

The Speaker: None.

ORDERS OF THE DAY

The Speaker: Yes. Members, I understand that we have about four matters that we are going to do today on the Order Paper. The first item is that under the name of the Minister of Works.

Minister Burch, would you like to do your matter now?

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

The Speaker: Good morning.

BILL

SECOND READING

BERMUDA NATIONAL PARKS AMENDMENT ACT 2017

Lt. Col. Hon. David A. Burch: I move that the Bill entitled the Bermuda National Parks Amendment Act 2017 be now read the second time.

The Speaker: Yes. Continue, Minister.

Lt. Col. Hon. David A. Burch: Mr. Speaker, the Bermuda National Parks Act 1986 [the Act] is the enabling legislation for the National Parks system, as the Act sets of the general legislative framework, and the Bermuda National Parks Regulations 1988 sets the parameters for the management of the Island's public parks system.

This legislation is over 30 years old and does not best reflect the issues of today. In 2009, the Bermuda National Parks Amendment Act 2009 was approved, but not brought into force. However, the enactment of this Bill, the Bermuda National Parks Amendment Bill 2017, will effectively bring both the amendments in the Bermuda National Park Amendment Act 2009 and the proposed amendments in this Bill into force. The combination will provide a much-improved structure to manage the parks system, with better enforcement powers to protect our most sensitive areas, and it will provide services to benefit the Island.

The salient points for the Bermuda National Parks Amendment Act 2017 are [as follows]:

Amendments to section 25—prescribing fees. The Department of Parks currently offers a variety of goods and services that have been provided to the public for a nominal fee, since the inception of the Bermuda National Parks Act 1986. These include the provision of venues for social events and weddings, the rental of buildings, and admission into attractions.

After a review of the Act, with the exception of the \$14 per day camping fee prescribed in the Government Fees Regulations, Head 7, entitled Bermuda National Parks Act 1986, it was discovered that the collection of all other fees over the years had not been authorised, as, under the parent Act, there is no provision for the numerous fees for services and related goods. This discrepancy was detected in November 2016. And as a result, all fees were suspended until they could be formalised.

Mr. Speaker, after reviewing the department's activities, it was found that many of the services were not heavily subscribed to and new products and relevant services were identified that would also require the introduction of new fees. Also, the existing fee structure can be perceived as convoluted and would benefit from re-alignment, as, currently, different sites within the parks system proposed for similar functions are being rented at different rates. An example of this is the difference in renting an area at Fort Scaur as opposed to renting an area at the Botanical Gardens. As such, one fee structure that is reflective of the site and size of the event will simplify the process.

During the review, it was also determined that the current schedule of rates was low, and it could be argued that the fees were not representative of the true value of the services provided. Mr. Speaker, I want to emphasise that the goal of the Government is not to gain a profit, but to provide and ensure high-quality services, in keeping with the tenets of the legislation.

Mr. N. H. Cole Simons: Mr. Speaker, point of clarification.

The Speaker: Put your point.

POINT OF CLARIFICATION

Mr. N. H. Cole Simons: Minister, are you reading the brief for the second piece of legislation or the first?

Lt. Col. Hon. David A. Burch: I am reading the brief for the first.

But it will become clearer as I proceed, Mr. Speaker, because I will be proposing an amendment to the first. Because if you look at the legislation, you will find that the drafters have put both of these amendments into both Bills. Have you got me?

The Speaker: Continue on, Minister.

Lt. Col. Hon. David A. Burch: Mr. Speaker, I want to emphasise, the goal of the Government is not to gain a profit, but provide and ensure high-quality services, in keeping with the tenets of the legislation. To remedy this, it is proposed to amend the Act to provide powers to charge fees for services and related goods provided by the Department of Parks. This will ensure

that appropriate powers are provided within the Act, and new Regulations will be enacted to appropriately charge for current and future services and related goods. As the public has been consistently charged for most of the services offered by the Department of Parks over the years, they already have an expectation of, and are accustomed to, paying a fee for the various services and usage within the parks system.

Mr. Speaker, the objectives of these amendments are to update and streamline the existing fees, introduce new fees, and ensure that fees for all goods and services provided by the Department of Parks can be legally collected. These changes will place the department in good standing in accordance with legislation and allow for the collection of revenue for the Government of Bermuda.

Mr. Speaker, the National Parks system contains protected areas of different types, which are classified based on the primary management goal of the property. Areas representing the most important sites for the conservation of nature, including key habitats and populations of rare plants and animals, are designated as nature reserves. Open spaces and beaches managed for the recreation and enjoyment of the public are designated as amenity parks under the Act. Parklands set aside as sports fields or campgrounds, or for other public uses, are designated as recreational parks.

Subsequent to the amendments to the Act in 2009, a comprehensive geographic information systems mapping review of protected areas, conducted by the former Department of Conservation Services, identified a number of changes to be made to the list of protected areas. These changes form the basis of the amendments to Schedule 1 of the Act. And it was recommended that several parks be reclassified as a nature reserve, to reflect their importance as wildlife refuges. Government-owned areas currently managed to a public use, but not protected under the Act, needed to be added to the Schedule. This includes new parks and nature reserves on land acquired or repurposed since 1986.

In addition to physical changes to the list of protected areas, higher-resolution aerial photographs taken in 2012 provided more accurate coastline and updated representation of the roads and buildings. As a result, the National Parks data set has been adjusted to follow the new coastline and roads, which in most cases resulted in minor changes to area calculations. The mapping review identified specific areas where the boundaries needed to be accurately delineated. Also, some areas were identified that should be removed from the Schedule, as private ownership has been established, or managing them as part of the National Parks system has become impractical.

Mr. Speaker, with these amendments, the total number of proposed areas protected under the National Parks system will be increased from 98 protected areas to 112 protected areas. The amended

total area of parks system is 1,129 acres, or 457 hectares. This is an increase to the system of 90 acres, or 36 hectares. In summary, the physical changes to the National Parks system First Schedule are as follows:

- the creation of 16 new protected areas, including Cooper's Island Nature Reserve; Cooper's Island Park; Clearwater Park; Stocks Harbour Nature Reserve; One Rock Nature Reserve; Dunscombe Wood Nature Reserve; Ducking Stool Park; Government House Water Front Park; Southlands Park; Aquarium Park; Parson's Road Park; Pig's Field Park; Harrington Sound Park; Mangrove Lane Nature Reserve; Paynter's Hill Nature Reserve; and the 16th one, White Crest Hill Nature Reserve.
- the addition of three existing protected areas omitted through clerical area in the Bermuda National Parks Amendment Act 2009—they being, Fort St. Catherine Park, Ducks Puddle Annex Park, and Walsingham Marine Reserve;
- the reclassification of seven existing amenity parks or portions of parks as nature reserves in order to better recognise their importance as wildlife refuges. These new nature reserves include Barnes Corner, Gilbert Nature Reserve, Nelly Island, Smith's Island, Spanish Point Islands, Warwick Ridge, and Wilkinson Memorial.
- the removal of two small nature reserves, Godet Island and Godet Rocks Nature Reserves, as private ownership was established in June 2009, by deed, and confirmed by the Estates Section of the Ministry of Public Works. While not within the National Parks system, these areas are still zoned under the Bermuda Development Plan 2008 as nature reserves, and there has been no net loss to Bermuda's sensitive habitats.

Mr. Speaker, the management of our protected beaches and coastlines cannot stop at the high-water mark; therefore, marine buffer areas will be re-established. There is a need to control and manage human activity to ensure that persons do not knowingly cause damage to sensitive areas, or to species, [as some activities] may impact the terrestrial protected area. Further, it is also important that persons do not hurt either themselves or others through their actions. For example, [safety issues can be associated with] boats landing on crowded beaches, and [it is important to] ensure that persons do not enter the water in dangerous wave conditions or in the presence of Portuguese Man of War invasions.

Each protected area that has a coastline or beach will have a buffer area extending, on average, 10 meters seaward from the high-water mark. In total, there will be 66 areas. These buffer areas are similar to the areas in the original Bermuda National Parks

Act 1986 maps, and will provide the same level of protection required under the Act, without impinging on other legislation such as the Fisheries Act 1972. These areas are not included in the area of totals for the parks system, and are territorially part of the adjacent terrestrial park. These buffer areas will replace 13 marine parks approved under the National Parks Amendment Act 2009, which were designed to have the same function as the marine buffer areas.

The Third Schedule of the Bermuda National Parks Act 1986 outlines the constitution of the National Parks Commission.

The Speaker: Good.

Lt. Col. Hon. David A. Burch: The commission is responsible for advising the Minister on the best means to sustainably manage the National Parks system. The commission is well represented by the Island's environmental bodies, such as the Bermuda National Trust, Bermuda Audubon Society, the National Museum of Bermuda, and the Bermuda Zoological Society. However, the current composition makes the commission vulnerable to a narrow perspective, and there is significant benefit in broadening the range of expertise represented in the commission to better reflect the needs of all user groups who use the Island's parks and nature reserves.

Therefore, it is proposed to amend the composition of the commission to (1) add a representative from the Bermuda Tourism Authority; and (2) broaden the membership of those who may be considered by the Minister to have a sufficient interest or expertise in environmental protection; conservation of natural or historical resources; or economic, commercial or entrepreneurial matters. These changes will provide the ability to form a commission that best meets the strategic vision and direction for the calendar year. As a result, the composition of the commission will increase from 12 to 13 members, with the requirement to have eight members for a quorum. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Does any other Member wish to speak?

I recognise the Honourable Member, Mr. Simons, from constituency 8. Honourable Member Simons, you have the floor.

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

Balance, balance, balance, balance. That is what we have to do within the Ministry of Parks. I am delighted that this legislation is coming to the House today, as I took it through Cabinet when we were Government. So, I will start by saying that I support this legislation, and our party supports this legislation.

We all know the environment is a sensitive feature of Bermuda. It gives Bermuda its charm, its beauty. But at some point, we also have to address sustainable development.

Mr. Speaker, I am not going to get into the parks issue, as the Minister already espoused the reasoning for the reclassification. What he said I agree with 100 per cent, because, as I said, I was responsible for crafting that. What I would like to spend some more time on is the changes made to the Parks Commission. Mr. Speaker, as was said earlier, Bermuda has evolved from 30–40 years ago. And the Parks Commission has been around, and they have done a sterling job. But, Mr. Speaker, I think we and that commission need to come forward with Bermuda and be part of Bermuda's success when it comes to Bermuda's sustainable development, both from a tourism point of view and a business point of view.

Why do I say that, Mr. Speaker? I say it because at the end of the day we have to get the best use of our resources. We are in the tourism business, and we have to make sure that our guests feel comfortable and have the amenities that are required to have Bermuda take its rightful place as one of the most beautiful and relaxing destinations in the world.

Mr. Speaker, I know that Horseshoe Bay has been highlighted in many, many journals and tourism periodicals. And we want to also enhance its use and its amenities. We know that the Bermuda Tourism Authority has a beach vision. And when I was Minister, they came to me and said, you know, can we help in their endeavour? They have identified five beaches that will be used—John Smith Bay, Horseshoe Bay, Shelly Bay, Tobacco Bay and Clearwater—as beach experiences based on various themes. They have chosen these five beaches because they have infrastructures on them already, and there will be no additional development on those beaches.

In addition, our tourists, through exit polls, have said they would like to have more amenities on our beaches. So, with these demands, and with our trying to make the experiences at our parks and on our beaches a positive one for our guests, I thought that we would also expand the composition of the Parks Commission so that we have more input and more thorough vetting of applications for people who want to use our parks, or set up businesses or set up pop-up vendors in our parks. And I am saying that because I think of myself as a tourist. I have done some traveling. I have been to beaches overseas in Europe. And when my children were young, we went on holidays and went to the beaches. And we acted as tourists. So, we would go to a beach that had a chaise lounge, that had umbrellas, that had a place where we could have lunch and, in some cases, dinner right near the beach. And the children can go around, enjoy themselves, read books, and get beach equipment.

And not many of our beaches today have those facilities. So, when the Tourism Authority came to me and asked that we consider having that as part of the programme going forward, and when they asked for representation on the Parks Commission, I

thought that this is something that I would entertain. So, in light of that, I decided to expand the composition of the Parks Commission. I chose that because I would prefer to have the stakeholders, the users of our parks, the environmentalists and everyone sit around the table together, work out the issues and come up with a more in-depth decision that would be palatable for everyone, and yet at the same time preserve Bermuda's environmental characteristics and features. And so, I expanded the composition of the Parks Commission.

Right now, and as before, the Parks Commission had representatives from the National Trust, from the Audubon Society, from the Maritime Museum, from the representatives and stakeholders. And I proposed, when I presented to Cabinet that we add people with an economic interest and entrepreneurial interest, a member from the Tourism Authority, and additional users. The users could be neighbours in the area who go to the beach frequently. So that when applications come through, as I said, the decisions will be balanced, and that if there are any strong differences, then those differences will be resolved at the table instead of being fought in the public domain. The business leaders can sit around the table with the environmentalists, and they can hash it out and come up with a solution that is best for Bermuda.

And hence, I expanded the composition of the Parks Commission. I know that there was some disgruntlement in that endeavour. But so be it. Bermuda deserves better, and I believe that when we make these types of decisions and we put people on a commission such as this, it should represent a broad section of our community.

So, the legislation proposes various members. And they are—and I will read, if you do not mind, Mr. Speaker.

The Speaker: Go ahead.

Mr. N. H. Cole Simons: There will be one member from the Audubon Society, one member for the National Maritime Museum, one member from the Bermuda Zoological Society, one member from the Bermuda Tourism Authority. You will note that the people are not named.

The Speaker: Well, it is *a member*.

Mr. N. H. Cole Simons: Those entities will make their own appointments.

The Speaker: A member from those organisations, yes.

Mr. N. H. Cole Simons: Okay? We also have two members who are users of the system. These can be walkers, these can be environmentalists, these can be people who live in the neighbourhood, these can be

people who use it for wellness, and these could be vendors. In addition, we are going to appoint someone with an environmental protection interest and conservation interest. And I am thinking of somebody like Dr. David Wingate. He is not a member, but he is someone who has environmental experience and looks out for Bermuda's best interests. In addition, there are historical resources, and economic and commercial [resources]. So the composition, in my estimation, truly reflects what should be here in Bermuda when it comes to the use and review of applications for our parks and natural beaches.

So, that is my position there. As the Minister said, the classifications I subscribe to, I support 100 per cent, so I have no problem there. So, I will go to just two more issues that address the parks.

The first issue: Can the Minister give us an update in regard to the maintenance yard? I know that issue went to court. A decision was rendered. I know the Ministry responded with the public meeting. But can the Minister give us an update as to where things stand in regard to the maintenance yard at the Botanical Garden? So it is for clarity of community and the people involved.

The other issue that I thought I would address I will address in the second piece of legislation. I will leave that for now.

So, Mr. Speaker, that is all I have on this matter, as most of the material that I was going to present has already been covered. And I can assure you that we on this side generally support this legislation . . .

Oh, one other thing, yes. One other thing. Someone petitioned me to consider having the Chief Surveyor of the Department of Public Works and Lands considered as an ex officio member on the commission. Now, I think that could be entertained because, in essence, the Works and Engineering Department, as you know, Minister, is the landlord for all of Bermuda properties. So, instead of just having ex officio members from the Ministry of Parks, I am suggesting that we consider having the Chief Surveyor from the Department of Public Works and Land also included as an ex officio member, so that they can bring invaluable input and services to the decision-making of the commission.

Thank you, Mr. Speaker.

The Speaker: Thank you, Member.

Does any other Member wish to speak to this matter? No other?

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

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

Mr. Speaker, let me first start off by thanking the Minister for bringing this forward. And since July 18th, I have certainly seen [the Department of] Parks coming collectively with this particular Ministry and

Minister. I am very pleased to have this here today and with the amount of attention that is being given.

Let me start off by also thanking those who work in Parks. There have certainly been some challenging times. I am sure, Mr. Speaker, as I speak in principle, many, many who have spoken to me over the last few years have been concerned as to their future. Many have thought that privatisation may have overtaken them. So, as we look today at the need to make these amendments and certainly look at fee scheduling and also including those parks that may be omitted, I certainly feel duty-bound in representing a constituency and coming from a community that has many historical parks, nature areas that are of great significance—as I am sure all Members of this Honourable House have areas in their communities that are of great significance.

Let me also take the opportunity to remind persons of the great growth in vegetation that has taken place in our community, which has certainly made the job challenging, notwithstanding the financial challenges that this area, those parks, may have faced, to be able to keep up. As we speak to natural nature areas, usually the attention will go to the high-interest areas like a Horseshoe Bay. But let us [not forget] the importance of areas, very remote areas, in Bermuda, such as Mullet Bay Park and such as the parks out in Ferry Reach, Mr. Speaker. Those particular areas really capture Bermuda at its best. And what I mean as “its best” is that you can go in those areas and not see the influence of commercialism, apart from a few areas that caused great consternation, maybe some years ago, with development closer to where the Esso Marine [Station] is located and the like. But, certainly, a person can go and walk in an area—as you go into the Ferry Reach area, in particular—and see Bermuda as it would have been, with vegetation, save and except for the Railroad Trail, that has not been operative in that fashion, but provides a good walking area, and traverse through areas that are very similar to the way they were hundreds of years ago.

And let us not forget how important that is to visitors, as well. That is equally as important as when we have to make legislation to protect against overcrowding and the use of commercial water vehicles in areas of protected areas. How important open space is to a country with only 13,000 acres and overcrowding in some areas! Let us not forget how important it is to have open spaces and greenery and vegetation, where persons can take a walk and gather their thoughts. And that is where some places around Bermuda that may not have been included in this legislation, initially, where they need to be included today.

Mr. Speaker, as we look at making provisions, as the Shadow Minister wanted to make sure that others were included in the decision-making, when it comes to the environment, I will declare my interest. I am of that mind-set that wants to err on the side of

protecting the environment. And I know I might run contrary to other persons who might be more in favour of building. But there has to be some persons, in particular, prepared to stand up for those open spaces and be prepared to protect that. So, from that point of view, Mr. Speaker, I just want it known for the record that I count myself amongst those who look out for things such as the foreshore. And as the Honourable Minister can get some fees in, commensurate with what is required of his staff in that Ministry, let us not forget how important it is to protect the foreshores of areas like Mullet Bay, where once people used to swim and the like, and look at ways in which we could beautify it, make it also viable for persons who have their boats along there, and also make it beautiful in a way where there might be a beach or two located in a location that once did house a beach.

And just talking there, I am reminded of canvassing, and Mr. Bernie Hotsall comes to mind, for anyone who would have been in St. George's many years ago, even before I came to St. George's, but has been around long enough to have people call his name more than once or twice, where he actually taught swimming in Mullet Bay. Let us not forget, Mr. Speaker, that the Mullet Bay area, where we house one of our most important playgrounds for our children to go and play, once had to be reclaimed. And many persons who had their homes along there, family, grandparents can recall the times when that was actually an inlet. And so, preserving and making sure these areas are kept looking in pristine condition is of great importance to Bermuda, to our aesthetic beauty.

Notwithstanding that, we have areas like Stokes Point, which is . . . you don't often see persons taking a stroll through there. But let me say how beautiful an area that is. And as we, as Bermudians, encourage our people to take to their feet and walk more often . . . I often hear the Health Minister on occasions talking about taking a stroll. And she has said it often enough that I am prepared to take up her advice.

But let me say this, that there are many areas and many communities, as in mine, where that opportunity presents itself. And that is not when we are looking at the Tourism Authority as it relates to parks. Do not just encourage the Tourism Authority to look at our parks just for commercial viability. Let them appreciate and also, in the cultural tourism, participate in ensuring that those areas are kept in a way in which they can also promote persons to come and just read, just write, just paint and partner with those other organisations, as I am sure goes on with Masterworks and the like. Because that is a very important part of what Bermuda is, as well. And as we look in the East End, as I think of areas such as the Cooper's Point area, where NASA was, the part of the Honourable Member from constituency 3, St. David's, Minister Lovitta Foggo's constituency, and in constituency 1, represented by MP Ming—let us not forget that Fort

St. Catherine Beach is where Bermuda was discovered.

And as we look—as we look at that commercial development, let us also be reminded that this particular area is of significant historical value to the country, as are many other areas throughout Bermuda, Mr. Speaker. So, I applaud the Minister for seeing the need for fees that need to be put in place. And with the amendments that go forward, I will be here during Committee, as well, as we go forward, Mr. Speaker.

Thank you ever so much for the time.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 22, the Honourable Member Gibbons. You have the floor, Honourable Member.

Hon. Dr. E. Grant Gibbons: Yes, thank you. I am glad I caught your eye.

The Speaker: Yes.

Hon. Dr. E. Grant Gibbons: Mr. Speaker, I also would like to say, in a preliminary way, that I would like to thank former One Bermuda Alliance Ministers Cole Simons and Sylvan Richards for moving this legislation along, and certainly the current Minister for bringing it to the House, as well.

Mr. Speaker, I was quite interested to see some of the new areas that the Minister talked about being added to the list of protected areas. I had the opportunity a couple of weeks ago to visit the Cooper's Island area, which I had not actually visited since the land was handed back—that actually took a little while longer, but when the land was handed back in 1995 by the US Navy. And I have to say (I do not know if you have been out there or not)—

The Speaker: Yes, I have been.

Hon. Dr. E. Grant Gibbons: But actually, it is exquisite. As the previous Member who just took his seat said, it is almost an area of old Bermuda that I would encourage others to go have a look at. The beaches out there, the protected bays, you can almost imagine Bermuda hundreds of years ago. It was also, I would say . . . I was there on a Sunday, not a lot of people out there, a sprinkling of visitors and a few others, families who were making, I think, an afternoon of it, as well. But it just seemed to me that this is certainly an area that—mind you, as long as it stays a protected area that the BTA needs to speak about because, as they used to say, it is *quiet, unspoiled, uncommon*. (That was, I think, one of the ads for Bermuda a long time ago.) So, it is something that needs to be looked at.

In the same breath, I listened to the Minister talk about the fees, which I guess we will be talking about in more depth in the next piece of legislation coming up. But he mentioned ensuring a high quality of services and not to make a profit. It was pretty clear to me that the area around Cooper's Island needed some work. There is quite a bit of overgrowth. I know some companies have adopted—I think HSBC has been very active out there. But it still needs some work. And, in order to be shown at its best, it is an area . . . and perhaps it is because of the rain that we have had in the last year or so. But it is an area that requires some attention, given the absolutely gorgeous nature of the site.

Perhaps this is a question for the Minister when he responds, but I would like to get a little bit of a clearer sense for the marine buffer areas. I think we have had some experience with this in the past. He mentioned they were 10 metres from the high-water mark, but just an understanding that perhaps might be useful for the public, as well, who have boats, exactly what that means in terms of access by boat into those areas. I think particularly of the Cooper's Island and Clearwater Beach area. I know there was a larger protected area, I think off of Grasbury's Island, and in from there. But if he could just comment a little bit more on what that means for a boater getting access to those areas.

The other area that I wanted to comment on briefly is the Railway Trail. And, Mr. Speaker, as you will be aware, over the last couple of years there have been a number of efforts to try and continue to link up various portions of the Railway Trail by bridges, I think particularly down in Bailey's Bay and over at Store Hill and a couple of areas. And I think there was some effort still underway to have that happen. That is another area which is an enormous opportunity for us, from a tourism point of view. And I have seen some of the extensive use of that by not only people who live in the area, but by others getting exercise as well. And I hope that the Minister will continue to facilitate that work. I think, particularly, of the Friends of the Bermuda Railway Trail, who have been raising money and have been active in trying to make the Railway Trail more of a joined-up effort and also one that is more accessible. So, I would certainly put in a good word for those and the companies that have supported it, and I hope that the Minister will help to continue that particular work.

The other thing I wanted to comment on was that I think it is useful to broaden the commission. I think there needs to be a number of perspectives, so I certainly support that. But, as my honourable colleague, Mr. Simons, said, there needs to be balance there, as well. And I think having different uses for different protected areas or recreational areas is pretty key. And I think we have to find a balance between use . . . commercial efforts by entrepreneurs, who clearly are providing services, as they are at Horse-

shoe Beach, that visitors have looked forward to, both here and perhaps when they visit other places. So, hopefully, that balance will continue. And perhaps it will not be quite so, I guess, contrary if there are people on there who can perhaps put a commercial perspective, but at the same time will be balanced by those who are trying to make sure that the areas are preserved and that there is a good use, which does not, essentially, spoil areas as we go forward, because that, clearly, is one of the natural resources that Bermuda offers.

So, Mr. Speaker, with those few comments, I take my seat and look forward to hearing the Minister's responses.

The Speaker: Thank you, Member.

Does any other Member wish to speak?

I recognise the Opposition Leader. You have the floor, Madam.

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

Mr. Speaker, as we have all said, we believe that this is something that we support. And as my colleague, Cole Simons, said, this is a programme started and now a programme completed. So I must say that, when you start to look at this legislation and you start to look at all of what it encompasses, you are pretty amazed at all the things that actually come under parks. And, you know, I am the MP for Pembroke West. And I went through, looking at all of the areas that technically are sort of in my remit. And you do not recognise . . . you have Spanish Point Islands and Admiralty House Park, and you have places like the Spanish Point without the islands, and Tulo Valley. And just down the street, which is Ladies Chambers Park, you start to realise that it is very important that we pay attention to these parks and what happens there.

Because I am mindful that, especially out at Pembroke West, that is like going to the country. When you go out to Admiralty House and when you go out to Spanish Point Park, on that side of the Island you do not have the ability to dash down to Horseshoe Bay or, on the Eastern End, to go down to John Smith's. The places that you go to are slightly different. And Spanish Point Park is really important because people go there and have dinner, and then, after dinner, they take their kids in the summertime and actually go swimming. And this is a way of relaxing them, giving them some enjoyment, some exercise. So it is very important for us to recognise that, for those people who cannot get off the Island, being able to go to a park, being able to have the amenities in the park, are very important.

And that is why, when our colleague, our House Member from St. George's, was talking about making sure that the parks, et cetera, are up to a standard—because I know there have been challenges, but especially when it comes to summertime, mak-

ing sure that you can go out there and the grass is cut, and making sure you have the ability to be able to enjoy the amenities is important. And sometimes, we forget that it is not just the people on the Island who come, but many more tourists are coming out to these places. Especially when you had America's Cup, Spanish Point was a place to be able to come and look. So it had even more, if you will, people going through it that put even more stress on the facilities that are there.

And I think, sometimes, as we go forward, it is important for us to recognise that there has to be a certain standard all through the year in terms of whether you have toilets and whatever else. But during what I call the season, being able to make sure that there is even more attention to making sure that they are refreshed even more frequently. So, the mere fact that the fees are going to be there, I hope that the fees will somehow translate into being, if you will, put aside to improve what I call the standard of the amenities that they have there. Because it is very important, especially as it relates to things like bathrooms, from a health perspective, to know that people adhere to, you know, the sanitation.

And I would like to also think that, as we go forward, I was pleased to see the addition of some of the members on the board who represented tourism, but also that represented users of the system. I mean, I understand why you have people from the National Trust and the Audubon and all of that, but I do think that, somehow, as we go forward, being able to weigh off the protection to the system with what I call the commercial element is going to be very important. Because I remember down at Admiralty House Park, you know, being contacted by one of my constituents to say, *How come all of a sudden there's a jet-ski business which is operating out of the park?* And all of a sudden, for the people in the area, it was like, *Hey, what? This is our neighbourhood park, and all of a sudden it suddenly became a commercial enterprise.* Now, I know, going forward, we are going to have to weigh up commercial enterprises with what I call keeping neighbourhood parks. And it is going to be very important that you have people on this expanded committee who will be able to determine where things should be allowed in terms of a commercial element and where things should be kept to what I call the neighbourhood.

So I am pleased to see that we are going to be doing this, because it, to me, means that we understand the importance of our open spaces. We understand the importance of our parks, and as one of my colleagues said when we were talking about this particular Bill, the fact that, for the average man, going to the park is like going off the Island. Some people just do not get to go off the Island. They actually get to go to the park. And they camp out. And having a camp-out is like having a vacation. And so, we want to make sure that we keep a number of these things

available to our residents. Because we cannot change or expand the size of the Island. So what we have to do is make sure that the pockets that are in there are the equivalent of *getting away from it all* and being able to refresh and replenish, and be able to feel that Bermuda is still a place for us to enjoy, and that *Bermuda is another world* for all of us, not only just for people who come from off the Island.

So, Mr. Speaker, as my colleagues have said, we, obviously, support this. And as we go forward, we are going to look to see some of the other amendments that look at addressing issues, whether it be in terms of improving the standards, the park standards and also the regulations. Because I think there is one thing that this brings to mind—the fact that, as we start to have people using the parks more frequently, we also have to recognise, and I can say this because it has happened out in my constituency, we also have the fact that people who are stressed from the point of view of [not] having places to live, sometimes the park is their refuge. And so, we have to try and see what we can do to address their housing needs and not have the park, et cetera, being the only shelter that they have.

So I am looking forward, Mr. Speaker, to our getting into this Bill. And I am sure my other colleagues may have some more observations that they would like to make. Thank you, Mr. Speaker.

The Speaker: Thank you, Madam Opposition Leader.

I now recognise the Honourable Member from constituency 28. Honourable Member, Mr. Lister, you have the floor.

Mr. Dennis Lister III: Good afternoon, Mr. Speaker.

I just want to follow the speakers before me in offering my support to this amendment to the National Parks Act. I also want to start off congratulating the workers of the Parks Department. I, as a former summer student, have done three summers at the Parks Department, pushing the lawnmower, cutting the grass, raking the grass. So I know what the workers go through, Mr. Speaker, especially in the summertime in the heat that they have to bear. So, I want to commend them for the work that they do in maintaining and preserving our parks, our nature preserves, and the open spaces.

Mr. Speaker, the importance of protecting and preserving our national parks and nature preserves is of utmost priority in Bermuda, one that cannot be [overstated]. We are a land mass of only 53.3 square kilometres, Mr. Speaker. And because of our size, our small size and our heavy population density, we have limited amounts of open spaces and greenspaces in Bermuda. We must protect them at all costs. Mr. Speaker, I consider myself a child of nature. I love the woods and trees. I grew up climbing trees, playing in the open spaces, Mr. Speaker. Every Cup Match—you should know, because we were camping down in

Chaplin Bay. I grew up, every Cup Match, camping, up until I was about 14 years old. So I know and appreciate open spaces and our nature parks.

[Inaudible interjections]

Mr. Dennis Lister III: Thank you, my honourable colleague.

And even yesterday, Mr. Speaker, the Honourable Mr. Weeks, you and I all enjoyed a wedding down at Chaplin Bay yesterday in the beauty of our green and open spaces that we are fighting to preserve. So, Mr. Speaker, this is dear to my heart because, as I said, I am a child of nature. To this day, I love taking walks, whether it is a recreational run or just a walk through the Railway Trail. And when I get overlooking (I do not remember what it is called), I want to say Harmon Bay, that is one of the best views you have in Bermuda, looking from the back side of Fort Scaur, eastward.

[Inaudible interjection]

Mr. Dennis Lister III: And Woodsies, too.

And you can see, as mentioned by the speaker before me, the Opposition Leader, Spanish Point. You can see Admiralty House. You can see all the islands in the Great Sound; you can see Dockyard. So, to me, that is a spot that I cherish because of the pristine view of it and also the serenity of it. It is quiet, Mr. Speaker. Many, many Bermudians, many locals enjoy their walks, their bike rides, their runs through our nature parks. Our Railway Trail, especially in Somerset, from Somerset Bridge, even if I have to stand onto Barnes Corner to Dockyard, Mr. Speaker, they are heavily utilised. Mornings you see walkers and runners, bikers out as early as 5:30. I am not up that early, but I heard there are people up that early, Mr. Speaker.

[Laughter]

Mr. Dennis Lister III: There are even people out at late hours of the night.

So, Mr. Speaker, these people, they also appreciate it. And again, I just want to offer my support to the amendments that we are making to protect and preserve the limited greenspaces we have, to make sure that . . . and, Mr. Speaker, it is well known that human beings, our bodies, live off of green trees and greenspaces. The air and oxygen that they produce we take in, and it helps us. So, we cannot destroy what gives us life, Mr. Speaker. So, again, giving my support to this amendment, and I hope that, even going forward, we can look for other ways to help preserve and protect. And I encourage all Bermudians, when you are out in these open spaces, if you see trash, if you see things that are out of place, do your part. Because if we all do our part to help preserve

and make Bermuda look better, it is easier for those who have to get paid to do it. But we all have a sense of ownership, Mr. Speaker, that *I did that. I helped make this place look better.*

So, Mr. Speaker, in conclusion, again, I support this amendment with my full heart. And to speak to the Minister, I can congratulate you in doing this good work.

[Desk thumping]

The Speaker: Thank you, Member.

Member, before I recognise you, we have only got a minute or so left before lunch. Would you like to start now and come back, or would you like for us to acknowledge lunch at the moment?

Hon. Trevor G. Moniz: I am going to be pretty quick.

[Laughter]

The Speaker: Be quick, Member, then be quick. Be quick.

We recognise the Honourable Member from constituency [9].

Hon. Trevor G. Moniz: Mr. Speaker, I can speak again on this in Committee, but I notice, under clause 5, they are changing the composition and makeup of the Parks Commission. And there, they are including two members of the users of the system. When I look at this, I view the users of the system as being members of the public, as people who go there, walk on the trails, and people who camp, et cetera. But there has been a suggestion somewhere that the users of the system would be the commercial users of the system—concessionaires within the parks who are making money out of it.

I would just like to caution that it would be very dangerous to put commercial users of the system on the Parks Commission, because in any area where they would have any expertise, they would have to recuse themselves as having a conflict of interest. So, I just want to draw that line right now before we go into Committee, to give a warning on that.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member from constituency 9, for keeping it brief.

Mr. Premier, would we like to acknowledge what time of day it is?

Hon. E. David Burt: Thanks, Mr. Speaker.

Mr. Speaker, as the clock is striking 12:30, I move that the House do adjourn for lunch, to come back at 2:00 pm.

The Speaker: Thank you, Mr. Premier.

The House now stands adjourned until 2:00 pm.

[Gavel]

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:02 pm

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

BILL

SECOND READING

BERMUDA NATIONAL PARKS AMENDMENT ACT 2017

[Continuation of debate thereon]

The Speaker: Good afternoon, Members. I trust you all had a nice lunch.

We are now resuming on the first Order that was down for business today, that being the Amendment to the National Parks Act [with] Minister Burch. We were in the debate and I think the Honourable Member Moniz was the last Member who spoke on the matter.

Are there any other Members who wish to speak?

I recognise the Deputy Speaker. Honourable Member Mr. Burgess, you have the floor.

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

Mr. Speaker, I want to just follow up from where the Honourable Member Dennis Lister . . . in thanking the staff and management and the summer students at Parks for the great job they do in keeping our beaches and parks in immaculate shape.

Mr. Speaker, certain times throughout the year, on certain occasions, we lose our tranquillity of the beaches and parks. And, Mr. Speaker, we must, in my opinion, observe that at all times because we have residents that live close by, and everybody lives close by, since as you know, Bermuda is only 22 square miles, with the music being very loud and sometimes the music goes to all hours of the night and . . . folks will call me (and I am sure they called their MPs) about children trying to get rest for school and other things.

But, Mr. Speaker—and I am going to be very brief—I am just calling on the public, private sector, Government, all concerned, that if we can make something easy and accessible for the physically challenged when they go to the beaches and bays like Long Bay and Shelly Bay and Clearwater because they, too, would like to enjoy the beach and the water, particularly during the summertime. So, I just really

rise to [say] just think of our seniors when we are thinking about improvements at those beaches and bays. I know it cannot be at every beach. Some beaches are better for them than others. But I point out those three because I know those three are quite easy and accessible for most seniors, but the physically challenged, not so.

I know at one time we were talking about some type of equipment to use to assist them in being able to go into the water, so I would just ask my colleague and Honourable Minister, and the public—private and public—to consider that for our seniors and the physically challenged.

Thank you, Mr. Speaker.

The Speaker: Thank you, Mr. Deputy.

Does any other Member wish to speak to this matter?

No other Members?
Minister.

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

I will answer in the order in which they . . . in fact, I will start at the end with the Deputy Speaker and his comments about seniors. And I can confirm that whilst there is a plan to have some relaxation in some of the beaches and parks in the country in terms of having active activities, there certainly also is a plan to accommodate, specifically, seniors and assisting them in getting into . . . to be able to enjoy our parks and beaches and assisting them to be able to take a swim that we all enjoy.

In relation to the pop-up permits for concessions in parks, colleagues will note that the amendments now provide for discretion in that regard. And it is the policy and belief of this Government, as a continuation on from the last one, that there needs to be a balance struck between how we utilise our parks and beaches these days going forward and at some point in the not-too-distant future I shall return to this House with a plan about how it is that we intend to implement some of those changes so that we can provide added activities, not just for our locals, but for our visitors as well.

In relation to the maintenance yard [issue] that was raised by the Shadow Minister, that is not a matter for these amendments. There is some activity in that regard which I shall report on when it is concluded.

In relation to the Chief Surveyor being ex officio, now that Parks falls under the Ministry there is provision for representatives from the Ministry to serve ex officio on the Parks Commission. So, I think that one will be covered.

In relation to the protected areas, I am advised, Mr. Speaker, that—the protected and buffer areas—that this has always been the case from the origination of the Act in 1986. I think there is just an

application of it now. And what we will do is, particularly in the case of busy beaches where swimming and other activities on the beach take place, then there will be restrictions on boats, but there will be public notices, both in the public domain as well as signs posted at the various locations.

Finally, Mr. Speaker, in relation to the parks workers, I think I have met with them more than I have any other area of the Ministry since coming into this job, mainly because I think they are the longest suffering. And so, I do join my colleagues in commending them for the work that they have done, even though, in some respects, the country looks like it could use some added staffing. And certainly we have taken some action in that regard in the early days of this administration, to recruit some staff. And, in fact, I ran into a young man today who has recently been hired by Parks. So, I think that the members of the community and this House will soon see that there is some improvement—dramatically—in terms of the state of parks in the country.

I think there was also—I missed one—in relation to Cooper's Island and the state of Cooper's Island. There is some work being carried out by the Department of the Environment. And I think if the Honourable Member was to have any spies in St. David's today he would find that they are on the ground as we speak.

With those comments, Mr. Speaker, I move that the Bill be committed.

The Speaker: Thank you, Minister.

Mr. Deputy, would you take the seat?

[Pause]

House in Committee at 2:10 pm

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

COMMITTEE ON BILL

BERMUDA NATIONAL PARKS AMENDMENT ACT 2017

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Bermuda National Parks Amendment Act 2017](#).

I call on the Minister in charge to proceed.
Minister, you have the floor.

Lt. Hon. Col. David A. Burch: Mr. Chairman, thank you very much.

I would like to move clauses 1 and 2.

Clause 1 is the title of the Bill and 2 amends section 25(1) of the principal Act by adding after subparagraph (f), sub-paragraph (fa), thereby allowing regulations to be made under this Act for the purpose

of prescribing fees, other than fees that are prescribed under the Government Fees Regulations 1976.

The Chairman: Any further speakers?
There appear to be none.
Minister, carry on.

CLAUSE 3 REPEALED

Lt. Hon. Col. David A. Burch: Mr. Chairman, clause 3 in this Bill provides for the insertion of [new section] 25A "Validation of fees," (after section 25) to be repealed, as this validation is provided for in the Bermuda National Parks [Amendment] (No. 2) Bill [2017].

And so, as such, I move, Mr. Chairman, that the Bill be amended by repealing clause 3 of the Bill, thereby removing the proposed addition of section 25A.

The Chairman: Yes, the amendments are being handed out right now.

[Pause]

The Chairman: Anyone want to speak to the amendment?

[Pause]

The Chairman: The Chair recognises the Honourable Member Trevor Moniz.

Hon. Trevor G. Moniz: Mr. Chairman, I just presume the Minister is going to explain why he is doing this. Is he giving an explanation?

The Chairman: Yes.
Minister.

Lt. Hon. Col. David A. Burch: Mr. Chairman, I will repeat. The reason why I am repealing this section in this Bill is because it is entered into the next Bill. I said in a statement earlier that part of . . . there was a snafu in the Attorney General's Chambers in the drafting of the Bill, so both of them ended up in both Bills. It refers to fees, so I am deleting it from this Bill, but you will find it in the next Bill.

Hon. Trevor G. Moniz: I am obliged. I am obliged.

The Chairman: Thank you.
Any further speakers?
There appear to be none. Carry on, Minister.

Lt. Hon. Col. David A. Burch: Mr. Chairman, this obviously will change the numbering in the clause by clause of the Bill as we go forward, but I will refer to those clauses as they are printed in the Bill, even

though the numbering will change once the amendment comes through.

So, in the case of clause 4, it repeals and replaces the First Schedule of the principal Act, adding new Nature Reserves to reflect areas of the same that are to be managed as part of the National Park System. Clause 4 also clarifies that maps of the Nature Reserves can be viewed at the Department of Parks or at the Ministry of Public Works (Department of Land Surveys and Registration).

And clause 5 amends the Third Schedule of the principal Act by increasing the constitution of the commission from 12 members to 13 members (which includes the current Director and the Assistant Director as ex officio members). The additional members are as follows: one member from the Bermuda National Trust; one from the Bermuda Audubon Society; one member from the National Museum of Bermuda; one member from the Bermuda Zoological Society; one member from the Bermuda Tourism Authority; two members representative of users of the System (and by that, that would be members of the general public); and four members who may be considered by the Minister to have a sufficient interest or expertise in environmental protection, conservation of natural or historical resources; economic, commercial or entrepreneurial matters.

And finally, clause 6 repeals sections 26 and 27 of the Bermuda National Parks Amendment Act 2009 as they have been superseded by the amendments being made by way of the Bermuda National Parks Amendment Act 2017.

And clause 7 is the commencement provision.
And I move those clauses, Mr. Chairman.

The Chairman: Any speakers to that?

Hon. Trevor G. Moniz: Mr. Chairman.

The Chairman: Go ahead.

Hon. Trevor G. Moniz: Thank you.

Mr. Chairman, I just thank the Minister for clarifying the meaning of "users" for those members of the general public.

Thank you.

The Chairman: Any further speakers?

The Chair recognises the Honourable Grant Gibbons.

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

Just on clause 5, I wonder if I could get the Minister's guidance on how he might see . . . let us see, it is [clause] 5(b)(vii) "four members who may be considered by the Minister to have a sufficient interest or expertise in environmental protection, conservation

of natural or historical resources; economic, commercial or entrepreneurial matters.”

In terms of what he may consider to be appointments here, is the Minister likely to spread this out over the various areas there, or concentrate it in commercial matters? I just would ask if he could provide some guidance as to what his intentions may be with respect to the appointment of those four members.

The Chairman: Minister?

Lt. Hon. Col. David A. Burch: Mr. Chairman, the intention would be to spread it out over all of those areas that I listed so that there is a balance within the composition of the Commission.

The Chairman: Any further speakers?
There appear to be none.

The Chairman: Minister, do you want to move the clauses and the Preamble and the Schedule?

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

I move the Preamble.

The Chairman: Any objections to the Preamble being approved?

No objections.
Approved.

Lt. Hon. Col. David A. Burch: Mr. Chairman, I move that the Bill be reported to the House as amended.

The Chairman: You have not moved the clauses and the . . . yes, you have to move the clauses also.

Lt. Hon. Col. David A. Burch: All of them?

The Chairman: Yes, you can move them all at once.

Lt. Hon. Col. David A. Burch: Okay.
Mr. Chairman, I move clauses 1 through 7.

The Chairman: Any objections to approving clauses—

Lt. Hon. Col. David A. Burch: As amended.

The Chairman: —as amended, clauses 1 through 7?
There appear to be none.
The Bill has been approved as amended.

[Motion carried: Clauses 1 through 7 passed as amended.]

Lt. Hon. Col. David A. Burch: Mr. Chairman, I move that the Bill be reported to the House as amended.

[Motion carried: The Bermuda National Parks Amendment Act 2017 was considered by a Committee of the whole House and passed as amended.]

House resumed at 2:17 pm

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

REPORT OF COMMITTEE

BERMUDA NATIONAL PARKS AMENDMENT ACT 2017

The Speaker: Members, are there any objections to the reporting of the Bermuda National Parks Amendment Act 2017, as amended?

No objections?

So it has been reported.

We now move on to the second Order for today. Minister, it is you again. We have the Bermuda National Parks Amendment (No. 2) Act 2017.

BILL

SECOND READING

BERMUDA NATIONAL PARKS AMENDMENT (NO.2) ACT 2017

Lt. Hon. Col. David A. Burch: Mr. Speaker, I move that the Bill entitled the Bermuda National Parks Amendment (No. 2) Act 2017 be now read the second time.

The Speaker: Continue on, Minister.

Lt. Hon. Col. David A. Burch: Mr. Speaker, as the title of the Bill indicates, it is the second (or No. 2) amendment to the Bermuda National Parks Act 1986.

In my brief that I presented earlier today for the first set of amendments to the Act, I provided a comprehensive overview of our National Park System which includes all of our public beaches, parks and nature reserves, forts and other notable historical sites. Therefore, having provided the background and context I will simply summarise the proposed amendments in this Bill.

Mr. Speaker, the first amendment is the insertion of section 25A, which provides that the Minister, by order, may waive fees due to impromptu or exceptional circumstances. The circumstances and conditions of any waiver are clearly set out in the Bill. And it is worthy to note that “no waiver shall be granted unless the Minister has consulted the Minister responsible for the enactment under which the fee is prescribed.” The power of waiver being proposed by way of the new section 25A is on par with section 2A of the Government Fees Act 1965.