify it, they will go back and review it, et cetera, et cetera. So the process is gradual. They are not going to walk in tomorrow and say, *You must be closed*, because the reality is that it is not like we are closing a restaurant. If we are closing a nursing home then we have to find alternative accommodations for those residents, which can create a challenge. All right?

So in that regard, Mr. Speaker, I think I have addressed all of the questions that were asked during the general debate and, as such, Mr. Speaker, I would like to move that this Bill be committed.

The Speaker: Thank you, Member.
Deputy?

House in Committee at 2:46 pm

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

COMMITTEE ON BILL

RESIDENTIAL CARE HOMES AND NURSING HOMES AMENDMENT ACT 2017

The Chairman: Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Residential Care Homes and Nursing Homes Amendment Act 2017](#).

Minister, you have the floor.

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

Mr. Chairman, this Bill seeks to amend the Residential Care Homes and Nursing Homes Act 1999, and to make consequential amendments.

As such, I would like to move clauses 1 through 5.

The Chairman: [Clauses] 1 through 5.

Any objections to moving clauses 1 through 5?

Honourable Member, Susan Jackson.

Ms. Susan E. Jackson: Yes, I just have one question.

The Chairman: Are you objecting to moving clauses 1 through 5?

Ms. Susan E. Jackson: No, I am not objecting.

The Chairman: Oh, okay. Well, the Minister has the floor.

Go ahead, carry on, Minister.

Hon. Kim N. Wilson: Okay, thank you.

Clause 1 provides a citation for the Bill.

Clause 2 amends section 2 of the principal Act by amending, deleting and inserting definitions.

Clause 3 amends section 5 of the principal Act by providing for the particulars to be set out in the Register of licensed homes, and for the Register to be published on the Government website.

Clause 4 repeals and replaces section 10 of the principal Act. The new section 10 now provides for an operator to apply to the Minister for the removal or variation of conditions attached to the licence of the home.

Clause 5 repeals and replaces sections 13 and 14. The new section 13 now provides for a licence to be issued for such period as the Minister may allow. In the new section 14, the reference to the payment of Government fees has been removed as this matter has been provided for elsewhere within the Act. However, the full re-licensing process is now set out in this new section 14, and includes matters which the Minister must take into account when determining an application for the renewal of a licence.

The Chairman: Thank you, Minister.

Any further speakers on clauses 1 through 5?

Ms. Susan E. Jackson: I just have one question. I notice that in the definition they have repealed the term “application,” but then there is reference to making application throughout those first five clauses. So I do not know if there is an actual written application that needs to be made or how that works, whether it is something formal or a written letter?

The Chairman: Any further speakers?

Minister?

Hon. Kim N. Wilson: I am sorry. Which section was the Honourable Member referring to? Clause?

Ms. Susan E. Jackson: Clause 5 is where it appears. So it is making application for a licence, and then an application for renewal, and then . . . it comes up one more time . . . and then it is referring to an application fee, which I guess is the fee that is the licensing fee. But I am just curious if there is a structured application, what does that application . . . given the fact that we have deleted “application” in the substantive legislation?

The Chairman: Minister?

Hon. Kim N. Wilson: Mr. Chairman, I am not exactly following it, but perhaps if I can go ahead and . . . unless there is an objection, move the other clauses and proceed and then I can—

The Chairman: Well, I think what she wants to know is do you have a new application form, do I have it right?

Ms. Susan E. Jackson: Okay. In the definitions of the amendment it is actually deleting the term “application.”

Hon. Kim N. Wilson: Do you mean in the Interpretations?

[Inaudible interjection]

Ms. Susan E. Jackson: Yes, it is . . . in clause 2(b) “by deleting the following—(i) the definition of ‘application.’” But then in clause 5, you know, there is just reference to an application quite a bit. So I just do not know if there is a written application or a letter that you write to apply for a licence or—

[Inaudible interjection]

Ms. Susan E. Jackson: Clause 5 beginning with “Issuance of a licence.”

Hon. Kim N. Wilson: Are you looking at the substantive Bill?

Ms. Susan E. Jackson: No, I am looking at your amendments.

The Chairman: The amendment on page 3.

Ms. Susan E. Jackson: Page 3. The definition is deleted on page 2, but then there is reference to an “application” numerous times on page 3 in clause 5.

The Chairman: Well, they have to have an application, it says “pursuant to” the application.

Ms. Susan E. Jackson: Well, yes, and also—

The Chairman: Unless it is new . . . 5 is new.

Ms. Susan E. Jackson: Right, but there is still reference to an application even though the term “application” as a definition has been deleted.

Hon. Kim N. Wilson: Mr. Chairman, I see that in section 2 it does remove the term “application,” but it does not remove it from the rest of the Act.

The Chairman: Mm-hmm.

Hon. Kim N. Wilson: In this Act, unless the context otherwise requires, the word “application” is deleted there, but the word “application” still exists throughout the rest of the . . . I am sorry, in the interpretation section of clause 2. The word “application” is deleted; but the reference to “application” still exists throughout the rest of the Act. It has only been deleted in the Interpretation section.

The Chairman: Okay.

Ms. Susan E. Jackson: I am sorry, but my concern is that the definition of “application” has been deleted as well. So I . . . it was my understanding that licences would be granted based on the performance of the inspection—

The Chairman: Mm-hmm.

Ms. Susan E. Jackson: —and so now I am seeing that there is some application that needs to be made in order to get a licence. And I am just trying to find out whether that is a form or whether that is a letter of request . . . just what that application is, given that the definition has been deleted.

The Chairman: Minister.

Hon. Kim N. Wilson: Yes, Mr. Chairman. The principal Act defines “application.” So if I could refer the Honourable Member to the principal Act, section 7(1) defines an application as an application for registration.

The Chairman: Any further speakers?

Hon. Kim N. Wilson: If I can just add, it was deleted from this section so that it would not cause confusion because the principal Act refers to it in section 7(1) . . . what an application is and the process.

The Chairman: Yes, we have it. Minister, do you want to move further clauses?

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

I would like to move clauses 6 through 9 which refer to the powers of the Minister.

The Chairman: Any objections to moving clauses 6 through 9?

There appear to be none.

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

Clause 6 inserts sections 14A and 14B, and a division heading entitled “Powers of the Minister.” Section 14A provides for the operator of a home who intends to cease operations to notify the Minister and residents of the home six months in advance, and to assist, as far as practicable, in relocating residents before the home ceases operations. Section 14B provides for the Minister to issue an order directing an operator to comply with a requirement of the Act, a duty under the Regulations, a condition of the licence, or a provision of the Code of Practice. An order may also be issued where it appears to the Minister that an operator is intending not to comply with a requirement, regulation, condition, or provision of the Code.

Clause 7 amends section 15 of the principal Act to specify the matters by which the Minister may cancel, et cetera, the licence of an operator. It also provides for the operator of a home to assist, as far as practicable, in relocating residents where the licence has been cancelled by the Minister.

Clause 8 amends section 16 of the principal Act to specify the matters by which the Minister may apply to the court, in urgent circumstances, to cancel the licence of an operator.

Clause 9 inserts sections 16A and 16B. Section 16A provides for the Minister to apply to the court in urgent circumstances for an order appointing an interim operator of a home where there is a serious risk to the life, health, or well-being of the residents of the home. Section 16B provides for the Minister to apply to the court in urgent circumstances for an order appointing an interim administrator for a home where a failure on the part of the administrator has resulted in a serious risk to the life, health, or well-being of the residents of the home. The duty of the interim operator or interim administrator is to establish the orderly operation of the home, and in both instances, the salary or any remuneration of such persons are to be paid for by the home.

The Chairman: Any speakers on clauses 6 through 9?

The Chair recognises the Honourable Member Susan Jackson.

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

I am just questioning on page 6 under clause 7 where the operator of a home is required to assist in the relocation of residents. This is after the Minister has cancelled a licence. I am just wondering

why it would be the operator that would assist in relocating, given the fact that there is serious risk to life, health, and well-being of the residents, and why it would not be a person who has been appointed by the Minister to come in . . . like an interim operator? So instead of just having the operator, maybe it should be the “interim operator” of the home who is required to assist to relocate?

The Chairman: Any further speakers?
Minister, you have the floor.

Hon. Kim N. Wilson: As the provisions relate, Mr. Chairman, it is as far as is practicable because the conditions in which the Minister may put on the home, i.e., perhaps, to close the home, cannot be . . . they may not be related directly to the way that the operator was administering it. It may be because the facilities are derelict and that they must, as far as practicable, assist with respect to the relocation of those patients.

The Chairman: Got you. Any further speakers?
There appear to be none.
Minister, do you want to move the next lot of clauses?

Hon. Kim N. Wilson: Mr. Chairman, I wish to move clauses 10 through 14, which provides supplemental provisions, such as appeals and establishing the Code of Practice.

The Chairman: Any objections to moving clauses 10 through 14?
There appear to be none.
Continue, Minister.

Hon. Kim N. Wilson: Thank you, Mr. Chairman.
Clause 10 repeals and replaces section 17 of the principal Act for the purpose of deleting and substituting various references in that section, including deleting the reference to Magistrates Court and substituting a court of summary jurisdiction.

Clause 11 amends section 18 of the principal Act by providing for appeals against a decision of the Minister to be made to a court of summary jurisdiction, and for appeals against an order of a court of summary jurisdiction to be made to the Supreme Court; and for those courts to remit matters for determination.

Clause 12 repeals and replaces section 19. The new section 19 now imposes a requirement on the operator of a home to keep proper accounting records, to prepare annual financial statements, and to produce those records and statements for inspection; and to conduct the business of the home in a prudent manner.

Clause 13 amends section 20 of the principal Act to provide for an inspector to give written notice to

the operator of a home where the operator has failed to comply with a requirement under the Act, a duty under the Regulations, a condition of the licence, or a provision of the Code of Practice, and to report the giving of such notice to the Minister.

Clause 14 amends section 23 of the principal Act to provide for the Minister to make regulations with respect to matters relating to the home, record-keeping, and the preparation and submission of reports.

The Chairman: Any speakers to clauses 10 through 14?

There appear to be none.
Minister, do you want to move the rest of the clauses?

Hon. Kim N. Wilson: Yes, thank you.
I would like to move clauses 15 through 20, please.

Clause 15, Mr. Chairman, inserts section 23A which provides for the Minister, after consultation with the Chief Medical Officer and considering representations made by stakeholders, to issue a Code of Practice with respect to the care of residents of the home, the operation of the home, and the facilities and premises of the home. The operator must take account of the Code of Practice.

Clause 16 inserts Schedule 1 to this Act which sets out miscellaneous amendments to the principal Act, including removing references to “registration” and substituting “licensing,” deleting “Chief Medical Officer” and substituting “Minister,” and deleting “owner” and substituting “operator.”

Clause 17 inserts Schedule 2 to this Act which makes consequential amendments to the Residential Care Homes and Nursing Homes Regulations 2001 as follows—

Paragraph 1 amends regulation 5 by providing further qualification and training of a person who is to be designated as the administrator of a home.

Paragraph 2 amends regulation 6 by providing further qualification and training of a person who is to be designated as deputy administrator of a home.

Paragraph 3 amends the Regulations in respect of the definition of “operator”, by deleting “registration” throughout and substituting “licensing”, and by deleting “Chief Medical Officer” throughout and substituting “Minister.”

Clause 18 inserts Schedule 3 to this Act which makes a consequential amendment in Head 63 to the Schedule to the Government Fees Regulations 1976 with respect to the application fees.

And finally, Mr. Chairman, clause 19 is a transitional provision which provides that the qualification and training requirements in paragraphs 1 and 2 of Schedule 2 to this Act will not apply to persons who had already been designated as administrators and

deputy administrators before those paragraphs come into operation.

Clause 20 provides for commencement of this Act, and for the Minister to provide for different provisions to come into operation on different dates.

The Chairman: Any speakers to clauses 15 through 20?

The Chair recognises the Leader of the Opposition, Mrs. Atherden.

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

Mr. Chairman, I would like to refer the Minister to clause 19 which is the transitional, which indicates “Paragraphs 1 and 2 of Schedule [2] do not apply to persons who had been designated as administrators or deputy administrators before the date on which those paragraphs come into operation.”

I would like to ask the Minister to consider . . . if persons who are operating facilities which have restricted licences on them, especially if some of those restrictions relate to their ability to effectively make sure that the rest home is in compliance, then perhaps those persons should not have that open transition to say that they are going to stay as administrators and deputy administrators forever, that maybe some consideration should be given to . . . at what point in time do you say that you no longer . . . if you have effectively grandfathered, at what point in time would you say that this individual has to turn around and comply because their qualifications, et cetera, are potentially bringing the residents into risk because they have all of these restrictions that have been assigned to them?

The Chairman: Any further speakers?
Minister Wilson?

Hon. Kim N. Wilson: Yes, Mr. Chairman, and thank you for that question.

There will be . . . there could potentially be a myriad of reasons why the Minister may not allow for the grandfathering in and, obviously, it would be dealt with on a case-by-case basis. But that is certainly something to consider if the reasons why . . . if there are challenges within the way the home is being administered. Again, we know that there are few homes where the administrators will require further assistance to bring them up to speed with the Codes and with international best practice, unlike some of the other homes. And we will be working with those homes. But obviously, if it is a situation that could affect adversely the life and well-being of the residents, which is of paramount consideration, then the time period with respect to allowing them to come up to scratch will be reduced.

The Chairman: Thank you, Minister.

Any further speakers? The Chair recognises the Leader of the Opposition, Mrs. Atherden.

Hon. Jeanne J. Atherden: I guess I just want some clarity in the sense that right now the way it is worded, it sounds to me very much that it is open-ended, that it just says that these paragraphs will not apply if they had been designated as administrators or deputy administrators before the date on which they came into operation. So is there something somewhere else—either in a regulation or something else—which sets some sort of review of whether persons automatically go forward in terms of having these not apply?

The Chairman: Minister?

Hon. Kim N. Wilson: Thank you.

Well, with respect to [clause] 19, the Code of Practice will provide specific restrictions to force compliance with respect to the way that these facilities are being operated. So that will be contained in the Code of Practice.

The Chairman: Any further speakers?

There appear to be none.

Minister, do you want to move the clauses and the Schedules and the Preamble?

Hon. Kim N. Wilson: Yes, Mr. Chairman, I would like to move clauses 1 through 20.

The Chairman: Yes. Any objections to clauses 1 through 20 being approved?

There appear to be no objections.

[Motion carried: Clauses 1 through 20 passed.]

Hon. Kim N. Wilson: Thank you, Mr. Chairman.
I move the Preamble—

The Deputy Clerk: The Schedules

Hon. Kim N. Wilson: —and the Schedules.

The Deputy Clerk: The Schedules.

Hon. Kim N. Wilson: The Schedules? Well, my note says Preamble and Schedules.

I move the—

The Chairman: Preamble.

Hon. Kim N. Wilson: —Preamble.

The Chairman: Do the Preamble and then—

The Deputy Clerk: The Preamble is after the Schedules. Move the Schedules first.

Hon. Kim N. Wilson: Okay, well then this is wrong.
I would like to move the Schedules, please.

The Chairman: Yes, Schedules 1, 2, and 3?

Hon. Kim N. Wilson: Thank you.

The Chairman: Yes.

Any objections to approve them?

No objections to Schedules 1, 2, and 3.

[Motion carried: Schedules 1, 2, and 3 passed.]

The Chairman: Now you can move the Preamble, Minister.

Hon. Kim N. Wilson: Okay, thank you, Mr. Chairman. I would like to move the Preamble.

The Chairman: Any objections to . . . no objections to approving the Preamble.

Hon. Kim N. Wilson: I would like to move that the Bill be reported to the House as printed.

The Chairman: Yes, so moved.

Hon. Kim N. Wilson: Thank you.

[Motion carried: The Residential Care Homes and Nursing Homes Amendment Act 2017 was considered by a Committee of the whole House and passed without amendments.]

House resumed at 3:07 pm

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

REPORT OF COMMITTEE

RESIDENTIAL CARE HOMES AND NURSING HOMES AMENDMENT ACT 2017

The Speaker: Good afternoon, Members.

Any objections to the Residential Care Homes and Nursing Homes Amendment Act 2017 being reported to the House?

No objections to it being reported as printed?

So moved.

We now move on to the next Order of the Day. I understand Orders 3, 4, 5, and 6 are being carried over. Is that correct Members?

Orders 3, 4, 5, and 6 are carried over.

We are now doing Order No. 7, are we, Members?

I recognise the Honourable Member from constituency 2. Honourable Member Swan, you have the floor to move your Motion.

MOTION

JOINT SELECT COMMITTEE TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS ON THE EVENTS OF DECEMBER 2ND 2016

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

Mr. Speaker, I rise to move the motion:

“WHEREAS the Government having declared its intention to establish a Parliamentary Committee to look into the events generally, including the decision-making and any directives of the Executive and the then Speaker of the House given to the Police, that led up to and precipitated the events on that day, including the deployment of the police in riot gear and the use by the Police of incapacitant pepper spray on the crowd of citizens assembled;

“BE IT RESOLVED that this Motion for the appointment of a Joint Select Committee to carry out the said Inquiry into the said events of December 2nd, 2016 be approved;

“AND Thereafter, pursuant to Part IV of the Parliament Act 1957, that a Parliamentary Joint Select Committee be appointed (1) to inquire into the events as aforesaid as thoroughly as may be; (2) to bring closure to this event by the making of all proper and necessary findings, recommendations and where required sanctions; (3) and to submit its report to the House of Assembly within three to six months.”

The Speaker: Yes, Member, you can go ahead.

Are there no objections to the Member moving forward with his Motion?

No objections, continue on, Member.

Mr. Hubert (Kim) E. Swan: Mr. Speaker, I rise today [to speak about] a solemn date in Bermuda’s history, namely, December 2nd 2016, the anniversary of that unfortunate day when Bermudians found themselves in the line of an aggressive police deployment. I say “unfortunate.” Mr. Speaker, let me just say at this particular time that on that day, and today my heart goes out to the seniors and all those who have been long suffering in this case . . . this situation on December 2nd. It unfortunately is also the anniversary date, tomorrow, which would mark 40 years since the [events] of the 1977 disturbances that took place in Bermuda. It is not a pleasant day in our history to recall. And for many of those persons who are our seniors, Mr. Speaker, it remains so.

Mr. Speaker, it is important to note that some citizens demonstrating on December 2nd officially reported their concerns to the Police Complaints Authority and have been given a date specific for response.

Mr. Speaker, I have to also highlight that the complainants to the Police Complaints Authority, I am hoping that they can certainly be afforded some grace period to allow this Joint Select Committee, if approved, to conduct its business. Hence, the complain-

ants to the Police Complaints Authority, Mr. Speaker, be given a grace period—a suitable grace period—following the findings of the Joint Select Committee to see where we are going.

Mr. Speaker, it is pertinent that we highlight that on December 2nd, 2016 Ms. Ginny Ferson (soon after included on the Queen's [Birthday] honours List) was the Acting Governor and Commander-in-Chief of Bermuda, with jurisdiction over the police on that day. For the record, it is noteworthy that, Mr. John Rankin had not yet been sworn in as Governor during the December 2nd incident when the police riot squad unit was deployed and demonstrators were pepper-sprayed in the discourse of their duties. Governor Rankin subsequently ordered a review of the policing that took place to review the events of December 2nd and all that took place—not all that took place; certain things that took place as it relates to policing.

Beforehand, Mr. Speaker, when Governor Rankin made his initial public statements, no reference was made to Acting Governor Ms. Ginny Ferson, her involvement, and comments attributed to her in the aftermath. I think that is a very key point, Mr. Speaker. I will repeat that. Beforehand, Mr. Speaker, the Governor, when he finally was sworn in and made his initial comments . . . no reference was made to Acting Governor Ms. Ginny Ferson, her involvement, and comments attributed to her in the aftermath. I find this key and critical to our point that a review—a comprehensive review—is necessary, Mr. Speaker.

We must get to the bottom of it. And if we do not look at the involvement of everyone in here, if we just bypass the Governor's role, it brings to mind one of the most famous roles of a Governor throughout the annals of history, Mr. Speaker. And that was Pontius Pilate, how he was able to wash his hands of a very significant decision that was made. And this is what . . . this started off that way.

The Governor, for whatever reason, was due to come into Bermuda right around that time and came in on the heels of . . . and for any comments following the decisions made, the Deputy Governor or Acting Governor . . . because if you go to Wikipedia and look at who served as Governor of Bermuda between Governor George Ferguson's departure and Governor John Rankin's arrival for history, Ms. Ginny Ferson, now recognised by the Queen, served as Acting Governor of Bermuda. So from that point to not have any reference to what she said, Mr. Speaker, I think is significant, and makes our point from the outset . . . from the very outset. We must get to the bottom of it and we cannot get to the bottom of it by bypassing the role that this official had in this play.

It would be wrong to hold anybody accountable without looking at the very top. And if the very top is excluded from that consideration, then everything that we have done so far is really null and void. I am no lawyer and I do not play one on the radio, Mr. Speaker. But I will tell you this: All those who have

been put under the scrutiny thus far, in my respectful opinion, have no case to answer if you bypass the very head of the situation at the time.

Mr. Speaker, [in] the immediate aftermath Acting Governor Ms. Ferson out-rightly implied wrongdoing of protestors in an article in ¹[Bernews](#). With your permission, Mr. Speaker, I will refer:

“I am very concerned at the events which took place today outside of Parliament,’ Acting Governor Ginny Ferson said this evening, as ‘Bermudians elect their MPs to represent them and to debate bills in Parliament,’ Mrs. Ferson said, ‘Preventing MPs from getting into Parliament to carry out their legislative business is a serious infringement of the . . . law and the democratic values we all hold dear. The right to peaceful protest is also a right we hold dear.’” Then . . . “But there are people who seek to go beyond peaceful protest and incite criminal activity.”

That is a serious indictment by the person at the head there, Mr. Speaker. That is a serious indictment. And for that person, that official making that statement, not to be held to any type of scrutiny, Mr. Speaker, is wrong in this process. It is wrong, Mr. Speaker, to the people who had to wipe pepper spray out of their eyes. It is wrong to the officers . . . yes, to the officers.

You know in the Bible, Mr. Speaker, when a Roman soldier came to Jesus and Jesus said, *Go back and tell . . . and he'll be healed*. And he showed more faith than all his disciples because he said, do you know what the Roman soldier said? He said, *I command armies and when I say 'go' they go. So Master if you tell me to go back and he will be healed, I believe you*. And you know what the Father said? He said, *You show more faith than those around me*.

So those officers . . . my father, Mr. Speaker, was a 30-year career officer who served under five Governors at Government House. I have a great respect for law enforcement in Bermuda. I have been brought up under it and I understand the role that the police play as it relates to Government House. But Government House does not get a pass if it participates in an act, in the deed. It does not get a free pass.

Pontius Pilate died a long time ago. Scrutiny and accountability is the name of the game. So you cannot look at any others, particularly those officers, those constables who were sent out, following the orders of others above them, Mr. Speaker. So for this very statement . . . and then . . . Look, I know that someone . . . because, you know, Mr. Speaker, we have seen, as we related earlier to the events of 1977, we saw in recent years where a former Police Commissioner, Mr. Jonathan Smith, pulled out a very comprehensive book being able to catalogue events as they were released . . . belatedly some 35 years.

¹ 2 December 2016

Those seniors who were pepper-sprayed do not have that long to wait to get to the bottom of it.

And guess what, you have a Labour Government today that is making sure we get to the bottom of it. I think every Member who was part of the legislature, who was part of the hierarchy of the police . . . I believe that we owe it to them to get to the bottom of it. We owe it to former constables that we want to recruit to get to the bottom of it. We owe it to fellows like Hubert E. E. Swan, who died as a former constable, to get to the bottom of it.

And you cannot give the top a pass. And from the very start . . . you know, I am no soldier; but I have been around one or two. And if you start off on the wrong foot at the leader, you march on the wrong step. They started off this very process on the wrong foot. And so when you get things wrong from the very start and you try to sort of circumvent wrong, every step following that is a compensation. Every step following that is a compensation.

So I cannot come here and look at other Members of the House in isolation of the very person at the helm at that particular time who said (and I repeat), "But there are people who seek to go beyond peaceful protest and incite criminal activity." We need to know who that person was referring to. We do.

The Bermuda Police Service is tasked with upholding law and assuring public safety—absolutely correct, Mr. Speaker! The protocols they follow are aimed at minimising use of force and avoiding injury, both to public and to their officers. "For my part" (and this is not me speaking, I am reading what Acting Governor Ferson said) "For my part, I would urge those who wish to protest to act within the law so that occurrences like this can be avoided . . ."

But you know, Mr. Speaker, if I just go back and look back, if I look back to March when the Parliament was occupied for several days, when Governor George Ferguson—and I joined with him—congratulated police . . . who was the officer in charge? Acting Commissioner Antoine Daniels. A fine St. Georgian, right? To his credit, he was unable to be around Bermuda around that time. He was engaged in a very important part of his life, and we wish him well. But we missed him then because he carried out that type of mantra that was mentioned right there in that paragraph in March, when Governor Ferguson, who retired, I believe, in August, was able to compliment and commend the police for several trying days, Mr. Speaker. Not so with the Acting Governor here, Mr. Speaker.

A [statement](#) from His Excellency the Governor Mr. John Rankin, CMG, on Wednesday December the 6th, Mr. Speaker, in one of his early statements, if not the first statement from His Excellency the Governor said: "I have spoken to the Commissioner of Police" (and may I read, Mr. Speaker?) "to the Commissioner and Acting Commissioner about the protests outside the House of Assembly and the police response to

those protests. They have assured me they are conducting investigations into what took place."

Interesting . . . interesting, because what took place related to commands that came down . . . it is a chain of command . . . *a chain of command*, not we bypass the chain and we are looking at the executors of the message. No, we cannot have that, Mr. Speaker, we absolutely cannot have that.

It goes on, "the Police Complaints Authority provides independent oversight of complaints against the police and can independently conduct investigations. Anyone who wishes to make a complaint can do so through the Professional Conduct Unit and on-line through the PCA website.

"The Commissioner has also undertaken to provide me with a briefing note about police public order response capabilities more generally, including, where appropriate, any resources or training which will assist the Bermuda Police Service in responding to any similar incident in the future."

Already they are starting to look ahead. Here we are . . . here we are, Mr. Speaker. A statement in December, and they are looking ahead. There were seniors who could not even look beyond the hand out in front of them because they had pepper spray in their eyes! The Government is looking ahead. Government House is looking ahead, but the people cannot even see because of that physical act carried out by officers acting on a command . . . acting on a command, just like that Roman soldier said, *Under my jurisdiction I give officers orders and they carry them out, Father. If you say so, so it will be.*

So it was on December 2nd. Those officers were carrying out the will . . . that if you look back to March of 2016 you may recall that there was concern in Bermuda that troops were going to be brought in. So much so that Mr. Antoine Daniels had to go on the radio and put those fears to rest. And because he is a person who commanded that respect in his community, it carried over into Bermuda. And because he gave his undertaking he made sure that *hey, my word is on this line*, and the Governor had his back. What changed between March and December? That is the question. That is the question.

Mr. Speaker, Government at the time, the One Bermuda Alliance, hereafter referred to as the OBA, under Premier Michael Dunkley, had anticipated a protest directed at the Bermuda House of Assembly—we would expect they did—who were due to debate the controversial airport legislation, a legislation designed to authorise the development and operation of the Bermuda International Airport by a foreign entity for 30-plus years, along with concessions, assignment of revenues, tariffs, that would direct millions of dollars, almost up to billions of dollars, from government coffers over a period of time. Projections at that time headed up there (probably still do) close to a billion over that period of time.

It is noteworthy, Mr. Speaker, that earlier in the same year, in March, there was a protest against the OBA immigration policy deemed “Occupy Parliament,” a protest that lasted several days and prevented parliamentarians from passing a draconian policy many Bermudians deemed racially motivated. And if passed it would have altered the political and social landscape of Bermuda. And I am duty-bound to share with this House that this protest was peaceful and had its conclusion, in direct contrast, Mr. Speaker, to the tone set on December 2nd.

Mr. Speaker, it is noteworthy that the newly sworn in Governor of Bermuda, whose Deputy, Ms. Ferson, acted as Governor on December 2nd, one of his first acts was, as I mentioned, to mention nothing about the involvement of the Acting Governor and to somewhat minimise the situation. Notwithstanding, Mr. Speaker, it is reported that Governor Rankin, who had been in that post for only a month at the time of this [statement](#), said that UK officers would also make recommendations whenever improvements could be made, including future resources and training.

“I have also agreed” (and this is the Governor speaking) “with the Commissioner of Police and following consultation with the Premier that, in line with best practice, the police response to the protests should be independently reviewed by a peer organization,” . . . and “I am making arrangements to have a senior UK police officer conduct such a review and make recommendations wherever improvements could be made, including as appropriate on any future resource or training needs.”

Once again, the focus is on the workers; the focus is on the constables. There is no concentration on the mind-set. Rankin’s intervention came after Shadow Attorney General, Mr. Michael Scott, earlier “demanded a judicial public inquiry into the December 2nd protest, accusing Michael Dunkley of failing to set any ‘parameters’ when he requested an investigation into what happened that day.” And that was what Mr. Michael Scott had to say in that regard.

Mr. Speaker, not everyone was pleased with the strategy of the police in March. There were Cabinet Ministers who criticised the position where the Governor had complimented the handling of it by the police. So if you look in the context of how the police handled a three-day protest and then look to see that there was disquiet within the leadership, you can look at how . . . because the question has been asked on many occasions, Mr. Speaker, how did this happen?

Mr. Speaker, we are not talking about young people running around Bermuda with guns, which back in our day you would not have had that anyway, but you had some guys running around the Island riding bikes. My mate, Tango, became a police sergeant, a police officer. He used to come up the golf course and [say], *You byes been down the tracks last night? You know, ease up.* But you have today . . . the Minister of Public Safety would attest to it, the Shadow Min-

ister of Public Safety would attest to it, and the former Public Safety Minister would attest to it. [We have today] unprecedented levels of murders. These were not the young people that were out protesting, these were their grandparents and their great-grandparents.

Mr. Speaker, I am sure that if you are . . . and I declare I am just the son of a police officer. But I was raised on the mind-set, so I understand that you have to assess a situation. You have to look and survey what you are dealing with. And, you know, today we have drones. You certainly have the vantage point to send a couple of undercover officers up on the top of the Government Administration Building or on the balcony here and look down with some binoculars or something to assess to say, *Oh my God, that looks like Renalda Bean* (who is 74 years old) *in that crowd.* And there were a lot of Renalda Beans. Renalda Bean recalled a story to me, Mr. Speaker, of that day. He said, you know, *I was there and it was . . . I didn’t know it was coming;* and, *You know, I could feel that baton against my chest and I said to the man, ‘Are you trying to kill me?’*

Mr. Speaker, look, I just turned 60. You know, I can still dance; but these ankles and knees just do not work like they used to work when they were 50. Imagine what they are going to be like at 70, 75.

And look, Mr. Speaker, if you are out there protesting because you are concerned about your country and your police can look in that . . . look, my father worked in narcotics. He was around special branch. I know a few special branch officers. I am sure they were in the crowd to be able to send word back and to say to somebody, *In that crowd there are a lot of seniors.* And if it was not so, an investigation should tell us. But that was not the case. We know it was seniors. We know it was persons who may have been brought up on protests that know that, *Listen, I’m not protesting at 75 because . . . you know me.*

How many 75-year-olds at 2016 are dead today? How many have gone on to their reward with that not being resolved, with the Acting Governor let off the hook until today?

It is not going to happen. It is not going to happen, because it is wrong if it does and we cannot condone wrong. We have got to get to the bottom. Renalda Bean said to me, . . . you know . . . and look, the officers that were in the midst assessing the situation must have known that if they were coming into a crowd hitting seniors, pushing, where were they going to go? Up against a wall? So what are you trying to make . . . spaghetti? Those brittle bones are going to be injured, some probably permanently.

Hon. Trevor G. Moniz: Point of order, Mr. Speaker.

The Speaker: Well, will you take a point of order?

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

The Speaker: What is your point of order?

POINT OF ORDER

Hon. Trevor G. Moniz: I am just concerned that the Honourable Member is not arriving at the conclusion he thinks the Joint Select Committee should arrive at. Presumably, what we are debating is whether this situation should be referred to a Joint Select Committee. We should not be arriving at conclusions today. Otherwise he may have to rule himself out of being on a Committee if he cannot approach it with an open mind.

Mr. Hubert (Kim) E. Swan: I accept that.

The Speaker: I do not think he was actually drawing to conclusions right now, I think he was painting a case of how we got to this point.

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

The Speaker: And I will allow him to continue.

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

But I appreciate that the Honourable Member would bring a point of order. I certainly . . . in trying to get a feel for why . . . because we have to realise, Mr. Speaker, that the course of action has gone well beyond those persons who have passed on getting their truth told. None. Appreciated.

And yes, Honourable Member, I certainly hope that, you know, an independent inquiry is done that will delve into the truth of what happened. Because it is far more reaching, in my respectful opinion, than just those persons who, unfortunately, were on the receiving end of the police force. And it is far more serious than those officers who were on the receiving end of some orders that, in my respectful opinion, were being . . . had not been put to any type of scrutiny. And that is why I . . . you know . . . because we do not know, because those in power did not feel it necessary to scrutinise. The only evidence I have to make my case is persons who I happened to be around on the golf course sometimes who he aid to me, You know, *I still think of that day and I remember the lady that was near me, she was older than me!* That is how I know the crowd was, you know, not a young crowd, Mr. Speaker.

So, Mr. Speaker, as we look at events of December 2nd, and as we look at the hierarchy of leadership that, in my respectful opinion, to date has been given a pass on it, when we are looking at mind-sets . . . yes? You look at the leadership of law enforcement, and I have put this out here before, when you look at who the Acting Governor was of the day, when you look at who the Premier was of the day, when you look at who the Commissioner of Police was of that day, when you look at who the Minister of Public Safe-

ty was of that day, and when you look at who the Attorney General was of that day. You come to one conclusion in a country whose voting population is 70 per cent black. And I know Members of that side know that because they study those numbers in how they go about crafting election plans.

So here we have law enforcement hierarchy that is not plugged into the community. And when you look at who the protestors were, they were black, save and except for maybe a few whites who were there, but the majority, by and large, well in the 90 percentile and upwards, were black, they were elderly, and there were many women.

Look at the mind-sets. Look back to March. Look back to March when the lead officer, who was a young black man who was connected to the community, put it out there and made sure . . . that type of mind-set does not seem to have prevailed on that day. And we would not know because the will to ensure that the type of comprehensive review to date has not prevailed.

Mr. Speaker, there in Bermuda's history when you look at 1977 and then you look at December 2, 2016, the difference is that in the '70s many social psychologists were called to be able to find out what was going on, in addition to reviewing what happened, a wider picture of what was really going on and at play in this country. And bypassing proper scrutiny, bypassing that prevents us from really getting to grips with some of our really systemic structural problems at play, which was highlighted when I pointed out to you how one-sided, racially one-sided, leadership was at that time against the protestors, and how it played itself out.

We have seen, in other jurisdictions, protests, Mr. Speaker. UC California Davis, an area I know quite well. I went there in 1979. A very progressive university town. In the '70s they rode pedal bikes around, no motorised vehicles on the campus. The students there in 2011 [who] protested . . . and were asked to leave and would not leave were pepper-sprayed. The review awarded some of them healthy financial awards as a consequence of finding that persons carried out their duties incorrectly. We certainly need that type of will to take place in Bermuda, Mr. Speaker.

Mr. Speaker, in reviewing here today to make the case for why it is necessary for Bermuda to have a comprehensive look at this matter, to be able to look at it upside down and to get to the bottom of it, I could not help but be reminded in history of Selma. Thankfully . . . thankfully, police did not have other weapons to use. But what they had they used that day. And some of the findings, Mr. Speaker, in the Police Complaints Report speak to the surprise that the demonstrators felt, the unpreparedness of the officers. So that is not on them, that is on leadership.

And we have not really touched on (but I am sure others will, Mr. Speaker) the political involvement

at play with the persons that I named. What was their involvement at that particular time? Those are the things we have got to get to the bottom of, Mr. Speaker. And I cannot help but look at the mind-set of March 26th, which I will call (in Alabama terms) the “Prichard” mind-set of carrying out those duties without there . . . and then the mind-set of December where you took the bull kind of . . . or the “John Clark” approach and you send in the mighty hand. That is the examination that needs to look . . . even as we look beyond the events of this, Mr. Speaker.

Mr. Speaker, I just want to close by causing us to reflect on the tenet of this motion here today. Why is it necessary for us to inquire into the events of December 2016? Because it was so serious and unprecedented in modern Bermuda, that we owe it to ourselves to get to the bottom of it. Why should we bring closure to this? Why not? Because, as I mentioned, Mr. Speaker, many of the persons who were impacted by the events of December 2nd, 2016, were seniors. Some may not even be around too much longer.

Why should we just be concerned enough to have recommendations coming on the officer side of it and give those in leadership a free pass? No, Mr. Speaker, we cannot allow that. We cannot allow that because our police service is too important. Their roles are too significant for those in leadership to be held to a standard far less than what you are going to hold that constable to. And why must we submit its report to the House of Assembly soon? Because already this is one year, Mr. Speaker, and already one year has passed and much of what happened that day remains to be brought to the sunshine of public scrutiny.

Mr. Speaker, I look forward to listening to the debate that will follow, and an opportunity to reply at the end. And I thank you for allowing this motion to be tabled, not on behalf of Kim Swan, but on behalf of the Progressive Labour Party representing the people of Bermuda, the people of these Islands who up until this date on this particular instance have not seen the bottom of the truth unearthed.

The late Martin Luther King used to say, “Truth crushed to the earth will rise again.” This truth—the truth pertaining to this incident on December 2nd, 2016,—will be unearthed for the benefit of future generations and for the benefit of those who were involved on that day. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Member.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 9. Honourable Member Moniz, you have the floor.

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

I rise to my feet on behalf of the Opposition to congratulate the idea of this motion from the Honourable Member. We agree on this side of the House that there should be further investigation into the actions of December 2nd, 2016.

As I stood to my feet to take the point of order I just have to urge Members when they are on such a committee to have an open mind, to try not to have any preconceived notions. It is very difficult in a situation . . . and I hear somebody laughing. They think that is funny. But it is very important in this situation. All of us . . . I do not think there is anyone in Bermuda that does not think that the happenings of that day were very unfortunate and were very negative for this community as a whole.

But there are, you know, a number of points to be made. And there you have to remember (and I think the Honourable Member who spoke perhaps missed out some of them) there were facts at the time . . . and he said in his speech, he said, *Well, what was the difference between March and December?* What was the difference? And in my humble opinion, the difference may lie in the point where in March people were called out to have a peaceful demonstration and to not break the law, not to interfere with parliamentarians, Ministers, people going about their normal business in the House of Assembly. And at that time, even then, there were problems. People . . . their actions occurred, like one of the doors in this building was nailed shut, some difficulties happened. They were very challenging circumstances even though, at that time, a peaceful demonstration was called for which would not interfere with anyone’s daily activity, certainly anyone in authority.

Of course, in December what happened was people were called out for a demonstration; they were called out by some people for civil disobedience.

Mr. Christopher Famous: Point of order, Mr. Speaker.

The Speaker: Point of order. We will take your point of order. Go ahead, Member.

POINT OF ORDER

Mr. Christopher Famous: No one was called out for civil disobedience on December 2nd. We were called out to stand for democracy and transparency.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Hon. Trevor G. Moniz: Yes, Mr. Speaker. I beg to differ with that. There were a number of people that . . . I think that he may mean to say that he did not call someone out for civil disobedience, and that may well

be true. But there were calls for people to come out and make demonstrations. There were even people who made statements who said, *I am going to come out . . . I am going to have civil disobedience, and I am willing to take the punishment because I am standing for my principles.* There were even people who came out and said that. So to say that everyone came out purely to have peaceful demonstration . . . I do not view that as a likely outcome with any investigation.

Now, what in fact did happen, and appeared to have happened, is that people were obstructed from getting into the grounds of Parliament on that day. And as everyone had pointed out—people like the Centre for Justice that carefully pointed out, certainly I had pointed out in a public statement I made—that these were breaches of the law in terms of blocking any parliamentarian, any Minister, anyone who had official duties in this place. If they were blocked from reaching this place, then that was a breach of the law. And there were a number of people who were called to court, and I think in the end most of them were bound over to keep the peace and they admitted the facts which were alleged. Those facts were never disputed. None of those findings were ever appealed by anyone. So to say that, you know, this was completely untoward on that side is not true.

Now, however, we do not dispute that on the other side we are not happy with the situation that got to a point where people, particularly elderly people, were pepper-sprayed. Now, the Honourable Member got very, very, excited and, perhaps, got a bit carried away with his testament quoting, and his drama, talking about bones being broken and people being hurt. But he was talking about other situations—

Mr. Hubert (Kim) E. Swan: Point of order, Mr. Speaker.

The Speaker: Yield Member, we will take a point of order.

Point of order.

POINT OF ORDER

Mr. Hubert (Kim) E. Swan: I think the Honourable Member is [imputing] improper motives on myself. I was relating what was shared with me by a person who was involved in that. I would be happy to introduce the person to the Honourable Member.

The Speaker: Thank you, Honourable Member.

Mr. Hubert (Kim) E. Swan: And this House.

The Speaker: Thank you, Member.

Hon. Trevor G. Moniz: Is he saying that people had bones broken on December 2nd, Mr. Speaker? I am

not quite sure what he is saying. He has gone silent, so.

The Speaker: Well, if you are asking the question were people seriously injured that day?

Hon. Trevor G. Moniz: No, no; were bones broken?

The Speaker: The answer is yes to that.

Hon. Trevor G. Moniz: I know. I am asking—

The Speaker: The answer is yes.

Hon. Trevor G. Moniz: —him if bones were broken.

The Speaker: People were seriously—

Mr. Hubert (Kim) E. Swan: And the member that related it to me, Mr. Speaker, was fearful of more than just his bones being broken; he was fearful for his life. Those were his words to me, Mr. Speaker.

Hon. Trevor G. Moniz: So his bones were broken you are saying. Is that correct? I am not sure about what he said.

The Speaker: Member, let us not get caught up on semantics over there, because the bottom line is that people were injured. Let us move on.

Hon. Trevor G. Moniz: Yes. Clear enough. I am not sure if “broken bone” is technical to the person who has it, but we will move on.

We agree with this. We agree with this. There is obviously more than one point of view. And I know Members are going to be very emotional today, and I noted that people . . . for example, that Member was talking about my involvement. As Attorney General I had no further involvement than over a month later I made a statement as to what the law was. In fact, the first people who came out and stated what the law was after the event were the Centre for Justice. And that was with reference to quoting section 12 of the Parliament Act, which makes it an offence to interfere with the free exercise with this House, of its authority, or with the free exercise by any Member of his duties or authority with such. So, of course, that day was a Friday. Members had to attend the House, Ministers had to attend the House, [and] they were unable so to do. Those were breaches of the Parliament Act.

There also could be a breach of the Criminal Code, and there were other offences, generally, under the Criminal Code. And as I said previously, some Members had gone . . . some people had gone before the courts, and I do not think . . . on those occasions I think people were bound over to keep the peace. inSo I do not think any of that are matters which are in dispute.

Now, I think the Member, for some reason, wants to have a go at the Acting Governor. He read out the statement that she made after the event, and I myself did not hear anything in that which was objectionable. I do not . . . I have difficulty, Mr. Speaker, in anything in that statement being objectionable at all. So I do not see what . . . and he mentioned her getting some sort of an honour. And I think that was generally for work which she had done in St. Helena. So I think it was unrelated to the events of that day. So it is misleading with respect to that Member.

But as I said, we had serious concerns with what happened that day. People in this community do not appreciate it, and it was a terrible thing. We should not see that. And from my own personal point of view, over the course of time there had been a number of demonstrations. They had come very close to being problematic, as I said on one occasion with doors being nailed up. There were other cases where, I think, the Senate was invaded. So there were a series of events leading up. And when the Honourable Member says that, you know, there is a broader context to all of this, there indeed is. And we agree that a committee should be appointed. They need to have an open mind and we will see what comes of that.

So I urge Members to not get too emotional on this matter because it should be left to the Committee to form those conclusions, not for Members of the House today to be jumping up and saying what their conclusions are. Otherwise, as far as the members of the public are concerned, the appointment of a committee would be a waste of our time.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

No other Member?

I recognise the Honourable Member from constituency—

Hon. Michael J. Scott: Thirty-six.

The Speaker: Thirty-six.

I recognise the Honourable Member Michael Scott. You have the floor.

Hon. Michael J. Scott: Mr. Speaker, thank you.

Mr. Speaker, we find ourselves on the anniversary, nearly by a day, of the terrible events as I recall them and as I lived them last year almost to the day.

The motion in the name of my colleague, the Honourable Member Mr. H. K. E. Swan, is that the House acknowledges that the PLP Government, having declared its intention to establish a Committee, a Joint Select Committee, and as the former Attorney General who has just taken his seat has said, this Committee ought to go about its work dispassionately, clinically, to look into these events to ensure that we

find out who was responsible for mandating the complete collapse of good order and of civility in our Island, to a day, 12 months ago. Who was responsible for it?

And today we need not speculate, but at the time the chronology was clear to myself, to yourself, Mr. Speaker, and we will recall (you will recall) the role that we played as the events unfolded in their most terrible of aspects when the police arrived armed with helmets looking menacing. And it sent a shudder throughout the assembled protestors—all there justifiably to express a civil opposition to the airport Bill going through and to express their democratic rights to prevent, stop by any means necessary, this airport Bill being debated.

It was the country called to arms. They felt . . . and the Opposition supported them completely in debate after debate in this House against this airport Bill, which culminated in the forced bringing of this airport Bill to this House against the express wishes of a large section of this community.

And so, yes, there must be an investigation into why people were harmed that day, not only in their emotional feelings, but then were physically harmed by the unwarranted use by the police, with that masked phalanx of police officers seeking to just break through a number of citizens—a good deal of citizens—standing at the gates of Parliament. And later it escalated to the use of incapacitant spray.

So the motion calls for the investigation into the decision-making, and the decision-making being taken by the Executive, the Premier (then, Premier Dunkley), advised by his Chief Legal Officer, the Attorney General no doubt, spurred on, no doubt, we know by any reasonable conclusion about Executive decisions that day by the Minister of Finance, who was determined to have his motion . . . to have his Bill passed in this House.

That is as far as my assessment and analysis will take it, that the Executive decision-making referred to in this motion is to be called into question as a consequence of the collapse of law and order that day . . . as a result of the collapse of the good administration of a reasonable Government faced by a legitimate protest from a significant number of citizenry saying no, and the Government taking the bullheaded position of, *Yes, we shall get into this House come what may, come hell or high water.*

These were bad decisions—administratively they were bad, legally they were bad, they were the decisions of a . . . they were not the decisions of a reasonable Minister of Finance or a reasonable Premier or a reasonable legal advisor in the person of the Attorney General (who just took his seat when speaking), and any other Minister or Backbencher of the OBA that day who were in support of the decision to break through a crowd on Parliament Street and enter this House. These were unreasonable decisions. They were . . . it may be found by the inquiries of this Joint

Select Committee to be wrongful decisions; they may be found to be unlawful decisions.

But a dispassionate Joint Select Committee of lawyers, ordinary citizens, Members of this House, in whatever capacity we can fairly pull together from the membership of this House and the other place, to not do what was recommended in the newspaper the day following, which was to forget this day—*A day to forget* . . . but it was a day that must be remembered and never forgotten and never repeated, which is the reason why we should have this investigation at the level of the Legislature. So we want to find out about the decision-making that day. We want to understand what directives were exchanged between the Premier and any of his advising Ministers and the Speaker of this House, the then Speaker of this House. Because as far as we have been able to understand, the then Speaker, the Honourable K. H. Horton, was put in the position of also having a role in interfacing with the decision makers that day. And, of course, then the steps taken or the decisions made as passed on to the police to deploy that day the unwarranted, is one word . . . but they are more particularly characterised in their own findings in the independent report that was made by the independent police inspector from the United Kingdom who looked into these matters.

I recall that the Commissioner of Police found himself (as he expressed it to myself) in an invidious position of being between the politicians of the day on the two sides—the OBA and the PLP. And he expressed this view, that he was put in this position and that better decision-making—or, as the law puts it, wiser, more reasonable decision-making—would not have caused his deployment either at the gold level or the silver level or the bronze level, to put his police officers, with whom I came face to face on a number of occasions on December 2nd of last year, who with pained deployment of their duties found themselves staring me down, staring down senior citizens, and just ordinary citizens of this country, pushing against them, trying to break into the House.

These are the reasons why we call for this investigation at the legislative level because the police did not want to do what they were doing down there at the rank and file level. And I am now advising that even the Police Commissioner felt that he was put in the most invidious position of carrying out unreasonable demands, directives, whatever they were, of the decision makers of this day in coordination with the Speaker.

I do not wish to prejudice any assignment of fault or wrongdoing. But, plainly, there was communication between the then Acting Governor, Mrs. Ferson, there was communication which we saw demonstrated in telephone records that we accessed through PATI requests, there was communication between the then Premier Dunkley and Government House, there was communication about what should be the tactic and strategy to enter this House as a consequence of

the communication between the then Speaker of the House and any number of those persons in authority—the Acting Governor or the Premier—of the day.

All of this combined to create one of the most serious of days for us in this country. And we should not make this a clinical matter of, *Well, we want to inquire into it because we are legislators*. People were hurt, as you indicated, Mr. Speaker. People were hurt from ages beyond 65 and over, middle-aged workers, union workers . . . people were hurt. People had incapacitant sprayed at them, which also caused them hurt. People had their sentimentalities, their expectations of a reasonable Government, tested sorely that day. And the initial response of looking into the police conduct is now a matter of record, that the police deployments that day were overwhelmingly ill-advised, not based on sufficient training, and bound to have come to the very outcome that they came to, which was a complete and utter failure to carry out the supposed objective and end.

Mr. Speaker, the motion then seeks to examine closely the decision-making of that day. That is what I am concerned and interested in from a legal perspective, from a legislator's perspective, and from a citizen's perspective—the decision-making that led to directives that led the police to take this action which resulted and precipitated the events that included citizens being pepper-sprayed by police officers.

Now, once that investigation is properly deployed in this House by legislators, then the good work will start and there will be, under the Parliament Act, the power to call for witnesses on that day. Members of this House will be called, no doubt. Members on both sides of this House will be called. I will no doubt give evidence to such to the Committee and share what I saw and what I did. But many other members of the community . . . and there has been a cast of thousands . . . hundreds, to be accurate, who can be called on to give an account so that we come to or this Joint Select Committee comes to a clear understanding of cause and effect, of blame and responsibility, of absolvment and innocence.

So once struck under the Parliament Act, Part IV thereof, our Committee will inquire into the events thoroughly. We hope that this will bring closure to the event. And we know that it will result in and lead to findings and recommendations and, where required—and I do not mind indicating my recommended amendment to the wording here—where required “recommended sanctions,” because this House need not and should not be making sanctions. Sanctions are for the courts if indeed the findings warrant sanctions. Civil, criminal sanctions are what I am referring to in this regard.

People were hurt. Negligence has been laid at the feet of the deployments that day by the police. So, certainly, civil penalties and criminal sanctions arise just as a start for assault. Defences, whether they are raised or not by the police that they were responding

to acts of unlawfulness, will have to be examined, and questions of constitutional rights to publicly protest will be put in the balance, and these investigations will come to a conclusion about what and where the findings . . . where they find themselves and how they should be finally resolved and in whose favour.

And finally, the report of the investigations and proceedings of the Joint Select Committee should be made, tabled in this House, tabled before the public, and we hope that this will bring the required closure because truth will have been added to the absolute cover-up that took place [in the] days following December 2nd as we struggled to understand from the Executive of the day—the OBA Government—who made the calls for the police to be deployed or to break the lines and get into this House. What were the communications that led to it, et cetera, et cetera? We know that the police attempted and failed.

Mr. Speaker, so the motion is a good motion. The motion is a necessary motion. The motion is one that will look into, as we ought [to] as legislators, who faced, witnessed, took part in these awful events one year ago. And we should be doing it on behalf . . . primarily, we should be doing it in the name of a good democratically organised community. We should be doing it on behalf of those who suffered the highest levels of assault and insult that day. We should be doing it because people need to have legislators who take it unto themselves to make unwise and unreasonable decisions leading to harm to people, called to account and held responsible for their actions.

And so, Mr. Speaker, this body will thankfully call for a Joint Select Committee . . . I beg your pardon, it will vote to have a Joint Select Committee established so that it might get on with its work within the stipulated period, and on or before the conclusion of that period we should have a better understanding, a clearer and truthful understanding of what took place and why it took place. And to my mind there can be no more important or urgent a body of work to be carried out to reflect, report, and inquire into the events of December 2nd, 2016.

So I want to urge and express my thanks to the Member who pilots this motion in his name. I want to commend this House for the courage of adopting the motion wholeheartedly or unanimously because it will show that we are all of one accord on this most important and serious event one year ago. Obviously, these kinds of exercises . . . I beg your pardon, I do not want to . . . it deserves the word . . . it deserves the characterisation higher than an “exercise.” These kinds of *necessary legislative responsibilities* should be discharged today, as we are doing so, because people want to understand and know what and why the police were deployed in that way one year ago in these near vicinities of this House.

I was involved in the further Executive and Judicial decisions taken to charge persons with summary offences under the Parliament Act and the Crim-

inal Code. And this was a course of action which was reactive, as well, and I submit [it was] wrong. And it was proven to be ill-advised when the court proceedings, the judicial charges, were, at the instance of the Director of Public Prosecutions, essentially backed away from on a compromise of having everyone or, I think it was 12 defendants, enter into bonds to keep the peace rather than go through trials that were meant to end with convictions for people expressing their constitutional rights of public protest.

And so that becomes a relevant feature in the investigation, and I am glad that the Director of Public Prosecutions, Mr. Mussenden, took the bull by the horns in this regard and prevented the country—the entire community—being exposed to the charade, to the unnecessary charade of citizens being charged in court for the offences that were laid at their door. It was reactive and it was not the right thing to do. And I think Mr. Mussenden was alive to the fact from the beginning that this was not the right thing to do.

Today we do the right thing by striking this Joint Select Committee to have as judicious an investigation and inquiry as can be mounted so that we understand what took place on that fateful day. And so may it quickly pull itself from this discussion to a Committee that has been struck and structured and mandated to carry out its mandate under this motion by the Honourable Member Mr. Swan.

The Speaker: Member, are you finished?

Hon. Michael J. Scott: Yes, Mr. Speaker.

The Speaker: I just want to ask because you made mention of the fact that you were going to make an amendment regarding the sanctions. Did you actually make that as a motion?

[Inaudible interjection]

The Speaker: You need to move that as a motion if you intend to do that, or you can do it at some other point. But I would suggest you do it now.

Hon. Michael J. Scott: I would be happy to make this simple—

The Speaker: Because you are correct in that the Committee that will be formed would not have the authority to impose the sanctions as you described, so I would suggest that if you intend to make the motion—

Hon. Michael J. Scott: Sure.

The Speaker: —you make the motion and we can vote on the motion and have that amendment made now.

Hon. Michael J. Scott: All right. I will try and do it [by] the seat of my pants . . . but I could take my seat, write it and pass it in. But I am having an indication from Mr. Scott that this might be a smoother way of doing it.

But to speak to it . . . and I have heard the Shadow Attorney General indicate, it is to simply indicate—

[Inaudible interjection]

Hon. Michael J. Scott: Okay. Which is to allow for the recommendation of sanctions arising out of the investigation, but I have not got . . . I have not got my mind wrapped around [it]. I do not want to delete or make any . . . I do not want to leave it without any reference to sanctions.

[Inaudible interjection]

Hon. Michael J. Scott: Yes. So I will sit down and draft it, with your leave, Mr. Speaker.

The Speaker: Yes.

Hon. Michael J. Scott: And take the opportunity to either have it inserted or read by a speaker or, with your leave, I will do it. Thanks, Mr. Speaker.

The Speaker: Good.

Now, does any other Member wish to speak?

We will recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

Mr. Christopher Famous: Good afternoon, Mr. Speaker, thank you.

The Speaker: Good afternoon.

Mr. Christopher Famous: Mr. Speaker, the Honourable Member from constituency 2 who brought this motion had to rely on witnesses telling him about what happened.

Mr. Speaker, I was there along with many others on the other side and many other Bermudians. With your indulgence, Mr. Speaker, I would like to start with a quote from the former Premier.

The Speaker: Yes, continue.

Mr. Christopher Famous: ²“What transpired in Bermuda last Friday was disheartening to see and unacceptable. Let me be very clear, I do not condone the violence that occurred against our citizens and was deeply troubled by what occurred.”

Let me repeat, Mr. Speaker, the former Premier said, “I do not condone the violence that occurred against our citizens and was deeply troubled by what occurred”—Premier Michael Dunkley.

Mr. Speaker, it is clear that even the Premier of that day saw that it was violence against citizens. So it is necessary to have a motion when we have violence against an individual, and especially against groups of Bermudians.

Mr. Speaker, let me further quote something from the Commissioner of Police himself, Mr. Michael De Silva. During a press conference on December 2nd, the Police Commissioner stated:

³“Once it was announced that the House would sit, police initiated positive action to open a path . . .” (to the House). “Police officers approached the protestors that were blocking access, warned them that they were committing offences, and instructed them to desist. Immediately the crowd surged and some of the protestors assaulted the officers. . . . Some officers deployed incapacitant spray . . . in a proportionate response to disburse the crowd and create a safe separation.”

Mr. Speaker, on that day there was one initial set of police officers that came and spoke to the crowd, and there is not one shred of video evidence or photographic evidence of the crowd surging into the police officers. What happened, Mr. Speaker—and I am speaking from first-hand experience—is that a second group of police officers made their way along Church Street heading west and then on Parliament Street heading south and barrelled right into the crowd without stopping, without saying, *If you don't move we're going to do this*. The first set of officers was surprised by the second set of officers. That means that there was no communication between the two of them.

Mr. Speaker, earlier that day I happened to be walking up Court Street at approximately 12:30 [pm] and at that time there was a funeral procession for Sergeant Keith Whorms heading north on Court Street. I stopped, looked at the procession, and then proceeded south on Court Street. As I walked across the Police Station, at the corner of Court and Victoria, I saw a white van pull up. At first I did not pay it any mind. Then I was saying, *Why are guys in a van wearing helmets?* Then I realised this van stopped outside of the Police Station and out came police officers in full riot gear at 12:30 pm, Mr. Speaker. I want that time frame to be kept for a reason.

Mr. Speaker, I find it highly interesting that then Premier Dunkley had a conversation with . . . that he acknowledged having a conversation with the then, well, current, Police Commissioner, less than 10 minutes before the riot squad came around the corner. Think about that for a minute, Mr. Speaker. The Premier of this Island has a conversation . . . I do not

² [Bernews](#), 4 December 2016

³ [BPS media release](#), 15 December 2016

know who initiated the conversation, but the Premier of this Island has a conversation with the Police Commissioner at just after 1:00 [pm] and less than 10 minutes later the riot squad comes around the corner and barrels straight into women and seniors.

Now, Mr. Speaker, there are those who are going to say as the Honourable Member from constituency 9 stated, that there were calls for violence, and people were prepared to go to jail and . . . Yeah, people may have been prepared to go to jail; but nobody was prepared to be barrelled into by the police.

Mr. Speaker, I find it suspect that at 12:30 [pm] the crowd outside was 70 per cent women and the police were in full riot gear. So why would someone call . . . they had to be giving orders, why would police be called in from other parts of the Island to don riot gear by [noon] in order to be at the Police Station by 12:30 [pm]? Who gave those orders, Mr. Speaker?

And the timeline of [the] conversations between the Premier (the then Premier) and the Commissioner reveal that there were calls all through the day. Now, I am not saying that somebody called somebody and said, *have the riot gear*, but it looks awfully suspect.

Mr. Speaker, what makes it even more suspect is that there were countless demonstrations. We have always had demonstrations on this Island. I recall one day riding along the road on Reid Street here and seeing a demonstration of people in 2009. I do not know if anybody recalls that. There were like a thousand people. I was like, *Wow, white Bermudians can protest*. And they had placards and they were saying, *Down with Brown, Up with Cox*. But what I did not see, Mr. Speaker, was any police in riot gear. Why is that? I will yield if you would like to answer that.

[Inaudible interjection]

Mr. Christopher Famous: I will yield, Mr. Speaker.

The Speaker: Okay. We will be tolerant and allow the former Attorney General if he wants to shed some light on that.

POINT OF CLARIFICATION

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

Mr. Speaker, I do not speak for the police, but I just reiterate what I quoted earlier from the law in terms of . . . you are not able, under law—under either the Parliament Act or the Criminal Code—to block parliamentarians from doing their business in Parliament. On that day parliamentarians were not able to reach Parliament, so it is the police's job to ensure that the law is kept. And the Centre for Justice pointed out that you have a constitutional right to free assembly, but you cannot block the public or officials from getting to their place of work and doing what they

have to do. And it is the police's job to make sure that people obey the law.

The Speaker: Thank you, thank you.

Mr. Christopher Famous: Fair enough, Mr. Speaker.

Some people will rely on laws from racist days, but . . . Nevertheless, Mr. Speaker, we have had protests up and down this Island, many protests outside this very building. As the Honourable Member from constituency 2 said, we had thousands of people outside of this building in March and there was no incident. The only incident was somebody who got drunk [and] had to be escorted off. The police were walking around, people were clapping at police, everybody was *Kumbaya*.

For some reason, of all the protests during the time of the OBA, they were determined that this legislation was going to go through. That also has to be kept in our mind.

Mr. Speaker, I see a lady in the Gallery right now who I would like to recognise as someone who was deeply hurt on that day. And Mr. Speaker, I could not believe my eyes. I did not have to have witness accounts; I could not believe my eyes when police officers of this country were laying their hands on women.

Mr. Speaker, if I were just to go up to a woman now and lay my hands on her, I could go to jail. So why is it so different that police officers felt that they could put their hands on women and nothing is supposed to happen to them?

Mr. Speaker, I am grown man, but I cried that day. I did not cry because the police had their hands on my neck. I did not cry because they pepper-sprayed me along with others. I cried because I saw something that I never thought I would see in this country—grown women laid out on the ground. An ambulance had to come for them. Grown men crying.

Mr. Speaker—

[Inaudible interjection]

Mr. Christopher Famous: I beg your pardon, sir?

[Inaudible interjection]

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

Mr. Christopher Famous: Mr. Speaker, there are those who are going to say *just get over it!* There are those who are going to say *the people got what they deserved* as far as being pepper-sprayed. Anyone who has felt pepper-spray does not deserve that.

So I want to know . . . I also remember that the then National Security Minister claimed that he knew nothing about this operation. And I find it suspect that somebody who was the Minister did not

know anything about one of the most critical operations that the Bermuda Police were going to carry out.

So, it seems to be that everyone is playing a game of denial. I did not know—

[Gavel]

Mr. Jeff Baron: I'm coming across.

The Speaker: You can't come this way, partner. Go the other way. Let's go.

Mr. Jeff Baron: MP Baron, not "partner."

The Speaker: Baron, MP Baron—

Mr. Jeff Baron: Not "partner."

The Speaker: MP—

Take a seat, Mr. Famous.
MP! MP!

[Crosstalk]

[Inaudible interjections]

The Speaker: No, no, no, I am asking you to come here to me.

Do you have a problem with me just now?

Mr. Jeff Baron: I said, "MP Baron; not partner."

The Speaker: I corrected that.

Mr. Jeff Baron: Thank you.

The Speaker: And I would expect you to use a different tone. I did not say it to you in a demeaning tone; I was trying to address you to come back so you did not continue the infringement.

Mr. Jeff Baron: All right. Would you have taken that personally . . .

The Speaker: I was trying to help you.

Mr. Jeff Baron: Okay, well . . . MP Baron, not partner.

The Speaker: When my help is offered, accept it as help that is being offered.

Mr. Jeff Baron: I appreciate that. I appreciate that.

The Speaker: Okay. Thank you.
Continue, Member.

Mr. Jeff Baron: Thank you, now—

The Speaker: You can go where you are going.

Mr. Jeff Baron: Thank you, Mr. Speaker.

Mr. Christopher Famous: Mr. Speaker, I find it suspect—

[Inaudible interjections]

The Speaker: Ooh! Ooh! Ooh!

[Gavel]

The Speaker: Um—

[Inaudible interjection and general uproar]

The Speaker: You know—

Mr. Jeff Baron: I have a point of order. He is imputing improper motives . . . so how may I call a point of order, Mr. Speaker?

The Speaker: If you go here and speak to your Member on this side, he will help you to get to your seat correctly.

Mr. Famous, you still have the floor, continue.

Mr. Christopher Famous: Mr. Speaker, let me repeat, I find it suspect or highly interesting that the then Minister of National Security knew nothing about this—

Mr. Jeff Baron: Point of order, Mr. Speaker.

The Speaker: I will have the Member yield for your point of order.

POINT OF ORDER

[Misleading]

Mr. Jeff Baron: The Member, Mr. Speaker, is misleading the House. At no point did I ever say that I did not . . . that I was not aware of the police operation at all. Completely misleading.

The Speaker: Thank you for your point of order.
Mr. Famous, continue.

Mr. Christopher Famous: If the fish never opened his mouth . . . Well, Mr. Speaker, it is interesting that the former Minister of National Security is saying that he knew about this operation. Because I can recall, Mr. Speaker, either reading or hearing someone say, *I knew nothing about this because I was at a funeral.*

Mr. Jeff Baron: Point of order, Mr. Speaker.

The Speaker: We will take your point of order.

POINT OF ORDER*[Misleading]*

Mr. Jeff Baron: Mr. Speaker, the entire police operation was the subject of a report, as the report we have already seen (the independent report) has revealed. This report was out days before this operation. If he is speaking specifically to tactics, then he should clarify it. The Report of Operations was made available well before then. He is misleading the House. He is misleading Bermuda. He is misleading everyone who is listening to this.

The Speaker: Your point did not add much clarity to it, but we recognise you made a point.

Hon. Trevor G. Moniz: Point of order, Mr. Speaker.

The Speaker: Former Attorney General, you have a point of order?

POINT OF ORDER*[Misleading]*

Hon. Trevor G. Moniz: Well, the difficulty here in terms of misleading the House is whether we are getting into evidence that the Committee would hear. You know, it is what I warned at the beginning. Are we trying to be a committee in the House and arrive at conclusions or are we going to appoint a Committee?

[Inaudible interjection]

Hon. Trevor G. Moniz: It is an open debate on whether to have a Committee to investigate this; not to give evidence.

The Speaker: Attorney General, I recognise the concern that you have addressed, but as you know, as a Member who has been around here for a number of years, an open debate allows it to drift in many different ways. We will remind Members that they are not here during this debate to draw the conclusion. That is a fact. But they do have the ability to have a broad debate if they wish.

We would trust that they understand and appreciate that at some point this will come to a vote that will put in place a Committee that will go away and do the investigative period; but this is not that period now. But they do have the latitude to be broad.

Hon. Trevor G. Moniz: But my concern is that we not be seen to undermine the integrity of that Committee, when it is appointed, by saying that the conclusion has already been arrived at. So that is my concern.

The Speaker: Members are expressing their view and their opinion of that particular date.

But I am reminding Members that the intent of this motion is to allow the House to formulate a Committee that will do the investigation, and not necessarily for the investigation to take place on the floor of the House at this time.

Continue on, Mr. Famous.

Mr. Christopher Famous: Thank you, Mr. Speaker.

Mr. Speaker, with your indulgence, I would like to read something from the [Royal Gazette](#) of December 5, 2016.

The Speaker: You can continue.

Mr. Christopher Famous: The headline says: "Baron: I was not consulted on police actions."

I will quote, Mr. Speaker:

"Senator Jeff Baron, Minister of National Security, said he was 'troubled and concerned' by the altercation between police and protesters last week.

"And he pointed out he was not consulted before police moved in.

"The comments came shortly after Walter Roban, the Shadow Minister of National Security, released a statement questioning the senator's silence.

"In a statement this evening, Mr Baron said: 'Certainly I remain troubled and concerned about the events that unfolded last Friday. The injuries suffered were unfortunate and regrettable and I have personally reached out to and spoken to those members of the public and to the police officer who was hurt.

"As it relates to the operations on Friday, I wish to advise that as minister I was not consulted, nor informed of the tactical options discussed and decided upon by the Bermuda Police Service or anyone else on Friday."

That kind of contradicts what he just said.

Some Hon. Members: Yes, yes.

Mr. Jeff Baron: Point of order.

The Speaker: We will take your point of order.

POINT OF ORDER*[Misleading]*

Mr. Jeff Baron: Mr. Speaker—

The Speaker: Yes.

Mr. Jeff Baron: —so, clearly, I agree with 100 per cent of what the Member just read in the paper. I have not . . . he is misleading the House, yet again. I will not stand here and be impugned.

Mr. Christopher Famous: That is what you said.

Mr. Jeff Baron: I did not.

Would you like to read that again?

I did not. I will not stand here, Mr. Speaker, and be impugned. I did not say—

The Speaker: What I am going to allow—

Mr. Jeff Baron: I did not at any time, Mr. Speaker—

The Speaker: Okay.

Mr. Jeff Baron: —say I was not aware of the operation. At no point did I say that.

The Speaker: Thank—

Mr. Jeff Baron: We will not rewrite history, Mr. Speaker.

The Speaker: Thank you, Member.

Member, you have made a few points of order on that matter. What I am going to suggest is that if you do not like the suggestion that is being made by the speaker at this time, you have the ability to rise to your feet when he, or any other Member, finishes to set the record straight, if you think it is not being set straight. I recognise you have got some concerns. The Member has . . . what he read just now was something that was publicly released. He read that. He read that.

[Inaudible interjection]

The Speaker: Uh, uh, uh, uh, uh, uh . . . uh.

So all I am asking at this point is that we will let the Member come to a conclusion on his feet and then you can take to your feet at any time you wish.

Continue on, Mr. Famous.

Mr. Christopher Famous: Yes, Mr. Speaker.

This highlights why we need to have an inquiry, Mr. Speaker, because my initial comment was I find it highly interesting that the then Minister of National Security could say that he knew nothing about this operation. That is all I said. He got up, point of ordered me, and said, *I knew*. So, what I am saying, Mr. Speaker, is that either he knew or he did not know, but I find it suspect that ministries under his remit would not inform him.

[Crosstalk]

The Speaker: Continue to speak to the Chair. Speak to the Chair, do not get caught up in the side comments, just speak to the Chair.

Mr. Christopher Famous: Mr. Speaker, this . . . 364 days ago was the worst day Bermuda has ever seen in quite some time. Without a doubt it changed the mind-set of how Bermudians see the police officers,

how Bermudians see each other through a racial context, as if it could get any worse.

In a time that we need, as a country, to have good relations between the police officers and the citizens, a motion—this motion to get to the bottom of this—would help that because right now many police officers are painted with a brush as, *You were part of this, you were part of this, you were part of this*. I have had police officers come to me and say, *Hey, Famous, I weren't a part of that there brah, or, I didn't know nothing about that there*.

Somebody knew because there is no way 20 police officers can put on riot gear, come around the corner and go straight into civilians.

So again, Mr. Speaker, I applaud the Member from constituency 2 for bringing this motion. And I would implore those who would sit on the Committee to find out the facts, because what we have been presented with by this “Independent Police Report,” which basically says the same thing that the Police Commissioner said, seems to be (for lack of a better term, Mr. Speaker) a whitewash. And as a country, as the Honourable Member from [constituency] 2 said, there are those who are going to be in this country who need to know the answers before Mr. Augustus comes for them.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak to this matter?

No other Member is speaking?

I recognise the Honourable Minister. Minister Foggo, you have the floor.

Hon. Lovitta F. Foggo: Yes, Mr. Speaker, thank you for the opportunity to speak.

I feel compelled to speak on this matter in terms of the impact that it had throughout our society. There is no one that can argue that an injustice took place on December [2nd] last year. That injustice played out in the public before many people who happened to be near the House of Assembly that morning.

And I get up to, more so, stand in support of the Member who just took his seat with some of the comments that he shared. Being on the sidelines and having a direct view of what took place I, too, witnessed riot police coming onto Parliament Street—very much to the surprise of other police officers that were dispersed around the House of Assembly. And, though I will not name the police officer, there was one police officer who seemed to be in charge of some of what was going on that day who made it very clear, by speaking it directly, that he had no knowledge of riot police officers being asked to come out. None whatsoever. And it was the riot police officers that barged their way into people. And you know

there are some who would say that it was an assault on their persons.

Mr. Speaker, I was in total shock—total, total shock—to see officers who were there to keep peace . . . incite, if you will . . . I do not want to call it violence, but that . . . it seemed like some violent actions that were taking place.

Mr. Speaker, for those who are not aware, who sit in this Honourable House, people of the public were hurt. I can say I had family members who were hurt, who suffered weeks afterwards with eye issues because of pepper spray being sprayed directly into their eyes. And I understand from a physician that there are cases, when people are sprayed like, that this can lead to blindness because pepper spray can cause blindness. And that was confirmed, Mr. Speaker. I had a constituent who was hurt. I had a friend who was hurt. And I can say, Mr. Speaker, with the friend who was hurt, it was a person who works driving a bus—a female—who was physically assaulted and slammed onto the ground, who had to be taken by ambulance to the hospital, who suffered neck injuries and who, for months . . . and I do not even know if she is operating the bus today, but who for months and even now, cannot drive a bus.

She had her livelihood disturbed. And she was standing by and doing nothing. They aggressed her, physically slammed her to the ground. And today she still suffers from that.

I saw seniors—women in their 80s—sitting on the sidewalk, totally upset, crying, who likewise had been pepper-sprayed and pushed down. And so, yes, that image is etched in the minds of many. And even young people, to this day and probably forever, because it definitely, definitely, totally, gave a different view of, I guess if you will, the role of the police officer.

Many left that day looking at the police as aggressors, people who clearly, clearly, would do something against another individual when they are there peacefully—peacefully and democratically—exercising their rights. And I characterise that as an injustice. And it was, indeed, an injustice on the people of Bermuda that day.

So, Mr. Speaker, because there seem to be differing views and because there seems, in the minds of many—and we are here to serve the people—that justice has not been served, I believe it is incumbent upon this Honourable House to ensure that a Committee is struck up to look into the events of that day, and whatever the recommendations are ensuing from the findings, that they ensure that those recommendations are followed so that we can have that matter properly addressed.

Justice mandates that this matter be properly addressed. The people deserve to have that situation looked at properly, Mr. Speaker. And they have to at least know that we, as their representatives, are willing and are there to serve them and to make certain that we are acting in their interests so that they can

count on us to ensure that we stand up for their rights. Because we are here . . . we are here to do just that. We are here to enact measures that are for the betterment of our people and this, our country.

So, Mr. Speaker, on those notes I want to say thank you to the Honourable Hubert K. Swan for coming here and laying that motion and allowing us, on behalf of the people of Bermuda, to address this very, very, upsetting, very concerning matter that took place a year ago tomorrow and ensure that it has the proper review so that we can ensure that our people are treated in a just and right manner. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member . . . I recognise the Honourable Member, the Minister for National Security. Minister Caines, you have the floor.

Hon. Wayne Caines: Mr. Speaker, you cannot fix what you do not face. You cannot fix what you do not face.

Mr. Speaker, we have heard about the instances and certain things that took place on December 2nd. I actually think that Bermuda is ready for healing. I believe that our country has the scars, the war wounds; our people now have the stress of that day and the people of Bermuda—on both sides—are ready to heal.

In order for any healing process to take place there must be an opportunity for this country to look at this event and look at it and delve into the facts to deal with it [in order] to move on. Almost like the Truth and Reconciliation [Commission] in South Africa. As jaded, as disgusting, as heinous as the past was, they had to look at that and categorically and systematically work through the challenges.

We realise that the things that happened on December 2nd, many of the catalysts, many of the protagonists, they are not in the room today. If you look across the floor there are only two Members of the Opposition present.

An Hon. Member: Correct.

Hon. Wayne Caines: And that is why we have to, on behalf of the people of this country, show them that they are important, that they matter, and we will stand up for injustice every time.

Now the reason why this is important for us to learn from these mistakes, Mr. Speaker, is so we do not repeat them in the future. We could find ourselves, as the Government, in a similar set of circumstances. What we have to do is look at and learn from the mistakes that were made; indeed, chart a path so that if this is able to happen again that we learn from it. What we cannot do is sweep it under the rug. We must acknowledge it so we can fix it. Thank you very much, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

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

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

Mr. Speaker, I solemnly rise to my feet today to actually talk about December 2nd, 2016, because it is one of those days where, I do not care how much we talk about it, I will never be proud of what happened. I will never probably even accept what happened. And those visions of what I witnessed on that day with my eyes will probably never be erased from my mind.

Mr. Speaker, it was an emotional day and it started out . . . it actually started out emotional anyhow, because I know we had been talking about December 2nd, 1977. And so who would have thought that on December 2nd, 2016, we would find ourselves—especially us, people who are younger—in that situation? It is still an emotional day. And at times it can be very difficult to talk about what happened on that day.

Mr. Speaker, that day—December 2nd—in some regards was sort of like a culmination of events, because we were sitting there having had 26 protests in a four-year period. Okay? I could sit here and read them all out to you, but I am not going to take that time. There is another time and place for that. But we had 26 protests in a four-year period. Okay? And so what we saw was coming and we should have probably put the brakes on a long time . . . long before we reached that stage.

Because when you stop and you really think about that, Mr. Speaker, you take those 26 protests, you divide them by 4, the people of Bermuda were protesting almost every other month, if you were going to take some numbers and look at it. Ridiculous! That is not how we can work forward and move together as a country. And the people who were in the spot to make a decision should have looked at that. They should have felt that tension. I sat here on this side and we knew, like, something was happening. We had seen everything erode, from race relations to just tension going on around the Island. It was eroding right in front of our faces. And if it was eroding in front of me, I am sure my colleagues who sat on that side at that time had to know and feel and see what the climate was like in Bermuda.

Mr. Speaker, there are so many things that I could say, but I am not even going to be too long because I do not know . . . no one may want to interview me for whatever. But just being there on that day . . . and then even when I got home that night I remember, because this is one of my favourite days, I actually enjoyed the Bermuda National Trust Walkabout down there in St. George's. I did not go last year. It was my

first time not going because when I got home there was no way I could set my feet down there and be smiling up at people because inside I was crushed. My first time ever not attending because the events that happened out on our roads, our streets, with our people . . . there was no way I could get down there and do that.

And then what made it worse was I was watching the news . . . because in my mind sometimes I feel like, *Did that happen? Did today happen? Did I see the police come marching around the corner and hear clink, clink, clink of boots and stuff like that?* And I am sitting there with my daughter (because I wanted to watch the news and the news was 12 minutes late coming on) and I remember thinking, *We are not censoring the news now.* Like everything is going through your mind because you are already feeling like you are in a situation of . . . like, *Whoa, what next?*

So I did end up watching the news. I remember watching it with my youngest daughter (because she watches the news) and she was like in awe about what she saw. But it was her comment that probably cut me even deeper on that night because she said, *What? Did you see all those police officers, mommy, what they did? I'd punch them if they did that to me.*

I see that as cutting because she has a father who is a police officer. Yes! She has a father who is a police officer, and he had to come home that night and he had to sit down and talk to her. And we had to talk to a nine-year-old like a 19-year-old lady so she could understand what happened in her country.

So many things, like I said, Mr. Speaker, happened on that day. I look forward to getting some of the questions [answered] because I remember hearing the Commissioner of Police talk about this "escalation." And I am trying to understand (because I stood down there on that road that day), what was the escalation. So hopefully, the formation of this Committee will give those types of answers because we should go back and we should read the articles that were written and comments that were made on those days and we should question until we get the answers that we want, Mr. Speaker.

I even often have wondered how my colleagues who sit on this side felt on that day, because you only have this recollection coming from us because you were not there. And I do not care if you looked at it on Facebook live, and all of that, that does not give you that real feel of being there on that day. We might have stood there and, you know, we went and got water trying to help people with their eyes and stuff, but inside, I am telling you people were crushed . . . crushed. An Island almost brought to its feet. And so that is a question I want . . . maybe they will say . . . I mean, because it is one thing if we can politically stand up and say, *We don't condone and we don't do this*, whatever, but when you actually hear stories from people that sat there . . . and I do feel for you

because you can only hear stories because you did not come out on that day.

Mr. Speaker, many unanswered questions. And I just pray and I hope that we get some of the answers that we are looking for. And I do not care, we can tout other great events that Bermuda has had, but this was a dark day in Bermuda. You know you saw that eclipse going across? That is how Bermuda looked and felt on that day, even with the brightness of sun. It was a very dark day in our history.

Mr. Speaker, we owe it to our public to find and give them the answers that they are looking for because small children, teenagers . . . I know when I was canvassing I had teenagers who were talking to me about the event and how it made them feel. And in some cases some of them were saying they were going out to vote as a result of . . . so this whole incident had wide-reaching implications. And so when I stand here today I am proud and hopeful that we will do the right thing in here in terms of forming the Committee and that the Committee will get in immediately and do work because we owe it to our fellow Bermudians to get those answers. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Member.

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

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

Let me first say I want to thank the [previous] Member for her comments. I actually was sitting here and not having any intention of saying much at all to the year-ago situation and then said, *You know, I think some of us are not aware of what we then, as a Government, were going through, and some of us as individuals.* So I appreciate that comment that she would like to hear that. And I am going to give you exactly how I felt on that day.

Having many of us here a similar age, having seen the riots in the 1970s and what took place and how dark it was, immediately that day to see what was taking place, the reminder of the late 1970s and what took place came to my mind. The question that we have today is, in 2017 as we look back, how did this happen?

The question that we are all asking, really and truly . . . and I have attempted since the Prayer Breakfast not to cast aspersions on anyone or come to any judgments, because I know that at times it can get very emotive in these Chambers, Mr. Speaker. So I am attempting to sift through some of the things that I have heard that I may have thought politically you may be trying to cast blame, but I was disgusted.

I was afraid. I was scared for the people that were down there. And, quite frankly, even defiant within my own ranks . . . some of us. So I hope that the

public does not walk away from what we are discussing tonight thinking that only the Government felt distressed about this. There were many of us . . . I walked around the block not wanting to sit in a room and just sit there and watch my cousins walking away having been sprayed and looking me dead in the eye with disgust at what had happened.

So yes, I was scared for them. It was painful for me to watch, but I want to make sure that these Honourable Chambers and Bermuda understand that this is not a one-sided experience that took place. And so for the Honourable Member to bring this to the table . . . I commend him for it. What I am concerned about is how much information will we really get from a Joint Select Committee. I am going to be honest with you. How much can we really dig down to find out what happened? Because I am going to tell you right now, I want to know what happened. I want to know what happened.

An Hon. Member: Yes, we all do.

[Inaudible interjections]

Mr. L. Craig Cannonier: Yes. Yes.

My point is this: You know, we are going to have a whole lot of this going on. You know, I am hearing the . . . this . . . while I am speaking . . .

When are we going to grow up and just allow somebody to speak and listen? You will have your turn. Then listen, just listen.

[Inaudible interjection]

The Speaker: Talk to the Chair.

Mr. L. Craig Cannonier: I am concerned, too, Mr. Speaker, about what took place.

The Speaker: Talk to the Chair.

Mr. L. Craig Cannonier: Yes, I am talking to the Chair, but I want to make sure that everybody in this Honourable House understands where we are as a group.

An Hon. Member: We know where we are.

Mr. L. Craig Cannonier: Oh, yeah.

[Inaudible interjections]

Mr. L. Craig Cannonier: And so, based on that, Mr. Speaker, based on what I have just heard, we have to take a collective agreement here that we could throw a whole lot of blame around. The point is people should have never been in the position of getting pepper-sprayed, at the end of the day. So I am hoping, from this Joint Select Committee, that we come to some conclusions.

And I reiterate my fear that once questions start getting asked, we may not get the answers. And so somehow, as a collective group, as legislators in this House, we need to be able to ensure that the Joint Select Committee has enough teeth to get the answers. This is going to be a challenge for us. I am going to tell you now it is going to be a real challenge, and we will go unresolved to something that is historical, quite frankly. Historical. So, you know, I will declare my interest.

I see my son in the Chambers. And you know it will be another fight that he and I will be getting at over some of these things, as a young man coming up in Bermuda and looking for certain changes that he is looking for. And to hear how disgusted he was at what took place. I mean . . . man, I go back to the same question though: How did this happen? And how did we get here?

I appreciate the Honourable Member Kim Swan from the constituency 2. I hope he would say that it is the greatest constituency on the Island—number 2. I live there and he is the representative there. And I appreciate the passion that he brings to the table. One of the things I am also very cognizant of when he was giving the analogy of Jesus and you know the Centurion who wanted his child to be healed at that particular time, that was drawing nigh to . . . that was the beginning of the end . . . Jesus, when he was going to be crucified, and he goes on the cross and said, *They know not what they do*. They know not what they do. *Forgive them, for they know not what they do*.

The church crucified him. And I have watched Bermudian against Bermudian in that situation—whoa! We were put in a situation whereby we were attacking one another. Unfortunately, the police were in the middle of this here. I am saying “unfortunately.” We do not know who gave . . . or what directives. But I can assure you that the room that I was in . . . the room that I was in was upset. People were walking all around here, *What in the world is going on?* Upset! People were crying, literally crying, Cabinet Ministers in tears, *What is going . . . ?*

I can remember. I said, *I've had enough. I am not staying in this cooped-up room here like this here*. I walked around the block, coming around Market-place here only to walk into members who had just been pepper-sprayed. I was like, *Oh, my goodness! What have we done? What have we done?*

And so somehow, as a Legislature, we are going to have to come to grips with this. Yes, we are looking for answers. And I pray, brother, Honourable Member Kim Swan, that we get some answers. I am praying with the fervour that you had—how you got up and spoke—that we get some answers, man, because this cannot be just a political move. We need answers. So I am asking you to press the envelope for answers. You brought it to this Honourable House; I want some answers, Honourable Member from constituency 2. I

want some answers. So press the envelope for these answers.

I do not know who is going to be on that Joint Select Committee. I do not know who is going to chair it. But I tell you what: None of you over there has got any more energy than myself for the answers. I want the answers too, because we need some resolution. People need to walk away with some resolve in knowing exactly what happened.

And with that in mind I am also reminded of the fact that . . . be careful what we pray for. We have to go down this road, because there might be some unlikely answers. And we need to stand on getting the answers and getting some resolve regardless . . . regardless . . . and this is important, Mr. Speaker, because I know that Members want answers. But it is important that Honourable Members and Bermuda understand that there are people weeping. I mean, people were at each other's throats and did not even know why, in the room. And so what was going on? Bewildered, I mean just completely bewildered . . . bewildered.

And so, again, I think that we are all on the same page here. We want resolve. So I thank you. I believe that we are on the same page; we need a Joint Select Committee. But I also believe that we need to figure out how this Joint Select Committee can get the answers. I do not see the pathway right now. I do not see any answers coming forth through this Joint Select Committee except for, you know, some fluff. We want some answers, Honourable Member. Yes, we want some answers.

So somehow we have got to figure that part out, and I hope that we as a group . . . we are an intelligent bunch up here—although we do not always act like it sometimes. We are very smart up here; we can get some answers and get resolve for this situation.

Back to the question that I asked from the beginning, How in the world could something like this happen in Bermuda, Mr. Speaker?

The Speaker: Thank you, Member.

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

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

I know we often say this when we get up that, you know, *I was not expecting to speak*, and such. And I really was not, until I did hear the Member speak because he said, *How did we let this happen?* And then I went on to reflect on the Member who spoke just before him. We know how we let this happen, Mr. Speaker. It is either . . . you were either woefully ignorant or intentionally blind to not see the unrest that was in this country leading up to December 2nd. There is no other way that I can explain that. It is this ignorance or this intentional blindness that led to these events. That permanent black eye that is now

on this country is a result of woeful ignorance or intentional blindness.

See, Mr. Speaker, if it could not get any worse (and I am referring to the Member that just sat down), after this happened we got all sorts of varying excuses from the One Bermuda Alliance on why things happened that day. They blamed the PLP; they cried *victim*; dismissed the intelligence of the electorate because they followed the PLP. There was a complete refusal to take any sort of responsibility for the response by the OBA Government at that time and the tactics that were employed, Mr. Speaker.

Mr. Speaker, we can even go to the events that happened in this very House the next time we sat after that event. We had a Member from the One Bermuda Alliance ejected from this House—ejected—for saying, *You deserve to be pepper-sprayed*, to a Member of the Progressive Labour Party. How is that . . . how is anyone saying, *I can't believe this happened?* How are we supposed to believe that they were in a room at each other's necks, saying, *How could this happen?* Then come up here and say, *You deserve to be pepper-sprayed?* How could that even be a possibility?

We had another senior Member from the One Bermuda Alliance, Mr. Speaker, who wanted to compare what happened to the people down at this gate, to her being cursed at, like there was some comparison. There is no comparison with being cursed at to people lying on the street pepper-sprayed.

Now, Mr. Speaker, we have all seen the footage from that day, and the picture and the video of a white policeman with a look of what can be pure determination indiscriminately spraying people with pepper spray. That will be emblazoned on people's minds forever.

So when the One Bermuda Alliance wants to get up and say, *We were upset* . . . when did they show any upset-ness? The next time they came in here they blamed the PLP for not being able to get in here. They snuck in here under the cover of darkness . . . they snuck in under the cover of darkness to debate that legislation.

Mr. L. Craig Cannonier: Point of order, Mr. Speaker.

The Speaker: Point of order.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: The Honourable Member is misleading the House and misleading the public. If he believes someone was doing that he should maybe name that person. I know that for myself and other Members that were very close to me, they were not up here ignoring the facts of what took place or turning a blind eye at all.

The Speaker: Your point of order is taken.

Hon. Diallo V. S. Rabain: Mr. Speaker, I honestly do not know what the purpose of that was. All right?

The Speaker: Just, just speak—

Hon. Diallo V. S. Rabain: The record will reflect . . . the record reflects that—

The Speaker: Just let me give you some direction. Just speak to the Chair and try not to take it on a personal level to anyone. Just speak to the facts as you know them without getting personal.

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

But, as I was saying, Mr. Speaker, the facts speak for themselves. The facts speak for themselves and the people know and that is what counts.

POINT OF ORDER

[Misleading]

Mr. L. Craig Cannonier: Point of order, Mr. Speaker.

The Honourable Member, again, is misleading the House. He is saying the facts speak for themselves. We are having a Joint Select Committee so we can get the facts.

[Inaudible interjections]

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

The Speaker: Let us not get all riled up over small matters in regard to side comments that may have been said. Let us speak to what has got to be done on both sides, and let us go on to the matter before us.

Hon. Diallo V. S. Rabain: Mr. Speaker . . . and I speak as the Opposition Leader leaves the Chamber during this very important debate—

The Speaker: See? See? See? See? That is the type of stuff we do not need.

[Inaudible interjections]

The Speaker: No, no, no, no, Member. Take your seat. Take your seat, take your seat, take your seat, take your seat.

I am in the Chair. I am controlling this House. If you have a problem, the door is there. I have stopped the Member because I am going to address those side comments. I do not need help with that from anybody.

Member, the debate has been going fairly well all this time. When you start making little side throws at individuals, you take it off course. If you intend for

anybody to take off the course, leave the room now so I do not have to put you out. If you intend to participate in this debate, let us keep it at a tone that does not distract from why we are here.

Continue.

Hon. Diallo V. S. Rabain: Thank you, Mr. Speaker, and I appreciate the guidance.

But Mr. Speaker, it comes down to this: We know what happened. We know what happened; we need to figure out why it happened. And I applaud the Member who spoke before me because he said he wants to know as well. And we all know that and this is why we are putting together this [Joint] Select Committee, or we are proposing a [Joint] Select Committee to investigate these instances, Mr. Speaker.

But I reiterate that I take exception to saying that their caucus was upset when they would come in this House and repeat some of the things that they are repeating.

POINT OF ORDER

Mr. L. Craig Cannonier: Point of order, Mr. Speaker.

I did not say “caucus” was upset. I said Members . . . there were Members within that caucus that were upset.

Hon. Diallo V. S. Rabain: Okay.

The Speaker: Let us . . . let us . . . I said to the room just now, let us not get caught up on semantics or little words. He expressed his opinion. If he goes too far, I will call him to order . . . if any Member goes too far. He is expressing his opinion, let him continue.

Hon. Diallo V. S. Rabain: So, Mr. Speaker, for me, this motion here is a simple one and one that we probably should not even have had to have spent hours debating.

The Speaker: Well, I thought that, too.

Hon. Diallo V. S. Rabain: It is a motion—

The Speaker: I was hoping we would have out of it by now, but continue on.

Hon. Diallo V. S. Rabain: It is a motion to get a Joint Select Committee to look into why the things happened the way they happened on that day, Mr. Speaker. And any responsible Government would want to go that route and this is what we are proposing, Mr. Speaker. Thank you.

The Speaker: Thank you, Member.

With that said, Members, remember we are here to get to the agreement of a Joint Select Commit-

tee that will do the investigation. We are not here to conduct the investigation.

So . . . at this time, Honourable Member from [constituency] 36, I saw you rising. I will acknowledge you now if you want to put your motion that was to make the amendment.

I will acknowledge you now.

Hon. Michael J. Scott: Thank you, Mr. Speaker, only if other Members have nothing further to add, because I have now structured the amendment that I think can now be inserted. But it can come now—

The Speaker: Yes, just put the motion, now that it has been structured.

AMENDMENT TO MOTION

Hon. Michael J. Scott: It is proposed to insert the following amendment after the word “required” in paragraph (2), the following words: “include in any recommendation such sanctions as are appropriate arising from the Committee’s findings.”

Hansard will get that . . . to insert after the word “required” in paragraph (2) of the very ultimate paragraph of the motion the words “include in any recommendation such sanctions as are appropriate arising from the Committee’s findings.”

Deliberations . . . I am hearing. I do not know if it is making . . . “findings” . . . “findings.”

Did you get that, Mr. Clerk? Are you good?

The Speaker: Yes.

Hon. Michael J. Scott: And that is the amendment that takes the motion to a point where we are not calling on the Joint Select Committee to make sanctions, but to make recommendations. This is quite normal that they should make recommendations.

The Speaker: The intent of it is that the way it was originally worded was that the Committee would make the—

Hon. Michael J. Scott: Sanctions.

The Speaker: —sanctions. It does not. The sanctions would have to be part of any recommendation coming forward.

Hon. Michael J. Scott: Sir, yes.

The Speaker: And that is the intent that has been cleaned up now.

Hon. Michael J. Scott: They are now cleaned up.

The Speaker: Thank you.

Hon. Dr. E. Grant Gibbons: Mr. Speaker, if I may, just to . . . I will call it a point of clarification. *[Crosstalk]*

The Speaker: Sure.

POINT OF CLARIFICATION

Hon. Dr. E. Grant Gibbons: Would it not be simpler, with respect, to the Honourable Member, and instead of . . . I was not quite sure what he was saying, but “where required recommend sanctions”? Would that not just be . . . insert the word “recommend” after [the word] “required,” would that not do the job?

Hon. Michael J. Scott: I will give it a go, yes.

Hon. Dr. E. Grant Gibbons: Thank you.

[Crosstalk]

Hon. Dr. E. Grant Gibbons: Sorry, Mr. Speaker, maybe it is better “where appropriate recommend sanctions.” How about that one?

The Speaker: Yes, it is the “required” piece that needs to be.

Hon. Dr. E. Grant Gibbons: Yes. So strike the word “required” after [the word] “where” and just say “where appropriate recommend sanctions.” How about that one?

The Speaker: [Are] you comfortable with that?

[Inaudible interjection]

The Speaker: Okay.

Mr. Deputy Clerk, Assistant Clerk, did you get it correctly?

Hon. Michael J. Scott: He has recommended that I type it, and I can go and do that and we can . . . if there are other Members who are going to contribute to the debate—

The Speaker: Yes, what we want at this point is . . . we will have it typed and cleaned up for you. Okay?

Hon. Michael J. Scott: Very well, thank you.

The Speaker: What we want at this point is for the room to accept that the [amendment] is what it is. If you read the [amendment] back out then we can have a vote on the [amendment], and we can move on the matter. Okay?

Hon. Michael J. Scott: Thank you.

The Speaker: And as . . .

The Speaker: Yes, and basically the word in question here, Members, is where it says “where required sanctions.” What we have put in place of it is that it would say “where appropriate recommend sanctions.” So “required” is taken out.

Hon. Michael J. Scott: Thank you. That is simple language.

The Speaker: That is the one word that needs to be addressed.

So if everyone is comfortable with it, I will read what we have done now, if you do not mind.

Basically, under that section of the motion, it is listed as item (2) on there, it reads . . . and I am going to read the entire item (2), which [will] read:

“(2) to bring closure to this event by the making of all proper and necessary findings, recommendations and where appropriate recommend sanctions.”

It *recommends* sanctions rather than *requires* sanctions. Are we all comfortable?

Okay.

Hon. Michael J. Scott: Thank you, Mr. Speaker, and I am grateful to the Honourable Member, Dr. Gibbons, for his participation.

The Speaker: Would you like to speak to it?

Mrs. Patricia J. Gordon-Pamplin: Just for grammatical accuracy—

The Speaker: Yes.

Mrs. Patricia J. Gordon-Pamplin: After [the word] “appropriate”—comma—“recommend.”

[Laughter]

Mrs. Patricia J. Gordon-Pamplin: Just to make sure.

The Speaker: No problem.

So Members, we have agreed that is the amendment. Can we take a vote on the amendment?

Is the room in favour of the amendment?

Some Hon. Members: Yes.

The Speaker: Anyone opposed to the amendment?
No.

[Motion carried: Amendment to resolve (2) approved.]

The Speaker: No further speakers.

Would the Honourable Member who moved the motion like to put your motion to a vote now?
Thank you.

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

I would like to put it to a vote and just thank Members for participating. I just want to add that I think that, given the circumstances of that day, it is to be expected that it would be an emotive debate. And I look forward to all Members supporting this moving forward.

The Speaker: Are Members in favour of the motion as it stands with the corrected amendment?

Some Hon. Members: Yes.

The Speaker: Any opposed?

No.

The motion is moved.

[Motion carried: The Motion to appoint a Joint Select Committee to investigate report and make recommendations on the events of December 2, 2016, was approved as amended.]

The Speaker: The next item on the agenda is [Order] No. 8. It is a motion in the name of the Honourable Member from constituency 22.

Honourable Member Gibbons, would you like to move your motion now?

Hon. Dr. E. Grant Gibbons: Yes, thank you, Mr. Speaker.

The Speaker: Thank you.

MOTION

TAKE NOTE OF THE ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT OF THE 35TH ANNUAL AMERICA'S CUP ON BERMUDA AND THE FOUNDATION FOR FURTHER GROWTH

Hon. Dr. E. Grant Gibbons: Mr. Speaker, I move the following motion, notice of which was given on 17 November 2017. The motion is:

"That this Honourable House take note of the Economic, Environmental and Social Impact of the 35th America's Cup on Bermuda and the foundation for further growth."

The Speaker: Good. So moved.

Go ahead.

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker, with your permission, there are two documents that I am going to probably refer to on a number of occa-

sions throughout my comments. And what I would like to do is simply put them on the Table here, if I may.

The Speaker: You can lay them before the House, yes, you may.

Would you just pass it over for him?

Thank you.

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, let me begin by saying that this is a slightly different debate than, certainly, the one we just had. And I recognise and appreciate that. But I think it is also fair to say that there is an anniversary here which is a slightly happier one, and that is, exactly three years ago, in New York on the 2nd of December, the announcement was made that Bermuda was successful in its bid to host the 35th America's Cup.

I have had some time to reflect on it since the end of the events back in June, and I believe that in many respects the bid to host the America's Cup was a silver bullet, or about as close as you can get to one. It came along at just the right time and helped us to rescue, economically, Bermuda and restored our confidence in a country in a very difficult period.

Mr. Speaker, I think many Honourable Members will know, if they think about our history, that Bermuda's ability over generations has been to see opportunity and act on it. And the America's Cup bid was one of those opportunities. We do not have a lot of natural resources. We do not have diamond mines or oil wells. But as a country we have been very good over the years—over the centuries, in fact—in recognising and seeing opportunities, whether it be the blockade running during the US Civil War, selling Easter Lilies and citrus to the East Coast in the 1920s, expanding Island tourism after the Second World War with our airport, and indeed the launch of our offshore business with pioneers like Peter Graham, who is a lawyer at Conyers Dill [& Pearman], and captives with Fred Reiss in the 1960s, and certainly, those who saw the opportunities following the catastrophic damage with Hurricane Andrew in 1992.

So no, it would be fair to say that hosting the America's Cup did not put a chicken in every pot. That is not the way things work, despite the promises of politicians sometimes. But in many respects it changed the fundamental economic circumstances in a very clear way and, like the legendary silver bullet, restored Bermuda's pride after a period of extreme self-doubt and dire economic deterioration. It made us players again. It put us back on the world stage. Bermuda at that time needed something to pull us out of the economic death spiral we experienced in 2011 and 2012. The hosting of the 35th America's Cup was, in many respects, like a lifesaver and kept us afloat and headed us in a good direction. It created the hope and the pathway to foreign investment and jobs, particularly in the hospitality sector.

Mr. Speaker, in one of the documents I just tabled, Andrew Green, who was speaking for the Green family at the Princess hotel, said (and this was after the events):

⁴“As a result of Bermuda being selected as the host for [the America’s Cup], we significantly increased our investment in hotel upgrades. Hamilton Princess & Beach Club, as the Official Host Hotel, saw a record number of first time visitors during the event, with guests benefitting from the newly renovated . . . facilities. We believe the exposure from the event, both broadcast and tourist, will encourage more visitors to think of Bermuda when choosing their travel destination for years to come.”

Honourable Members may recall the debate some years ago when people would complain about how little advertising Bermuda was doing and how little exposure it had in northeast cities like New York and Boston and, indeed, Atlanta, as well, compared to the Bahamas with the Atlantis going on, Jamaica and Barbados with Sandals. I was sitting in my Ministry, probably back in March of this year and had a visitor who was consulting on behalf of a hospitality investor, and he was talking about . . . he had just flown in and he said Bermuda used to have a very low profile in Long Island (which was where he lived), in New York. But he said the America’s Cup hosting was absolute genius. He said everybody is aware of Bermuda, everybody knows where Bermuda is, and everybody is talking about it. He said it has done extraordinary things to raise Bermuda’s profile.

And I think it is fair to say, and we will get into this a little bit more, but the America’s Cup impacted multiple business sectors, both large and small, and created opportunities for Bermudian entrepreneurs and provided a significant jump-start to our struggling tourism sector. And from a financial perspective it came in under budget—a remarkable achievement, given the experience of other jurisdictions who hosted large sporting events, like the Olympics and the World Cup.

Mr. Speaker, I think it is well known that after the 1976 Montreal Olympic Games it took Montreal almost 30 years to pay off what was roughly a billion dollars in debt. The London Olympics had similar issues in 2012. They are currently trying to collect an additional \$1.4 billion over 10 years and they have done that through increasing taxes on the London Council . . . sorry, the London Council is trying to increase their tax base on individuals. And I am going to come back to this later as I get further into the body of my presentation.

In many respects I refer to this as the foundation for future growth in the actual motion itself, but the America’s Cup is the gift that keeps on giving. The global exposure that Bermuda received was unparalleled and is projected to boost our visitor numbers for

years to come. The America’s Cup put us at the centre of the sailing world, and we have already added, I think as many Honourable Members will know, new sailing events, including hosting the World Sailing Annual Conference in 2018, as recently announced by the Bermuda Tourism Authority.

It also created a new generation of enthusiastic young Bermudian sailors, thanks to the Red Bull Youth Team, and over 1,600 individual middle school [students] in the Endeavour Programme. It was the vision of Russell Coutts, and has certainly done a lot to rejuvenate sailing on the Island. It accelerated the cross-Island construction and the Dockyard renovations, a promising event platform which is going to be available for future deployment.

And it won huge credibility in our international ability to host, as an Island, international sporting events to world standards. And a good example of that, I think, is the . . . shortly after the 2015 World Series, we were approached by individuals who were connected with the World Triathlon Series who wanted to host the World Triathlon Series here. And actually in December of last year in, I think it was Madrid, we were awarded three years of World Triathlon Series events with the possibility of the Finals four years down the road.

It also attracted a remarkable number of superyachts, in fact, three times the number that visited San Francisco, and it has created the potential for an ongoing service business for superyachts, not to mention the impact on our tourism product as well.

And I think it would be fair to say, certainly from the conversations I had as we look back over the last three or four years, that it was an effective catalyst to get a lot of our hotel infrastructure projects moving forward, which included new construction and jobs, which are going to extend also, certainly, into the future and which the current Government will benefit from.

Now, Mr. Speaker, these are some of the obvious things about the legacy of the America’s Cup for Bermuda. And it is unfortunate, because as much as the current Government and former Opposition chose to downplay, and in some respects discredit, its significance, the Government will, in fact—the new PLP Government—be the beneficiary of these legacy benefits as will Bermuda way into the future.

So for the Government, in many ways it represents money in the bank and, certainly, significant development opportunities should they choose to act on it. And I am going to come back to these legacy benefits and opportunities later on in the discussion and touch on some of the work by the ACBDA Legacy Committee, which is one of the reports that is on the table there, which is their written report about the legacy benefits of the America’s Cup.

But I think it is worth mentioning a conversation I had with Sir Russell Coutts some months after the America’s Cup announcement three years ago.

⁴ [“America’s Cup Bermuda Legacy Impact”](#)

He said to me that there were lessons to be learned from Auckland, New Zealand, and their experience in hosting the Cup (and that was twice, both in 2000 and then in 2003). He suggested that New Zealand's first experience in 2000 was all about a learning curve, putting the Cup on and trying to understand how best to deliver the event. But it was not until the second time that they hosted it in 2003 that they appreciated the potential legacy benefits and took advantage of the opportunities to really maximise the advantages of having hosted the America's Cup, and that was only after the second time.

And you can see it in the success . . . well, we saw it this summer, actually, with the success of the Emirates Team in terms of their marine technology, and we can see it in terms of the benefit it has already had in Bermuda from a legacy perspective so far.

But what he really said was he hoped that it would not take Bermuda a second go-round to put in place strategies to take full advantage of what it means to host an America's Cup. And I do not think I need to remind Honourable Members that, in light of the June results, we will not have the benefit of hosting a second America's Cup—AC36—unless, of course, New Zealand changes its mind, which is highly unlikely.

So it is fair to say, I think, that those responsible are going to have to work strategically to extract the maximum opportunities for Bermuda. And that is the point behind the Legacy Committee Report that I mentioned earlier.

Now, ironically, while the PwC report (and I will get to that in a few minutes) does not seem to have attracted a lot of attention, the irony is that it has actually been read and studied very carefully in New Zealand right now, because they are in the process of looking at what they need to do to host AC36 and to understand the metrics, particularly the economic metrics, that they are going to be required to go through.

So let me take a few minutes now to put the America's Cup events in context and to explain why the One Bermuda Alliance Government decided to pursue the opportunity to bid on the 35th America's Cup. And I will start back in January 2014 when preliminary discussions between the Government and the America's Cup took place, almost a year before the announcement. And I guess the fair question to ask is, what were the economic circumstances in which Bermuda found itself in January of 2014?

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

Hon. Dr. E. Grant Gibbons: And I think we all recall in this House, Mr. Deputy Speaker, that Bermuda was struggling at the time to emerge from a prolonged recession that occurred in 2009, or, I should say, it probably began in 2009. And when the former Government left in December 2012, the then new Gov-

ernment was left with what would be best described as an uncontrolled \$300 million deficit, spiralling government debt (which had grown by some 700 per cent by 2012), high unemployment, and a serious lack of investor confidence in Bermuda.

I think it is also worth noting that by 2012 a lot of other offshore competitors, and, indeed, First World countries, had effectively come through their own problems with the economic downturn and had addressed the immediate impact of what was really a 2008/09 recession and financial crisis. But unfortunately, by 2014 Bermuda's economy was only just starting to emerge from the recession and really not as quickly, I think, as we had hoped.

There was a lot of discussion about "green shoots" at that particular time. But it was not, in fact, until 2015, Mr. Deputy Speaker, as you will know, that Bermuda had the first fully positive year of economic growth. It was compounded, of course, by the loss of some 5,000 jobs earlier and the loss of almost \$300 million in discretionary spending from those who were employed previously, that made that recession and coming out of it that much more difficult for Bermuda.

I say all of this because I think it is important to recognise the context in which we found ourselves in 2014, and why that bid for the America's Cup, in many respects, was so critical. Because Bermuda effectively needed an economic stimulus to restore badly needed confidence to create jobs and attract foreign investment, and I think it is fair to say also to rejuvenate what, at the time, was a stagnant, and in some respects moribund, tourism sector.

Now, Mr. Deputy Speaker, you will remember at the time that the Finance Minister introduced in that budget a number of tax incentives. But it was difficult for him to afford to do very much because there really was not a lot of money to work with. Bermuda could not afford a large stimulus package, as other countries have done, as there was very little money in the till at the time. And important spending on social insurance and the increasing demands there were rising at a fairly quick pace. So I think there was a recognition that we could not simply turn around an economy by reducing the size of government, and that the main engine of economic growth at that time, which is international business and particularly reinsurance, was not growing appreciably and actually had been losing jobs up to that particular point. And it was not until 2014 when that job loss situation started to turn around for international business.

But it was still clear that Bermuda needed something to help drive the economy in a positive direction and build on the green shoots that were just starting to emerge. It also needed to be back-loaded. And what do I mean by that? It had to be a stimulus where the bulk of government spending would be spread out, and hopefully towards the latter part of it as opposed to right up front, and it had to be designed in such a way that the foreign investment that would

hopefully come with it would be front-loaded or would appear very quickly. And it also needed, given the constraints on the OBA Government at the time, to create opportunities for Bermudians. It needed to create jobs and business opportunities, and these needed to be spread as widely as possible throughout the economy.

Mr. Deputy Speaker, I think all Honourable Members will be aware that other countries have used economic stimulus in various ways in order to mitigate downturns and recessions. And a good example would be Obama's (and I quote) "American Recovery and Reinvestment Act" that he brought into effect in February of 2009 to mitigate the effects of that earlier financial crisis and the problems within the United States in 2008/09. Now, while a significant portion of that Economic Recovery and Reinvestment Act was actually tax cuts, there was a piece of it—a fairly sizable piece—which essentially was aimed at stimulating the economy, the US economy, through investment in energy projects and infrastructure.

I think we mentioned earlier the fact that other countries have used large sporting events, like the Olympics, Formula 1, and World Cup, and I think most recently at Brazil, to try and get their economy moving as well. But, as we all know, and I mentioned Montreal and the UK, there are pitfalls in these things because you can have significant cost overruns and you can also create large arenas that are of no future use five or 10 years down the road.

So I think when we started to think about this at the time, it was pretty clear that because of Bermuda's size and scale, there are not many sporting events that we would be able to host. And in a very interesting sort of way the America's Cup and the opportunity to bid was unique in a sense, not only because of the extraordinary sailing legacy that it stood for going back some 165 years before the modern Olympics, but the fact that its economic impact would spread over three years as opposed to a simple one-off, or a week, or even an event that would go on for a couple of weeks. And the other nice thing about it, as I have said, is that it was also pretty clear to us when we were looking at it, that the spending associated with the preparation could be spread over three budget cycles. So we could spread the cost of the preparations that would be required for Bermuda to, in fact, host the America's Cup.

I am going to turn now and comment on the [PwC report](#), which was entitled the "Economic, Environmental and Social Impact of the 35th America's Cup on Bermuda." In essence, this report was an independent report card on those issues—the economic, the social and environmental conditions. And it was essentially put in place in November of 2016 by the ACBDA. It was based on a bid process, they asked and . . . in fact a number of different independent organisations . . . this was a top-tier advisory and accounting firm, but there were a number of organisa-

tions that bid on it. But PwC was chosen. And my understanding was that because of the work involved they might actually have come out behind on it, but I think it is important and I think we recognise that going way back that other America's Cup venues (and, I think, particularly of San Francisco and New Zealand) had also done economic reports, and I think there was one done in Spain as well, in Valencia.

It is important when you do something like this to try and assess the results, not only for your own benefit, but for the benefit of others, to try and understand what the impact really was. And I think it would be fair to say that as you would expect from a top-tier independent accounting firm like PwC, the report, for those who actually read it, was very conservative and it was carefully done. In fact, it drew on a large number of different sources to get data and information—not only the Government, but also the private sector as well. And there were quite a few surveys. And I am not going to go through the surveys, but suffice it to say that they spoke to 850 visitors that came to Bermuda, they spoke to 1,700 residents—these were canvassed and surveyed, there were 200 stakeholder interviews, and they had interviews with various other sectors like superyacht captains, the yachting community, sponsors, hotels and, indeed, local businesses as well.

And they examined the data and reported their economic findings from a couple of different perspectives. And I am going to explain this because I think it is important, because when you read the report it is useful to understand what perspective is being referred to. So they reported on both what was referred to as "additional spending," which was direct spending that occurred as a consequence of the America's Cup, as well as what they referred to as the "GDP" or economic impact on Bermuda as a consequence of that direct spending. There is a lot of clear and careful thought in the report which looks at avoiding double counting, [and] looks at avoiding what would be called displacement where money might have been spent anyway. So they discounted that money, for example, local residents might have spent anyway, so they would discount that and not count it in to the spending totals.

They also used, in terms of trying to understand what the economic impact was, a model which took the direct additional spending and added it to induced spending and indirect spending. And let me give an example now, Mr. [Deputy] Speaker, because I probably lost a number of people already who have glazed over. So, for example, when a visitor purchased a lemonade at Ashley's Stand, this created direct spending at the stand, but it also produced indirect spending in the supply chain back to the wholesaler from which Ashley's lemonade may have purchased products to make the lemonade. And finally, there is what is referred to as "induced spending" where staff or colleagues working for Ashley in their

wages would have spent those wages, and that produces additional economic impact as well. So the economic [impact] is straight additional spending, induced spending, and also indirect spending as well. So the point here is that that first spending has knock-on effects which, when included, give a more complete picture of the overall economic circumstances.

So what did the report measure? And what did it find? First of all, it showed that direct additional on-Island spending amounted to \$271 million, including what was referred to as \$76 million of ongoing legacy tourism spending. As far as the economic impact was concerned, beyond the simple additional spending it showed that the America's Cup overall economic impact, as measured by contribution to Bermuda's Gross Domestic Product (GDP) amounts to some \$336 million, and that included some \$19 million of ongoing or legacy tourism spending after the event was finished. And that is the part of the gift that keeps on giving, with respect to the America's Cup.

It is also, I think, important to note that the results that PwC had indicated were that our initial projections back in October 2014 were exceeded by almost \$30 million. And the PwC report noted that while the three-year Government budget for the 35th America's Cup was estimated to be originally \$77 million, which was a \$77 million budget projection over the three-year period, the actual spending was only \$64.1 million, under budget by basically \$13 million, which I think in many respects, given the experience of other countries, is a rather remarkable result and I think speaks to the care that both the ACBDA did and the Government [did] in terms of trying to make sure that there were not overruns here.

So, in essence, what the PwC report is saying is that for every \$100 invested by Government in producing the event, Bermuda received \$500 or over \$500 in additional spending that would not have happened unless Bermuda had actually hosted the America's Cup—certainly a welcome and rather large stimulus to our local economy. Maybe I am being a little cute here, Mr. Deputy Speaker, but I know the Government likes to talk about economic ripples. What the PwC report found was this was really a tsunami effect on Bermuda.

So, in essence, hosting the AC35 provided the economic boost, the so-called silver bullet, that Bermuda needed at the time to continue growing and to restore confidence in Bermuda and on our Island.

I think some have speculated, and I think it is a fair speculation, what would have happened had Bermuda not invested in hosting the America's Cup? And I guess from my perspective it is not difficult to imagine that Bermuda's economy would have continued to struggle, requiring further public and private sector downsizing, and even less spending on social services like social insurance, seniors, and health care. And the direction was pretty clear in 2014, that had something not happened we would be looking

forward to higher deficits, more debt, and higher taxes—certainly not a healthy option—but that is where we seemed to be headed after December of 2012.

So the question, I guess, arises, when you look at the results the PwC talk about, what sources were primarily responsible for the economic impact? And the answer came through that the largest source, and I guess this is to be expected, came from the America's Cup Event Authority and the teams who contributed something on the order of \$139 million of what is effectively foreign investment. And that came about as a consequence of people being here—some of them were here for almost two and a half years. We had 450 team members and another 360 family members who were on the Island, you had over 725 short-term work permits to deal with technical issues, by and large, [and] they contributed to the economy as well. And up through the end of July international visitors contributed about \$42 million of additional spending, with about another \$8 million coming from residents. Superyachts contributed about \$20 million. And the Government and ACBDA, when discounted against the sponsorship, contributed about \$25 million. So these were some of the results coming out of the study to give a clear sense of where that additional spending came from.

Now, another question which I think is interesting for people is, how do we compare to San Francisco (because they were the last ones to host, and it was the 34th America's Cup back in 2013)? And there was a similar study done by the Bay Area Economic Institute in San Francisco in December of 2013. And when you look at that and compare it with Bermuda, the total economic impact for San Francisco was \$364 million compared to our \$336 [million]. So even though it was a much larger catchment area, a much larger city, the numbers are not that far off.

It is also interesting because the Final Events in San Francisco lasted over a much longer period and it went from the 4th of July to September 25, 2013, so it was a much longer Final Event period there. The teams in San Francisco and the America's Cup Event Authority there spent \$137 million versus \$139 million in Bermuda—an interesting comparison. The difference for San Francisco was they had probably something on the order of 700,000 visitors there compared to the numbers that we had, which were obviously probably a tenth of that. The visitors there they calculated as having spent \$127 million versus the \$42 million in Bermuda. So, in many respects, we came out pretty well.

Most of the visitors were either resident in state or out of state, the largest number of international visitors, interestingly enough, came from New Zealand, and New Zealand spent a lot of time basically marketing their products there, and that was one of the reasons why they were upset, I think, when the America's Cup came to Bermuda for the 35th Cup.

The other interesting thing was, and I mentioned superyachts earlier on, in San Francisco the superyachts accounted for some \$6 million of economic impact. In Bermuda it was over \$20 million. So, we did a lot better. San Francisco also was able, because of the large size of the city, to have concerts, and they made a fair amount of money there. The economic impact in Auckland back in 2003 was \$364 million. So it is interesting, all of these—Bermuda \$336; San Francisco \$364; and New Zealand, quite a few years ago, was \$346.

The other interesting feature was that the occupancy rates for San Francisco hotels went up about 6 per cent. Bermuda's increase in occupancy as reported was closer to 8 per cent. One of the things that San Francisco reported was [that] it looked at the number of jobs, the PwC report (as Members will know who have read it) did not touch the issue of additional jobs at all. In San Francisco they reported that the 34th America's Cup created the equivalent of some 1,700 one-year jobs. So, I think if you try and extrapolate to Bermuda it is hard to say exactly what the total number was because Government was not able to provide it to PwC, but it is interesting that for that amount of spending, which was for economic impact, which was fairly equivalent, they ended up with close to 2,000 additional one-year jobs.

I mentioned our own economic analysis which we did during the bid period to try and get a better understanding of what the benefit would be to Bermuda. As I said, the PwC data showed that the actual numbers exceeded our own estimates by some \$30 million. The ACBDA report which we did back in October of 2014 . . . it was not the ACBDA report. The ACBDA was not actually put in place until January of 2015. But the actual report essentially indicated that we were estimating about \$94 million for the teams in ACA spending. The actual amount came out quite a bit larger. The reason for that was that we benefited by the fact that teams moved in early, whether it was Oracle, SoftBank Team Japan, and others actually set up bases here. Artemis, as you know, Mr. Deputy Speaker, actually put a base out at Morgan's Point. And this early spending made quite a significant difference.

Okay. These are all numbers. Why was this important? Well, we had to do an economic projection back in 2014. We were in a middle of a bid period. We had to understand what the costs and benefits were to actually host the America's Cup. We were being asked to look at sponsorship. We knew we were in competition with some very heavy hitters in terms of San Diego, Chicago, New Port, and other cities. So we had to have a very good understanding, or at least the best understanding we could, as to what kind of an investment we were prepared to make in order to be able to be successful in what was clearly a bidding situation.

Suffice it to say that as the Minister at the time I had to be able to justify to my Cabinet colleagues and explain the value for money that we were likely to get. That is why we took some pains during that year to essentially work through not only what the spending would be but to understand very clearly what infrastructure changes were going to be required and, as you know, Mr. Deputy Speaker, we actually started out looking at Morgan's Point, but the cost of that was such that when we looked at Dockyard it made a whole lot more sense. Not only because of the legacy and history there, but because Dockyard was already up and going in many respects, WEDCO had done a good job and it was very clear that this was a much better alternative.

I am going to thank some other people when I get toward the end of what I have to say, but I think at this point it would be useful just to say that Alan Burland and BCM McAlpine should be commended for what I think was an extraordinary contribution. I am talking about the period leading up to the announcement in December of 2014. Because on a pro bono basis, they did an extraordinary amount of costing of what the various options were, looking at issues—everything from floating docks, to sewage, to water, all the issues that you need to sort of look at in terms of saying, *How much is this actually going to cost us to be able to prepare an Event Village? What do we need to do?* And, as I said, I have to commend Alan Burland, particularly, but some of his people, like Maurice Caines, Jonathan Darrell, Mark DeVerti, and Mike Ewles spent an extraordinary amount of time actually looking this.

We all know that BCM McAlpine was chosen very quickly after the announcement to be the project manager. But I have to say that I suspect they did not come out very far ahead on this because the actual arrangement which was negotiated, their fee schedule was only 3.8 per cent. Mr. Deputy Speaker, you will know that for most construction firms it is somewhere between 5 and 10 per cent, and for some of them it is even higher. So, whether they lost money on the project I would not be surprised, but I have to say in terms of making it a success that they did an absolutely extraordinary job and put us in a situation not only to understand what we were facing but to work through significant problems all the way through until the end of the event. So I think it is important to thank people when it is due.

So the question is, Where did this initial spending go? The fact of the matter is, the bulk of it, almost \$56 million, or 30 per cent, went to hotels and restaurants. Real estate benefited by something on the order of \$27.8 million. (These are PwC numbers.) The construction industry benefited to the degree of a little over \$25 million, or 13 per cent of the additional spending. A lot of that, as I think in a number of Ministerial Statements I noted, was smaller construction firms. They were pouring slabs for some of the teams.

They were helping to clean up the South Basin dock. They did, I think, a fairly remarkable job and a lot of them went on to work for teams as well. Some of them actually grew quite substantially.

The report also notes that when some of the business surveys were done, some 25 per cent of the businesses increased their investment in the period from June 2016 to June 2017, and actually 22 per cent of this broad survey done of local businesses increased their staffing during that period as well, creating jobs.

As you know, Mr. Deputy Speaker, from the debate on the supplementaries we had, there was a fair amount of overtime paid to ferry operators and others. I think the Princess actually announced that their May 2017 was one of the best Mays . . . it was the best May ever in the hotel's history. They paid something on the order of \$200,000 in overtime pay for a staff of 600, which is actually increased as a consequence of the America's Cup.

There was a significant amount of work done by Erika Smith, the General Manager at the Bermuda Economic Development Corporation, the small business group, working with Eugene Dean and others, holding town hall meetings to get entrepreneurs to set out exactly what could be done, where the opportunities lay, and a number of people really got off the ground with new initiatives on that one.

I am going to comment a little bit on the area of Government spending. As I have noted, the PwC report indicated that we were some \$13 million under the budget of the \$77 million which was originally projected back in 2014. The actual budget revolved around mostly the ACBDA who is essentially the host committee. There was also a small group in the Ministry of Economic Development, and I think particularly of the liaison officer, Jasmin Smith, who had been seconded, and Judy Hall-Bean who was actually an enormous help towards the end when things got to be really, really busy.

Of the \$64 million, that was the final amount as compared to \$77 [million] . . . it may actually go down because there were a number of what I will call "capital assets," like floating docks and other things which ACBDA may yet sell which will further reduce the cost. Obviously, there was a lot of stuff that was given away. I think the ACBDA put in a rather sophisticated Wi-Fi system up at the Event Village. That was a little over \$100,000. And that, as we know, was donated to the schools, which obviously helped getting the schools' Wi-Fi up and going.

I am going to comment a little bit on sponsorship because that was a significant part. In fact, it was more than half of the Government expenditure. Sponsorship worked out at about a little more than \$34 million in the end. And I think Honourable Members will remember that there were two parts to the sponsorship. One was a \$15 million sponsorship over a period, spread over three years. That was sort of our ante

to get in the game. But then during the bidding process it became pretty clear that we had to sweeten the deal otherwise we would have probably lost it to San Diego in the end.

But there was the additional \$25 million guarantee which we negotiated in such a way that we were able to claw back some of that money based on sponsorships which Bermuda actually introduced. I think between the ACBDA and myself we probably had about 50 different sponsors that we approached. Obviously, not all of them took it up. I believe in the end the actual sponsorship was probably around \$20 million that was introduced by Bermuda.

As I said earlier, one of the challenges of getting sponsorships here, as opposed to San Francisco, was [because] Bermuda is a very small market. Whether you are BMW or Land Rover, or indeed, some of the teams, they want a large market to be able to essentially sell or market their products to. So, in Bermuda it was quite limited, with a population of 65,000, or whatever. So that made it somewhat difficult. But in the end, based on the clawback, we were able to get that sponsorship guarantee down to \$19.3 million. It also included some rents and some sales as well.

Interesting enough, San Francisco right now is having some problems of its own with financing. There is debate going on between the government and the city and. In fact, Abu Dhabi has stepped in and offered to host the AC36 with an \$80 million bid. I do not think it will happen because of national pride, but it is interesting to see what the going rate is these days. We knew that Valencia paid around \$50-odd million back in 2007 to host it. The average cost of things like Formula One is roughly \$30 [million] to \$40 million annually, if you are going to host that as a country.

I am going to shift gears a little bit. There has been some discussion about Government income as a consequence of this. I think it would be fair to say that people misunderstand it if they think that Government was supposed to make money out of this. In an economic stimulus you end up with Government generally spending money. And the PwC report notes that there were a number of areas in which the Government actually did get some tax revenue back. They said that it was probably a lot larger than . . . I think it was probably about \$4 million to \$5 million that Government actually received back again as a consequence of hotel occupancy, payroll tax, vessel chartering, superyachts fees, things of that sort, because they were simply unable to get it.

We had originally estimated close to \$15 million in additional fees and taxes that would come to Government. I think it is fair to say that PwC was not able to count in some of the departure tax [and] the aircraft fees for private jets. There was a fair amount of money that was picked up by I think the ferries as well. There were things like additional telecom fees

which Government will get at a later point. Also, all the teams that left their bases here paid duty on it when they handed them over to WEDCO. So that will be additional money in the Government's till.

I said earlier that the 35th America's Cup was the gift that keeps on giving long after the final events. PwC looked at that in a couple of ways. They looked at the amount of money that came directly, up until the end of June through visitor's spending, but they also looked at the ongoing benefit of the exposure that we got. And they refer to that as *legacy spending*.

Mr. Deputy Speaker, you will know that the BTA [Bermuda Tourism Authority] recently announced that air visitor spending for the first three quarters of the year is up 22 per cent through September. The total of air visitor spending of \$222 million is already higher than the entire 2016 year. They commented in their release that the America's Cup has driven spending figures this year and the data shows that visitor spending has remained strong post the America's Cup. I guess the obvious question is, *Well, why?* And the reason is fairly straightforward.

The America's Cup Event Authority commissioned an independent media study which basically showed that Bermuda received was is called "an advertising equivalent value" of some \$80.9 million. What that means is that if Bermuda wanted to get the same amount of publicity and exposure that they got, they would have had to spend over \$80 million to get that. Another way of looking at that is that Government basically gained back something on the order of \$80 million in additional spending, in additional advertising value. I am not going to go through them in detail, but the media numbers are sort of remarkable. I will just touch on a couple of them.

Some 452 million viewers across the world saw the America's Cup. It was broadcast in 163 countries by 31 broadcasters. Over 22,000 news articles in 76 countries, and 51 million people watched the Challenger series, the Qualifier series, and the Finals. And PwC determined that the legacy, the ongoing spending, was equivalent, roughly, directly to about \$76 million, but depending on the multiplier used could have been as high as \$229 million. Another way of putting this is over the next five years PwC estimated that our tourism spending would be increasing by 10 per cent every year, simply as a consequence of that legacy impact.

I am going to move along fairly quickly now. I think some of my colleagues are going to talk about some of the social impact. Dare I say that the enthusiasm and the excitement around the Bermuda Red Bull team, the number of school children that were involved in *Endeavour*, and some of the work that was done there. The participation, the involvement by a lot of the teams, and schools, and charities was quite phenomenal. They were really good citizens on a temporary basis while they were here.

The environmental impact was also quite positive because the event was run in a way which was sustainable. I think we all know that some of the teams made a big contribution. Ben Ainslie Racing, or the BAR team, the British team, actually donated solar panels to the National Museum of Bermuda [formerly, Bermuda Maritime Museum]. They now have the equivalent of some 60 kilowatt of additional power coming in from those solar panels. Let us also not forget what I would call *the national pride*, particularly in relation to the Red Bull team. And just simply, Bermuda, Mr. Deputy Speaker, being on the world stage.

So, on page 10 of the Legacy [Impact] report, the America's Cup legacy committee set out some of the immediate legacy benefits. I have talked about the global exposure, the over \$80 million there. Clearly, the infrastructure improvements (and I think one of my colleagues will talk about that), the accelerated construction of Cross Island. The upgrades, the amount of work that was done on the South Basin, that was done on Prince Alfred Terrace, Moresby House, the Sail Loft, and as I said, Bermuda has acquired . . . WEDCO has acquired a number of new team bases which will be, I think probably a pretty extraordinary platform for events whether they be sailing or otherwise going forward.

I think one of the other huge legacy issues here is [that] Bermuda has successfully demonstrated that they can host an international sporting event to world-class standards. We have already seen . . . I mentioned the World Triathlon Series, but we have already seen a number of other sailing and other events where we have been approached as a consequence.

I have talked about the *Endeavour* programme, the community outreach with the donations there. I have talked a little bit about the benefits to local business, both small and large, the number of entrepreneurs that were given an opportunity to set up. The amount of volunteering that went on was also quite remarkable. San Francisco, I think, had about 700 volunteers. We ended up with something on the order of 545 [volunteers]. They were all trained to be certified tourism ambassadors, so I think that this is a legacy going forward as well.

Team BDA received world-class training from Oracle. There were a number of innovations. I think Bermuda was the first country to actually have on-water Wi-Fi. That was led by one of the local telecom companies. There were a whole series of upgrades that happened to [the] telecom area, Internet, and bandwidth capacity as a consequence of the America's Cup as well. And last but not least, we have seen I think a lot activity with hotel upgrades, new hotels. A lot of them based this on what they saw as the future prospects as a consequence of the exposure of the initial visitors that would come.

So, I think I probably have about 10 minutes left? How many . . .

[Inaudible interjections]

The Deputy Speaker: You have four minutes left.

Hon. Dr. E. Grant Gibbons: Four minutes left. Okay.

Well, let me . . . I am going to pass on the Dockyard because I think that . . . but that was not in the report. PwC made a conscious decision there.

I think I will end on this, Mr. Deputy Speaker. And that is [this] question, What does Government need to do right away to try to realise the opportunities created by the America's Cup? Because we have talked about the foundation for future growth. I think the first thing is the Government . . . and they have talked about an Event Authority. But the Government needs to recognise the tremendous amount of valuable experience that lies in the many people that worked on this and made this event happen. This is intellectual capital which needs to be preserved and will be lost if it is not given the support that is required. A lot of the people that are very close to this have what I would call "invaluable contacts" with sporting groups around the world, and an enormous amount of credibility. It would be a shame if this credibility would be lost.

With respect to another immediate thing, there was work being done on superyacht legislation. These boats on average leave about \$200,000 in Bermuda every time they call here. I think that is something that needs to be pressed forward and I will obviously take it up with my counterpart, the Minister for Economic Development and Tourism, on that.

So, as I said, Mr. Deputy Speaker, tomorrow marks the third anniversary of the announcement in New York that Bermuda had won the right to host the 35th America's Cup. Bermuda was really only the fifth country (depending on whether you count in the first one in the United Kingdom) to host the America's Cup in its over 165-year history. I think, as I said way back in 2015 in January, this was really a transformative moment in our Islands' history. I think we should have a tremendous amount of pride in our ability to accomplish what we did, in what was almost a flawless execution of an extraordinary event. There were hundreds of volunteers, many committee members who worked to make AC35 happen. And really an extraordinary ability of what Bermudians can do when they work together. And I am talking about everybody from Government departments through security services through all the volunteers.

But let me conclude by singling out three people who worked tirelessly to make it happen. The first one was Jasmin Smith, who was the America's Cup liaison office, who did an extraordinary job of working between the ACBDA and the private sector to essentially make sure that the Government departments were working. And I have to say, without Jasmin, I am not sure we could have done it. The two others are perhaps more obvious. One is Mike Winfield, who

came on board as the CEO of the America's Cup BDA. And the other one was Peter Durhager who worked for about two years without any kind of compensation whatsoever. It was all pro bono. But they all did an extraordinary job and I think, frankly, we owe them a debt of gratitude. Thank you, Mr. Deputy Speaker.

The Deputy Speaker: Thank you, the Honourable Member from constituency 22, Grant Gibbons.

Any further speakers?

The Chair recognises the Honourable Minister Zane De Silva.

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

What a presentation. Mr. Deputy Speaker, the Honourable Member who just took his seat started off by saying that the America's Cup was a silver bullet. After that presentation, you would think that at the end of the rainbow he found the pot of gold. Mr. Deputy Speaker, he also talked about *Bermuda doesn't have any diamond mines*. He forgot to mention *unless you own a business on Reid Street*.

Mr. Deputy Speaker, he also started off by saying it did not put a chicken in everybody's pot. He got that right. Mr. Deputy Speaker, he went on to say that the America's Cup was and would continue to be a significant jump-start to our fragile tourism product. For the sake of Bermuda and Bermudians, I hope he is correct.

And he said several times, *the gift that keeps giving and will boost our tourism numbers for many years to come*. Again, Mr. Deputy Speaker, I hope for the sake of Bermuda and Bermudians that he is correct. Mr. Deputy Speaker, I will tell you what, you will know that when I was Shadow Minister of Tourism I said many times that what we need to do is pump more money into advertising our country.

As you know, Mr. Deputy Speaker, the Honourable Member also mentioned that he had a consultant that flew down from, I believe it was Rhode Island, or Long Island. He said that now everybody knows where Bermuda is, because of the America's Cup.

You will know, Mr. Deputy Speaker, when I was Shadow Tourism Minister, and of course, the Honourable Wayne Furbert, when he was Shadow Tourism Minister, certainly talked about pumping more money into advertising in Bermuda and this country, in particular, to the Eastern Seaboard.

Mr. Deputy Speaker, the Honourable Member and his colleagues have talked many times about how the America's Cup is the silver bullet, was the silver bullet, and will continue to be the silver bullet for tourism. Tell you what, Mr. Deputy Speaker. You give me \$100 million and I will get tourists to this Island too.

Now, Mr. Deputy Speaker, I found it interesting . . . I am just going to highlight some of the things

from the Honourable Member's speech and then I will get into mine. But it was interesting to hear him say that the America's Cup spurred new construction projects. [He] talked about Hamilton Princess. Well, Mr. Deputy Speaker, I remember . . . I know I am getting a little old, but I think I remember under the Progressive Labour Party Government, when we were still in Government, back in 2012, Hamilton Princess announced they were going to put a \$100 million addition on. That was before the Honourable Member even knew what the America's Cup . . . I will not say he [did not] know what it was, but certainly . . . well, maybe he was having talks back then, I do not know. But it was not anywhere on the horizon, Mr. Deputy Speaker.

He talked about the Loren and a couple of other developments that had long been in train. In one of the reports they even highlight Rosewood, because of the America's Cup they are going to put \$25 million in renovations. I can assure you, when those new owners took over Rosewood, America's Cup did not have anything to do with those plans. Those plans were on the books.

Another thing I hope the Honourable Member is correct with . . . he said the PLP will benefit—the PLP will benefit—from the legacy benefits that he talked about in great detail. Again, I hope he is correct, because if we are successful, the country will be successful, and our people should be successful.

It was interesting, Mr. Deputy Speaker, when the Honourable Member talked about the PwC independent report card, he also mentioned several surveys that were done. And he said that there were too many to read them off. But he did read off a few. Well, I wonder if his people that did surveys went around North Street, down Back o' Town, Mr. Deputy Speaker, and did any questioning of folks who live around that area. Because I think you may have found that the answers that they were hoping to get would not have been there.

Mr. Deputy Speaker, you know what I found very interesting? When the Honourable Member said that if we did not get the America's Cup then Bermuda and its people would have continued to struggle, and what really struck a chord was when he said that we would have had higher deficit and higher taxes. So now, let us think about that for a minute. If we did not get the America's Cup, we would have had a higher deficit and higher taxes. I do not recall . . . and I will take a seat if someone wants to draw a point of clarification. I do not recall in the OBA's 2012 platform seeing an "America's Cup."

Okay, I did not get a point of clarification or a point of order, so I guess I am right.

So, (his words) *if the OBA Government did not host the America's Cup, they would continue to struggle, they would have a higher deficit and higher taxes.* Well, if I remember that 2012 platform correctly, Mr. Deputy Speaker, they were going to create 2,000 jobs. They were going to reduce the deficit. They were

going to reduce the debt. So thank goodness for the America's Cup, I guess. Thank God it dropped out of the sky after 2012. And, might I add, they doubled the debt. So maybe if the America's Cup had not come around, the debt would have been tripled. His words: *Bermuda would have continued to struggle. The deficit would have been higher. We would have had more taxes.* That does not equate to me, Mr. Deputy Speaker, maybe I am missing something. Maybe his colleagues can expand on that if they decide to talk.

Mr. Deputy Speaker, the Honourable Member did talk about in the two reports, he talked about jobs. He talked about jobs a few times. Well, I guess it is a good thing we did get some jobs out of America's Cup because we know that statistics told us that in their first two years they lost 2,000 jobs. They lost 2,000 jobs, Mr. Deputy Speaker! We already had 2,000 people out of work. And remember they promised 2,000 jobs in 2012. In their first two years, they lost 2[,000]. So there were 4,000 jobs owed to the country based on their platform.

Now, Mr. Deputy Speaker, the Honourable Member Dr. Gibbons also said that they looked at Morgan's Point, but it was too expensive. Now, I think I know a little bit about trenching, Mr. Deputy Speaker, and I think I know a little bit about construction. I tell you what. I will declare my interest. I did some work up there at Dockyard during the America's Cup too. But, Mr. Deputy Speaker, knowing what I know, looking at those two sites, because I noticed that there was no mention tonight of the \$40 million for Cross Island. Not one word! But I did hear about how we saved \$12 million from the \$77 million that was budgeted. I did hear that. Now, what is 66 and 40? I think that is just over 100 million, is it not?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Oh. Okay. Hmm. Hmm. Forty million to develop . . . and do you know what? We still do not know what it is. I have seen reports from the OBA. I have seen reports from the WEDCO chairman. I have seen reports from my good friend, Mr. Famous, from constituency 11. It is funny how I can remember his constituency, because the Giant Slayer . . . you can never forget number 11. It just happens to be my lucky number, by the way. But anyway . . .

But the fact of the matter is I remember, in fact, I have a little file down here with Mr. Famous' mathematics on how much acreage we have up there and how much it costs, probably the most expensive real estate in our history—\$40 million. Now, you are going to tell me that for \$40 million, just that \$40 [million]—I am not going to talk about the other \$66 [million]-plus, plus, plus, plus yet—that we could not have gone and done a deal at Morgan's Point? Something smells a little fishy about that. How interesting, indeed.

[Inaudible interjections]

Hon. Zane J. S. De Silva: How interesting, indeed. Like I said, I have a little bit of experience with trenching, laying utility cables, laying other cables.

[Inaudible interjection]

Hon. Zane J. S. De Silva: And a little pipe now and then, too, Mr. Deputy Speaker.

[Inaudible interjection]

Hon. Zane J. S. De Silva: But, Mr. Deputy Speaker, that was interesting. Now, the other interesting thing that—

[Inaudible interjections and laughter]

Hon. Zane J. S. De Silva: Mr. Deputy Speaker, as we try to gather ourselves in this House—

[Inaudible interjections and laughter]

Hon. Zane J. S. De Silva: Mr. Deputy Speaker, as we try to gather ourselves in this House, I did not think there were so many Members interested in laying pipe in this House, Mr. Deputy Speaker. But it is obviously a passion of many.

But let me say this, Mr. Deputy Speaker. But it is true. Think about that for a minute. Why? And what a beautiful sight that would have been. A little more centred to the Island. I will not . . . because I have a lot to cover tonight, Mr. Deputy Speaker.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Mr. Deputy Speaker, the other thing that was interesting was when the Honourable Member Dr. Gibbons thanked, and I have to repeat that word, *thanked*, Alan Burland and BCM. He thanked them for their . . . he said for their pro bono work.

Some Hon. Members: Ooh.

Some Hon. Members: Hmm.

Hon. Zane J. S. De Silva: Now, Mr. Deputy Speaker, because I do not know if I am going to run out of time tonight or not, and I have quite a bit of files here.

But one of the things I have, Mr. Deputy Speaker, is a copy of Hansard from March 16th, 2015. And in that Hansard, Mr. Deputy Speaker, with your indulgence, we had questions from the Honourable Member, Wayne Furbert, myself and a few others to the Honourable Member Dr. Grant Gibbons. We questioned, because he was the one that said that Burland's were doing all this pro bono work, maybe a

couple of hundred hours. Well, I will tell you what, Mr. Deputy Speaker. If the Honourable Member had come to me when he was thinking about doing some pricing for America's Cup, I would have gladly given him twice as many hours pro bono work as Burland did, if I would have known that I was going to get an \$8 million payday when I was done.

Some Hon. Members: Ooh!

Some Hon. Members: Yes, yes.

An Hon. Member: Friends and family.

Hon. Zane J. S. De Silva: My honourable colleague says, *friends and family*. It is the biggest friends and family party I have ever seen.

Hon. Dr. E. Grant Gibbons: Mr. Deputy Speaker, the Honourable Member is imputing improper motives there—

The Deputy Speaker: Member, are you calling a point of order?

Hon. Dr. E. Grant Gibbons: A point of order, yes.

The Deputy Speaker: All right. One second. Let me recognise you. You are from constituency—

[Laughter]

The Deputy Speaker: It is the Honourable Member Grant Gibbons, from constituency 22. What is your point of order, sir?

Hon. Dr. E. Grant Gibbons: Thank you, Mr. Deputy Speaker. I am sure you recognise me by now, but . . .

[Laughter]

POINT OF ORDER

[Imputing improper motives]

Hon. Dr. E. Grant Gibbons: The Honourable Member is clearly [imputing] improper motives there in calling it *friends and family*. I think it is just a sad pathetic given the amount of hundreds and hundreds hours that Alan Burland personally put in before the announcement of the America's Cup.

[Inaudible interjections]

Hon. Zane J. S. De Silva: What the Honourable Member is not telling you, Mr. Deputy Speaker, he said, *hundreds and hundreds of hours* now, so maybe it is more than the two he said back in March 19 *[sic]*.

[Laughter]

Hon. Zane J. S. De Silva: He said, before what? Before he started any work? Did it go out to tender? Oh, no!

Some Hon. Members: No!

Hon. Zane J. S. De Silva: I will take a point of order.

An Hon. Member: None coming.

Hon. Dr. E. Grant Gibbons: Yes, a point of order.

Hon. Zane J. S. De Silva: Oh, yes.

The Deputy Speaker: What is your point of order, Member?

POINT OF ORDER

Hon. Dr. E. Grant Gibbons: I think it would be fair to say that at the time it was very clear that given the experience and the amount of lead-up that Burland's had put into it, and the speed at which we had to hit the ground, that that was the only firm that was capable at that time of actually doing the project management. Which I said was way under the normal 5 per cent to 10 per cent for fee—

The Deputy Speaker: I accept that.
Carry on, Minister.

Hon. Zane J. S. De Silva: Tell you what, Mr. Deputy Speaker. You give me a \$10 million job and I will be under what the normal rate is too. Okay?

Now, the Honourable Member . . . I hope people are listening. And I hope Bermuda's people are listening. What the Honourable Member just said . . . and you know what? He is consistent. Because with your indulgence, I will read what he said on March 16th, 2015, when he was asked by our now Premier, the one that those over on that side, constantly said, *Premier wannabe*. Well, now he is your Premier.

The Premier asked, ⁵“Did the Honourable Minister” talking about Dr. Gibbons, “see if there were any other construction firms that may have been able to beat the 5 per cent?”

The Honourable Member Dr. Gibbons answered. “Burland was chosen because of their familiarity . . . with the whole bidding [process] all the way through, but because they effectively had worked very closely with the America's Cup Event Authority and others and there was a trusted relationship there. So the answer was that it was not put out to bid. It would not have made sense. Others would have taken a month or two to get [it] up and going. We had to move very, very quickly.”

My, my, my. Does “Financial Instructions” ring a bell to anybody in this House?

[Inaudible interjections]

[Desk thumping]

Hon. Zane J. S. De Silva: Maybe does a Commission of Inquiry come to mind?

[Desk thumping]

Hon. Zane J. S. De Silva: Does the horrible experience that our civil servants had to endure during that Commission of Inquiry come to mind?

[Desk thumping]

Hon. Zane J. S. De Silva: Mr. Deputy Speaker, they do a couple of hundred hours of pro bono work. They do not put it out to tender because they had been involved all along. My, oh, my! As Joe Brown would say. My, oh, my, Mr. Deputy Speaker! But you want to use the “C” word when the Progressive Labour Party was in power. But that is okay. That is okay!

[Inaudible interjections]

Hon. Zane J. S. De Silva: But you want to issue lawsuits against a former Premier, Dr. Brown, about some hairy-fairy, wishy-washy, looney-toonie dream that the former Attorney General happened to have one day. But you know what it is all about? Destroying strong leaders in this country that happen to represent the PLP. They also happen to be a little black.

Now, Mr. Deputy Speaker, the other thing the Honourable Member said, he talked about the fee schedule, 3.66 per cent. What the Honourable Member would not tell you is this, and I will give it to you. This was what was actually done. They were given 4.75 per cent of the first \$25 million. They were given 3.75 per cent of the next \$5 million, and 2.5 per cent of the last \$30 million. Now, let us think about that. You do the averages, and I am sure the Honourable Member has, it is 3.66 per cent, which is what he mentioned. But have you ever heard the term “front end loaded”? What was the final figure? What was it? Hmm. I will tell you what. The Honourable Member tabled two reports. Try to find out what the final figure was from someone that gave a couple of hundred hours pro bono work. Best pro bono work I think they have ever had in their history. Unless they have done it in the past, of course; I don't know.

Now the other thing that the Honourable Member said, Mr. Deputy Speaker, was that they gave a lot of stuff away. He mentioned Wi-Fi equipment to all our schools and it is even in one of these reports. They donated enough Wi-Fi equipment for every public school in Bermuda. Well, you take Gov-

⁵ [Official Hansard Report](#), 16 March 2015, page 1813

ernment money, you buy Wi-Fi equipment, and you donate it back.

An Hon. Member: Yes.

Hon. Zane J. S. De Silva: Well, what kind of . . . what is all this hoodwinking stuff going on, Mr. Deputy Speaker? Are we that . . . are we that—

An Hon. Member: And you must be grateful for it.

Hon. Zane J. S. De Silva: Oh, yes, and be thankful for it.

So, let us paint this picture. The Government gives ACBDA \$77 million. They buy all sorts of stuff. Give out all sorts of work to their friends and family. They buy some Wi-Fi equipment and then they have a press conference. *We're going to donate it to public schools. So, we're going to take your money and donate it back to you and I hope you are going to send me a thank-you note. Seriously? Now—*

[Inaudible interjections]

An Hon. Member: Take your time.

Hon. Zane J. S. De Silva: I am taking my time.

Now, Mr. Deputy Speaker, we have two reports that the Honourable Member tabled. I happen to have a copy. And I want to talk about the [PwC report](#) for just a moment. Now, I will have to turn on a light and maybe put on my glasses.

Now, Mr. Deputy Speaker, with your indulgence, the introduction of this report (this is from PwC), and I quote, "The ACBDA's performance in achieving these stated objectives is assessed in Section 5.0 of this report . . ." (now, here it comes Mr. [Deputy] Speaker) "the assessment is inherently subjective, as it is predominantly based on observations or the results of inquiries with key stakeholders."

It goes on to say . . . they have an "Importance Notice" on the front page, and it is number one, and it says this. "The reader of this document understands that the work performed by PwC was performed in accordance with instructions provided by our client, ACBDA. The document may, therefore, not include all matters relevant to the reader."

Now, I will let you dissect that for yourself, Mr. [Deputy] Speaker.

Hon. Dr. E. Grant Gibbons: Point of order, Mr. [Deputy] Speaker.

The Deputy Speaker: What is your point of order, Member?

POINT OF ORDER

Hon. Dr. E. Grant Gibbons: The point of order is the Honourable Member has forgotten to mention that section 5 is the environmental and social impact report. Not the economic part.

The Deputy Speaker: Carry on.

Hon. Zane J. S. De Silva: I did not forget anything at all Mr. [Deputy] Speaker. I did not forget; I called it out. I know exactly what I was doing. Now, Mr. [Deputy] Speaker, because I am going to dovetail into something else.

The Honourable Member has a copy. He might want to turn to page 5. And, Mr. Deputy Speaker, with your indulgence again please. "ACEA commissioned an independent report to determine the value of broadcast media coverage of the America's Cup event to Bermuda. That report indicated that the exposure obtained had an Advertising Equivalent Value" (Also known in the world in that space as AEV.) ". . . of \$80.9 million, which represents what Bermuda would have had to pay in order to achieve the same level of marketing exposure generated by the America's Cup."

Now, the Honourable Member Dr. Gibbons threw out several very large numbers during his presentation, \$70 million here, \$40 million here, and \$90 million there. Okay? Now, remember that term "AEV." Just remember that. Let's put it over here for just a moment. Advertising Equivalent Value. Now, Mr. Deputy Speaker, with your indulgence, Professor Jim Macnamara has something to say about this AEV. Because what it is, and Dr. Gibbons will tell you, the Honourable Member, it is based on a formula. So, with your indulgence, Mr. Deputy Speaker, Mr. Macnamara, along with several other companies that do this for a living, and I will call the company's name, and I will tell you what they say.

The research and evaluation toolkit, one of the most comprehensive guides on evaluation and measurement of public relations, produced by the UK Institute of Public Relations, now the Chartered Institute of Public Relations, states this, and I quote. "Despite their widespread use, advertising value equivalents [AVEs] are flawed by the fact that advertising and PR use quite different methodologies. Valid comparison is therefore difficult, if not impossible."

Now, Mr. Deputy Speaker, I will quote one more. The Public Relations Institute of Australia [PRIA] issued a Position Paper, and in that Paper they state: "The PRIA does not recognize Advertising Value Equivalents . . ." They do not recognise [them] whatsoever.

Mr. Deputy Speaker, I will give you the last one. [The] Advertising Federation of Australia [AFA], states, "The AFA does not support the practice of using Advertising Value Equivalents as a measurement of editorial publicity." And they go on to state, again,

Mr. Deputy Speaker, why no one uses the AEVs. They do not like to use them.

Now, Mr. Deputy Speaker—

An Hon. Member: Can't be quantified.

Hon. Zane J. S. De Silva: Can't be quantified.

Now, let me just . . . Mr. Deputy Speaker, so, all of this, and I think it is labelled the "Legacy Impact." For the layman, it is what is going to happen after America's Cup. And like I said in the beginning, I hope the Honourable Member is correct. The Legacy Impact. The numbers that they are using, Mr. Deputy Speaker, the people out there in the wide world do not use that formula. They think it is trash. But we are using it to show the people of Bermuda that, guess what? We are going to a couple of . . . mildrent [*sic*] . . . million [dollar] benefit.

An Hon. Member: Mildrent.

Hon. Zane J. S. De Silva: Yes, couple of mildrent. Yes, exactly.

[*Laughter*]

An Hon. Member: Mildew.

Hon. Zane J. S. De Silva: "Mildew" is probably better, Mr. Deputy Speaker. Yes.

Now, Mr. Deputy Speaker, the Honourable Dr. Gibbons talked about other countries that have hosted the America's Cup. He talked about San Francisco a little bit. But he did not tell you everything about San Francisco. Mr. Deputy Speaker, the *New York Times*, July 26, 2013. You know what their headline was? "San Francisco Bamboozled by Billionaires." Does that sound familiar? Bamboozled by billionaires.

Mr. Deputy Speaker, there were several articles that came out after the America's Cup was announced. And when the amount of money was quoted, I remember there was, I think it was in *The Telegraph*, in the UK. There was an article, Mr. Deputy Speaker, about how Bermuda just may have been bamboozled by billionaires. Mr. [Deputy] Speaker, you may recall the Honourable Member, I think it was Dr. Gibbons, it might have even been the Premier Dunkley at the time, they said that *all the hotels will be full, so full* . . . What would we have to do? Can anybody remember?

[*Inaudible interjections*]

Hon. Zane J. S. De Silva: We might have to bring in a couple of cruise ships because we will not be able to hold the amount of tourists that are going to flock to Bermuda. Mr. Deputy Speaker, I have not seen any ships out there. I saw a couple of large motor yachts Good to see. Congratulate the Minister for that, be-

cause I think that this could have some . . . I said it a long time ago in this place, that we should have long been welcoming superyachts to the country. So it is long overdue.

But, Mr. Deputy Speaker, I will tell you what. While we are talking about superyachts, there were a lot of people in Bermuda that were ticked off about that \$1,000 fee they had to pay. Because guess what? It was not value for money. No sir, unless you wanted to do a Black Friday, and go out there at four o'clock in the morning. Because those superyachts are big, Mr. Deputy Speaker, they are big. Those guys park out there overnight. And it is case closed the next day. But that is just some of the feedback that I received, Mr. Deputy Speaker.

Mr. Deputy Speaker, I talked about the \$40 million for Cross Island. There was no mention from the former Minister about the \$3 million that was spent on Moresby House. How many other expenses are we going to see come out of the woodwork in the next couple of weeks and months? Because I have it, I have some information, Mr. Deputy Speaker, and I will just run through them very quickly: Customs goods and equipment, \$97,000; overtime for police, \$60,000; Bermuda Fire, \$90,000; overtime for Customs, \$80,000. Mr. Deputy Speaker—

An Hon. Member: Ferries.

Hon. Zane J. S. De Silva: Oh, do not forget the ferries. Yes. Do not forget the ferries and what that cost. I did not have that number. But I do have those, Mr. Deputy Speaker.

But, you know, when you add it all up at the end of the day, what is that number going to be? What is it going to be? I remember Members—well, some of them, most of the UBP Members—back in the day, gave Dr. Brown hell, Mr. Deputy Speaker, because Beyoncé was brought here for \$2 million. They also . . . a lot of their supporters too, did not support the PGA Grand Slam coming to Bermuda, which it cost us a million, million and a half for time, which . . . now that is some bang for your buck in terms of if you want to talk about TV viewers and participation. And there are Members on the other side, they play a little golf, and they know what I am talking about, because golfers are funny people. You take a course where a major championship is played and lot of golfers . . . millions of golfers [say], *I want to play that course*.

[*Inaudible interjections*]

Hon. Zane J. S. De Silva: That is right. You talk about a gift that keeps giving. That is one of them right there.

But you know what, Mr. Deputy Speaker? They chastise Beyoncé. They chastise the PGA. They did not have a problem finding \$100 million for the America's Cup. It seemed to pop out of nowhere,

didn't it? One hundred million. We could not find money for our mouldy schools.

An Hon. Member: No.

An Hon. Member: Oh, oh.

Hon. Zane J. S. De Silva: They found more on top of the \$100 million for the America's Cup to fix the Cabinet Office. Thank you very much, by the way, former Premier Dunkley. It is very comfortable and nice. The schools could not find any money for that mould, but [they] found some for the mouldy Cabinet Office.

[Inaudible interjection]

Hon. Zane J. S. De Silva: Well, we can draw a list up. I got a little list too.

We could not find money for our broken-down buses that are continuously breaking down here as we speak. Who uses the buses most?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Mr. and Mrs. Smith, don't they? I do not see too many people living down Tucker's Town or Fairylands lining up to catch no bus.

An Hon. Member: No, sir!

[Inaudible interjections]

Hon. Zane J. S. De Silva: No! We could not find money for our people that have to now take their hard-earned money and maybe catch a taxi because they are late for work. And if they do not get to work on time, they are going to lose their job. Or get the kids to school.

An Hon. Member: Oh, oh!

[Inaudible interjections]

Hon. Zane J. S. De Silva: How about assisting our children's education? Hats off to our Premier. The first thing he said was, *We got to get some money for our children up at the college.* We gave them \$300,000 and we got, I think, we got . . . how many kids up there?

[Inaudible interjections]

Hon. Zane J. S. De Silva: I think, 185. [There are] 185 children up at the Bermuda College. That is what we did. They could not find it; we found it.

[Inaudible interjections]

Hon. Zane J. S. De Silva: They could not find money to give our civil servants a raise.

And while I am on civil servants, let me say this. Now, Mr. Deputy Speaker, I have only been in Sport and Social Development for a couple of months. Sometimes, I get in at 7:30 [am] and people are there working. Sometimes I go and come back and I get back at 6:00, 6:30 at night, they are still working.

When I was Minister of Health, and I have told this story before, on Valentine's night we had about eight females in that office working late on Valentine's night. I said, *Look, don't you got . . . ?* They said, *Yeah, we do. We're going, we're going.* We have a lot of hardworking civil servants in this country, Mr. Deputy Speaker, hard-working, who really take their jobs seriously. They genuinely do.

You know, when you think about, sometimes, the amount of money that the OBA found, and they seem to . . . you know, we had a former Attorney General who shut off water up at Dockyard. And I just gave you a litany of things that they could not find money for. But they seem to have an endless pot of gold when it comes to investigating. They have been investigating Dr. Brown for I don't know how long. They seem to find money. Commission of Inquiry . . . you know, people are struggling.

And, of course, now I have had the experience of talking to people on financial assistance every day. But we could find one . . . first of all, it was like . . . I do not know what the first number of the Commission of Inquiry was, 800? They came back for another 400. They came back for another couple of hundred. Okay, yes, all right, no problem. It seemed like they had an endless pot of money when it came to things like that.

But when it came to our people? *No, sorry. Catch a taxi, walk to work, walk to school. And, seniors, I tell you what. You are struggling, but you ain't getting no pensions.* Of course, we remember—that is probably why the former Minister of Finance is not here today—when he dropped that on our seniors, *Hey, look, money don't grow on trees.* And he would not say it compassionately or try to soothe it. He would just tell them straight, *Money don't grow on trees.*

An Hon. Member: Now Famous is cutting down trees.

Hon. Zane J. S. De Silva: Now Famous is out there cutting trees every day. Thank you, Brother Famous.

[Laughter and desk thumping]

Hon. Zane J. S. De Silva: Now, the Honourable Member, Dr. Gibbons, talked about Hamilton Princess in particular. I think he said they had the best May on record or the best June on record. Hmm. Well, we know that, too, do we not? Because we read the papers.

Well, what he did not tell you is that during that period of record occupancy chambermaids were being laid off! How does that work?

[Inaudible interjections]

Hon. Zane J. S. De Silva: How does that work? You had the best occupancy rate in your history for that month. And in the same breath you are telling your chambermaids, *We've got to lay you off.*

[Inaudible interjections]

Hon. Zane J. S. De Silva: And, of course, I do not know if you all remember . . . there were some people, there were *some* people—some people—who thought they would do well out of the America's Cup. I remember, and I think the person tried to remain anonymous talked about how they did not get any of the magic-money-tree America's Cup dollars, who had businesses up in Dockyard. Because everything was being directed where? To the [America's Cup] Village; not to the businesses up there.

Mr. Deputy Speaker, here comes . . . the water shutoff man just appeared.

[Inaudible interjections and laughter]

Hon. Zane J. S. De Silva: That is right. That is right. That is right.

Speaking of Port Royal . . . look, the Honourable Member wants to talk about Port Royal. Let us talk about it, Mr. Deputy Speaker.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Stay on track? Okay. All right. Because we already talked about no bids, and we know what happens to people who bid; they get thrown in court, people who bid on it.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Okay, I will not be tempted. But you can tell when you hit a spark in it. Yes, sir, you can tell when you hit a spark. He will never live that one down, Mr. Deputy Speaker. Turning water off for people up in Dockyard, seniors, people on dialysis. Mm-hmm.

But, Mr. Deputy Speaker, I was talking about people who complained. We have retailers, Mr. Deputy Speaker, who submitted applications to sell their wares up at Dockyard for the America's Cup. And I will get into some more details in a moment, depending on how much time. I think I have got about 22 minutes left. Is that right, Mr. Deputy Speaker?

The Deputy Speaker: You have got 20 minutes.

Hon. Zane J. S. De Silva: Thank you very much. Mr. Deputy Speaker, good. I should be able to get to some points.

Now, Mr. Deputy Speaker, you had the retailers that thought that they could sell their wares up at the America's Cup. They went to BDC for some loans. I understand they loaned out \$158,000 to several companies. Of course, some of our people said, *Okay, this is a chance for me to make a few dollars.* Well, guess what happened? If you were not in the food business and you had maybe some Gombey dolls or something like that you wanted to sell, you could not. No, no. You had to give them to the Coopers so that they could sell them for you. That is how that worked. Okay? And you had some of our people who are still trying to pay off those loans. Cool.

But not everybody struggled. We already heard from the Honourable Dr. Gibbons how Princess had record sales that month. But we also know that Butterfield & Vallis had record sales that month, too. Because they even did a newspaper article on it. Well, I think Goslings had some pretty good sales that month, too. I did not get any calls from Goslings saying that they were struggling. And I would venture to say that I would think that Dunkley's did all right, too.

Hon. Michael H. Dunkley: Point of clarification, Mr. Deputy Speaker.

The Deputy Speaker: What is your point of clarification?

Sit down, Zane.

Hon. Zane J. S. De Silva: Oh, no, no, no, no, no, no, no. You . . . no! No point of clarification. Sorry.

The Deputy Speaker: He is not yielding.

Hon. Zane J. S. De Silva: I do not want you taking up my time.

The Deputy Speaker: He is not yielding.

Hon. Michael H. Dunkley: Okay, well, because he knows he is on a sticky wicket.

[Laughter]

Hon. Zane J. S. De Silva: I am not on any sticky wicket. I would think that the Honourable Member . . . he will get a chance to speak. He will get a chance to speak.

[Inaudible interjections]

Hon. Zane J. S. De Silva: Now, but let us not talk about . . . my honourable colleague, MP Simmons says, *But he maybe did not make a profit.* Now, I do

not know if you remember this statement, Mr. Deputy Speaker.

[Inaudible interjection]

Hon. Zane J. S. De Silva: I do not know if everybody caught it or not. But since you mentioned a profit, when Dr. Gibbons was on his feet, and I quote, “I would like to thank Alan Burland,” and he went on to name some of the members of his team for the pro bono work; do not forget that. What he said was that his team did a good job in renegotiating the fee down to 3.66 per cent.

And I told you about the front-end loading on that, at 4.75 [per cent]. But he said something very interesting. I do not know if everybody caught it. He said, *They probably lost money*. He did. No point of order coming from him. No, sir—because he said it. He said, *They probably lost money*. I can assure you: Alan Burland, Mark DeVerti, those guys are sharp. You know that, Mr. Deputy Speaker. You know that yourself. Those cats do not lose any money. I can assure you. Now, I do not think any of those other companies I just named lost too much money either, Mr. Deputy Speaker.

Mr. Deputy Speaker, in this report that PwC produced, which the experts worldwide disagree with the formula they used, but in that report, one of the things they talk about . . . and the Honourable Member, Dr. Gibbons, did, too, [he] talked about the increase in tourist numbers. Hmm. You might remember, Mr. Deputy Speaker, that our Premier noted in his very last Throne Speech, and reminded everybody about the lowest tourist arrival, air arrivals, in our history just two years before. Well, we have said in this House several times, and I have to highlight it again. The Honourable Minister said, *Oh, well, we had 8 per cent increase in arrivals*. Well, when you have hit rock bottom—

Hon. Dr. E. Grant Gibbons: Point of order, Mr. Deputy Speaker.

POINT OF ORDER

[Misleading]

Hon. Dr. E. Grant Gibbons: Yes. The Honourable Member is misleading the House. I said nothing about 8 per cent. I think it was actually closer to 22. But that is up to the BTA.

Hon. Zane J. S. De Silva: Actually, he has got it wrong; it was 14. I was just trying him out. So, it was 14 per cent. It is in the report. Just take a look, Dr. Gibbons. All right?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Oh, now we have got chirping birds saying it is 16. Okay. All right.

Mr. Deputy Speaker, okay, 10, 14, 15, 20 per cent. Pick a number. When you are at rock bottom, Mr. Deputy Speaker, there is only one way, and it is up. I tell you what. Spending \$100 million, it had better go up! Spending \$100 million, it had *better* go up! And in my view, it has not gone up enough, not for that amount of money. For folks to have a party out there for a couple of weeks? No, sir, not good enough for me, Mr. Deputy Speaker, not good at all.

But, you know what, Mr. Deputy Speaker? Just like the *New York Times* reported about San Francisco in 2013 and how they were bamboozled by a billionaire, the question begs, Mr. Deputy Speaker, the question begs: Was Bermuda bamboozled?

Now, the Honourable Member, Dr. Gibbons, loves to talk some finance talk. So we are going to do that for just a moment. And I will just mention a couple of . . . I will mention one phrase, Mr. Deputy Speaker. It is called *cost and benefit analysis*. Let us say that again: cost and benefit analysis. Think about it for a moment. Cost, so something is going to cost. And then, a benefit analysis. Now, Mr. Deputy Speaker, so we know the America’s Cup cost. But who did it benefit? Who did it benefit?

The Honourable Member, Dr. Gibbons, told you about reports that were done in Valencia, San Francisco, New Zealand. And he talked about jobs. He said, *Oh, well, PwC did not have time or they did not have information to be able to talk about the jobs for the America’s Cup*. I wonder why?

[Inaudible interjection]

Hon. Zane J. S. De Silva: Oh, the Honourable Member, Dr. Gibbons, says he could not get it from his Government—his Government, his Government, his Government!

Hon. Dr. E. Grant Gibbons: Yes. Point of order, Mr. Deputy Speaker.

The Deputy Speaker: What is your point of order, Dr. Gibbons?

POINT OF ORDER

Hon. Dr. E. Grant Gibbons: The PwC report was done after our Government.

The Deputy Speaker: Carry on.

Hon. Zane J. S. De Silva: Oh. So when do you think they started, Mr. Deputy Speaker? July 19th?

[Laughter]

Hon. Zane J. S. De Silva: Dr. Gibbons, when did they start? July 19th? If I was PwC and I was commissioned to do this report all that while back, one of the first things . . . see, but that is the OBA Government. They are not worried about jobs in this country. Or they are not worried about the results that they might be given. If not, what do you think? If jobs would have increased and I was at the helm and I knew that I had promised 2,000 jobs and I lost 2,000, and I was 4,000 in the hole, what do you think my priority would have been in this report, Mr. Speaker? Jobs, jobs, jobs. This is what the America's Cup did.

No! Not on the agenda. There are only two reasons. They did not want to hear the result. I cannot remember the other one.

[Laughter]

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

Hon. Zane J. S. De Silva: But, Mr. Speaker, it is true. But it is true. Why did we not have some party on that?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Okay, all right, all right, all right.

Mr. Speaker, I think it is interesting. I do not know if you have seen this poster. I will table it; I will table it. And it is interesting because, you know, the Honourable Member, Dr. Gibbons, said that he could not get information on jobs. But they produced a very nice, glossy, thick report, Mr. Speaker. Does it have the number of pages on here? I do not know. It is pretty thick, pretty thick. But also, Mr. Deputy . . . I am sorry, Mr. Speaker (you are back). Thank you. You are welcome.

This nice little package of information that was put out as well, Mr. Speaker, and it goes on to tell you about the economic, environmental and social impact assessment of the America's Cup. And it goes on to talk about 17,000 residents attended, on an average, four times. Well, Mr. Speaker, just so that you know, I do not know if you went up. But if you took your ticket and you went in, and you were there for an hour, you could come out and give it to your friend or your family member and they could go in. So I am not so sure how good these numbers are.

Mr. Speaker, it is very interesting. Right down in the corner, when they talk about the 452 million viewers, and below that it is the media impact. And again, they go on to talk about the 22,000 news articles published in 76 countries and the \$80.9 million in advertising equivalent value. Remember that? *Advertising equivalent value*. All this data, most of it is based on that, which is another little . . . I think, you know, we should keep that as a keepsake. Because, Mr. Speaker, time will tell. And I hope for the life of me

that we can stand up here in a year, or two, or three, the next four or five years, and talk about how the tourists are flocking to this Island, and how well we have done. I really do, for the sake of our people.

But I think I do have a responsibility to tell our people about how these numbers are accumulated and posted in reports and posters.

Now, Mr. Speaker, let us talk about the social side. Now, I do not know if these numbers have reached Dr. Gibbons' desk yet, Mr. Speaker. But *The ACBDA's objectives were intentionally aimed at improving inclusion and representation from the broader community. The event was accessible to all, with minimum financial or physical barriers*. Now, this is what I think we need to take note of, Mr. Speaker. We had 71 per cent of the attendees who were residents and 29 per cent who were visitors. Of those residents attending, 64 per cent were white, 15 per cent were black, 14 were mixed or others.

Of the businesses, Mr. Speaker, of the businesses pursuing or planning to pursue an opportunity, 64 per cent were owned by individuals describing themselves as white, and 16 per cent black. Now, if you are going to talk about social responsibility, Mr. Speaker, and then I already told you the story about the retailers who thought they could get a little piece of the pie, who came to find out that they could not set up and sell their wares in the village. They could take their wares, give them to A. S. Cooper over there, they will sell them for you. Some of those folks, Mr. Speaker, are still paying those loans and do not know how they are going to pay them back. BDC loaned out \$158,000. They still have another \$42,000 to collect. They do not know if they can get it. Why is that? I think the opportunities were not what we thought they might be, Mr. Speaker.

Mr. Speaker, I want to finish on this note. The question that we have to ask ourselves is: Was the America's Cup good? Was the America's Cup good? And you know what? I think the America's Cup was good for some people. I think, though, that if we are going to host world-class events, Mr. Speaker, we have to ensure . . . we *have* to ensure that they benefit a wider group of Bermudians. And when I say they have to benefit a wider group of Bermudians, Mr. Speaker, we cannot rely on ticket sales. We cannot rely on ticket sales. So if we are going to host other major events in this country, and we have a few coming up, we have a few coming, one thing this Government will have high on its agenda is how can we benefit our people, all of our people and not just a selected few? Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Minister.

I now recognise the Honourable Member from constituency 25. Honourable Member Baron, you have the floor.

Mr. Jeff Baron: Thank you, Mr. Speaker.

Mr. Speaker, I rise relatively early in this debate on the motion by my colleague, Dr. Grant Gibbons, regarding the economic, environmental and social impact of the 35th America's Cup. And we just heard the question, not rhetorical, but a real question: [Was] the America's Cup good? I suspect, Mr. Speaker, that we will hear about this debate from both sides, a very symmetrical opposition or support for various things. Despite, or regardless of, ministry, regardless of some of the economic issues, was it good? Did it impact Bermuda economically? *Depends on who you are*—that is what we will hear. Did we advance Bermuda's reputation and global brand recognition from a tourism perspective or jurisdictional perspective? It depends on which side you perhaps sit on. Folks, ladies and gentlemen, Mr. Speaker, that is what politics is, unfortunately, about right now.

But let me advance one simple idea, Mr. Speaker, to you and Members and Bermuda right now. That, rising to the occasion to host the 35th America's Cup was inherently good. And here is why I say that. And I will focus specifically . . . I will keep my aperture specifically focused on maintaining the safety and security of this event, of the very people who went, regardless of the statistics. The thousands of people who went, the thousands of people who, of course, live in Bermuda—this was a two-year challenge, Mr. Speaker. On the 3rd of December, the day after I watched the Premier and colleagues in New York accept that invitation to host the global event, the Ministry for National Security, all of the various associates began in haste to begin to plan, along with Government House, with subject matter experts, along with agencies across jurisdictions, from the US, from the UK, from Interpol, you name it. It was a long two arduous years. And it was important.

And here is why I say that we had clearly risen to the occasion. And, Mr. Speaker, despite the predictable debate that we will likely have tonight, I am going to invite Members to applaud our men and women, the hundreds of Bermudians who worked day in and day out, not just for the duration of the event, not just to underwrite the security of this event in our Island, but for the years, the two years that led up to that, the intelligence-gathering, the intelligence analysts, the work on the plans, et cetera, and I will get into all of the different relationships that were eventually built out from that.

I am going to invite colleagues to do that. I think that this should have bipartisan support! I do not think that this should be a partisan issue! The men and women of this country deserve that, particularly those in the uniformed services.

[Desk thumping]

Mr. Jeff Baron: They deserve those kudos. Regardless of how you feel, the America's Cup was econom-

ically, socially, environmentally [a success]. The men and women, hundreds of them, Bermudians, who trained, who sweated every single day to secure that event deserve bipartisan support from this House and the other place as well, Mr. Speaker.

Mr. Speaker, specifically, specifically, for the very first time we had the Joint Agency Command Centre set up. And Members on both sides were invited to go visit the Joint Agency Command Centre and see the dozens and dozens of people, not just from the Ministry of Public Safety, National Security, but members from all types of agencies sitting in that one room to secure the event, from the America's Cup Event Authority, the ACBDA, from the police, from Customs, from Fire, you name it. EMTs, a tremendous number of people stayed in that room 12, 14, 16 hours a day. Inspector Cosham should be commended again for the work that he built out. I know the Minister works very closely with him. We heard a statement earlier on regarding the Emergency Measures Organisation. They are to be commended. And a lot of the things that we have seen them do during the America's Cup have advanced the portfolio of the Emergency Measures Organisation, and they are to be thanked for that.

We hear and we see, Mr. Speaker, in the Government's platform and the Throne Speech this year, regarding the Regiment taking over marine patrol. And I completely support that. And I want to say that, again, a lot of those seeds were planted and also groomed while the America's Cup was going on. We had significant numbers of marine units, unprecedented numbers. And I want to pause here, because we did . . . I will admit that we did have one very unfortunate fatal accident on our waters late at night, well after the races were over. However, Mr. Speaker, for the entire event there was a tremendous amount of marine traffic out there, and therefore there had to be a significant security package for that event. And we saw the men and women of the Regiment step up to the plate and literally work with the police service in uniform for days and weeks and months.

The development of the Comprehensive Security Plan. Mr. Speaker, I was intimately aware and involved with the security committee from the ACBDA. Of course, the members, most of the members, the senior members and lever-pullers from various public safety pillars were sitting on that, as well as Government House representatives. And various meetings between the two occurred at least twice a month leading up to the event, once a month in the first year.

I say that because you can imagine the amount of interest globally from security professionals, from security industries, from people who were involved with San Francisco, bidding to get this contract so that they could come here, they could underwrite the security, they could hire people, they could write the security plan. Did not happen. We had Bermudian professionals. We have the subject matter

experts. We heard the Minister here say today—and he is absolutely right. And we crafted it, this extensive security plan, for an event that was not a one-day event. This is not like securing the Super Bowl, which is a big Sunday. It is not like that at all. This was a sustained event, weeks. The challenge that goes into weaving a plan for that event is tremendous. And our subject matter experts, our men and women, our Bermudians, are the ones who put their effort into that, and they should be commended.

We had more than 150 soldiers from the Royal Bermuda Regiment deployed, along with police officers, throughout the event. So much so, to its capacity, so that the Royal Bermuda Regiment, for the first time, did not travel for their annual camp. Instead, they downed, they tested, they adjusted, they trained locally for the two weeks that they were meant to go to camp so that they could get this right. They had significant training, and they each qualified. And most of the folks in here would have gone into the Event Village. If you did not, it was much like going through an airport. They had specific TSA-like qualifications, all of them.

So when we talk about *if the America's Cup is good*, we have to recognise, we must recognise that we have to look beyond just economics. We will have that debate here tonight. We will decide whether or not, depending on where you sit politically, on your map where the money went—was it good, was it bad? But there are Bermudians who are right now more qualified because of this event. There are Bermudians who are right now more qualified, more satisfied with their jobs, and more prepared to do their jobs. So when the Regiment takes over and they begin to privatise completely and professionalise posts, they are more prepared. When they take over the maritime operations, they are more prepared because of this event.

It is not a Tabletop Exercise. This was a five-week event, not tabletop. We seldom get those opportunities to shine. We seldom, Mr. Speaker, get those opportunities to test our metal in a global environment when, during this event, there were two terrorist attacks at social events in the UK, one at an Ariana Grande concert (and the other one escapes my mind). But there were two terrorist attacks during and leading up to this event, which caused us to pause, to question, to ask the same questions and lessons learned from those events.

Were we getting it right? Were there gaps in this product, and how do we fill them? That is what we had to ask. And we did. And we rose to the occasion again.

Mr. Speaker, I am going to yield to, again, what I have called the predictable debate where we go from here. It is going to be, *Was this good? No. This is great. The economics are bad. This did not impact people.* But again, I am going to end on this note. The men and women of the uniformed services in National Security deserve bipartisan support from

this House, because there are hundreds of them who worked day in and day out for weeks, months, and some of them in the planning phases, for years. And we must not disregard that because we feel that this event was focused on certain people or not. At the end of the day, Bermudians are the ones who made this happen.

So, my original point was to invite Members not only to congratulate them, Mr. Speaker, but to accept that hosting a large-scale event that was so sustained is inherently good for those very reasons! Because our Bermudians are more qualified. Our Bermudians are more ready for tasks. And our Bermudians were extremely proud to wear that Bermuda flag on their uniforms and work day in and day out. Whether they were on NBC or CNN or whatever media outlet they were on, they were proud to be there. Ask any one of them! They were proud to be there.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

No other Member?

You rose just in time.

We recognise the Honourable Member from constituency 23. The Honourable Member Gordon-Pamplin, you have the floor.

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

Mr. Speaker, there are a couple of things that I wish to use to preface my remarks with, after I congratulate my honourable colleague from constituency 22 for bringing this report to this Honourable House for it to be considered, debated, critiqued, embraced, rejected—whatever the approach that Members choose to take.

However, let me say that the America's Cup was not an event that we determined or that the Minister and the Cabinet and Bermuda determined on a whim to, *Let's go out and spend \$77 million to the exclusion of all else.* To put it in context, Mr. Speaker, we have to juxtapose the financial situation that we inherited in 2012 when we took over the Government. The Member who spoke earlier indicated that he saw nothing on our platform that indicated that we were going to host the America's Cup. No, there was not. And a good government will be nimble to be able to advance and seize opportunities. And I know this Government will do the same, because that is what governments do, at least, hopefully, that they will seize opportunities that will benefit the people whom they are required to represent in the overall course of things.

So it may not be scripted, minute by minute, day by day, week by week, event by event. But if you look at and observe an opportunity that comes to the fore that you think is going to enure for the greater good of the people of Bermuda, you would be fool-

hardy to not seize that moment. And that was the context in which the America's Cup was seized, the opportunity to have it hosted here.

Now, it was a little lamentable that the Government did not choose to table the report. Because we heard, leading up to and subsequent to the America's Cup and subsequent to the election, when we heard discussions concerning the impact of the America's Cup and that we would be waiting for a report, we heard comments like, *We hope it is good for Bermuda. We hope it will be positive.* So the reports come out, and they show a level of positivity. So I am surprised . . . no, I am not surprised; I am *disappointed* that the Government chose to not even bother to table the report, the PwC report, that it had to come from Members on this side. Because I believe, overall, we could see that there was benefit to the country, and the Government wants to ensure that the benefit to the country is enhanced. So that is their function. And they would have done so by being able to say, *Look at this event. We didn't put it on, no. However, the ultimate benefit certainly had a positive effect on our community.* But that was not to be.

We heard this morning, and you very rightly put me in my place, Mr. Speaker, but I am going to highlight now because I believe it is appropriate, the interpolation that came from an Honourable Minister, who indicated that, *We would not have spent \$77 million on America's Cup,* when we talked about fair budgeting in the Ministerial Question and Answer period. And, you know, I did have a word with the Honourable Minister, because sometimes you make a comment . . . and he said, *You know, I did take a cheeky run.* And yes, I understand that. And in the banter of politics, you can appreciate that sometimes people will say some things that are not meant to be necessarily totally negative. But he has indicated that he has had the opportunity to consider this event from a different perspective.

And for that banter, I am particularly appreciative, because there are times when a comment could be made that one might consider that it was not the best or the most intelligent thing to say under those circumstances, for those reasons. But in retrospect, there could be different considerations. And I appreciate when somebody says, *I had the opportunity to see it from a different perspective,* and have the ability to have that civil interchange of ideas in furtherance of the points that he was making either on his side or mine.

But let me just say that, despite the challenges that existed in trying to host the America's Cup, not least of which was exacerbated by a negative attitude that permeated from the Opposition virtually from day one, that *Sailing is a rich white man's sport,* and therefore there is nothing in it for many of our Bermudians. And I would say that if you say to any of our entire middle school children that their participation in the *Endeavour* Programme, which was one of the legacy

issues when it comes to sailing, that there is no value in what they have done, there is no worth in their taking advantage of an opportunity to build their self-esteem, to build their skills, then I am sorry. That is a pathetic situation if we do not acknowledge that there is some good that will come out of this programme for all of our children. Many of us have young children, Mr. Speaker. I have two older, and I can imagine—

Mr. Dennis Lister III: Point of order, Mr. Speaker.

The Speaker: Member, yield. We have got a point of order.

What is your point of order, Member?

POINT OF ORDER

Mr. Dennis Lister III: The point of order is to the Honourable Member's comment. Yes, in Bermuda, sailing is a mixed sport, because we are surrounded by water. I myself sailed for three years when I was young. But the sport in itself of the America's Cup is predominantly white. That is where the comment was made, not necessarily in Bermuda. So, yes, there are young black people who do [sail]. I myself sailed when I was younger. But worldwide—

The Speaker: Thank you for your point.
Continue, Member.

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

Mr. Speaker, let me say that some of the challenges, as I started to allude to, in hosting this came from some of the negative comments and the negative atmosphere that was created around the event, not least of which was that there was somebody at the airport who determined that every person coming for the America's Cup during the currency of the Cup, during the actual competitive days, would be required, before they were cleared in Immigration, to show their return ticket. Because the law and the regulations basically say that people coming to our shores, if they are not local, they ought to be able to have evidence that there be a return ticket to take them back from whence they have come should the necessity arise.

So we had to deal with somebody having made that decision that, in the heart and the midst of the busiest traffic time for people coming in, we are accepting the fact that people are coming, they were coming for the America's Cup, *May I please see your return ticket?*

Now, Mr. Speaker, in a day when we have a couple of security issues, firstly, they require that you not use electronic devices in the arrivals area of the airport. But we have people who travel mostly using electronic tickets who found themselves in the arrivals hall trying to download and stress the Internet [capa-

bility] to try to find an electronic copy of their return ticket in order to satisfy Immigration officers.

I was made aware of that, Mr. Speaker, when I arrived back from a trip. And I was the Minister of Immigration. So when I was told that this was happening in Immigration, I thought, *Where did this order come from?* And I was told it came *from somewhere up the chain*. So you did not get any higher up the chain than I, and I knew that I had not given that instruction. I had conversation with the people who would be at the levels below me, and none of them had given the instruction.

So having come back from a trip and having observed it myself, I thought, *This is absolutely outrageous*. So, I spoke to the duty officer at the airport. I spoke to the Chief Immigration [Officer] by communication, and basically had a conversation to say, *I am not sure where this order has come from. But I do not believe that, as a country, we want to see ourselves less than welcoming to our visitors if we want them to come and we want them to come back!*

But this is an idea that somebody had to make sure that, whatever spanner could be thrown in the works to undermine this event, that it would be done.

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: So at the time, I actually stopped my egress from the airport, spoke to those in charge, gave instructions that whoever was responsible for this order, it needed to stop immediately. There were two flights coming down after my flight, which were a JetBlue from New York and an American from Miami. And I said, *This policy of asking people to show their return ticket unless you are doing your normal course of scrutiny, which you would do . . . I am not telling you how to do your job. I am just saying that there were some things that ought not to happen, and this is one of them.*

So, that stopped. And I actually stayed at the airport to observe the next two flights that were coming down. And I had conversation with the staff at the airport while they were waiting for the next flight to come down, Mr. Speaker, and I can tell you that they thanked me. They said, *Minister, we appreciate you stepping in, because it was frustrating to us not to be able to do our job effectively.*

So where did that come from? It did not come from the top. It did not come from the Minister. It did not come from the Chief Immigration Officer. It did not come from the Permanent Secretary, but somebody along the line.

So, when you have a determination to adhere to some of the negativity that would be permeating throughout the community, based on an attitude towards an event, then you can understand—

Hon. Wayne Caines: Mr. Speaker.

The Speaker: Member, would you yield to a point of order?

Minister.

POINT OF ORDER

[Misleading]

Hon. Wayne Caines: Mr. Speaker, the Member is misleading the House. She is making a quantum leap suggesting that she saw some behaviour that she did not like at the airport, and she is trying to make a connection with the leadership of the PLP. Mr. Speaker, you cannot make that connecting rod, with the greatest respect, Mr. Speaker.

The Speaker: Thank you.

Mrs. Patricia J. Gordon-Pamplin: Mr. Speaker, at no time did I say *the leadership of the PLP*. I did not say that. I said that when you have a negative attitude being permeated relating to a specific event, and somebody determines to utilise that negativity to put a spanner in the works—

Hon. Wayne Caines: Mr. Speaker, point of order, Mr. Speaker.

Mr. Speaker, again you cannot connect a person's behaviour at the airport and try to connect it with a party, now Government, based on that behaviour at an airport. Mr. Speaker, she is suggesting, with the greatest respect to the point of order, she has suggested that the Progressive Labour Party permeated a negative belief of the America's Cup and that, as a result of that, people at the airport were not letting people in! I am telling that Member, you cannot make that quantum leap!

The Speaker: Your point has been made, Minister. Your point has been made. But I am going to let the Member continue down the road on the basis that I think she was giving an opinion of the *atmosphere* that was happening. The moment she crosses that line to actually tie it to the party or an individual, then I will hold her to account on that. But I have not heard her specifically say that it was directed that way.

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

Me thinks thou dost protest too much. I just question. But let me just say—

The Speaker: Continue on speaking to the Chair.

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

Mr. Speaker, let me also say that, having gotten over that hurdle, we have to start looking at some of the benefits. And, Mr. Speaker, I had the occasion to go down to St. George's and see the Endeavour

Programme in action. And the STEAM aspect of the programme and the benefits that our young people were able to get, by seeing them working on, from the mathematic aspect of things, how you calculate the area of a sail; and being taught how to measure and how to estimate and how to bring those things to the fore to give them a practical learning experience with the things that they had in front of them relating to sailing. And they were all out sailing. And that programme has legacy in which, more recently, after the events, where the Oracle Team base was in Dockyard, this Endeavour Programme has been organised to try and take over that space in an arrangement with WEDCO, to take over that space in order to be able to have a permanent benefit for our young people.

Mr. Speaker, the worldwide exposure—I have heard anecdotal stories. In fact, a friend of my son, or an acquaintance of my son whom he met while travelling, who lived in Israel, contacted him to say, *What a beautiful country you have*, and having had the acquaintance being made while they were travelling over in Asia, it was like, *When can I come to Bermuda?* So this is one example, and albeit a singular one, but it is an example that people have been able to look at the exposure through the television cameras to highlight what a beautiful place Bermuda actually is and a place that, ultimately, they would like to be able to travel to.

So, let me also say that . . . one of my colleagues is going to speak to the issue of the Red Bull Team, and I am going to leave it to him to do. But let me just say the immense pride that we felt as Bermudians as we watched our Red Bull Team compete against the other nations against whom they were sailing! And there was one day when they actually came first in their race, and we were sitting up there. I mean, it was just absolutely incredible, the excitement from people who were watching. And those races were held in the middle of the afternoons, when people were, under normal circumstances, at work. We had people actually taking off work so they could go to be able to support and encourage our young people.

So, was this the panacea? Obviously not. Because when you are trying to find various events to pull you back from the financial precipice and to pull us back to a degree of stability, it was a tourniquet at the time that helped to stop the financial bleeding. And the contribution that will go into the economy, either directly or indirectly, has been manifested in the report that PwC has done.

But I can further say that there are people in this Honourable House who gained tremendous advantage for the putting-on of this particular event. We had transportation benefits that people were able to have. We had housing benefits that people were able to have. We had management benefits that people were able to have. And I thank, in particular, Danielle Riviera, who went up and down the countryside trying to ensure that Bermudians were made aware of the

positive opportunities that were available through the various entrepreneurial opportunities for businesses, throughout the America's Cup. And they put on the table, Mr. Speaker, ideas that some people would never even have thought—things like, *These ships are here. They need laundry services. They need grocery shopping services. They need babysitting services*—things which we might not have looked at as particular business opportunities, but indeed were opportunities that arose as a result of the times. And that helped to put additional money in people's pockets.

When I spoke to some people in terms of having their homes that they put out, under Airbnb or some kind of visitor rental, some of them were actually extortionate. When I heard people saying to one here, *Oh, I put my rates up to X, Y, Z because of America's Cup and people were coming in. People will pay for it.* And that may well have been so. But I can tell you that I have benefited from that particular ability to have visitor rentals. And, no, I did not put rates up to be extortionate, because it was more important that people have the opportunity to come to Bermuda and to have a positive experience in which they would want to come back at some point in time. So these are the kinds of things.

The Honourable Member from constituency 29 who spoke, I heard him speak for an hour. But I never once . . . when he talked about *other people* and the benefits that they may have had and how it has been skewed to certain individuals, I never once heard him indicate that there were many days that I have actually had to observe or that I observed—not *had to*, that I observed—that there were yellow and blue heavy equipment on the site, crane trucks on the site. So it would seem to me—

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker.

The Speaker: It is a yield, Member.

Minister, what is your point of order?

POINT OF ORDER

[Misleading]

Hon. Zane J. S. De Silva: Point of order. The Honourable Member is certainly misleading the House. And I will repeat once again, because the Honourable Member does not always listen when she sits there. I do not know what she does, maybe plays tiddlywinks.

The Speaker: Just talk to the Chair, just talk to the Chair.

Hon. Zane J. S. De Silva: Yes. The Honourable Member . . . I did say during my speech, Mr. Speaker, I declared my interest and said, *Yes, we had worked up there, as well.* The record will show that, just like we did at Port Royal.

The Speaker: Thank you. Thank you, Member.

Mrs. Patricia J. Gordon-Pamplin: I apologise because I missed that point. Because I did not hear him say that. And if he did, then I apologise. I withdraw my comment.

The Speaker: Thank you, Member.

Mrs. Patricia J. Gordon-Pamplin: Mr. Speaker, but let me say that people did get significant benefits. But by the Honourable Member's having equipment there, working, to which he says he declared his interest, it means that his staff would have been able to get paid for the work that they were doing, and good on them! Because they ought to. That is the whole idea of broadening the pie for people to be able to participate. So that was a good thing.

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: That was a good thing.

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: Maybe, I do not know.

[Inaudible interjections]

Mrs. Patricia J. Gordon-Pamplin: And the Honourable Member has indicated, you know, he bid on it, but no pro bono. So, you know, certain things were given to people with pro bono, because, obviously, to the extent that we are able to minimise the costs of hosting the event, it was going to enure to the better benefit of Bermuda so we would not have to put out quite as much. Hence, the overall cost did not hit the \$77 million.

Now, we have heard comments concerning the Cross Island and the fact that the overall cost, as indicated in the PwC report, did not indicate or did not include therein the cost, the \$39 million cost of building out Cross Island. And I will say that this was a project that had been brought to the table prior and was never advanced because of significant other reasons. And I am sure that other people may want to get into that if they choose. But I am not going to be negative in that regard. But I think that it is important to say that we had an Honourable Member in this Honourable House who actually sat on the post-event committee for a period of three years to determine how best that facility and site could be used for the better benefit of Bermuda—so, notwithstanding, because that was a WEDCO project as opposed to a Government project.

But, you know, I can remember as we sat as a Cabinet and considered the Moresby House, Mr. Speaker, I can tell you that I looked at it and I looked

at the condition of it. And my first impression was, you know, *Put some billboards up around it. Paint some pictures. Paint a sky on it, and let us call it a day. Get a wrecking ball in there, and knock the building down.* Because, to me, it looked as though it was beyond any economical state of repair. However, my colleagues, who obviously thought better and saw a bigger vision than I on that particular project, convinced us, and we obviously agreed by a majority, that this was a good project, to refurbish that House.

Mr. Speaker, when I had the opportunity to go and see the finished project, and when I had the opportunity to go . . . because that was used as one of the vantage points that the Government utilised in order to be able to host various dignitaries and the like, and various members of the public, to have a look down that [race] course . . . when you saw, Mr. Speaker, the quality of workmanship that was put into the refurbishment of that Moresby House, all I could do was feel a sense of overwhelming pride in the quality of the workmanship, what it looked like ultimately, and to know that it is there for the benefit of WEDCO and its future uses, and for us as Bermudians.

Mr. Speaker, you cannot put a price on that. You cannot put a price on it. Because we know how much it probably cost, what it cost WEDCO to actually get the work done. But is that negative because they spent the money and ended up with a property that has probably tripled or quadrupled its market value? I believe WEDCO might consider it to be money very well spent. And I think that this is very positive.

Our ability, Mr. Speaker, to see the interaction and the infusion, within the community, of the members who were here, the teams that were here—there was a fundraising event by SCARS (which is Saving Children And Revealing Secrets), which was held at Government House as a fundraiser for their event. And they had their sights set on a certain number that they would be able to raise in benefits that night. And, as part of the invited guests, there actually were members from the various America's Cup teams. And they offered things like—and everybody tried to one-up everybody else—*I'll give you a day of sailing out on the water with our team on one of the boats, one of our training boats.* And then somebody else was like, *Well, I'll give you a day of sailing out on a training boat with our skipper.* And everybody was trying to up the ante.

But that night, that particular event raised twice as much as they had anticipated, based on some of the benevolence of the members of the America's Cup teams.

My honourable colleague from [constituency] 22, the Honourable Member Grant Gibbons, spoke to some of the things that had positive financial impacts. But the things like the renting of the Grand Atlantic, which has sat sort of unoccupied for a significant period of time, and other benefits that were able

to be had during the currency of that particular event, these are things that, you know, when you look at the community, that we had these members of the team going out and assisting places like Sandys Secondary School and doing some physical work there, and then you had young people who were being able to be embraced in their chefs programme and working with the chefs and doing things, there was an awful lot of benefit for the people of Bermuda.

And there was a lot of volunteerism. And I have to say that, having gone down to Rio for the Olympics and having attended, over time, Commonwealth Games and Pan Am Games and CARIFTA Games and the like, none of those events are successful without a serious degree of volunteerism. And I think if I do nothing else tonight, Mr. Speaker, it would be to show another sense of appreciation that we have for those people who volunteered their efforts, their time, and their talents to ensure that this event was successful.

We not only had people who are resident to volunteer; I can remember having one of my guests, Mr. Speaker, who was here for 21 days, who had actually come down in advance of the event to volunteer. She worked in Bermuda for a while and had relocated to the United States. But she came down to volunteer for the Tall Ships. And the Tall Ships event, which just preceded the America's Cup, made the marine regalia over the entire period something special.

How much time do I have?

The Speaker: You have got four minutes.

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

[The Tall Ships event] made it something special for the country, Mr. Speaker. So, when you put all of those things together, while it was not the now-Government who found the event, it is not the now-Government who were able to pull off the event and to pull together all of the pieces to help to make it successful, let me say that I will be the first to say that, should the now-Government have the ability to pull together a major event that can involve as many of our people as possible, to the benefit of our entire community, then they will have 100 per cent support from us on this side of the House. Why? Because whatever is good for the event will ultimately enure for the better good of all of the people of Bermuda.

And I do not think that there is any way in which anybody can say in this Honourable House that we on this side do not want to embrace what is best for all of the people of Bermuda. So, from that perspective, notwithstanding that the Government did not see fit to bring the report or to have any positive contribution towards the debate relating to the report, I just think that we would want to ensure that, as I said at the outset in the response to the Throne Speech, we will give them the level of support that perhaps we never enjoyed from them. But I think that what we look

at is what is right for the country. How can we ensure that everybody gets all the benefits that we can? And how can this experience help us to springboard into hosting future events where Bermuda can be on the world stage? We have got the triathlon coming up in April of next year, where we can . . . and we have, you know, as the marketing person, we have got Flora Duffy, who is a world-class athlete, who is the poster person for that upcoming event.

And knowing that we were able to do the America's Cup successfully, I have no doubt that the Government will be able to have most of the kinks ironed out, that they will have the benefit of those experiences, the volunteerism, all the infrastructures that are required to ensure that this event and all subsequent events are extremely successful for the better benefit of all the people of Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member. Does any other Member wish to speak?

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

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

I want to start out by thanking my honourable colleagues for their presentations up to this point in this take note motion. I am not honestly surprised by the lack of participation by the Government. It was somewhat expected because the report was not tabled at all.

Now, Mr. Speaker, just before I get into the main part of what I want to say, the Honourable Member—the only Honourable Member from the Government benches who has spoken to this point—made a couple of comments that I think I need to reply back on.

In his failed criticism of the event and to try to castigate the former Government into taking on this event, I think he highlighted a real challenge that we faced as a Government. When we took over in 2012, we had a serious issue with the ability to pay our bills, so that every decision we made was against the context of what are the most important things we can do now, how do we get the country back on track, how do we curtail the debt and all that type of stuff. And the Honourable Member was very good at talking about some of the things that we did not do that he thought we should have done, Mr. Speaker.

I certainly appreciated the context he was trying to deliver, but there is another side of that story as well. And the other side of that story that the Honourable Member forgot was in January of 2013, the Minister of Finance had to actually go out and borrow money to meet payroll at that time. And so when you talk about priorities—winning the election in 2012, there was no way an Opposition would expect within a month to have to go borrow money to meet payroll.

That is something that the Government of the day knew that they would have had to do if they were paying attention, Mr. Speaker.

He talks about—

[Inaudible interjections]

Hon. Michael H. Dunkley: The Honourable Member . . . and I hear a lot of catcalls. You know, they can get up and speak when I am finished, if they choose to, if they have read the report, too.

The Honourable Member talks about the civil service [pay] increase that has been given to, I think, only two of the seven unions so far. Well, the Honourable Member was certainly a little bit short in the information he gave out—perhaps on purpose, too—because that public sector negotiating team was started, I believe, a number of months before the general election. So the work had already been put in train to move forward.

The Honourable Member talks about, you know, fees that were paid for the America's Cup. And I think he talked about the fees that are paid to certain individuals for the America's Cup because he wanted some company in the misery that he was going through for some of the fee scrutiny that had taken place in the public and some of the things that he had done in Port Royal and other areas, Mr. Speaker.

[Inaudible interjections]

Hon. Michael H. Dunkley: So, I understand the Honourable Member is certainly, probably, a little bit gunshy about the issue and wanted to bring it up and criticise. But we must remember that when we talk about the structure of what was done at the America's Cup, the ACBDA was the local entity that we funded to get the job done. And they did a good job.

[Inaudible interjection]

Hon. Michael H. Dunkley: They did a good job.

And I hear the Honourable Member saying they got paid. Well, nothing comes free in life. They got paid, Mr. Speaker. And all through this whole process this Government tried to push back and say that it was not a success and there were challenges here. But let me just go on for a second.

The Honourable Member talks about businesses that did not benefit or benefitted from the America's Cup, and he mentioned some businesses that benefitted—Butterfield and Vallis, Gosling's, and I think he might have even mentioned that . . . he was getting to mention that Dunkley's might have benefitted. Well, Mr. Speaker, I was hoping that he would say that because it would allow me the prime opportunity to say, yes, if Dunkley's benefits, the company who does the trucking from the pier in Hamilton to

Dunkley's would benefit as well. And that is Island Construction.

[Inaudible interjections]

Hon. Michael H. Dunkley: Now, Mr. Speaker . . . now, Mr. Speaker, I get castigated a lot for even using Island Construction.

Hon. Zane J. S. De Silva: I get castigated for drinking your milk!

[Laughter]

Hon. Michael H. Dunkley: The Honourable Member . . . you know, Mr. Speaker, I am not—

The Speaker: All right—

Hon. Michael H. Dunkley: —so sure the Honourable Member does drink the milk!

The Speaker: All right, all right!

[Laughter]

Hon. Michael H. Dunkley: I am not so sure he does! He would be much healthier.

[Laughter]

The Speaker: All right, all right.

Hon. Michael H. Dunkley: But I raise this point specifically, Mr. Speaker, because it is a business decision based on the quality and the value of service you get.

The Speaker: Yes.

Hon. Michael H. Dunkley: Mr. Speaker, so I do not play favourites in that . . . the company does not play favourites in that. Fair and square he won the bid. So, if Dunkley's would benefit, Island Construction would benefit. And that is how the America's Cup worked.

The reach of the benefit from this community . . . yes, there were areas where it probably did not get in to. But we never promised that it would go from one end of the Island all across the Island. We never promised that. We never said that it would be the be-all and end-all and the cure-all for everything, Mr. Speaker.

[Inaudible interjections]

Hon. Michael H. Dunkley: We said that it would be . . . we said, Mr. Speaker, that it would be—

Hon. Zane J. S. De Silva: Point of order. Point of order, Mr. Speaker.

The Speaker: Yield to the Member for the point of order.

Minister, you have a point of order?

POINT OF ORDER

Hon. Zane J. S. De Silva: Yes, the Honourable Member must not have listened to his colleague, Dr. Gibbons, because when he started his speech he said that the America's Cup was the silver bullet for Bermuda.

An Hon. Member: Yes, that is what he said.

The Speaker: Thank you. You can come back . . . continue on, Member.

Hon. Michael H. Dunkley: Mr. Speaker, now that is a good point. But a silver bullet for Bermuda allowed us to continue to move forward and build something. But we never said it is the America's Cup or nothing. There were a lot of other things that had to happen, and if we do not make the legacy of the America's Cup work, then the investment is not going to be magnified in the way that it should be, Mr. Speaker.

And, so, I listened to the Honourable Member speak for an hour and he continued with the trend that we have seen for three years as of tomorrow is to try to say, *Yeah, we do kind of support the America's Cup, but . . .* and that continued here tonight, Mr. Speaker. We heard all these excuses about we could have used money for this, we could have used money for that.

And I want to make one last comment before I get into the body of this report, Mr. Speaker, because I could stand here for half an hour and throw bricks back just like the Honourable Member threw bricks here. It is not getting us anywhere, Mr. Speaker. We had the Grand Atlantic which we used for the America's Cup, the former Government spent \$45 million on it and they turned one light on. So, Mr. Speaker, no Government is perfect. Every Government makes mistakes. We all have things we would like to have the opportunity to do over. What was that game show where you get a call and you can get the right answer? So, I do not want to go back—

An Hon. Member: Call a friend.

Hon. Michael H. Dunkley: I do not call a friend. It would be difficult if I had to call somebody, if I had to call the Honourable Member Mr. De Silva.

But, Mr. Speaker . . . and so tonight I want to come here and talk specifically about the America's Cup. And I have a question as we debate this motion "That this House take note of the Economic, Environmental and Social Impact of the 35th America's Cup on Bermuda and the foundation for further growth." I want to ask the Honourable Government: Do they support

this report and will they take seriously the recommendations in this report for us to move forward and have a sustainable legacy about that?

Hon. Zane J. S. De Silva: Have you read it?

Hon. Michael H. Dunkley: Now, Mr. Speaker—

[Inaudible interjections]

Hon. Michael H. Dunkley: And, Honourable Members, you know childish interpolations. Have I read it?

The Speaker: Just talk . . . just talk to the Chair.

Hon. Michael H. Dunkley: Yes, I am talking to you, Mr. Speaker.

The Speaker: Just talk to the Chair. Talk to the Chair.

Hon. Michael H. Dunkley: But I want the listening public to understand just how childish it is, Mr. Speaker—

The Speaker: Talk to the Chair.

Hon. Michael H. Dunkley: —because, you know, that interpolation is up to him to decide if I have read it, and the people of Bermuda can decide after listening to me speak as well, Mr. Speaker.

[Inaudible interjections]

Hon. Michael H. Dunkley: So, now that we know that Members on that side are going to try to belittle the America's Cup in the report, let me deal with the substance of the report.

First, let me thank my colleagues, especially [Dr.] Gibbons, and everyone involved in the America's Cup for their tireless dedication to the project. Now, I know [Dr.] Gibbons thanked his team specifically Jasmin Smith, Peter Durhager, Mike Winfield, everyone down through the chain who did the work. But I want to focus in on it, just for a minute, Mr. Speaker, because for three years there was tireless dedication to the project.

They met all the budget guidelines that were set. Just think, Mr. Speaker . . . just think, Mr. Speaker, if that report had come back and the budget of \$77 million had been \$84 million. Just think what we would be discussing tonight. You would have 20 members on that side—because that is the [number of members] in the House today, 19 or 20 Members on that side—get up and castigate the former Government for overspending. You would have had that. But they stuck—

Hon. Zane J. S. De Silva: Point of order, Mr. Speaker. Point of order.

The Speaker: What is your point of order, Minister?

POINT OF ORDER*[Misleading]*

Hon. Zane J. S. De Silva: The Honourable Member is misleading the House. They did overspend by about \$50 million. We did not castigate them over that. We just brought it to their attention.

Hon. Michael H. Dunkley: Mr. Speaker, that comes from somebody who just picks and chooses his numbers—

The Speaker: Continue on. Continue on, Member. Continue on.

Hon. Michael H. Dunkley: One week to the next he will change his numbers, Mr. Speaker. I know he is not the accountant down at Island Construction, I can tell you that.

Mr. Speaker, so not only did it meet the budget guidelines, but it met the expectations of all the partners that we had and it exceeded the return on the investment that we expected to get, and it is up to us now to make sure we can continue that moving forward. Now, Mr. Speaker, that is a very positive result all around for everyone involved and they should be proud of it.

Now, Mr. Speaker, let me just for a moment capitalise the challenge that we had with the approach from the Opposition from the beginning. The Opposition, as I said earlier, showed cautious support for the event, but then quickly shifted gears to go to some criticism of it. In actual fact, Mr. Speaker, it appeared that with the America's Cup, like many other things that we faced when we were the Government, it was oppose first and then see where it goes from there.

Here are comments made by the current Premier, David Burt, when he was the Opposition Leader on March 20th—Mr. Speaker, let me refer to my notes so I get it right—March 20, 2017, the last day of the Budget Debate on the motion to adjourn, the Honourable Member who is not here tonight taking care of very important Government business and business for the people of Bermuda.

Let me be clear on that. And I quote, ⁶“But when we get to the America's Cup, Mr. Speaker, which is what will be upon us when we return,” (come back in May, the America's Cup would have just started) “we have heard some disturbing news and some challenges that might be taking place in regard to the delivery of the America's Cup.” He went on to say, “in regard to ensuring that everything is in place for the America's Cup.”

The Honourable Member went on to say, “After a bill that is going to without question top \$100 million, we cannot afford to get it wrong.”

Now, Mr. Speaker, I was floored by those comments because that last day, I believe, the Honourable Member probably made those comments at about four o'clock in the morning. And I immediately walked a couple seats down to Minister Gibbons and asked him if he had heard anything about it. I had not heard anything whatsoever. Minister Gibbons was not aware. I immediately made a few calls the next morning, a couple of hours later, and there were no concerns faced. So, clearly, it was appropriate for the Opposition to try to undermine it and the Leader of the Opposition, at that time, to make vague allegations about challenges and disturbing news about the America's Cup without backing it up. And when I questioned the Honourable Member about it, there was no reply given to it, Mr. Speaker. So, in spite of all that constant negative pushback that we faced—in spite of the negative pushback that we faced, those who had the responsibility of making the America's Cup work, those who had the responsibility to deliver it on time and on budget did so, Mr. Speaker, and for that, all of us . . . I think all of us owe them a debt of gratitude because the 500 volunteers did not have to come forward and volunteer.

Those people who rode the ferry up there weeks before to learn how to do the various bits of the trade that they had to do for the America's Cup, they did not have to put their time aside to do that. Those entrepreneurs who invested significant amounts of money into some of the things that they thought could make them a return of investment—they did not have to do that, Mr. Speaker. And many of those entrepreneurs had a good run up at the America's Cup. Some of them struggled as well, and I do not like that, Mr. Speaker, but that is what sometimes happens in business, Mr. Speaker. For five weeks up there, Bermuda shone on the world stage and, Mr. Speaker, I think it is certainly very unfortunate that the Opposition (now the Government) want to try to belittle the America's Cup.

Now, Mr. Speaker, on a personal level, I am proud of what we accomplished in the America's Cup, because the event was not only successful, it was spectacular. All over the world where Bermuda shone it was spectacular—the scenery, we could not have had it come across any better than that. We could not have paid for better scenery than they saw, Mr. Speaker. But through the whole time, most of us in Government were too busy trying to make it successful to enjoy it. But I noticed members of the Opposition were up there enjoying the America's Cup in spite of the derogatory comments they made over and over and over again, Mr. Speaker.

So, in spite of all of that, we have the America's Cup, it closed and it will go down as the largest and most successful event in the history of this country, and we should all be very proud of what we accomplished, Mr. Speaker. There were many people who thought that this event was too big for us to even

⁶ [Official Hansard Report](#), 20 March 2017, page 1595

take on. And we took it on, Mr. Speaker, and today we could be debating a report where people said we went over budget, where people said that we had issues with logistics through the thing, where people did not enjoy the event, where there was some type of security disaster during the event. None of that happened, Mr. Speaker. The event was a success.

And do you know why the event was a success, Mr. Speaker? The event was a success—as the Honourable Member who delivered the presentation on the Government side leaves the Chamber—the event was a success—

The Speaker: Actually, actually, I am going to hold you now because I called one of the Members on this side when one of the Members on this side made reference to one of your Members who left the Chamber, I stopped him. I am going to stop you on that, too. We are not going to be having that, okay?

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

The Speaker: Thank you.

Hon. Michael H. Dunkley: I will have to guide myself accordingly because there are some comments I wanted to make, and I do not like talking about a Member when they are not in the Chamber unless they are listening.

The Speaker: He may have his radio on, but we are not going to make reference to him.

Hon. Michael H. Dunkley: I hope so, yes.

The Speaker: Because everybody leaves this Chamber at different times.

Hon. Michael H. Dunkley: That is true. That is true.

The Speaker: Thank you.

Hon. Michael H. Dunkley: And, you know, we listen in the back room. Sometimes we pack up our bags and listen in the back room, too.

The Speaker: You understand that, but the listening audience may not understand that when you make a comment that somebody is not in the Chamber.

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

The Speaker: So, that is why I am not letting Members go down that road.

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

The Speaker: Thank you.

Hon. Michael H. Dunkley: Now, Mr. Speaker, we were successful in hosting the event for the same reasons that the event was a success. And it is interesting that you win a bid like this . . . and it was very competitive, because I think we started at 12 under the former Premier Cannonier, and we ended up as the successful bidder for it. And there were a number of reasons that allowed us to be selected as a host venue. And I will list those right from this legacy agreement, Mr. Speaker, because why we were successful in getting the bid and why we were successful in having it are all the same.

Bermuda is an excellent year-round training site for sailing and we have a magnificent amphitheatre out there in the Great Sound and we have a strong maritime heritage. That is why they wanted to come to Bermuda and that is why I think people bought into what we were doing here. The event had support from the Government and I believe that our partners felt very comfortable with the support that we offered them, and the host venue agreement which we had to come to this House and pass legislation for they felt it allowed us to have a document that we could work from and there would be very few grey areas where we would have to decide what was appropriate.

We had a dedicated site for the ACEA and for the AC teams in very close proximity to the race course and the AC village, which was very important to them. In other jurisdictions they did not have that. We had an attractive time zone for people watching it all across the world in those 163 countries. And our interests were pretty much in line with the interests of the ACEA and our partners. So, all of those reasons which made us successful three years ago tomorrow allowed us to be successful in the event.

And my honourable colleague, [Dr.] Gibbons, has looked at some of the numbers, and I want to just go through those numbers again because I think it is important to remember those. A \$77 million budget was managed to \$64.1 million—\$12.9 [million] under budget, a 20 per cent savings. And Members can say what they like, but I ask Members to go back and look in the annals of Bermuda Government's history and show me a project that has come out under budget like that and met the expectations of all partners, Mr. Speaker. That is just not typical for any Government, Mr. Speaker.

[Inaudible interjection]

Hon. Michael H. Dunkley: The Honourable Member who interpolates from constituency 6 talks about Cross Island. And I am glad the Honourable Member talks about Cross Island, because Cross Island was a project that was incubated prior to 2012, Mr. Speaker—and you are shaking your head. And, we thought at the time when America's Cup came up that it was a good idea not only for the America's Cup, but also for the future. And so, you know, we can play politics

about it, but it was well thought of before we even became the Government of that time. So, let us put that one to bed.

Also, Mr. Speaker, the preparation for the America's Cup was completed on time. The event went off without a hitch and Bermuda glowed on that world stage. Let us look at the GDP for a minute, Mr. Speaker. Original estimate of \$242 million . . . and when I heard that, [though] I respect the former Finance Minister and [Dr.] Gibbons, and my colleagues, I still thought that that was a bit of a stretch. But coming from those Honourable Members, I knew that it was going to be very close. And so, I was very pleased to see it come in at \$336 million—a 40 per cent increase over what was estimated to be the case.

Mr. Speaker, look at the tourism numbers . . . and we debate tourism numbers about how high they are or how low they are. It depends on what side you sit. Ten thousand three hundred people specifically came to Bermuda for the America's Cup—10,300 people came here. Air arrivals in May and June of 2017 were up 16 per cent over May and June of 2016, when May and June of 2016 were up double digits over May and June 2015.

And I do not want to hear Honourable Members say, *Well, our numbers were in the tank and they had to come out at some time*. That was because of the work that the OBA Government did in creating the Bermuda Tourism Authority and working with the vision of the Bermuda Tourism Authority to start that upward track. And we are doing that, Mr. Speaker. These are incredible results. And the proof of the pudding is always in the eating. If you eat something once and you do not like it, you are not coming back. Eighty-six per cent of those visitors say that they are very likely to come back again. That is pretty good. That is a legacy that will live on.

Mr. Speaker, I want to focus a bit on the superyacht business, because it was a significant boost for the Island. It is something that we traditionally have not had. We have a few of the boats come in, and every time they come in to Hamilton, St. George's, or Somerset, somebody takes a picture of this beautiful boat. Well, Mr. Speaker, for May and June of this year we had 134 superyachts come to Bermuda—134 superyachts! And we had 611 cruising yachts come to the Island. That was over the course of those two months.

By all accounts, these visitors had a good time and it gives us the opportunity not only to earn something off them when they were here, but to leverage the success of AC2017 to keep them coming back over and over and over again.

And, as we built up to that, we have seen the development of new marinas at Caroline Bay, the new marina at the Hamilton Princess, what can be done at the Waterfront when we need it, what can be done in St. George's. And we have seen the catering side to the superyachts. We have seen the service offerings

that the superyachts need when they are here, Mr. Speaker. That is opportunity. That is jobs. That is sustainability going forward.

And now all of these types of things, Mr. Speaker, we saw the reality where Hamilton Harbour, St. George's Harbour, the bays throughout the Island were full of visiting vessels. That is a snapshot of what we can do in the future if we take the legislation that was in effect (Mr. Speaker and you are well aware, we passed it for one month before the America's Cup, for the America's Cup, and one month after) . . . if we take that legislation and make it sustainable going forward.

Two quotes I want to share with you, Mr. Speaker: Craig Christensen the President and CEO of Morgan's Point, Ltd., said that ⁷“many of the superyacht owners that we spoke to over America's Cup,” and I quote, “have never been to Bermuda before in their yachts.” That is amazing. A guy owns a \$50 million yacht and he has never been to Bermuda—one of the most fabulous yachts, Mr. Speaker, cruising through the Caribbean 40 times a year. It was the one with the beautiful mast that rotated around like that . . . I cannot remember the name of it, but it made me scared to even get near it because if I dropped something on it or scratched it, I could not pay the bill. But, Mr. Speaker, they had never been to Bermuda before but they cruise through the Caribbean dozens of times every summer.

A couple of cruises here by those would put a lot of people to work, help our economy. So, Craig Christensen says they have never been before in their yachts. “They think it is an idyllic place for sailing, especially in the shoulder months as most yachts are on their way to, or returning from the Mediterranean or East Coast for the season.” So, Mr. Speaker, we need to make sure that that vision, those opportunity on jobs, are going to move forward.

Kevin Dallas, the CEO of the BTA said, and I quote again, Mr. Speaker (and this is the last quote that I will use), ⁸“It is [very] clear that the [relaxed] legislation put in place during the America's Cup was a huge incentive for superyachts to visit Bermuda, stay longer and spend more [money] in our local economy. We [will] encourage parliamentarians to create a similar environment on a permanent basis, while also protecting local charter operators.”

Mr. Speaker, he ends by saying, “this is an absolute necessity if Bermuda is going to seize superyacht tourism as an America's Cup legacy benefit.” This is not hard to do, Mr. Speaker. We can do it. The foundation is laid. We should carry it forward. As they say, it is easy money, and it is not often that easy money comes through.

Mr. Speaker, as I start to bring my comments to a close, 452 million people around the world saw

⁷ [Royal Gazette](#), 4 July 2017

⁸ *Ibid.*

the America's Cup in 163 countries, broadcast by 31 broadcasters, Mr. Speaker. And I would hazard a guess that in those 163 countries, perhaps 80 per cent of those countries, if you asked the majority of people in there where is Bermuda they would not know. We put Bermuda on the map with the America's Cup.

Mr. Speaker, here is another incredible fact. There were 22,000 news articles printed about the America's Cup in 76 countries . . . 22,000 news articles! Now, most of the time when you look at news, the articles are negative. The vast majority of these articles were very positive with beautiful pictures of Bermuda and our people up there for all to see. And I heard the Honourable Member, Minister De Silva, talk about the advertising equivalent value and tried to poo-poo it, Mr. Speaker, the \$80.9 million. Yes, I get that. There are always two sides of the story. But the fact of the matter . . . that is a measurable that many in the industry use and you can sit on one side and argue it. But you can sit on the other side and when you talk to people, when you go in front of people with the proposal and if you use the AEV, their ears are going to perk up.

So, Mr. Speaker, this event cost us \$64.1 million. AEV alone was \$80.9 million so we got an extra millions of dollars' worth for what we paid and the rest of what we get from the America's Cup is gravy. The rest of what we can get from the America's Cup is gravy. If we had gone out in the market and bid for that type of coverage it would have cost us \$80.9 million, Mr. Speaker. We paid GlobalHue \$40 million—we did not get that type of return on investment, Mr. Speaker. We paid \$64.1 million for the America's Cup. We spent extras on Berkeley of \$64.1 million. So, when you ask me where is the money for education . . . we spent extras for it, Mr. Speaker.

And so, I get exercised when I hear people say, *Well, you know, that \$80.9 [million], I do not know how you measure it.* Some people, you know, kind of poo-poo the idea. Mr. Speaker, that is value for money because if it had gone the other way . . . if it had only been televised in 22 countries, they would be knocking the hell out of it. And you know the good thing about all of that coverage we got, Mr. Speaker, the BTA has all that file footage they can use again whenever they want. All those beautiful pictures . . . they can use that over and over and over again.

So, Mr. Speaker, this was not only a good deal for the country; this was the deal of the century. And we have to make sure that it continues as we move forward.

So, Mr. Speaker, the Government that former Premier Cannonier led and then myself after that . . . we were not perfect. By no means were we perfect, Mr. Speaker. But who is? Mr. Speaker, but who is perfect? And we got rightly criticised on so many issues. However, Mr. Speaker, with the America's Cup we dug out of a hole, the economic abyss and in spiralling

debt, through solid policy and vision, and Bermuda today is better off, Mr. Speaker. Bermuda is a better place because it is now up to us to leverage that success, build on that success, and make that legacy last.

So, as I close, Mr. Speaker, I want to thank everyone in the community for making this happen. It was a community effort. It was a Bermuda effort, one accomplished with hard work, commitment and pride. We made it happen through my Government colleagues, through the ACBDA, through the hundreds of volunteers, through the tireless work of the Government workers through so many departments, through security professionals, entrepreneurs large and small, that is the mosaic that makes Bermuda tick and we got it done, Mr. Speaker.

So, for me, Mr. Speaker, I hold my head high as I walk across the country and the streets of this Island because we made it happen. I simply say to Bermuda, I am eternally grateful. We made a significant investment, we took a risk, we delivered, and now we have a more solid foundation to work from.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

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

Dr. Gibbons, would you like to close out?

Hon. Dr. E. Grant Gibbons: It is a take note motion, Mr. Speaker, I am not sure I am allowed—

The Speaker: That is right, that is right, that is right.

Hon. Dr. E. Grant Gibbons: But I am happy to proceed.

The Speaker: No, no, no; no, no, no. That is fine. I am going to bring this to a close. We are not going to extend this any longer.

[The House took note of the Economic, Environmental and Social Impact of the 35th America's Cup on Bermuda and the foundation for further growth.]

The Speaker: And that is the last Order for today and we will now go to the third readings for the matters done earlier today by Minister Wilson.

Minister Wilson, would you like to do your third reading?

SUSPENSION OF STANDING ORDER 21

Hon. Kim N. Wilson: Yes, Mr. Speaker, I do now move that Standing Order 21 be suspended to enable me to move that the Bill entitled the [Residential Care Homes and Nursing Homes Amendment Act 2017] be now read the third time by its title only.

The Speaker: Proceed.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

[RESIDENTIAL CARE HOMES AND NURSING HOMES AMENDMENT ACT 2017]

Hon. Kim N. Wilson: I now move, Mr. Speaker, that the Bill do now pass.

The Speaker: Any objections to that?

No objections to that. The matter is now passed.

[Motion carried: The [Residential Care Homes and Nursing Homes Amendment Act 2017] was read a third time and passed.]

The Speaker: Acting Premier, I recognise you.

Lt. Col. Hon. David A. Burch: Probably my last official act in that capacity, Mr. Speaker.

[Laughter]

ADJOURNMENT

Lt. Col. Hon. David A. Burch: I move that the House adjourn until next week Friday.

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

No Member wishes to speak to that? You were a little slow that time. We recognise the Honourable Member from constituency 4. Honourable Member, is this your maiden speech?

Mrs. Tinee Furbert: Yes, it is, Mr. Speaker.

The Speaker: We recognise the fact that this is the Honourable Member's maiden speech. I would like to give the proper recognition to that while she has the floor.

Madam, you have the floor—Honourable Member Furbert from constituency 4.

Mrs. Tinee Furbert: Mr. Speaker, if you will please allow me to refer to my notes.

The Speaker: Yes, you may, being this is your maiden speech.

MAIDEN SPEECH

Mrs. Tinee Furbert: Good evening to my colleagues and the listening audience.

Today I would like to recognise three significant occasions: the United Nations International Day of Persons with Disabilities (which was mentioned earlier by my parliamentary colleague) which is to be recognised on December 3rd; the pepper-spraying of the protestors and persons assembled outside of the House of Assembly grounds which occurred on December 2nd; and the MindFrame exhibit being showcased at the Bermuda Society of the Arts at City Hall from November 24th to December 12th which is an exhibit of artwork by persons with mental health disabilities and I encourage you to visit.

Mr. Speaker, what these three events represent is life is a fight and fight on. Earlier this week I found myself weary saying, *I don't feel like fighting any more*. It is still early days, right? But there are two physiological reactions our bodies offer and that is fight or flight. I know I have been put on this earth to fight.

Mr. Speaker, civil fighting is not a bad thing. It can bring us through some great obstacles as it did on July 18th. It can be very emotional, but emotions are not bad, either. It is how we interpret them, how we allow them to affect us, and how we react to them.

Mr. Speaker, my journey through life has not been without a fight—with ups and downs, like many. And they say life is your best teacher. And I have been taught many things. My mother's love was everlasting despite her depression and addiction. Depression was what she developed from her experience of being abused as a child and a young lady and not feeling worthy enough and addiction was her coping mechanism. Her children were her first love and mind-altering drugs became her second, but disguised as her first.

Stability became more and more important to me as I grew older as I hated moving from house to house because the rent was not being paid. Having your hard-earned summer employment money stolen from you with the suspect helping you to look for it—my sisters and I had guardian angels surrounding us. I had applied to college when I knew I did not have access to funds, but was blessed with enough funds through scholarships and loans to start and complete college.

At one point, Mr. Speaker, I had to take 26 semester hours, one semester to meet prerequisites to get into an occupational therapy programme. I was one of three black students in a class of 40 to graduate from Springfield College's occupational therapy programme in 1999.

At the tender age of 24, I had to take in my sisters. My mother said she could not do it anymore, and I fought for the resources [that] my sisters needed to succeed. In March of 2016, during that most dreadful Pathway to Status week, I lost my mother to cancer. But she would be so proud to know people stood on that hill representing people like her. She would even be more elated to know her daughter is now the

first occupational therapist to serve as part of this Legislature in Bermuda.

Mr. Speaker, you see, I do not have a lifeline of politics in my family. But I have been surrounded by humanitarians. I did not grow up with family discussions of politics. Our political affiliations were an untold story. So politics did not matter to me much growing up, but people did. People from all different backgrounds with different stories and abilities as we were all made special and amazingly. I would consider myself a doer and less of a jive-talker as my actions were part of the formula to the victory of constituency 4.

Mr. Speaker, I would like to thank all the constituents, some of whom are here this evening, of St. George's South who participated in the election and found me worthy of their selection. I would like to thank all the constituents, party members, parliamentary colleagues who encouraged and helped me pound the pavement to connect with people. To my Executive branch members, in-laws, Mr. and Mrs. Furbert, my children, my husband, my godmothers, my family and friends and my sisters, thank you for your support. I owe my sincerest gratitude to you. You were and are my support system.

Mr. Speaker, after my success at the polls I received a card. And that card stated, *God has a habit of picking up nobodies and making them somebodies.* And I thought to myself, *Why these choice of words for me?* As I never considered myself to be a nobody. I knew I existed on this earth for a purpose and that it did not matter what anyone thought of me as I had to be a somebody for myself to make it through.

Mr. Speaker, I then read further in the card and it read, *He which hath begun a good work in you will perform it until the day of Jesus Christ. Philippians 1:6,* and then I was able to receive the message: I have been put on this earth to serve and I serve through my actions. On July 18th the people of Bermuda took a chance on hope again. They hoped that the Progressive Labour Party had the people in their party that will serve their best interests.

Mr. Speaker, I would like to thank the Premier for acknowledging persons with disabilities by being a leader and providing a direct contact in our legislature to disability affairs. Premier David Burt, you have given people with disabilities hope and people who work with disabilities hope for a shift.

Mr. Speaker, I get calls daily for help and resources, for directions, for navigation for the disabled population. I will continue to be an advocate for people because this is how the election was won. It was won by being an advocate for people.

Mr. Speaker, more recently I had the opportunity to take two young men with me. And these two young men had disabilities. And we went on a tour of Bermuda College with the hope of them attending. Our initial contact was to tour the grounds, to assess the accessibility and the resources needed for their success should they meet the entrance requirements.

It was a joyous and life-changing occasion. The two young men who had both experienced trauma—one was through a diving incident and the other was through a motor vehicle incident. One was a power chair user and the other one walked around with a cane.

It was great to have them around their peers again and to feel a sense of inclusion as they were greeted by past friends and listen to the contemporary music of the college grounds. They both felt at the end encouraged. The college campus was much more accessible and accommodating than I thought—and maybe today they are at a different place. But those two young men needed a resource, someone to lead and guide them on that day. It was amazing to truly witness the power of a power chair and to give mobility.

I would like to thank the staff of Bermuda College, Ms. Algene Maybury, Dr. Lisa Osborne, and Dr. Phyllis Curtis-Tweed for being accommodating. And, yes, there is still more work to be done.

Mr. Speaker, you see it was not unusual for me to see students with disabilities on a college campus as that was the norm for me at my college. I was even the graduate student who [worked] in the academic resource centre where I helped students with disabilities with assistive technology to access their curriculum.

I have heard from many people with disabilities in Bermuda, who are discriminated against for job and learning opportunities, or people in our community who feel they are not worthy of inclusion when they cannot even interpret the local evening news because there is no closed captioning, or they are not afforded the opportunity for an interpreter to help them communicate their needs to a police officer.

I have heard from parents of children with disabilities who are excluded out of decisions being made for their children when they should have every say, Mr. Speaker. And I have heard from people saying access to entrances and exits of buildings or homes keep them captive.

Mr. Speaker, on December 3rd, we will acknowledge the United Nations International Day of Persons with Disabilities, and the theme which we heard earlier is transformation towards sustainable and resilient society for all. The 2030 UN Agenda is to leave no one behind. Persons with disabilities, as both beneficiaries and agents of change, can fast-track the process towards inclusive and sustainable development and promote a resilient society for all.

Mr. Speaker, it is my hope Bermuda can move in this same way. Bermuda has made significant movement in the awareness and movement of persons with disabilities. Never fast enough for my liking because we still have so much work to do. And I would be remiss to not raise that it was this Government who made a concerted effort to:

- include persons with disabilities with employment opportunities;
- permit an office for seniors and physically challenged now known as Ageing and Disability Services;
- permit a national policy on disabilities;
- attempt to find a solution with transportation; and
- provide mainstreaming and special school opportunities.

Mr. Speaker, you see disabilities are not going away, whether someone's disability is temporary or permanent, congenital or acquired in youth, middle age, or senior age, it will affect us sometime across the life span. May it be autism, cerebral palsy, Down's syndrome, Parkinson's, a stroke, a motor vehicle injury, a gunshot injury, a back injury, blindness caused by diabetes, dementia, ADHD, dyslexia, schizophrenia, or addiction, to name a few.

Mr. Speaker, it baffles me every time when persons are referring to human rights they consistently include race, sex, religion, and now sexual orientation, but they consistently exclude disabilities.

I want us to get in the habit of including disabilities and not in ways that I have witnessed in this House—by calling fellow Members *slow* or *retarded* or *hearing impaired*. I do not take that language lightly. In fact, I find it very offensive to those whom through no fault of their own experience cognitive disabilities or are hard of hearing.

To even those who consistently park in the disabled parking bays right on these very grounds: Stop it! People with disabilities want and deserve respect and acceptance. Imagine living your whole life with challenges, being disregarded or feeling less than. We must value those with disabilities as valuable members in our society as they open our eyes and make a better life for everyone. How many of you used the elevator today? Or have in the past?

Mr. Speaker, we need to continue to enhance the quality of life for persons with disabilities and we can do this by:

- collecting current data on persons with disabilities;
- improving the home/school/community structural environment;
- improving social well-being;
- improving rehabilitation opportunities;
- managing hobbies and activities;
- improving education and work opportunities;
- adopting the convention on the rights of persons with disabilities; and
- businesses designating staff who are looking out for persons with disabilities and creating disability policies in the workplace.

Mr. Speaker, more importantly, creating legislation for disability rights. Right now, accommodations are made out of the kindness of people's hearts. But

people are not always kind, Mr. Speaker. And we have to tick that box that says "must" and not "should."

Mr. Speaker, I would like to thank all the people, professionals, organisations, committees, parents, educators, leaders, and persons with disabilities who have fought and continue to fight for persons with disabilities.

Mr. Speaker, it is my hope that we will one day have a Bermuda where we are no longer in that category of "not available in your country" tab. But we have to fight to get there.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member.

Does any other Member wish to speak to this motion to adjourn?

No other Member wishes to speak. We now stand adjourned until Friday next, December 8th at 10:00 am.

[Gavel]

[At 8:43 pm, the House stood adjourned until 10:00 am, Friday, 8 December 2017.]