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BERMUDA
HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT

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Sitting number 26 of the 2013/14 Session
(pages 2577-2650)

Hon. K. H. Randolph Horton, JP, MP
Speaker

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****4 JULY 2014****10:03 AM***Sitting Number 26 of the 2013/14 Session**[Hon. K. H. Randolph Horton, Speaker, in the Chair]***PRAYERS***[Prayers read by Hon. K. H. Randolph Horton, Speaker]***CONFIRMATION OF MINUTES****27 June 2014**

The Speaker: Honourable Members, the confirmation of the Minutes of the 27th of June will be deferred.

*[Minutes of 27 June 2014 deferred]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are no messages from the Governor.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

The Speaker: I would like to announce that Mr. Raoul Ming, who is assisting Mr. Fox today, will fill in for Mr. Fox when he will be away next week.

MESSAGES FROM THE SENATE

The Speaker: There are no messages from the Senate.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: The Chair will first recognise the Honourable Premier, the Honourable Michael Dunkley; Premier?

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

The Speaker: One second, please, Premier. One second, please.

[Pause]

The Speaker: Premier? Thank you.

DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

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

Mr. Speaker, I have the honour this morning to attach and submit for the information of this Honourable House of Assembly the [DNDC Grants] Programme Annual Performance Report for [fiscal] year 2013/14.

The Speaker: Thank you, Premier.

Are there any objections to that?

There are none.

Honourable Premier, you have another paper.

Please carry on.

PUBLIC ACCESS TO INFORMATION REGULATIONS 2014

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

I also have the honour to attach and submit for the consideration of this Honourable House of Assembly the Public Access to Information Regulations 2014, proposed to be made by the Premier under the provisions of section 59 of the Public Access to Information Act 2010. Thank you, sir.

The Speaker: All right. Thank you, Honourable Premier.

Any objections to that?

There are none.

We now recognise the Honourable Minister of Finance, the Deputy Premier. Minister Bob Richards, you have the floor.

**GOVERNMENT FEES AMENDMENT (NO. 3)
REGULATIONS 2014**

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, with the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Government Fees Amendment (No. 3) Regulations 2014, proposed to be made by myself under provisions of section 2 of the Government Fees Act 1965.

The Speaker: Thank you. Thank you.
Are there any objections to that?
There are none.
Thank you, Minister.

PETITIONS

The Speaker: There are no petitions.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: We now move to Statements by Ministers and Junior Ministers.

First, I would like to recognise the Honourable Premier. Premier Dunkley, you have the floor.

PUBLIC ACCESS TO INFORMATION LEGISLATION

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

Mr. Speaker, Honourable Members may recall that in my National Address on the 9th of June 2014, I announced that (and I quote, Mr. Speaker), "Regulations will be tabled in the House of Assembly this session to advance Public Access to Information. The plan is to have a PATI Commissioner in place by the Fall and PATI fully operational by April 2015, enabling people finally to shine new light on the work of government—asking questions, getting answers, bringing new levels of transparency and accountability to the public sector."

Consequently, Mr. Speaker, I am pleased that the Public Access to Information Regulations 2014 was tabled a few moments ago in this Honourable Chamber. Later this morning, I will be tabling the Public Access to Information Amendment Bill 2014.

Mr. Speaker, the draft regulations are made in exercise of the power conferred under section 59 of the Act and are intended to give effect to the principles of PATI by detailing and clarifying the practical implementation of the access regime. In particular, Mr. Speaker, the regulations make specific provision for administrative matters including timelines for delivery of information and the fees to be charged for the production of records.

In addition to the draft regulations, the Bill proposing amendments to the Public Access to Information Act 2010 is intended to bring further clarity to the existing provisions pertaining to notice periods, penalties and exemptions from disclosure. The draft Bill and regulations are significant in that they signal the fact that Bermuda is ready to honour the commitment to transparency and accountability made in 2010 with the passage of the Public Access to Information Act.

Mr. Speaker, both the Act and the regulations will come into operation on April 1st, 2015. From that date, members of the public will be able to make requests for information under PATI. For a relatively modest cost, they can obtain copies of that information. However, in accordance with the legislation, not everything is accessible as there are certain kinds of information outlined in the legislation which are exempted from release.

Mr. Speaker, during the PATI implementation stage that will take place before the legislation becomes operational, there will be many opportunities for public servants to receive training, and for both members of the public and public servants to seek clarification of procedural or other matters relating to PATI. I encourage people to take advantage of this invaluable opportunity when it arises.

Mr. Speaker, with the tabling of the Bill and the regulations, I am pleased that I have met the first of my commitments to the people of Bermuda and have fulfilled my Government's pledge to progress our goals of operating with transparency and accountability. Honourable Members and members of the public can be assured that I intend to meet the promise of PATI being fully operational by April 2015.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Premier.

The Chair will now recognise the Premier again. Honourable Premier?

DNDC GRANT PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

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

Mr. Speaker, I am pleased to have been able to table earlier this morning the Annual Programme Performance Report for Fiscal Year 2013/14, which highlights community partners that receive grant funding through the Department for National Drug Control [DNDC].

Mr. Speaker, this Government considers it important to provide the people of Bermuda with a clear picture of how their tax dollars are put to use. The introduction of this report into the legislature is another step along the road to greater transparency within Government.

Mr. Speaker, the goal of the report is to provide information for the Department of National Drug Control and the Ministry of National Security to evaluate the agencies and their fiscal performance, and to allow for input into the overall implementation of the activities outlined in the approved work plans of each grant recipient agency.

The other goals of this performance evaluation, Mr. Speaker, are to assess achievements, outcomes, and likely impacts, both positive and negative; learn from the implementation so that lessons can be

drawn that can be the basis for enhancements or improvements to planning, delivery and management; and to assess the sustainability of the assistance provided to the grantees.

The evaluation will also be of interest to the grantees, as this will be the basis for granting additional funds in the future.

Mr. Speaker, for decades, the Department of National Drug Control has been providing substantial grant funding to support the provision of drug prevention and drug treatment services through established charitable organisations such as PRIDE, CADA, FOCUS, and the Salvation Army's Harbour Light and Community Life Skills programmes. The DNDC also has provided a grant to the Bermuda Addiction Certification Board (or BACB).

Mr. Speaker, this past financial year, the DNDC collaborated with PRIDE by providing funding for the implementation of the PRIDE clubs at the primary and middle school levels, with CADA for their alcohol awareness campaigns. Life Skills programme in our middle schools, and the TIPS programme. Also, the DNDC worked with FOCUS for the provision of supportive housing and life skills for adult males, and with Harbour Light to partially support its 10-bed residential drug treatment programme and Community Life Skills programme.

The Department of National Drug Control also supports the administration of the Bermuda Addiction Certification Board to provide addiction professional examinations (whether it be prevention or treatment), to provide training, certification, and of course, re-certification, Mr. Speaker.

Without the continued work of these agencies, drug prevention and drug treatment services would certainly be severely diminished, leaving minimal drug education in our schools, minimal focus on the challenges caused by alcohol misuse and abuse, and inadequate support services for those recovering persons, following treatment.

Mr. Speaker, in the fiscal year 2013/14, a total amount of \$667,000 was disbursed to the six grantees to support their services. As part of the DNDC's fiscal responsibility and management, all grantees are first required to provide proposed work plans before grants are issued, then, Mr. Speaker, when approved; the grants are disbursed to the individual organisations. In addition, all grantees are required to submit quarterly performance reports and financials, specifying how the grant funds are being utilised. The report being shared today provides a summary of the programmes' activities by each quarter throughout the last fiscal year 2013/14 and highlights any challenges that may have arisen.

Mr. Speaker, in light of the current economic challenges affecting the entire Government, grants to these programmes have been decreased significantly over the past five years, with no change in the last two years, Mr. Speaker. Despite the major reduction in

funding, all grantees demonstrated efficient use of resources during the fiscal year 2013/14 and produced outputs that were consistent, for the most part, with the expected results identified in the agreed work plans. Financial reports were submitted each quarter and reflected appropriate expenditures for their related programme activities.

Mr. Speaker, there were some operational challenges resulting from reduced funding for all agencies. Prevention and treatment agencies struggled to provide the needed services within the community and have indicated exhaustive efforts to secure non-governmental funding, without great success. In addition to the financial challenges, Mr. Speaker, there were programme challenges and organisational issues within most agencies.

The fiscal year 2013/14 saw CADA minimally able to implement the Life Skills programme due to reduced funding, and BACB provided a reduced number of addiction-specific trainings during the financial year. Of great concern, Mr. Speaker, and continuing since the previous year, was Harbour Light's inability to conduct life skills day classes and to hold evening classes. This is the second year that this component of the programming has not been able to be delivered due to the staffing challenges resulting from the reduced funding.

Mr. Speaker, the Department of National Drug Control is challenged with finding creative ways to assist in sustaining these needed services during the current economic crisis. Efforts are being made to encourage better collaboration between services and the sharing of resources, if and where possible. The Department of National Drug Control has consistently tried to place greater emphasis and priority on funding programme services and projects, as opposed to administrative salaries and/or supplies.

However, Mr. Speaker, programmes require persons to actually facilitate their implementation. This creates a dilemma, especially with funding being consistently reduced. The Department of National Drug Control already has identified the critical programme components for each agency and directs the available funding only to these components; however, Mr. Speaker, the majority of the grants support the staffing to actually do the work.

Mr. Speaker, drug prevention and treatment are areas where public/private support has been successful in the past in Bermuda. Charities received funding from both private and public sources to operate. Unfortunately, financial support has diminished from both sectors over the past five years.

Mr. Speaker, we encourage collaboration between the private and the public sectors to assist in sustaining these necessary services in any way that they can. Impacting the issues of drug misuse and abuse in Bermuda requires a total community approach. Thank you Mr. Speaker.

The Speaker: Thank you. Thank you, Honourable Premier.

The Chair will recognise again the Honourable Premier. You have one more?

PAROLE BOARD REPORT 2013

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

Mr. Speaker, I am pleased to introduce into the Legislature the Report of the Parole Board for 2013, in compliance with section 8 of the Parole Board Act 2001.

Honourable Members will be aware that, under the Act, the Parole Board is an independent body empowered to make decisions governing the time and conditions of release of inmates by assessing the risk they pose to the community and, of course, to themselves.

The board also evaluates the likelihood that a period of supervision, upon release, will contribute to the successful reintegration of the offender into the community. The timing and the conditions of release are determined based on a review of all of the relevant data, coupled with a face-to-face interview with the applicant.

Mr. Speaker, the parole process starts at the beginning of an inmate's incarceration. It is the inmate's responsibility to demonstrate the ability and the willingness to live a pro-social life through recreational and vocational goal-setting programmes.

In addition, Mr. Speaker, a convicted person must have served one-third of their sentence and otherwise present a low risk to the community before being considered for parole.

For the year under review, Mr. Speaker, the Parole Board has highlighted the proposed amendment to section 12 of the Prison Act 2001, which will require that incarcerated persons must serve a minimum of 12 months before being eligible for parole.

Honourable Members will recall that this and other changes to the parole regime formed part of the Government's Throne Speech initiatives and continue to be the subject of review by the Attorney General's Chambers.

Mr. Speaker, the board continues to work well in its role as part of the criminal justice system. Honourable Members will note that the grant of parole is not taken lightly, and as the report indicates, the safety of the community weighs heavily with the Board (and) each deliberation is done with grave consideration.

I would also invite Honourable Members to take note that the board amended the wording of the general conditions of parole in 2013 to specifically address some of the social issues prevalent in our community and to which parolees might be particularly exposed. Items viii, ix and x at page 7 of the report, Mr. Speaker, highlight these issues.

Mr. Speaker, I wish to thank the chairman and members of the board for their continued service and commitment to the administration of justice under their remit. Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Premier.

The next Statement, the Chair will recognise the Honourable Minister Wayne Scott. Minister Scott, you have the floor.

Hon. R. Wayne Scott: Good morning, Mr. Speaker.

The Speaker: Good morning.

READ•WRITE•BERMUDA CAMPAIGN AND BERMUDA NATIONAL LIBRARY'S SUMMER READING PROGRAMME

Hon. R. Wayne Scott: Mr. Speaker, I am pleased to advise my honourable colleagues and the public at large about the launch of the Read•Write•Bermuda Campaign and the Bermuda National Library (BNL) Summer Reading Programme.

Mr. Speaker, Read•Write•Bermuda is a national campaign to promote reading and writing and to celebrate and support Bermuda's literary community.

Read•Write•Bermuda is a collaborative partnership between the Bermuda National Library, CedarBridge Academy, the Reading Clinic and the Buechner Society of Bermuda. These institutions will use new resources to expand their capacity to help young readers and writers. These highly respected partners will work individually and collaboratively across organisations to improve student reading skills and increase family literacy. Combining technology, tutoring, e-book resources, professional development for teachers and librarians, writing workshops, and special events and programmes, Read•Write•Bermuda will give enhanced pathways to achievement and lifelong learning, while nurturing current and future generations of Bermudian writers.

Mr. Speaker, the Read•Write•Bermuda campaign includes three major areas of focus: *Building Readers*, *Supporting Writers*, and *Expanding Libraries*. Mr. Speaker, one of the goals of Read•Write•Bermuda is to expand BNL's Summer Reading Programme. Entitled *Read Around the Rock*, this year's programme, which will run from June 30th to August 6th, is designed for youth and adults to learn more about our Island home in a light-hearted way.

Mr. Speaker, at the Adult Library, participants can choose from books that give insight to interesting facts and folklore about the nine parishes, from the St. George "stock market" selection and "fish" for your Sandy's Heritage choice from the "library depths."

The remaining seven parishes will represent specific subject areas of the library collection. The Adult Library programme is free and open to residents

over 14 years of age, and there will be weekly prizes and a final grand prize.

Mr. Speaker, at the Youth Library, the Summer Reading Programme will use the parishes to group various reading themes that the children are required to read. Once they complete each of the three levels, they can earn prizes, and when they complete the third level, students earn a raffle ticket toward the grand prizes—a 10-speed bike and iPad minis—at an end-of-summer party. In addition, the Youth Library has planned daily activities for young people. A calendar of events is available at the Youth Library on Church Street.

Mr. Speaker, in order for residents to join this [literary] ride around our Island home this summer, they need only to visit the Bermuda National Library website at www.bnl.bm or stop in at the Youth Library on Church Street or at the Adult Library on Queen Street.

Mr. Speaker, studies show that the best way to improve literacy in children is to increase their access to books. I am pleased to assist the Bermuda National Library in highlighting the importance of reading, especially over the summer when children are away from school and are more likely to have the time to read for pleasure. The library endeavours to ensure that anyone who wants to read has the opportunity to do so. Mr. Speaker, I would like to express my gratitude to Rev. Frederick Buechner and the Buechner Society of Bermuda for their generous donation, which is supporting the Summer Reading Programme and several new services at the Bermuda National Library. These new services include a significant expansion of the e-book collection, the introduction of a downloadable music collection, an e-magazine collection and, beginning in the fall, an online tutoring service for students of all ages.

Mr. Speaker, we are happy to partner with the other organisations involved in the Read•Write•Bermuda Campaign. It is our aim to continuously expand the offerings at the Bermuda National Library in support of increased literacy and for the continued enjoyment of our residents and visitors alike. Thank you, Mr. Speaker.

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

The Chair will now recognise the Minister for Economic Development and Education. Minister Dr. Grant Gibbons, you have the floor.

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

The Speaker: Good morning.

EDUCATION ACT 1996—UPDATE ON CONSULTATION PROCESS FOR PROPOSED AMENDMENTS

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, in late May, I spoke to Honourable Members of the House about the importance of parental involvement in our children's education. I also launched a consultation process on proposals to amend the Education Act 1996 to improve and facilitate parental and community involvement in our children's education.

The consultation closed on June 9th, and I would like to provide a brief update on the process, its results and next steps that will be taken over the summer and into the next school year.

First, I would like to reiterate that parental and community involvement is absolutely essential for the improvement of public education in Bermuda and, indeed, around the world. Parental involvement makes a significant difference in the success of the education of children, and we know that schools and the Department of Education cannot be successful without parental and community support to help make the difference for all children.

Mr. Speaker, the recently concluded consultation was a response to growing voices among many parents, who have been asking for more information, more understanding and more say in their children's education. It was also the fulfilment of a commitment to come back to parents after the conclusion of consultation that took place in the fall of 2013. It allowed parents and community members to hear and weigh in on development of a sound legislative foundation for growing meaningful parental involvement within our public school system.

The consultation process included a consultation document which set out proposals to introduce School Community Councils as a means to increase parental involvement and improve governance in our maintained schools. A meeting was held specifically targeted to parents and other PTA members to share the proposals and gain feedback. Additionally, meetings were held with other important stakeholders, including:

- the Bermuda Parent Teacher Student Association (commonly referred to as the BPTSA);
- the Bermuda Union of Teachers;
- the Bermuda Public Services Union (which represents both education civil servants and all public school principals); and
- the Shadow Minister for Education, Ms. Lovitta Foggo, Member of Parliament.

I think it is important for parents, community members, principals, teachers, and all stakeholders in public education to know that I have been listening and will continue to listen. The engagement through the consultation is one example of this. This process of listening and engagement is not static and will continue as part of the day-to-day operations and approach of the Department of Education.

The goals of the consultation process were met in that important feedback was received on the

proposals to amend the Education Act 1996. Parents and community members gave their thoughtful and often passionate views, and those views have been noted and considered.

Following the oral and written submissions received during the consultation process, it is evident that more discussion and outreach is needed in order to finally resolve the question of what parental and community involvement should look like for our schools.

Therefore, I am currently reviewing the policy proposals to better balance the concerns and interests expressed during the consultation period. Further outreach, engagement and information-sharing will continue throughout the summer and into the upcoming 2014/15 school year, and the results of this process will be used to develop proposals that better reflect those concerns and interests.

Mr. Speaker, in closing, I would like to thank the parents, community members, principals, teachers, and other stakeholders who took the time to attend the meetings and provide oral and written submissions on the proposed changes to the Education Act 1996. Their contributions are valued and will contribute to improved parental and community involvement.

Thank you Mr. Speaker.

The Speaker: All right. Thank you, Minister.

Minister, you will continue. You have another Statement, and you may continue.

NASA'S GLOBAL LEARNING AND OBSERVATIONS TO BENEFIT THE ENVIRONMENT (GLOBE) PROGRAMME AGREEMENT

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

Mr. Speaker, yesterday, I had the pleasure of meeting with the US Consul General, Mr. Robert Settje, to sign the NASA GLOBE Agreement. The agreement represents a joint effort between the National Aeronautics and Space Administration (otherwise known as NASA), the US Government, and the Ministry of Education and Economic Development.

Mr. Speaker, the purpose of the agreement is to introduce a programme to the Bermuda public school system that will:

- increase awareness of our students about the global environment;
- contribute to increased scientific understandings of the earth; and
- support improved student achievement in science and mathematics.

Mr. Speaker, the GLOBE programme began on Earth Day 1985. "GLOBE" stands for Global Learning and Observations to Benefit the Environment and, according to the programme, is a worldwide hands-on

primary and secondary school-based science education programme. GLOBE's vision promotes and supports students, teachers and scientists to collaborate on inquiry-based investigations of the environment and the earth system. This occurs with NASA and other US federal agencies that support science research and innovation.

Prior to Bermuda's signing of the agreement, the rate of participation was at 112 countries, and there are over 66,000 GLOBE-trained teachers representing more than 24,000 schools around the world. To date, over 10 million students have taken over 100 million measurements, which are now part of the GLOBE database.

Mr. Speaker, the GLOBE programme has benefits for both students and teachers. Teachers will participate in world-class professional development provided by NASA and will receive continuing support by the GLOBE Help Desk. They will also be in contact with scientists, teachers and students from the GLOBE Partner Network, which includes other participating countries, schools and universities. Other signatories to the GLOBE Agreement include Australia, the Bahamas, Cameroon, Canada, China, India, Germany and, of course, the United States.

Under the guidance of NASA and our teachers, an inquiry-based approach to practical and real science will be used. Our students will ask questions and make observations about the environment. They will design investigations and take environmental measurements in their own local environment. They will use GLOBE measurement protocols, take measurements, report their observations, use tools on the GLOBE website, analyse data and present and publish the results of their analyses. They will also get to work with other GLOBE scientists and students from around the world.

Mr. Speaker, following the signing of the GLOBE Agreement, the programme will be rolled out in the coming school year in selected primary and middle schools, with a view to expanding the programme to more and more schools over time. In all cases, at schools and the department, existing staff will be used to implement and support the GLOBE programme.

The GLOBE programme complements the inquiry-based approach of our Cambridge science curriculum. It will help provide a significant resource to teachers, and give students the opportunity to be part of the larger science community and to participate, explore and better understand the world of science in their own local environment.

Before closing, and on behalf of the Government of Bermuda, I would like to extend a special thanks to the US Government, the US Consul General, Mr. Settje, and Ms. Astrid Black of the US Consulate for this great opportunity for local public school students and teachers.

Thank you Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister for Health, Minister Jeanne Atherden. You have the floor.

SUMMER FOOD SAFETY

Hon. Jeanne J. Atherden: Mr. Speaker and honourable colleagues, what better day than today, July 4th, an iconic day of barbecuing and outdoor relaxing, to wish you and yours a happy summer and, simultaneously, impart some food safety advice from the Department of Health.

Mr. Speaker, the desired result of my Statement today is to answer the question: How can we all partake in the outdoor summer events that we cherish without the risk of food-borne illness? Mr. Speaker, food-borne illnesses have a propensity to increase during the hot summer months for two reasons: natural causes and people.

Let me mention the natural causes first. Bacteria are a natural part of the environment. They are everywhere—in the soil, air, water and in and on the bodies of people and animals. Bacteria multiply faster in warm conditions, especially at temperatures between 90 and 110 degrees Fahrenheit, (roughly human body temperature). Given the right circumstances, harmful bacteria can quickly multiply on food to large numbers. When this happens, someone gets sick from eating this food.

Mr. Speaker, the second reason is people. During the summer months there is a greater risk of food-borne illnesses because outside activities increase. More people are cooking outside at picnics, barbecues, and camping out. And the safety controls that a kitchen provides, such as thermostat-controlled cooking, refrigeration and washing facilities, are usually not available.

Mr. Speaker, my advice is that everyone follows the three C's this summer to protect themselves and their loved ones from food-borne illnesses. The three C's are: clean and separate; cook; and chill.

The first C, "clean and separate." Mr. Speaker, keep things clean by washing hands and surfaces often. Unwashed hands are a prime cause of food-borne illnesses. Always wash your hands with warm, soapy water before handling food and after using the bathroom, changing diapers or handling pets.

When eating away from home, find out if there is a source of safe water for drinking and washing hands. If not, bring water for washing and cleaning food preparation surfaces, or pack clean, wet, disposable washcloths, or moist towelettes and paper towels. Cross-contamination during preparation, grilling and serving food can also contribute to food-borne illnesses. Therefore, it is vital to keep particular food items separate at all times.

When packing the cooler for an outing, wrap raw meats securely to keep their juices from coming into contact with ready-to-eat food. Wash plates, utensils and cutting boards that held the raw meat or poultry items before using again for perishable or cooked food. Remember—the juices of the raw meat should never touch the cooked food.

The second C, "cook." Mr. Speaker, cook all meat and poultry at safe temperatures. Food is safely cooked when it is heated for a long enough time at a high temperature to kill harmful bacteria that cause food-borne illnesses. Take a food thermometer to your outings, and check the temperature of the meat or poultry by inserting it into the thickest portion. Remember—meat is safe to eat only when it is hot in the centre, there is no pink meat visible and juices are clear. Specific safe internal food temperatures for cooked foods are:

- poultry, 165 degrees Fahrenheit;
- hamburgers, 160 degrees Fahrenheit;
- fresh fish, meat and shellfish, 145 degrees Fahrenheit.

Never partially grill meat or poultry and then attempt to cook it later; otherwise, you risk stimulating bacterial growth by warming the food rather than thorough cooking, which eliminates bacteria.

The third C, "chill." Mr. Speaker, keeping cold food cold is important. Both raw and cooked meat and poultry should never be kept out at room or outdoor temperatures for more than one hour in the summer. Cold perishables like luncheon meats or potato salad should be kept in an insulated cooler packed with ice, ice packs or containers of frozen water. It is also important to keep coolers in the shade or shelter, out of the sun wherever possible. If you are unable to take a cooler, pack only foods that are safe without refrigeration, such as fruits, vegetables, hard cheeses, canned or dried meats, or peanut butter and crackers. Perishable leftovers can be safe when chilled on ice. If they are out of refrigeration for more than one hour, or there is not enough to keep the leftovers at 40 degrees Fahrenheit or below, discard them.

Mr. Speaker, I hope you remember and apply the three C's this summer, and I hope the people of Bermuda remember—*Clean and separate, cook, and chill*. And have a happy and safe summer, everyone.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister of Public Works. Minister Patricia Gordon-Pamplin, you have the floor.

EVACUATION OF GLOBAL HOUSE

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

Mr. Speaker, I rise today to inform this Honourable House concerning the emergency evacuation of Global House that took place yesterday morning.

Mr. Speaker, several government staff and clients had evacuated the government building following reports of significant vibrations and loud knocking noises. The Ministry of Public Works technical officers and engineers were immediately on the scene in order to carry out investigations on the third and fourth floors. It was determined that the vibrations and noise originated from an air conditioning unit, housed on the northern end of the roof.

Mr. Speaker, on closer inspection of the unit, it was determined that a fan blade, a part of the motor, had broken off and caused the unit to operate in an unbalanced manner. The unit, which was subsequently shut down by the air conditioning technicians, sits on a metal frame that is bolted directly to the concrete roof deck, and consequently, the vibrations and noise transferred from the unit through to the building's steel framing. Unfortunately, Mr. Speaker, this led to some occupants of the building experiencing more vibrations and noises than others in the offices, and resulted in understandable anxiety.

Mr. Speaker, after the inspection, the Ministry of Public Works technical officers, the Permanent Secretary and I met and addressed the staff on the sidewalk outside of the building to apprise them of what had occurred.

Mr. Speaker, at that briefing, concern was expressed regarding the shutting down of the air conditioning unit and its impact on the supply of fresh air delivery and exchange to the building. Accordingly, staff was advised that only the fourth floor would be impacted, as the unit in question supplies conditioned air only to that floor. The rest of the building runs on a separate plant for the main supply of conditioned air. Staff from the fourth floor were advised to leave their office doors ajar so that the air can circulate through the floor space to help keep conditioned air at a comfortable level while the buildings team undertakes the repairs to the air conditioning unit.

Mr. Speaker, notwithstanding the explanations, some staff were reluctant to return to the building without having first spoken with their union representative and receiving written notice that it was safe to enter the building. Within short order, Mr. Ed Ball, General Secretary of the BPSU [Bermuda Public Services Union], was onsite. Simultaneously, the notification, initiated by the technical officers after their assessment, was disseminated by DCI [Department of Communications and Information] and received by staff. These actions together helped to quell the concerns, and all staff returned to work.

Mr. Speaker, the Ministry of Public Works and its Department of Public Lands and Buildings wishes to extend its sincere apologies for the incident, the inconvenience and the anxiety that were caused by this mechanical fault. The Ministry would also like to

take this opportunity to convey its appreciation to Mr. Ball and to the DCI for their quick response, and, in advance, to the occupants of Global House for their understanding while work is undertaken to repair the air conditioning system as quickly as possible.

Thank you Mr. Speaker.

The Speaker: All right. Thank you. Thank you very much, Minister.

That concludes the Ministerial Statements.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: We now move to the Question Period.

First, we had the Honourable T. G. Moniz to provide oral responses to parliamentary questions from the Honourable T. E. Lister, which will be held over until next week. Yes?

Hon. Trevor G. Moniz: I am obliged, Mr. Speaker.

The Speaker: All right. Thank you.

We now move to the first Statement, by the Honourable Premier, the Statement on PATI. The Chair will recognise the Honourable Member from constituency 26, Warwick South Central, the Leader of the Opposition. MP Marc Bean, you have the floor.

Hon. Marc A. R. Bean: Good morning, Mr. Speaker.

The Speaker: Good morning.

QUESTION 1: PUBLIC ACCESS TO INFORMATION LEGISLATION

Hon. Marc A. R. Bean: Good morning to honourable colleagues.

Mr. Speaker, this question is for the Honourable Premier. The Honourable Premier said in his opening paragraph that, and I quote, "the plan is to have a PATI Commissioner in place by the Fall and PATI fully operational by April 2015, enabling people finally to shine new light on the work of government—asking questions, getting answers, bringing new levels of transparency and accountability to the [public] sector," end of quote.

My question to the Honourable Premier is, Does this new level of transparency and accountability to the public sector include the Tourism Authority and the Regulatory Authority?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, the Statement stands for itself.

Hon. Marc A. R. Bean: Pardon, Mr. Speaker?

The Speaker: If you could repeat your answer, please.

Hon. Michael H. Dunkley: Mr. Speaker, the Statement stands for itself.

The Speaker: Yes, Honourable Member?

Hon. Marc A. R. Bean: Mr. Speaker, the Statement stands for itself? Why have a Statement and a question and answer period? This is about transparency and accountability, I thought.

The Speaker: Do you want to go on and ask a supplementary?

SUPPLEMENTARY

Hon. Marc A. R. Bean: A supplementary, yes.

Does the Honourable Premier agree that the operations of the Tourism Authority fly in the face of transparency and accountability?

The Speaker: Premier?

Hon. Michael H. Dunkley: No, Mr. Speaker, I disagree.

The Speaker: Honourable Leader of the Opposition?

Hon. Marc A. R. Bean: Second question, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: PUBLIC ACCESS TO INFORMATION LEGISLATION

Hon. Marc A. R. Bean: Mr. Speaker, in the last paragraph, the Honourable Premier said that, “with the tabling of the Bill and the regulations, I am pleased that I have met the first of my commitments to the people of Bermuda and have fulfilled my Government’s pledge to progress our goals of operating with transparency and accountability.”

Mr. Speaker, one of the first pronouncements of the Honourable Premier in assuming the office of Premiership was that the issue, the fiasco, of Jetgate was Deadgate. Mr. Speaker, would the Premier answer this question for this Honourable Chamber: If Jetgate is Deadgate, is that an example of the new levels of transparency and accountability that he has pledged to the people of this country?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I am delighted to have the opportunity to answer that question. And I will answer it this way: The original Act was passed in this House in 2010—four years ago. This Government is going to make it happen. Thank you, Mr. Speaker.

[Desk thumping]

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

Hon. Marc A. R. Bean: Supplementary.

The Speaker: Yes, carry on.

SUPPLEMENTARY

Hon. Marc A. R. Bean: Mr. Speaker, my next supplementary is this: In the first pronouncement by the Premier, he said that the fiasco of Jetgate was now Deadgate. Is this an example of the Premier’s commitment to transparency and accountability?

The Speaker: Premier, Premier.

Hon. Michael H. Dunkley: Mr. Speaker, that question has nothing to do with the Statement. And I will answer it this way: This Government is open and transparent—in spite of what the Opposition Leader will want to say. And if he would actually listen to some of the pronouncements that come from here, he would get all the answer he needs. He is just not liking the answers he is hearing because it is the truth.

The Speaker: All right. Thank you, thank you. Thank you, Premier. Thank you, Premier.
You have a supplementary?

Mr. E. David Burt: Supplementary.

The Speaker: The Chair recognises now the Member from constituency 18, Pembroke West Central. MP David Burt, you have the floor.

SUPPLEMENTARIES

Mr. E. David Burt: Thank you very much, Mr. Speaker.

Mr. Speaker, in the response that the Honourable Premier just gave, the Honourable Premier said that his Government is open and transparent. Can the Honourable Premier then let the people of this country and this Parliament know why he refuses to release information from the Tourism Authority and the Regulatory Authority?

The Speaker: Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, we have a one-trick pony over there. [I] already answered that question, previously before. Information will always be available, and I am not going to beat a subject up that we have discussed over and over again. The answers from my honourable colleague, the Minister of Tourism, answered that question adequately.

The Speaker: Thank you.
Yes.

Mr. E. David Burt: Supplementary, Mr. Speaker.

The Speaker: Yes, your second supplementary.

Mr. E. David Burt: Mr. Speaker, we are discussing the Minister's Statement, the Premier's Statement, regarding asking questions, getting answers and bringing new levels of transparency, accountability to the public sector. So I will ask on my supplementary, again to the Honourable Premier, does the Honourable Premier believe that this should apply to the Tourism Authority and to the Regulatory Authority, bodies which are funded by public funds?

The Speaker: Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
The Honourable Member did not need to really increase his decibel level. I could hear him across the floor.

The Speaker: That is all right, Honourable Premier.

Hon. Michael H. Dunkley: Mr. Speaker, this Government will continue to operate at the highest standards of transparency and accountability.

The Speaker: All right. Thank you. Thank you, Premier.
Yes, your question? Yes.

QUESTION 1: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Thank you.

Mr. Speaker, my first question is . . . and I will note that the Honourable Premier, of course, did not answer the question; and it seems as though [they] want to continue to duck the question, but the questions will still come.

The first question I have, Mr. Speaker, is, on page 2 of the Premier's Statement, it says, "However, in accordance with the legislation, not everything is accessible, as there are certain kinds of information outlined in the legislation which are exempted from release." Would the Honourable Premier please edify for the public what information that may be and also

say if his Government would like to exempt more information from release?

The Speaker: Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, they can keep asking all the questions they want. We will not duck, and I will be here.

Mr. Speaker, the answer to that question is simple, and the Honourable Member who prides himself on doing research can refer to the original Act. The exemptions have not changed from the original Act, which was tabled four years ago. The amendments which are tabled today cover some slight modifications to it, but nothing to the exemptions.

The former Member was a part of that Government; he should know the exemptions. Thank you, Mr. Speaker.

The Speaker: All right. Thank you.

Honourable Member from [constituency 18] again?

Mr. E. David Burt: Mr. Speaker, the public will hear and the listening audience will hear that the Honourable Premier takes offence to answering questions in this Parliament.

[Inaudible interjections]

SUPPLEMENTARIES

Mr. E. David Burt: The question we asked was, Could the Honourable Premier please edify for the public the type of information, and if he could state whether or not *his* Government is seeking additional items to be exempted from public information? So I ask the supplementary again—

The Speaker: Honourable Premier—

Mr. E. David Burt: —and I am hoping that the Honourable Premier will [show] respect to the public and answer the questions by the people's representatives.

The Speaker: Thank you.
Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, it is interesting how they try to twist and bring the public into this. It is the—

[Inaudible interjections]

The Speaker: Answer the question, Honourable Premier. Carry on.

Hon. Michael H. Dunkley: I am listening to some chirping over the other side, Mr. Speaker.

The Speaker: Do not . . . Just answer the question that Honourable Member Burt asked.

Hon. Michael H. Dunkley: Mr. Speaker, if you will allow me, I will pull out the legislation from 2010 and read all the exemptions. Because, Mr. Speaker, the legislation was passed in this Chamber in 2010. Those exemptions have been there for the people of Bermuda to see for four years. So, Mr. Speaker, if you will allow me, I will pull out the exemptions and read them.

The Speaker: If you would like to, I will have no problem with it.

Hon. Michael H. Dunkley: I will be happy to.

The Speaker: It seems like people need to be reminded. So if that is the case.

[Inaudible interjections]

Hon. Michael H. Dunkley: So, Mr. Speaker, I can tell you right now, there are no new exemptions.

The Speaker: Okay. So the answer is that there are no . . . That is what you asked. Right? There are no—

Hon. Michael H. Dunkley: But, Mr. Speaker, I answered that in my last reply.

The Speaker: Okay. All right. Thanks.

Hon. Michael H. Dunkley: There are no new exemptions.

The Speaker: All right. Thanks. That is good.

Hon. Michael H. Dunkley: These are the same exemptions as in 2010, four years ago.

The Speaker: All right. Thank you, Premier.
MP Burt?

Mr. E. David Burt: Mr. Speaker, I would hate . . . As a supplementary.

The Speaker: Yes.

Mr. E. David Burt: I would hate to preface a debate. But seeing that no Bill has been tabled, I would just ask the Honourable Minister if he has read the legislation that he intends to table, because there are additional items that are being exempted in the Bill that is being presented to this House!

An Hon. Member: Whoa!

[Inaudible interjections]

Mr. E. David Burt: So if the Honourable Premier will please clarify, what additional things has Government planned to exclude from the public being able to find out . . .

[Inaudible interjections]

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, the Bill has not been tabled yet. It will be tabled very shortly. It is all there to see. I have not introduced it into the House yet. I have not got to that point.

The Speaker: All right.

Go ahead. Yes, Honourable Member from [constituency] 18.

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

Mr. Speaker, given that I cannot ask a supplementary, but I do have three questions, I will move on to my second question.

The Speaker: Yes. Go ahead.

QUESTION 2: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Just now, the Honourable Premier said that there are no additional exemptions in the Bill that is going to be tabled. However, the Bill does contain additional exemptions for information that cannot be found out by the public.

So I will ask again, has the Premier read the legislation that he is tabling today?

The Speaker: Premier?

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

The Speaker: All right. Thank you.

Mr. E. David Burt: Mr. Speaker, supplementary.

The Speaker: Yes.

SUPPLEMENTARIES

Mr. E. David Burt: If the Honourable Premier has read the legislation that he is tabling today, can the Honourable Premier please clarify to the House, or take the time to correct his answer and state, that his Government *is* exempting additional items of information from being found out by the public?

[Inaudible interjections]

The Speaker: It is unfortunate that . . . And I hear Members talk about anticipation. But if the Statement is there, then it is important for that question to be answered. I think it is a reasonable question, based on the Statement.

[Inaudible interjection]

The Speaker: Yes. If you would, please, for me, again.

Mr. E. David Burt: Mr. Speaker, I will repeat the supplementary.

Given that the Premier said he has read the Bill (which was the answer that he gave), I am going to [ask], would the Premier like to take this opportunity to clarify to the members of the public and to this Parliament that his Government is actually introducing new restrictions to information that can be found out under the Public Access to Information?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I did say in my original answer that there were slight modifications. And we will have plenty of time to debate that.

The Speaker: All right.

[Inaudible interjection]

Hon. Marc A. R. Bean: You did not say that.

Hon. Michael H. Dunkley: I did say that!

The Speaker: All right. Thank you. Honourable Member, please, please, you have answered the question, so that is fine.

Hon. Michael H. Dunkley: Yes, Mr. Speaker, but if the Honourable Opposition Leader wants to say I did not say that, I would ask him to be very careful.

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

Mr. E. David Burt: Mr. Speaker, as my second supplementary on this question, I think that I will take my seat after this.

The Speaker: Yes.

Mr. E. David Burt: I just want it to be clear that the Honourable Premier said that there are no new restrictions being implemented—that is what he said, no new restrictions—and I had given him a chance to clarify that there will be new restrictions.

Now he said there are minor modifications. Would the Honourable Premier like to take this oppor-

tunity to edify the public what additional restrictions his Government is putting in place on the access to information?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, there will be ample opportunity when the debate is held to go into detail into that.

Hon. Marc A. R. Bean: You should not have brought the Statement then.

The Speaker: Answer. Answer. Just answer.

Hon. Michael H. Dunkley: Mr. Speaker, the Honourable Member is saying we should not have brought the Statement. We bring the Statement to let Honourable Members in this Chamber and outside the Chamber understand what is going on. It has been four years since the Act was debated. I think it is important to let the people know what is going on, not just to table legislation and let it go from that, Mr. Speaker. We have plenty of time to do that.

The Speaker: All right. Thank you. I appreciate that. Yes. And you have question number three.

Mr. E. David Burt: I will go to my third question.

The Speaker: Yes.

QUESTION 3: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Mr. Speaker, the Honourable Premier just said that it is important to let people know what is going on. So I will try to ask the question for the seventh time and hopefully we will get an answer, and the people will get an answer.

Would the Honourable Premier (seeing as he said it is important to let people know what is going on) let the people of Bermuda know what additional restrictions on access to information his Government plans on implementing?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, with all due respect, we will debate it then and we can have a thorough back-and-forth on it. We cannot debate it at this point, Mr. Speaker.

The Speaker: All right. Okay. That is fine.

Honourable Members, understand that you have a right to ask the question. And the question is quite acceptable. And we also have to accept the answer that is given. But the question was acceptable. Right.

Thank you. Thank you very much.

We now move to the second Ministerial Statement by the Premier. The Chair will recognise the Honourable Member from constituency 17, Pembroke Central. MP Walton Brown, you have the floor.

QUESTION 1: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mr. Walton Brown: Thank you, Mr. Speaker, and good morning, colleagues.

Mr. Speaker, I was wondering if the Honourable Premier can answer the following question: Given that there were considerable resources directed through the national drug office, can the Premier tell this House what measures of success are in place to determine the best utilisation of the resources that have been allocated? How do you measure success of the work of the various agencies supported by the Department of National Drug Control?

The Speaker: Premier?

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

That is a good question. It is a very broad question, too, because if you look at the organisations that receive grant funding, whether it is CADA, whether it is Salvation, Harbour Light and Community Life Skills, or whether it is FOCUS, they would all have many other different and distinct measures of success for their programmes.

But all of that is covered, a lot of that is covered in the report that you will get tabled and the discussions that the Department of National Drug Control will have with those various entities as they go through the process of reviewing the grants, reviewing the work that they do and planning their way forward.

The Speaker: All right. Thank you.
MP Brown again.

Mr. Walton Brown: Yes, second question?

The Speaker: Yes.

QUESTION 2: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mr. Walton Brown: Given that the challenge of interdiction is one that Bermuda shares with all other countries in the world, knowing that less than 10 per cent of all drugs coming into a country are actually seized, and recognising also that most of the success in reducing the harm caused by drugs is through harm reduction activities and prevention activities, would the Honourable Premier, as Minister, consider redirecting some of the funds from the interdiction side to the

prevention and demand reduction side, as it is likely to get a better return on the investment?

The Speaker: Premier?

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

That is a good question. I am glad the Honourable Member raised it, because it is a topical subject that we hear discussed every time we get into this situation. And while, on the face of it, it appears appropriate to do so, I would not want to say yes until [we] talk to the appropriate agencies, Mr. Speaker, who have the responsibilities for interdiction, whether it is Bermuda Police Service, whether it is Customs, you know, all those organisations. Because, without consulting with them, we could put them in a difficult position to do their mandate.

One of the things that I think is important to remember here, Mr. Speaker, is that, unlike other countries that have a so-called war on drugs, Bermuda's interdiction is not in a similar vein to that. So if we are going to look to try and improve how we treat addiction, if we are going to improve how we treat treatment, we also must consider education. And in part of my Statement today I emphasised bringing the community together to work at it as one to galvanise our resources. Because, Mr. Speaker, I think honourable colleagues probably will agree with me. Even though the challenging economic times now means that it is a challenge on the resources available, there are still a lot of resources available going in different areas without a concerted effort. And I think we can tighten that up and be more efficient.

The Speaker: Thank you.
MP Brown, you have—

Mr. Walton Brown: Yes, just a supplemental.

The Speaker: Supplementary, yes?

SUPPLEMENTARY

Mr. Walton Brown: Mr. Speaker, earlier this week, there was a report in the media of an individual who actually once sat in these Chambers, who is contemplating the introduction of drones and how that could possibly assist the Government in some of its interdiction efforts.

Can the Honourable Premier tell this House whether or not this is something the Government is considering?

The Speaker: Honourable Premier?

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

The gentleman in question has approached the Government. And I believe we have a meeting scheduled for later this month or next month to listen

to options that he has available. But there has been no commitment to date.

The Speaker: Thank you.

All right. We now move to the next—

[Inaudible interjection]

The Speaker: On this one, did you not? Yes, yes, sorry. Honourable Member, you have to excuse me.

Mrs. Kim N. Wilson: That is fine, Mr. Speaker.

The Speaker: The Chair recognises (just so people know) the Honourable Member from constituency 34, the Learned Member Kim Wilson. You have the floor.

Mrs. Kim N. Wilson: Thank you, Mr. Speaker. Good morning.

The Speaker: Good morning.

QUESTION 1: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mrs. Kim N. Wilson: Mr. Speaker, the Honourable Premier indicated at page 2 of his Statement, and I quote, "This Government considers it important to provide the people of Bermuda with a clear picture of how their tax dollars are put to use."

My first question to the Honourable Premier is, Would he agree that the tax dollars to which he refers come from the Consolidated Fund?

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker, for this \$667,000, yes.

The Speaker: Yes, MP?

Mrs. Kim N. Wilson: My supplemental.

The Speaker: Yes?

SUPPLEMENTARIES

Mrs. Kim N. Wilson: I would ask the Premier to confirm also to this House and the members of the public that the Consolidated Fund is also used to pay \$23 million for the Tourism Authority.

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker, it must be "Tourism Authority Day" again.

The Speaker: Yes. Carry on. You have another supplementary, or a question?

Mrs. Kim N. Wilson: Sorry, Mr. Speaker. Yes.

The supplemental to that is that the Consolidated Fund also provides the monies necessary for running the Regulatory Authority; if the Honourable Premier could confirm that as well, please.

The Speaker: Premier?

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

The Speaker: Yes.

QUESTION 2: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mrs. Kim N. Wilson: Mr. Speaker, so the Honourable Premier has indicated that the tax dollars—

The Speaker: So you are going now to a third *[sic]* question?

Mrs. Kim N. Wilson: I am on my third *[sic]* question, yes.

—the tax dollars that are applied towards from the Consolidated Fund are utilised—

The Speaker: Sorry. Actually, Honourable Member, it is your second question.

Mrs. Kim N. Wilson: Yes.

The Speaker: It is your second question.

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

The Honourable Premier has indicated that the tax dollars that come from the Consolidated Fund have been used for the Regulatory Authority, as well as \$23 million of those tax dollars from the Consolidated Fund have been used towards the Tourism Authority.

My final question, Mr. Speaker, is, Given the fact that the Government has indicated that their mandate is to provide the people of Bermuda with a clear picture of how their tax dollars are put to use, and the fact that the Honourable Premier has indicated that those said tax dollars come from the Consolidated Fund, as well as the \$23 million of tax dollars coming from the Consolidated Fund for the Tourism Authority, could the Honourable Premier explain to this Honourable House and the Government and the people of Bermuda, why does this proposition of allowing the people of Bermuda to know how their tax dollars are put to use not apply equally to the Tourism Authority and the Regulatory Authority?

The Speaker: Premier?

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

Mr. Speaker, just as a correction, the Regulatory Authority received funding from Government as a start-up, but now they are self-funding because they collect their own fees. So I just make the clarification.

Mr. Speaker, we have answered these questions over and over and over again. When the Tourism Authority legislation was tabled in this House and passed, Honourable Members on that side were mum on these types of things. So now they think they have cottoned on to something, Mr. Speaker. I think I have answered the question previously, and there is no need to give any further elucidation.

Mrs. Kim N. Wilson: Supplemental?

The Speaker: Yes.

SUPPLEMENTARY

Mrs. Kim N. Wilson: If the Honourable Premier could indicate to this Honourable House why the Government is not adopting the position that the tax dollars that are being put to use should be provided, the information should be provided to the people of Bermuda . . . Why does that same mantra and principle not apply to the Tourism Authority?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I have answered those questions before. And I want to assure Honourable Members and the public that, in time, the Tourism Authority will file their report, so more information will be available.

The Speaker: Yes. Okay. Thank you.

The Chair recognises the Honourable Member from constituency 33, MP T. E. Lister.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

If you will allow, I would like to ask a supplemental to the questions raised by the Member from constituency 17, the Honourable Walton Brown. Yes?

The Speaker: I am sorry, Honourable Member. Please, if you would, again.

Hon. Terry E. Lister: Okay. Thank you. I said I would like to ask a supplemental to the questions raised by the Honourable Walton Brown from constituency 17.

The Speaker: Yes. Yes.

SUPPLEMENTARY

Hon. Terry E. Lister: In the Statement, the Premier referred to the fact that there has been an 18 per cent cut in funding to these specific programmes. And he then says that they were able to operate efficiently, without the additional 18 per cent. However, there is reference made at the bottom of page 9 to a significant downturn in the programmes offered by the Harbour Light. Harbour Light has been cut previously by the previous Government, and this further cutting, I believe, [causes] significant reductions in the overall Harbour Light programme.

I would like to ask the Minister what his Ministry has done in regard to ensuring that Harbour Light not only can carry out these minimum programmes that they are now carrying out, but how they plan to work with Harbour Light to ensure that they can return and restore the programmes that existed previously in the country.

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, that is a good question.

The Harbour Light budget has not been cut under this administration. The Harbour Light budget was cut from \$350,000 to \$100,000 by the former administration. So perhaps they should look within for that answer.

But to try to answer the question, Mr. Speaker, the Department of National Drug Control is trying to work with the Salvation Army, because I think all colleagues will agree about the significant work that they and other helping agencies do on the Island. We are trying to work with them to see how we can provide these programmes going forward, Mr. Speaker. But I want to emphasise, the cut in budget did not come in the last two years, Mr. Speaker.

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

Yes, Honourable . . . The Chair recognises the Honourable . . . yes, you have a supplementary?

Hon. Zane J. S. De Silva: Supplementary question, Mr. Speaker, to the Ministerial Statement that the Honourable Premier gave with regard to DNDC grants. I would like to ask—

The Speaker: With regard to?
[Inaudible interjections]

The Speaker: Yes, yes. Carry on.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: National Drug Control, yes. Thank you, Mr. Speaker.

I would like to ask the Honourable Premier, before the Honourable Member Terry Lister asked his question, the Honourable Premier said that reports will

be given in due course with regard to the Tourism Authority and how they spend money. My question to the Premier is, Will we have a detailed—a detailed—explanation of how those funds are spent? Or will they be like the report we received last week from the Minister of Tourism with regard to funds given to sporting organisations, where there is no breakdown whatsoever? Will there be a breakdown?

[Inaudible interjections and general uproar]

The Speaker: Honourable Members. Honourable Members.

[Gavel]

The Speaker: Let me just read something to you. Let me read something to you. All right?

It says, “While a Member is speaking”—and this is [Standing Order] 11(2)(iii). “While a Member is speaking, all other Members shall be silent or shall confer only in undertones, and shall not make unseemly interruptions.”

Honourable Member, if you would please carry on.

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

So, because we had so much noise, I would like to maybe—

The Speaker: Honourable Member, ask the question.

Hon. Zane J. S. De Silva: —ask the question again.

Will the Honourable Minister, Premier, having said that a report will be given in due course with regard to the Tourism Authority and how the money is spent . . . Will we receive a detailed explanation of how the funds are spent unlike the documentation we received last week from the Tourism Authority with regard to funds given to sporting organisations and the like, which did not have any specific breakdown and just gave an amount—

The Speaker: And the question?

Hon. Zane J. S. De Silva: So my question to the Honourable Premier is, Will we receive a detailed explanation of how the funds are spent, including what the CEO makes?

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

Hon. Michael H. Dunkley: Mr. Speaker, I am always pleased to have an opportunity to speak to any issue. I thought we were talking about the DNDC report here today. But, Mr. Speaker, the Honourable Member—

[Inaudible interjections]

Hon. Michael H. Dunkley: Not paying attention to [Standing Order] 11(2)(iii), since I have the floor.

[Inaudible interjections]

Hon. Michael H. Dunkley: The Honourable Member continues to want to talk about the Tourism Authority. Well, there are two things I will say, Mr. Speaker (because he had the latitude, so I will take some latitude). When he was the Minister of Health, he did not answer questions about the hospital. This Government will operate at a high level of transparency!

The Speaker: All right. Honourable Member, yes, just answer the question.

Hon. Michael H. Dunkley: And when the report comes, they will get the information, Mr. Speaker.

[Inaudible interjections]

The Speaker: Just a minute.

Honourable Members, do I have to read [Standing Order] 11(2)(iii) again? Please, do not let me have to read it again. I think we are all bright enough in here to understand that simple English.

[Crosstalk]

The Speaker: Yes. Honourable Members, I think we have come to the end of those questions.

We have no other Members who have indicated that they wanted to ask questions, so that brings our Question Period to an end.

[Crosstalk]

The Speaker: Yes, all right. You are very correct.

Honourable Members, the Honourable Member from . . . All these Members coming up and around me this morning. The Honourable Member from constituency 15 had a question for the Minister for Health.

QUESTION 1: SUMMER FOOD SAFETY

Mr. Walter H. Roban: Yes, thank you, Mr. Speaker.

In reference to the Statement that the Minister made on food safety for the summer, I do believe that this Statement is commendable, Mr. Speaker. But I would like to know if the Minister would agree that, other than in this House, it may be even more valuable for the Minister to translate this information into public service announcements throughout the summer so that throughout the summer period, particularly in these months into August, that people have this information?

Hon. Jeanne J. Atherden: Mr. Speaker, I totally agree, because we do not want to have people being ill, and if we can get that information out to them, I will ensure that that happens. Thank you for raising the suggestion.

The Speaker: Thank you.

We do have a question on the Education Minister's Statement, from the Honourable Member from constituency 33. MP Lister on the Education Act, is it?

Hon. Terry E. Lister: Thank you, Mr. Speaker. The consultation process that the Minister was speaking to this morning.

The Speaker: Yes, yes.

QUESTION 1: EDUCATION ACT 1996—UPDATE ON CONSULTATION PROCESS FOR PROPOSED AMENDMENTS

Hon. Terry E. Lister: This consultation process is good, very good. However, last school year, there were difficulties in the relationship with certain schools and PTA's due to a transfer process that was not in keeping with the Kawaley court ruling, you will recall, Mr. Speaker.

Given these difficulties, what has the Ministry done better to ensure teachers were not directed to change schools by a process that was contrary, once again, to the Kawaley ruling?

The Speaker: Yes.

Minister of Education, Dr. Grant Gibbons, you have the floor.

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

Mr. Speaker, I think the Kawaley ruling, in simple terms, was looking for consultation. And there was an effort, I think, in those cases where there was still some difficulty to have that consultation. But obviously, there were different opinions as to whether it was adequate and whether that consultation had actually taken place.

What we are looking for here is to essentially sort out not only that issue of transfers, and unfortunately, that period, I believe, ended in March, because under the union requirements, teachers had to be alerted by the end of March. So this will not happen until next year, and that is why we are taking more time now to sort out some of these issues.

But the other fundamental part of this, which is where the Statement is directed, is, How do we improve and increase parental involvement? That was part of the consultation. And, Mr. Speaker, needless to say, there are a lot of different views on how that should take place. Oftentimes, those views are essentially informed by the perspective of the organisation

that is expressing those views (if I can put it that way). Thank you, Mr. Speaker.

The Speaker: Thank you.

Yes, MP Lister, you have a supplementary?

SUPPLEMENTARY

Hon. Terry E. Lister: Yes, Mr. Speaker.

That response was an excellent response to my question dealing with tomorrow. That was a good response, and I appreciate it, from the Minister, and I support him in going down that road.

However, my question was, This year, what has happened this school year with regard to transfers for September? Because what this Ministerial Statement is saying is, *After the Kawaley ruling, we are still working our way through this.* And that is true. That is what is happening. So, what did we do this year? Were we contrary to the Kawaley ruling? Did we follow the Kawaley ruling? Where are we?

The Speaker: Okay. The Minister for Education.

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

Mr. Speaker, the Kawaley ruling, obviously, is in place. And the department is observing the Kawaley ruling. There are no transfers this year as a consequence of that.

The Speaker: All right. Thank you. Thank you very much.

You have a supplementary? Yes. Carry on. The Honourable Member from constituency 3 has the floor.

SUPPLEMENTARIES

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker.

To the Honourable Minister, I think I just heard you say that there were no transfers which have taken place. I do have a question regarding transfers—

The Speaker: No transfers taking place in regard to the—

Ms. Lovitta F. Foggo: In this present school year, yes.

It was my understanding that at the pre-school level that there have been some transfers. Would you be able to respond to that?

The Speaker: Minister?

Ms. Lovitta F. Foggo: Current . . . that are currently taking place for September.

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

Mr. Speaker, I will have to take that question under advisement. I do not know the answer. Thank you.

The Speaker: Okay. Thank you.
Another supplementary?

Ms. Lovitta F. Foggo: Yes, another supplemental.

Minister, there were supposed to be some transfers of principals. And I think that may be the transfers that you are saying have not taken place. Would you be able to confirm that? And in this same question, could you confirm whether or not transfers have taken place with teachers at the primary level?

Thank you.

The Speaker: Honourable Minister?

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

Mr. Speaker, I think it is a question of *when*. What I am talking about is for the coming year. Because of the March deadline under the union arrangements, I believe there are no transfers planned as a consequence of that. I am not aware of any transfers at the primary level. There were issues of transfers at the . . . I believe, for example, there was a transfer . . . It was not a transfer; I believe it was a change in position at Dame Marjorie Bean. But there are two other middle schools that I think were involved in possible principal transfers, and those did not take place, as far as I know.

The Speaker: All right. Thank you.

All right. Yes, you have a supplementary?
Yes.

SUPPLEMENTARY

Mr. Walton Brown: Mr. Speaker, late last year, the Commissioner of Education undertook an assessment of all the principals. And the Commissioner at that point had made recommendations that certain principals be moved, some get additional training, some locally and some overseas. Is the Minister saying that that assessment and those recommendations ended with the departure of the then-Commissioner of Education? And if so, why?

The Speaker: Honourable Minister?

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, the Member is correct. There were recommendations made in regard to professional development for certain principals. One of those principals in the end, due to ill health, was not able to go on that professional development, which would have been overseas.

There were options given to that particular principal as to whether [he] wanted to continue in the principalship or take time off to be able to undergo extensive overseas professional development. In the end, ill health prevented that.

There was another principal at another middle school who basically underwent the professional development that was recommended.

The Speaker: Thank you, Minister.

We do have a question from the Honourable Member from constituency 33, for the Honourable Minister of Public Works, Minister Gordon-Pamplin, with reference to Global House. So the Chair recognises the Honourable Member from constituency 33, MP T. E. Lister.

QUESTION 1: EVACUATION OF GLOBAL HOUSE

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I want to commend the Minister on coming this morning with a Statement. The incident took place yesterday. There were questions. This clarifies it.

However, my question is, Who actually is responsible for ordering people out of the building in the case of concern? I was listening to the news, and a person who described herself as a supervisor said, *Oh, I ordered everybody out*. That is quite amazing that a supervisor ordered everybody out!

Minister, tell us who makes the decision to evacuate a building in times of danger.

The Speaker: Minister?

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

Mr. Speaker, I am not certain who is responsible in that particular instance. What I can say is that there is an emergency evacuation procedure, that there are individual marshals on each floor. In terms of the ultimate, the overarching decision, I believe that the circumstance yesterday was such that people were anxious. It was a frightening experience. And I think people just wanted to get out. And I am not even sure that anybody waited for an edict to come down. The building was shaking. There were noises, and people just wanted to get out. I am not certain. But it would, to my mind, be prudent for the staff to exit the building. If we are going to make an error, I would rather err on the side of caution.

Thank you, Mr. Speaker.

The Speaker: Right. All right, thank you, Honourable Members. That brings our Question Period to an end.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: We now move to Congratulatory and/or Obituary Speeches. The Chair will recognise the Honourable Member from Warwick. MP Lawrence Scott, the Honourable Member from constituency 24, Warwick South East. MP Lawrence Scott, you have the floor.

Mr. W. Lawrence Scott: Thank you, Mr. Speaker, and good morning to everybody.

I just want to take this time to congratulate three different individuals. The first would be Jackie Zuill, the former Manager of Delta Airlines, and she retired after 40 years of service. I think I will associate the whole House with that. As everybody knows, I have worked at the airport for about 16–17 years myself, and she has been a great help. So she will be missed. She is a character and basically part of the furniture down at the airport.

But I would like to also go on and congratulate the HOTT 107.5 for 10 years of service, which is 102 as well.

[Desk thumping]

Mr. W. Lawrence Scott: And Glenn Blakeney . . . I will associate all my colleagues on this side of the House, as they have indicated.

I would also like to, lastly, not take up all of my time, but congratulate the Honourable former Member and former Premier Alex Scott, MP and now CBE. I will declare my interest, as that is my father and the person whose seat I took.

[Inaudible interjections]

[Gavel]

The Speaker: Just a minute. I mean, some of your own Members down here! They are not respecting you, not respecting you at all.

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

I would just like to associate the Minister Wayne Scott to this one as well, and my cousin, MP Susan Jackson. I will associate the whole House to that one as well. I just went there to the Investiture at Buckingham Palace, and it was an event, to put it lightly, and something to behold. I feel as though my father is not one who really does anything for recognition, and it was nice that his service to his country and to the people and to Bermuda was recognised. So, thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Southampton East Central, *[sic]* constituency 30 *[sic]*. MP Zane De Silva, you have the floor.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker. Mr. Speaker, that is Southampton East.

The Speaker: Yes. That is Southampton East, is it not?

Hon. Zane J. S. De Silva: Yes, it is. Yes. Southampton East Central—that was my former, currently held by the Honourable Member from [constituency] 30.

The Speaker: Yes.

Hon. Zane J. S. De Silva: Yes, Mr. Speaker, I do rise on a sad note this morning. I would ask this House to send condolences to the family of the late Mr. Basil Gibbons, who passed away on Monday, Mr. Speaker. Mr. Basil Gibbons was known throughout the Island for his painting expertise. He is known throughout Riviera estate, my former constituency, as “the Bucket Man,” and we know why. The Honourable Member Shawn Crockwell would like to be associated, as well as Mr. Scott from Warwick and the St. George’s MP, Mr. Bascome.

Unfortunate, Mr. Speaker that he did pass this week. He would have celebrated 51 years of marriage this coming Wednesday, Mr. Speaker. So I certainly send out condolences to his wife, Loretta, and the family. He will be laid to rest this week, Wednesday, Mr. Speaker.

Mr. Speaker, I would also, while I am on my feet, like to be associated with the congratulations to HOTT and Magic [102.7], Mr. Speaker. Many will know that when they started, I do not think they were given much of a chance. Everyone said that HOTT would not be around for a long period of time at all. In fact, they went from strength to strength, and then formed Magic, and Magic has now become a very household name in Bermuda. So, certainly, congratulations to Honourable Member Blakeney and his great team that he has, Mr. Speaker, awesome team.

I would also like to be associated (I am sure you will, Mr. Speaker) with the congratulations that the Honourable Member Lawrence Scott gave to Jackie Zuill, who is a constituent of yours, a neighbour of mine. Of course, Jackie is a long-time employee of Delta, and we certainly wish her the best.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Paget [East], the Minister for Education and Economic Development. Minister Dr. Gibbons, you have the floor.

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

Mr. Speaker, yesterday I had the pleasure of providing some opening remarks at a conference entitled *Celebrating Our Children's Brilliance: Cultivating Resilience and the Importance of Culture in Child Development Early Childhood Education*. I would like to ask that congratulations be sent to the organisers of that conference, which went on yesterday and also going on today, up at Bermuda College. And those are Drs. Melissa and Radell Tankard, in addition to the Capstone Institute of the United States.

There were a number of very interesting academics, educators, visiting from overseas, all very involved in early childhood education; a very distinguished professor from Howard University, and others; a director of the Kellogg Foundation, all dealing with early childhood issues; and interestingly enough, parental involvement as well. But I would ask that congratulations be sent along to the organisers and those who participated, and also Bermuda College, who hosted the event.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 33, MP T. E. Lister. You have the floor.

Hon. Terry E. Lister: Mr. Speaker, I would like for condolences to be sent to the family of one of Bermuda's outstanding sons, who has just been funeralised yesterday, Dr. Gary Burgess. Dr. Burgess took us in the direction where we had not been before. I would like to associate yourself, as well, Mr. Speaker, and in fact, the whole House. This is something that really speaks to all of us. Dr. Burgess was a man who gave everything he had, a man who had a warm and caring [way], and who wanted to see people be the best that they could be.

I had the pleasure of working with him between 1998 and 2001. And one thing he taught me, which I will never forget, was that in Bermuda we need to develop *audience appreciation*. He said it is no good for artists to be on the stage performing and people not knowing, you know, whether they were performing well or not. So he was really keen on schoolchildren learning how to appreciate a musical performance.

That experience took place on a Monday, after we both attended a concert at City Hall on a Saturday night. He asked me what I felt about the artist. And I, not knowing much about opera, thought it was quite good. And he said, *Oh, it was awful!* And he tore the artist up, to me. And he made me understand good from bad. Of course, I did not.

So, the experience that he brought to Bermuda was of great value. What he did abroad in Buffalo, New York, and in fact, all around the world, was something that was just tremendous. The man was cherished and respected in Costa Rica, China, many

other places where people sought him out and wanted to have his expertise used. I simply ask that the Government consider recognising him in an appropriate way as we go forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke, the Honourable Member from constituency 20, Pembroke South West. MP Susan Jackson, you have the floor.

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

I would like to send congratulatory remarks to the Jackson School of Performing Arts. I declare my interest as being a lifelong member and fan of the performing arts at the Jackson School. They are now in the middle of their annual dance recital.

One of my observations, attending what was a colourful and entertaining performance last night, is to just remark on how our young people in Bermuda are able to develop not only technical skill in dance, but also a level of discipline. It just absolutely amazes me that our young people are able to manage not only their school work, but are also involved in extracurricular activities. Sometimes, these young women in particular, and also there were quite a few young men dancing, are giving up much of their afternoons and weekends to practice. And to see how they are able to remember some quite complicated choreography, are able to dance with precision as groups and fantastic teamwork going on on the stage, it is admirable to see how our young people can manage and perform so well.

I am sure that this is not only in dance, but in much of the way that they are leading their lives. So I am most impressed with that.

My other observation, too, which was very heart-warming, was to see the little tots coming along, some of them as young as four, and knowing over the years, having watched this, that those little four- and five-year-olds will continue to go to dance classes at the Jackson School of Performing Arts and will evolve into very skilled dancers in a short period of time. And it is just wonderful to see the babies and how they progress up through the stages of development, and then to see the seniors performing so well.

I would also like to send congratulatory remarks to the Department of Corrections. This is the Department of Corrections Week, and they certainly deserve to be recognised for the hard work that they do. They certainly have spent a good bit of their energy and expertise to make sure that our incarcerated individuals are in safe custody, that their lives are ordered in such a way while they are in custody so that they can then leave the constraints of that institution and, hopefully, lead good lives once they are back in the community.

The prison officers have certainly done an admirable job. They do have their challenges, having to secure the perimeter breaches at our different institutions, and maintaining community life. And I certainly commend and respect the work that they are doing.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair is going to take the Honourable Leader of the Opposition, the Honourable Member from constituency 26, MP Marc Bean.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: And just before you start, Honourable Leader of the Opposition, I just want to recognise in the House a former Member of Parliament, former MP Neville Darrell.

[Desk thumping]

[Congratulatory and/or Obituary Speeches, continuing]

The Speaker: Honourable Leader of the Opposition?

Hon. Marc A. R. Bean: Good morning, Mr. Speaker.

The Speaker: Good morning.

Hon. Marc A. R. Bean: Mr. Speaker, I ask this House to send a letter of condolences to the family of a young man who tragically lost his life this week, Mr. Jonathan Burch-Decosta. I think everyone would like to be associated with the condolences, Mr. Speaker. The young man whom I did not know personally; I had seen him in passing. In fact, I saw him a lot in the western end of the country. But I came to find out that he was actually a resident of my constituency in Jones Village. I know the Burch family in that area. So I would like to extend my condolences to the Burch and Decosta family for a tragedy that is unbearable, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Warwick West. MP Jefferson Sousa, you have the floor, constituency 28.

Mr. Jeff Sousa: Good morning, Mr. Speaker, and good morning, colleagues, and of course, good morning to the listening audience. And a happy July 4th to our American visitors, friends and family.

Mr. Speaker, I rise today to ask the Honourable House to send congratulations to a son of the soil, a man that has done many great things across

the pond. Hopefully, everyone in the House will join me. On June 25th, Dennis Watson was presented a proclamation by the Mayor of New York City, Bill de Blasio, for his tireless efforts in assisting young black men to stay away from crime in the five boroughs of New York for the last four decades. During this time, he has spent numerous hours in high schools, colleges, universities, in prisons, talking to young men one-on-one on the street.

Just last week, I personally visited and stayed in Brooklyn and also used the subway, went across to Manhattan quite often. And you can truly see a change in New York that has taken place, much different than when I was a young man. Of course, it has been individuals like Dennis Watson who have contributed to this. Of course, this has not happened by accident. Just imagine if more individuals stepped forward like Dennis Watson.

Once again, I take my hat off to this fellow Bermudian and particularly on this day, July 4th. Thank you very much. And I would like to associate Cole Simons, and I would like to associate the House. Thank you.

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

The Chair will recognise the Honourable Deputy Leader.

[Inaudible interjection]

The Speaker: Honourable Member, you are going to withdraw those remarks right now! Honourable Member, you are going to withdraw those remarks!

[Inaudible interjections]

The Speaker: The Chair recognises the Honourable Deputy Leader of the Opposition Party, from constituency 5. MP D. V. Burgess, you have the floor.

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

Mr. Speaker, I would like for this House to send condolences to the family of Ms. Ethel Godwin, long-time employee of the Bermuda Industrial Union. Also, she is the mother of Pat Pogson-Nesbitt, and she has other children. I am not familiar with them. But I would like to associate the Honourable Minister, Pat Gordon-Pamplin—

An Hon. Member: The whole House.

Hon. Derrick V. Burgess, Sr.: —and the whole House, Mr. Speaker. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair now recognises the Honourable Minister of Public Works. Minister Gordon-Pamplin, you have the floor.

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

Mr. Speaker, earlier this morning I had the privilege and pleasure of presenting to five graduates at the Quarry, at the Department of Works and Engineering, their Penn Foster Career School Diplomas in Small Engine Repair. These gentlemen, Justin Balboda, Ricardo Dias, Andrea Smith, Adrian Burrows and Kewuan Gilbert, when we listened to the overview of the programme that they embarked upon, given by Stephen Outerbridge, the Manager there at the Quarry, one could only be heartened and warmed by the glowing tributes that were paid to these five gentlemen. Two of them had found out about the programme through Alicia Zuill at CedarBridge Academy and made the necessary arrangements because they knew that they had experience, but no paper to show that they had done something official. And they set about ensuring that the course was made available to them through Penn Foster Career School.

They were able to complete the necessary studies, and to hear the comments that they were eager, they were punctual, they attended every class that was intended for them on their way to their diploma. It was really quite heartening, Mr. Speaker.

These five gentlemen have also committed that they will go on to take a further course in order to earn their certification. So it shows that they are keen about their job and they want to be on the top of their game. I would like to ask that this Honourable House send a letter of congratulations to each of them for a job well done. Thank you, Mr. Speaker. And also, to their lecturer, Michael Stowe, from the National Training Board, who also gave glowing tributes and remarks concerning their accomplishments.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise, in spite of the earlier comments, the Honourable Member from constituency 3, MP Lovitta Foggo. You have the floor.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker.

Mr. Speaker, I do believe I have to make association with congratulatory remarks for the graduations of both the CedarBridge and the Berkeley Institute. I understand that the substantive Minister did do it last week. So I would like to be associated, particularly with CedarBridge Academy and highlight Ms. Taahira Butterfield, who was the valedictorian. Her percentile from the day she entered CedarBridge until graduation remained in the 90 percentile bracket. She has received scholarships, and she was recognised as a winner of the Denton Hurdle Award. And Miss

Taahira will be going overseas to continue her education, but she definitely deserves to be highlighted for her scholastic achievements.

Mr. Speaker, I would also like to make congratulatory remarks to Clearwater Middle School, Dellwood Middle School and St. David's Primary for the high passing rates to the next level for all of the students graduating from those levels.

Mr. Speaker, one last congratulatory remark, and that goes to Mrs. Capri Smith, who does an extremely outstanding job with the patients who are at the Extended Care Unit at the hospital. A hat show was held approximately two weeks ago, two weeks from Sunday. And to see what life that brings to many of the people who are housed there at that facility can only be termed as "heart-warming." I think that we would be remiss not to highlight the stellar service provided by Ms. Capri Smith, who does not have to do that. She does it because of her love for the people who are there and because she wants to make a difference in making their lives, at this point and at this stage in their lives, as much as can be equated to normalcy as possible. So I would like for this House to send a statement of congratulations to Ms. Capri, because I think we always have to highlight members of the community that go over and beyond the call of duty.

So, thank you, Mr. Speaker, for allowing me to give those remarks.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 2, in St. George's [West]. MP Nandi Outerbridge, you have the floor.

Ms. Nandi Outerbridge: Good morning, Mr. Speaker.

The Speaker: Good morning.

Ms. Nandi Outerbridge: Thank you.

I rise this morning to ask that this Honourable House extend best wishes to the Miss Bermuda contestants, who will be competing for the title this Sunday at the Fairmont Southampton. It seems as if it is going to be a tough competition this year, and I know all of the ladies have worked hard. I will be there rooting them on, especially Miss St. George's, Siairah Minors.

[Inaudible interjections and laughter]

Ms. Nandi Outerbridge: Yes, I hope they do great. And one of them will come home with the title; hopefully, it is Miss St. George's.

I would also like to extend my best wishes to Ciara Burrow and Ryan Robinson Perinchief as they head to the Czech Republic to debate, from July 10th to the 15th. So, good luck to them.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke East Central, constituency 16. MP Michael Weeks, you have the floor.

Mr. Michael A. Weeks: Thank you, Mr. Speaker, and good morning to you.

The Speaker: Good morning.

Mr. Michael A. Weeks: And good morning to my colleagues.

Mr. Speaker, I rise this morning to ask the House to send a letter of congratulations to one of our former colleagues, the Honourable D. Neletha Butterfield. I was not in the House last week, so I could not ask for a letter of congratulations to be sent, [so I now ask that it be sent] if it has not already been done. If [it has already been done], then I would like to be associated with it.

On June 19th, CARE Learning Centre had their 30th annual—

The Speaker: Yes. I think it was done. But you can associate with it.

Mr. Michael A. Weeks: Okay. Yes. Well, if it has been done already, then I duly would like to be associated with it because of the work that the Honourable Mrs. Butterfield does on a yearly basis.

Mr. Speaker, also, I would like to have a letter of congratulations sent to Ms. Yolanda Ming. She is the reading specialist up at CedarBridge Academy. Mr. Speaker, I have been a part of this reading programme that Ms. Ming has put together for the last three years. So I would like to congratulate Ms. Ming for her fantastic job that she has done in coordinating the community reading volunteer outreach programme at CedarBridge Academy. She has allowed the community, Mr. Speaker, to become involved in education. This programme enhances the opportunity for young people to grow, Mr. Speaker, and improve their craft. Hence, reading is the key to success. In other words, a poem that I have read says it all. "All great achievements require time." This also is by Maya Angelou.

Also, I would like to be associated, Mr. Speaker, with the remarks already given on the congratulations for HOTT 107.5 and Magic for their 10th anniversary. They have really become an integral part of the fabric of our society. So I want to be a part of those congratulatory remarks to my honourable colleague.

Before I take my seat, Mr. Speaker, I also would like to be associated with the condolence remarks for Mrs. Ethel Idonia Godwin, *nee* Pogson. She was a long-time constituent of mine up there in Happy

Valley. And her daughter, Patricia Pogson, and I go way back. We are very good friends. I would like to associate MP Richards, Sylvan Richards, and MP Commissiong and MP Lovitta Foggo. Ms. Pogson's daughter, Patricia, and I, like I was saying, go way back, and her husband, Mr. Graham Nesbitt, and I work very well together in our constituency.

So for those few remarks, thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister of Health. Minister Jeanne Atherden, you have the floor.

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

I would like to be associated with the remarks to the family of Ethel Godwin, who was a constituent of mine.

I would also, Mr. Speaker, like to have condolences sent to the family of the late Frank [Francis] Farmer. Mr. Farmer, as many of you might have seen . . . I think a lot of Members would like to be associated with this, because you would have seen him in the 11th of November parades, marching down very proudly with all of his other members. And my father, who was a former war vet, I used to watch them, and I used to think, *Thank goodness they were there for us and they made sure that we were safe.*

But also, very importantly, Mr. Farmer was also a member of the Sailors Home. And when I used to visit the Mariners Club, I would also see him there chatting with people and enjoying the camaraderie. So if those condolences could be sent to his family. . . And Susan Jackson, because I am certain he is one of your constituents. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Member from constituency 17, Pembroke Central. MP Walton Brown, you have the floor.

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

Mr. Speaker, I would just like to congratulate those Bermudians who participated in the gay Pride Parade in Toronto last week. I do not know who to send a letter to. So I am going to ask you to send a letter.

[Inaudible interjections and laughter]

Mr. Walton Brown: But I think it is important to recognise that Bermuda was represented on a matter that involves some fundamental human rights. And Bermuda has not yet reached a place where we have guaranteed equal treatment for all, irrespective of sexual orientation. But the steps that are taken by those in the gay and lesbian community should be

commended, and it is courageous. One day, we will all get to the same place where we recognise that equality of rights on a human rights basis is for all of us and not just a select few. Thank you, Mr. Speaker.

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

Are there any other Members who would care to speak?

Premier? The Chair will recognise the Honourable Premier. You have the floor.

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

Mr. Speaker, I would like to be included in the congratulations sent by my honourable colleague, the Honourable Member, Mrs. Jackson (from constituency 20, I believe), with regard to the comments the Honourable Member made in connection with Corrections Week.

As the Minister with responsibility I had the opportunity to go to some of the events. I think it is appropriate to recognise the commitment of the Commissioner of Corrections and the entire team in not only holding Corrections Week, but for what they have done throughout the whole week. Certainly, I was delighted to see the level of participation by officers and how they reach out in the community and spread the message through various things such as the church service, through the Seniors Tea they had and other events going on. It is an important team-building effort to recognise the work that Corrections do. So I applaud the Commissioner, Colonel Lamb, and his colleagues for doing that.

I would like to be associated with the congratulations by Honourable Member Lawrence Scott, from constituency 24, to Delta Bermuda, Ms. Jackie Zuill, for her career, not only as the managing agent for Delta on the Island, but certainly as an ambassador to Bermuda. Ms. Zuill has done a tremendous job through countless hours and long years there on the ground. She will certainly be missed, not only by travellers, but certainly, I am sure, Delta will have a difficult [time] to fill her shoes. So I wish her well in everything she does.

On a more difficult vein, I would like to be associated with the condolences that were sent by the Honourable Opposition Leader to [the family of] Jonathan Burch-Decosta. Mr. Speaker, I had the pleasure, a year ago in June, of presenting the young man with his GED. I can remember very clearly that day, because the hyphenated name stuck in my mind. And so when I heard about the accident, I recalled that day presenting the diploma to the young man. And I still had a picture on my Blackberry for it. So I sent condolences to his family, of a young man passed too soon.

I would also like to be associated with the condolences sent to [the families of] Gary Burgess and Mr. Frank Farmer. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Premier.

The Chair will now recognise the Honourable and Learned Member from constituency 36, Sandys North. MP Michael Scott, you have the floor.

Hon. Michael J. Scott: Mr. Speaker, thank you.

Mr. Speaker, I rise merely to be associated with the fond and warm congratulations to a communications company par excellence, of Inter-Island Communications, its CEO and President who sits in this House and all of the family of stations. I recall as M-Tech Minister, when my colleague, the Honourable Member from Devonshire, US colleague was with him, helped making the application for Magic. And I was pleased to progress that application many years ago, and now a milestone of 10 years, where we see an impact in the community that is very clear with this other radio station. So warm congratulations, sir, on a job well done in our community.

Yesterday, along with many members of the Bermuda community, I attended at the Cathedral for the home-going for Dr. Gary Burgess. His brother, Keevil Burgess, I had shaken his hand down by the bank two days ago. And I did not realise that Keevil was Gary's brother. So I think Keevil was expecting me to extend condolences; I simply said hello. But he paid a warm and fitting tribute as a brother to Dr. Burgess yesterday. The service, Mr. Speaker, was a service of delightful music, as it should be. Ms. Medri Cross-Musson sang. A US gentleman by the name of Scott (I forget his last name, a baritone or a bass, he sang. And a young man by the name of Lionel Thomas, a very young Bermudian, played a beautiful aria on the violin, from Gluck. And it was flawless.

So Lionel Thomas played a wonderful musical tribute, as it should have been, to this great son, Gary Ellsworth Burgess. I commend all of the urgings to the Government that some suitable recognition of this son of the soil, this internationalist, this great opera singer be considered. So I extend condolences to Aleta, his sister, Keevil and all of the siblings of Dr. Burgess. Thank you, sir.

The Speaker: All right. Thank you, Honourable Member.

Would any other Honourable Member care to speak?

I would just like to certainly, particularly add my condolences to the family of Dr. Gary Burgess. I had the privilege of working with him when I was the Minister of Community and Cultural Affairs. And he, to me, was truly an outstanding practitioner and a man who never failed to share his knowledge with those who were around him. He was just truly outstanding, and I loved every moment that I had with him as a Minister. So, condolences go to the family of Dr. Burgess. Thank you.

[Crosstalk]

The Speaker: That concludes our Congratulatory and/or Obituary Speeches.

MATTERS OF PRIVILEGE

The Speaker: There are no matters of privilege.

PERSONAL EXPLANATIONS

The Speaker: There are no personal explanations. No, there are no personal explanations.

Mr. Rolfe Commissiong: Mr. Speaker?

The Speaker: Yes, sir.

Mr. Rolfe Commissiong: We talked about this last week.

The Speaker: Honourable Member, we have not talked about this. You sent me an e-mail, Honourable Member. And we have not talked since.

Mr. Rolfe Commissiong: And we had a subsequent conversation in your Chambers.

The Speaker: Honourable Member, please. There are no personal explanations.

Mr. Rolfe Commissiong: Mr. Speaker! With all due respect, Mr. Speaker—

The Speaker: Honourable Member, would you please take your seat! Honourable Member, would you please take your seat?

Mr. Rolfe Commissiong: Mr. Speaker—

The Speaker: Honourable Member, I understand what you are saying. If you would like to see me afterward, then I will certainly speak with you afterward.

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: The Chair will recognise first the Honourable Jeanne Atherden.

Hon. Jeanne J. Atherden: Mr. Speaker, I am introducing—

The Speaker: Just one second, Honourable Minister.

[Pause]

The Speaker: All right. Carry on, please. Government Bills. We should go first to the Honourable Premier.

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

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

I am introducing the following Bill so that it may be placed on the Order Paper at the next day of meeting: the Public Access to Information Amendment Act 2014.

The Speaker: Thank you.
Are there any objections to that?

An Hon. Member: No.

The Speaker: There are none.
We now move to the Minister for Health. Minister for Health, you have the floor.

NURSING AMENDMENT ACT 2014

Hon. Jeanne J. Atherden: Mr. Speaker, I am introducing the following Bill, which according to section 36(3) of the Bermuda Constitution, requires the [Governor's] recommendation, so that it may be placed on the Order Paper for the next day of meeting: the Nursing Amendment Act of 2014.

The Speaker: Are there any objections?
There are none.

The Land Valuation and Tax Amendment Act 2014 should be in the name of the Minister of Public Works and not the Honourable E. T. Richards. So, Minister of Public Works, you have the floor.

LAND VALUATION AND TAX AMENDMENT ACT 2014

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

Mr. Speaker, I am introducing the following Bill, which according to section 36(3) of the Bermuda Constitution, requires the Governor's recommendation, so that it may be placed on the Order Paper for the next day of meeting: the Land Valuation and Tax Amendment Act 2014.

The Speaker: Thank you.
Any objections to that?

There are none.

The Chair now recognises the Honourable Junior Minister. Sylvan Richards, you have the floor.

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I am introducing the following Bill so that it may be placed on the Order Paper at the next day of meeting: the Development and Planning Amendment Act 2014.

The Speaker: Yes. Are there any objections to that?
There are none. Thank you very much.
Those are all the Government Bills.

OPPOSITION BILLS

The Speaker: The Chair will recognise the Honourable Member from constituency 18, Pembroke West Central. MP David Burt, you have the floor.

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

The Speaker: Good morning.

Mr. E. David Burt: Mr. Speaker, pursuant to Standing Order 28(1), I move for leave of the House to introduce and read a Bill for the first time by its title.

The Speaker: Thank you.
Are there any objections to that?
Honourable Member, carry on.

STATUTORY INTEREST RATE REDUCTION ACT 2014

Mr. E. David Burt: Mr. Speaker, I hereby introduce and read for the first time by its title a Bill entitled the Statutory Interest Rate Reduction Act 2014, and ask that the said Bill be set down on the Order Paper for the next day of meeting.

The Speaker: Thank you, Honourable Member.
Are there any objections to that?
There are none.
Thank you, Honourable Member.
There are no other Bills.

NOTICES OF MOTIONS

The Speaker: No notices of motions.

ORDERS OF THE DAY

The Speaker: We move to Orders of the Day. I understand that Orders [Nos.] 1 through 12 are carried over. Is that correct?

An Hon. Member: Correct.

The Speaker: So, therefore, we move now to Order No. 13 in the name of the Honourable Member from constituency 17.

[Pause]

The Speaker: Honourable Members, some matters have just been brought to my attention. So what I would like to do is adjourn the House for five minutes to speak to the Whips of both Houses. So we can adjourn for five minutes.

[Gavel]

[Pause]

The Speaker: Would you like to . . . Honourable Premier, do you mind?

An Hon. Member: It is July 4th.

[Crosstalk]

The Speaker: Do you mind? We can, actually. I appreciate that. As it is 10 after, I certainly accept that. So then I will ask the Deputy Premier, then, if you can.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker. It is habit forming, because we did this last week.

The Speaker: I am telling you! No, please do not say that.

[Laughter]

Hon. E. T. (Bob) Richards: I would like to move that we adjourn for lunch and return at two o'clock.

The Speaker: All right.
Thank you, Honourable Member.
The House will now adjourn to 2:00 pm.

[Gavel]

Proceedings suspended at 12:10 pm

Proceedings resumed at 2:01 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

The Speaker: All right. The Chair will recognise the Honourable Member, C. Walton Brown, constituency 17.

Yes, sir.

MOTION

COMMISSION OF INQUIRY INTO LOSS AND DIS- POSSESSION OF PROPERTY AND RECOMMEN- DATIONS FOR VICTIMS OF WRONGFUL ACTION

Mr. Walton Brown: Yes. Good afternoon, Mr. Speaker. Good afternoon colleagues.

Mr. Speaker, I move the following motion, notice of which was given on the 16 May 2014. The motion is as follows:

THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims;

AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice.

The Speaker: Thank you.

Are there any objections?

Yes, Honourable Member.

Hon. Trevor G. Moniz: Mr. Speaker, I do not think we have had the opportunity to—

The Speaker: Honourable Member.

Hon. Trevor G. Moniz: Sorry, Mr. Speaker. I do not know whether that . . . is that the original motion, it is unchanged?

The Speaker: Yes.

Hon. Trevor G. Moniz: And it seems to be a mixture of a "take note" and a "resolve" motion, so it seems to be two motions in one—one motion saying "just take note," where the Member would only get to speak once; the other motion is a resolution motion.

The Speaker: Right.

Hon. Trevor G. Moniz: It is a bit confusing—the two motions rolled up in one of different types.

The Speaker: Yes. I think that . . . Thank you, Honourable Member. Thank you for that.

And so what the motion is asking for is for us to take note and sort of . . . [there are] two things involved in the motion, so it is not just a take note motion. In fact, at the end of it—

Hon. Trevor G. Moniz: If I just might say for Members on the Government side, Mr. Speaker—

The Speaker: Yes.

Hon. Trevor G. Moniz: —with regard to the "take note: part of it, we do not have any objection.

The Speaker: Yes.

Hon. Trevor G. Moniz: With respect to the "resolve" part of it, we do have a problem in the sense that it is our view that it would involve expenditure from the public treasury [and], as you know, the Government funds the Governor in his activities. So if he is resolved to do something, it would involve the expenditure of money on his part which would be money that we would provide to him.

The Speaker: Right. Thank you, Honourable Member.

And that . . . right. That position was, in fact, put forward to me, and in that regard, certainly, a commission of inquiry does not necessarily mean that funds will come from the Government. A commission of inquiry can be funded indeed by the United Kingdom and not necessarily the funds coming from the Government

I agree that the Opposition should not be able to in any motion ask for funds to come out of the Government. And I am satisfied that the motion does not ask for money to come out of the Government, and if any such inquiry would be held, then it would be the responsibility of the Governor and, according to this end that . . . not with money coming from the actual Government.

Hon. Trevor G. Moniz: Yes, well, Mr. Speaker, I just wanted that clear on the record from the Honourable Member because I would hate for the resolution to go to the Governor, then he writes to the Premier saying—

The Speaker: Absolutely.

Hon. Trevor G. Moniz: —you have resolved to have this Commission, please send me a blank check.

The Speaker: Right.

And I would like for that to be clarified in the deliberations.

Hon. Trevor G. Moniz: I am obliged.

The Speaker: Absolutely.

Thank you, Honourable Attorney General.

The Chair will now recognise the Member from Pembroke [Central].

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

Mr. Speaker, first of all, let me just say as a preamble, that as legislators we have the ability to multi-task. So the fact that we have a motion before us that is more complex than the normal motion should not deter us from our ability to properly debate a motion. Having a take note component as well as a resolution component should not in and of itself invalidate a motion.

Secondly, Mr. Speaker, this motion calls for the Governor, who is the United Kingdom Government's representative in Bermuda, to undertake a particular action. Nowhere in this motion is there any specificity about who should pay for anything. The United Kingdom Government seems happy to be able to pay for a series of activities all across the Overseas Territories. And if they can be convinced that this one is meritorious of attention, based on a long history of injustice, it would be absolutely incumbent upon the UK to act responsibly and underwrite such an important commission as this country needs.

So I am hoping that with those preliminary remarks, Mr. Speaker, I can begin my substantive contribution to the debate, and that we will have a fulsome debate which will end with all sides of this House lending support to a very important undertaking.

Mr. Speaker, we have an opportunity today to commence a process that could bring closure and a sense of justice to scores, if not hundreds, of Bermudian families. We have an opportunity, Mr. Speaker, to help correct some of the wrongs of the bad old days when justice was a fleeting illusion for many, and where the rich, the powerful and the connected acted with impunity. The theft of land, the dispossession of property, took place in this country on a wide scale and over a long period of time.

The villains in these actions, Mr. Speaker, were oftentimes lawyers, real estate agents and politicians, but not exclusively so. The victims were at times the poor and the marginalised, but not always. What the victims shared though, Mr. Speaker, was an inability to secure a just outcome.

If we can view this issue as one which transcends party lines and which requires closer scrutiny through an independent assessment, we will have achieved something important here today. We will tell our fellow Bermudians that we both understand and we are prepared to act together on this issue.

The motion calls for us—in the first part—to take note of the historic losses in Bermuda of citizens' property through theft, dispossession of property and adverse possession claims. Mr. Speaker, I will outline how such losses took place and speak to its prevalence on the Island. Alongside this, two case studies will be presented to provide insight into how such land grabs took place.

The second part of the motion calls for a commission of inquiry into all such known claims and to determine, where possible, the viability of any such

claims and to make recommendations for any victims of wrongful action to receive compensation and justice. I will address why a Commission is the appropriate vehicle for dealing with this issue and propose how it might be structured. And now, based on the interventions by the Government side, Mr. Speaker, I will also address the ways in which it can be funded so that on this fundamental issue of justice the Government does not have to put up a penny to ensure that victims are adequately addressed for the injustice visited upon them in the previous decades.

Mr. Speaker, one could be forgiven for concluding that claims of property theft and land dispossession were simply urban legends, stories that have circulated the Island, a part of folklore (if you will), but with no demonstration of any truth behind them. Sort of like the Loch Ness Monster; urban legend says it exists, but only a few of us have really seen the Loch Ness Monster. So the urban legend continues. Such a conclusion, though, would be based on the fact that no such case of any such claim has been successfully brought before the courts. But it is precisely this lack of adjudication before the courts for most of these claims that requires explanation.

My view, Mr. Speaker, is that the victims' efforts of securing a just outcome have been constrained by the combination of three powerful forces: dominant elites; the politically connected; and the walls of legalism.

Members of the "elite," Mr. Speaker, whether lawyers, the bankers and the real estate agents who work together to deprive unsuspecting landowners of their property through either a series of sham operations camouflaged as legitimate transactions or flagrant violations of the law, knowing that there are minimal chances of being held to account.

The "politically connected," Mr. Speaker, refers to individuals with close ties to politicians but, perhaps more importantly, to people who have actually sat, served in this Honourable Chamber. A significant number of land grabs have their fingerprints and their signatures on paperwork marked for posterity.

By the "walls of legalism," I mean the extent to which the existing legal framework, including the cost of bringing an action, representation in an action and limitation issues . . . how these aspects of the current legal framework have actually prevented justice from prevailing. So in an unusual twist we have seen the incompatibility or the lack of symmetry between the legal framework and the actual quest for justice.

Mr. Speaker, I will provide two case studies shortly, but before doing so let me just refer to a few examples to demonstrate the breadth of such activity across the Island and over the decades.

There is the case of a family who owned property in Paget. The father held the property mortgage free for decades and on his death willed it to his children. At the reading of the will the law firm (which held the title deeds) informed the distressed family

that the father had sold the property some years earlier. There was never any evidence presented of any money actually being transferred to indicate a sale. And the father repeatedly told his children . . . on his death bed, that the property would be left for them.

Another case, Mr. Speaker, involves a family in possession of title deeds for 34 acres of property in Shore Park, Spanish Point. The family went to numerous lawyers over the years but could not find one to take the case. It is interesting to note that when they would begin the conversation with the lawyer on the telephone, the lawyer would invariably say, *If you have title deeds to your property, that is good enough for us—it belongs to you.* And then, when presented with the title deeds, the story changed. Either lawyers were complicit or afraid because they felt they could not take on this issue. No lawyer said to them, *You have no case to answer.* They just met a wall of silence. And so they, too, remained without any real sense of justice.

Mr. Speaker, many of us will be familiar with the case of Mr. John Darrell and his property claims in Southampton. Mr. Darrell's grandfather (and I only use his name because it is in the public record) owned a large tract of some 30 acres of property. But it somehow was sold by the chairman of the Southampton Parish Council. The Parish Councils, Mr. Speaker (just by way of background), were very powerful political entities prior to the dawn of democracy which only graced our shores in the 1960s. Prior to this Parliament becoming the real embodiment of people, there was an authoritarian system in place where Parish Councils ruled. And so the person who chaired the Parish Council, these chairmen, were all men, of course (because we were then very sexist and still are today). The Parish Council chairmen ruled with Teflon-like quality. So whatever they did they were almost impervious to any challenges.

So Mr. Darrell faced this battle and, at great personal sacrifice, was unable to see any kind of a just settlement. Many of his claims and issues were not addressed satisfactorily through the courts.

But in one instance, Mr. Speaker, there was a positive outcome for a property owner. It was a gentleman who owned some property (he inherited some property) in Hamilton Parish. Not a large piece of property, a small piece of property. He was a bus driver, and one day he was approached by one of his friends who said, *Oh, I didn't know you were selling your property down in Hamilton Parish.* He said, *No, sir, I am not selling my property.* He went down to the property and saw a "For Sale" sign on the property.

[Inaudible interjection]

Mr. Walton Brown: I think it was in your constituency MP—no?

[Inaudible interjections]

Mr. Walton Brown: The real estate agent had the sign prominently displayed on the property. So this bus driver (for the purposes of what I am going to say later—he was not a gardener) went to the real estate office and spoke with the general manager. And he was accompanied by his handy machete.

[Laughter]

Mr. Walton Brown: He walked into the office with his machete and said in very strong terms, *Take the sign off my property.* The sign disappeared. The property was not sold by this real estate company, and the owner of the property was able to retain his ownership. But there was clearly an intent by someone without legal right to sell that property.

That is one example of someone who did not get their property taken from them. But how many had their property taken in such a bold fashion because they were afraid, or did not have the resources, or the courage, to confront the perpetrators?

Mr. Speaker, lawyers and real estate agents are at the heart of these dealings because someone had to identify the property and someone had to validate the transactions. I just found this out, I think, two days ago (and you can correct me if I am mistaken) but I was reliably informed that mortgages as recently as 20 years ago typically had the names of the lawyer also on the deeds. Now, I would like for someone to correct me if I am mistaken about that.

[Inaudible interjection]

Mr. Walton Brown: On the conveyance . . . on the conveyance. Because I am trying to figure out how it is that so many people were able to have their property dispossessed [*snap*] like that! And so if the lawyers' names are used on these conveyances, I would like to understand that more. I need to do more research because I only found out about this during my discussions midweek this week.

But, Mr. Speaker, I would now like to examine more closely two examples of land dispossession that highlight the injustice that so many Bermudians have endured in this area. The first I call the "Tucker's Town Tragedy." The second I call the "Somerset Grab."

[Inaudible interjection]

Mr. Walton Brown: Somerset.

[Inaudible interjection]

Mr. Walton Brown: Somerset.

Members, if you sit and listen, elucidation will follow.

[Laughter]

Mr. Walton Brown: Mr. Speaker, the Honourable Finance Minister has injected that I am beginning to sound like him. If I ever do, Mr. Speaker, please tell me to cease and desist. Okay.

[Inaudible interjection]

Mr. Walton Brown: Well, well, let me focus on my speech . . .

An Hon. Member: Stay on track, stay on track.

Mr. Walton Brown: So, Mr. Speaker, we should all be familiar with the law that was passed in 1920 to force the sale of up to 500 acres of land in Tucker's Town, dispossessing black residents so that Furness Withy Company could undertake a massive tourism-related development for Bermuda. We all know that story. We all know what happened in Tucker's Town.

This was over the strenuous objections of many residents, and even a [petition](#) by residents and Parliament calling for this to be halted—a petition that we have in our records, Mr. Speaker. In fact, the petitioners, who collectively owned 100 acres stated (and I quote, Mr. Speaker): “. . . no monetary compensation can adequately recompense them for the loss of their lands, houses, vocations and homes.”

Keep that in mind. So for the purpose of this debate, Mr. Speaker, the stance coming out of Parliament in 1920—almost 100 years ago—was that those people who held that property (and had their property taken from them) should be offered their property as a first right of refusal if it was ever to be sold again. That was a very strong sentiment coming out because of this petition and because of the hardship that was visited upon the people.

[Inaudible interjection]

Mr. Walton Brown: Mr. Speaker, for the elucidation of the Government Whip, the property was forcibly sold . . . forcibly sold—

The Speaker: And Honourable Whip, if you are going to speak, you speak from your chair.

Mr. Walton Brown: He would know the rules, Mr. Speaker, after all he is the Whip.

An Hon. Member: Apparently not.

Mr. Walton Brown: So, Mr. Speaker, yes, the land was forcibly sold over and against the objections of many of these residents.

One of the Members of Parliament—back then they were called Members of the Colonial Parliament, so I will use the same—

An Hon. Member: MCPs.

Mr. Walton Brown: MCPs, Member of Colonial Parliament, Mr. [A. B.] Smith (because, again, Mr. Speaker, all the Members of Parliament in the 1920s were males because they refused to allow women the right to vote or participate in Parliament) . . . Mr. Smith made the following comment, Mr. Speaker, and for those who want to question the authenticity of my sources, I have documentation for every single quote I read here today. So if anyone wants to see it, you can happily see it.

[Inaudible interjection]

Mr. Walton Brown: I have the quotes. I have the documents for every single source I cite.

An Hon. Member: Stay on track, Walt, people are listening.

Mr. Walton Brown: So, Mr. Smith made the following comment: “. . . we all know the Crown, when they decide to dispose of lands it has bought, offers them to the people from whom they have expropriated them. . . .” He said, looking at the issue of the Furness Withy Company and the property in Tucker's Town, “This is not a parallel instance, but there is no harm in the Legislature sanctioning the sale of the properties.” [Debates of the House of Assembly, 1920, page 1025]

Sanctioning the sale so that Parliament can say, *Have you given first right of refusal to the original landowners?*

Speaking more fervently on this issue another Member of Colonial Parliament, Mr. [M.] Wainwright, made a point that resonates today and the resonance spills over into other areas of contemporary debate, Mr. Speaker. He stated that controls were needed in this regard because (and I quote him, this is in 1920), “. . . it is a question of Bermuda for Bermudians.”

I do not know if he was xenophobic, but, Mr. Speaker, it is a question of Bermuda for Bermudians.

He went on to say, “it is no use for our successors 10 years after” (and let's add another zero to that—it is no use for our successors 100 years after) “to say ‘Our predecessors have given away our birth-rights.’”

MCP Wainwright went on to say, “We have a duty to do, and there is no harm in protecting the Colony as well as we can.” [Ibid, page 1030]

This sentiment was supported by a Parliament. And many of you say, *But, gee, that is like a hundred years ago—why on earth would you raise this issue in 2014? What possible relevance could it have?* Remember, Mr. Speaker, a few months ago I gave a quote from Karl Marx. People do not like when I quote from Karl Marx, but he said, *The past hangs*

like a nightmare over present generations. And the nightmare of the 1920s is visiting us today.

As a consequence of this debate in Parliament, and of the imperative of allowing or requiring that any transfer of land come back to Parliament (in Tucker's Town) with the hope that the original owners might be able to repurchase it, section 28(3) was inserted into the Bermuda Development [Company] Act (No. 2) 1920. And it reads as follows: "The company shall not," (not may not, the company shall not) "without the previous sanction of the Legislature of these Islands sell, or otherwise dispose of, except by mortgage, or by lease for terms not exceeding twenty-one years, more than one hundred acres of the lands . . . purchased or acquired by the Company . . ." This was included precisely to provide the original owners the opportunity to have first right of refusal. That was 1920.

So it is against this backdrop, Mr. Speaker, that we come to the misappropriation of property issue. In 1954 the owners of the land now called the Mid Ocean Club Limited had their sale of this tourism-designated property to Bermudians and non-residents of Bermuda questioned. Let me repeat, the Mid Ocean Club—who inherited the property from the Bermuda Development Company Act—had their sale of these properties to Bermudians and non-residents of Bermuda questioned by the Colonial Secretary. Who was the Colonial Secretary? The Colonial Secretary was the UK's representative in Bermuda.

Mr. Speaker, in a confidential letter sent on 20 October 1954 (happy to let anyone see it) from the Colonial Secretary to the resident manager of the Mid Ocean Club, the following observation was made: (former residents of the Tucker's Town area were forced to sell their properties and had to seek other homes in the colony): "There have recently been several sales of property in this area to Bermudians and it is doubtful whether this conforms to the original purposes for which the land was compulsorily acquired."

Let me repeat: "it is doubtful whether this conforms to the original purposes" (these sales) "for which the land was compulsorily acquired."

The Colonial Secretary went on to say, "Your Executive Committee" (of the Mid Ocean Club) "will appreciate that if there is any change of policy the persons who were forced to sell their property may well have genuine grounds for complaint." Because the property at Mid Ocean Club was sold in violation of the Bermuda Development Company Act 1920 and the entirety of those sales can now be legitimately questioned.

This is not my interpretation; this is a question arising from the Colonial Secretary, the predecessor of the Governor.

[Inaudible interjection]

Mr. Walton Brown: Or working with the Governor, sorry. So this demands closer scrutiny, and it demands adjudication.

If we are truly committed to addressing issues of injustice in this country, then we have to support a more careful investigation. Do not say that it was 100 years ago and does not matter. They are people whose children and grandchildren and great-grandchildren have been marginalised by this process. So let us not disconnect ourselves from the past.

You cannot celebrate those war veterans who fought in WWI or WWII and not at the same time recognise an injustice that took place around that same time, Mr. Speaker. That alone should get us on board in supporting this motion and a call for a commission of inquiry.

But let us talk about the Somerset Grab. Mr. Speaker, this is a long and convoluted matter that involves seven acres of land, a depressed alcoholic landowner, and a conspiracy by realtors, a prominent law firm and the bank. Now, this is not in the public domain, Mr. Speaker, so I am not going to use any names. Okay?

[Inaudible interjection]

Mr. Walton Brown: Somerset.

[Inaudible interjection]

Mr. Walton Brown: You see, Mr. Speaker—no, no, no, let me not get distracted, no.

[Inaudible interjection]

Mr. Walton Brown: We could have a fulsome debate if people are really interested. But if all you want to do is try to make little punches, then go ahead. But this is a serious matter, and everyone in this House knows that there have been cases whereby people have had their property taken from them illegally. So if people want to play games with it and poke fun at stories, well go ahead, but say it on the floor of the House so everyone can hear you. Let everyone hear what disregard you have for those victims.

[Inaudible interjection]

Mr. Walton Brown: Mr. X (as I refer to him) owned property that he undertook never to sell, but to pass on to his family members. During the 1950s, his will was drawn up by this law firm which handled all his legal matters. The bank was his executor—

[Inaudible interjection]

The Speaker: Honourable Members, please. Carry on.

Mr. Walton Brown: In 1969 there was an alleged sale of Mr. X's property to a real estate agent sanctioned by the law firm. There was an immediate subsequent sale by this real estate agent to a major real estate company. The real estate company subsequently engaged in ten conveyances on the same day involving the managing director of the company as the one party common to all transactions.

Mr. Speaker, this was a blatant attempt at generating clear title for stolen property. Not one of these conveyances was actually recorded legally. In a report prepared by a firm that specialises in assessing property transfers and so forth (I am not sure what the generic title is of these type entities, but in a report on this issue prepared by a firm specialising in property matters) the conclusion reached was as follows: "There is no record in the registry in the form of a recital which sets out how this real property came into the possession of the grantor." So the person who was putting his name on all these transactions, according to the assessment, did not even have title to the property in the first place, but through the ten conveyances in one day, he attempted to fabricate that claim.

On the death of Mr. X the title deeds were transferred to the bank as executors. Nevertheless, the law firm informed the beneficiaries that Mr. X had no real property, but they transferred the deeds to the executor. The executors also told the beneficiaries that there was no real property even though the deeds were later given to the beneficiaries. When the beneficiaries approached the executor he said, *You have no property*, but someone elsewhere in the bank handed over the deeds to the beneficiaries. But because of all of these sham transactions, they were unable to take possession of the property.

Mr. Speaker, this case is highly suggestive of a major law firm involved in the forging of signatures and mortgage documents, of real estate agents blatantly fabricating documents to demonstrate title to property which was the result of illegal activity, and of a bank as executor complicit in the concealment of this illegal practice to the detriment of the beneficiaries.

Mr. Speaker, it is unfortunate to have to report to this House that the examples just cited are likely to be the mere tip of the proverbial iceberg. Since notification of this motion was first made to the public, I have been approached by many Bermudians having similar stories. Many stories have the scent of credibility. Perhaps during this debate other stories will come to light.

The scale of this practice of depriving people of their lands demands closer and independent scrutiny. It is for this reason I hope we can stand on common ground today and support the call for a commission of inquiry. Such a commission needs to be led by an individual who has a sound legal foundation with knowledge about human rights, knowledge about

property issues, and no connection whatsoever to the legal, banking and real estate community in Bermuda. Other members of this commission should likewise have no such connections.

The commission would take evidence and testimony from individuals who come forward, but could also summon people where necessary. And ideally, given that we have all committed ourselves to openness and transparency, these proceedings will take place in public. The commission will also be able to assess the merit of cases on the basis of facts presented and not be constrained by statute of limitations issues, which has often been used to quash actions by marginalised people.

This call for a commission is made under an antiquated piece of legislation—the Commission of Inquiries Act 1935.

[Inaudible interjection]

Mr. Walton Brown: It is antiquated, Mr. Speaker, but this should not, however, prevent us from pushing forward along these lines even if we seek, or the Attorney General seeks, to modify this piece of legislation going forward to increase the powers of the commission of inquiry.

Mr. Speaker, early on the Honourable Attorney General rose to argue the point that this call for a Commission of Inquiry would require the Government to spend money and, therefore, under the Standing Orders, the motion should not be allowed because quite rightly the Opposition—what some people call Her Majesty's Loyal Opposition—are not allowed to present Bills that have an impact on the public purse. But nowhere in this motion is there any sense or obligation on the part of the Bermuda Government to underwrite this matter. The Government should want to . . . should want to, because there are numerous cases of injustice that need to be examined. Your constituents have been marginalised. Your constituents have had their property taken from them.

So, yes, the Government should have a moral obligation to want to address the issue. But I can understand how the Government would not want to because the Honourable Minister of Finance who believes I am adopting some of his characteristics, he likes to hold his hands very firmly around the public purse. So he may not see this as a priority. But hopefully his conscience will get pricked during this debate and he may recognise that there is a need to allocate, indeed, some money toward it.

But the fact of the matter, Mr. Speaker, is that this issue can be underwritten by the United Kingdom Government. They have done very little for us over the decades. They sat by—

[Inaudible interjections]

Mr. Walton Brown: Of course, you would not say that, I would say that because when we had our bigger struggles for racial desegregation Britain did nothing. When we fought for political democracy, Britain did nothing. So on our biggest issues Britain sat by and did nothing. When they were afraid of Hong Kong being returned to China, they actually changed the laws to change our citizenship to deny us the right of abode in the UK. So Britain has a bad track record when it comes to Bermuda and a question of justice.

So on this issue, Mr. Speaker, I am assuming we are going to get the full House to support this motion. I can personally go to the Government House and request of the Governor to seek funding from the UK. At least they should recognise that in 2014 they might have a moral obligation to correct some of the wrongs of the past that they were complicit in, if only through their silence. So this does not incur, necessarily, any money coming out of the public purse.

Justice around land theft issues has been denied to so many families for decades. As the embodiment of the public trust, we have the collective . . . we have a sacred duty to act responsibly to help bring both justice and closure. We have a chance today, Mr. Speaker, to tell Bermudians—those marginalised by the powerful and the connected—that we will act on their behalf. And the time to act is now.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Attorney General, Trevor G. Moniz, from constituency 9.

You have the floor.

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

The Honourable Member's speech was very interesting. To some degree (and this is not a criticism) it rehashes debates and discussions which we have had before. Certainly, the Tucker's Town one we have had on many occasions, and it raises its head on a continual basis in this House. And the Honourable Member . . . I give him credit. He is quoting Karl Marx, and not that many people quote Karl Marx anymore—

[Inaudible interjection]

Hon. Trevor G. Moniz: You would think he would come back. Well, usually now they are quoting Thomas Piketty . . . you know, Thomas Piketty who wrote the new book on *Capital*, but—

[Inaudible interjection]

Hon. Trevor G. Moniz: I have a copy. I got it from the bookstore. I have not gotten too far with it yet, but I have read the introduction.

But, you know, it is an interesting idea there, and certainly a true idea. He talks about the past affecting the future. He talks about a nightmare hanging over us. I want to put that into context and I am not—sincerely, I am not—trying to diminish the suffering that took place over the property in Tucker's Town. I come from that part of the world. I come from Smith's Parish. My original constituency went down to Pink Beach in Hamilton Parish and included all the people at Devil's Hole who were transplanted largely, as it were, from Tucker's Town. So I have heard those stories directly from people. And I have every sympathy in that regard. So as I say, I am not trying to diminish those claims of unfairness or the lack of equity of what was done.

You need to put it in context in a number of ways. One of the ways in which you need to put it into context is to say that there was a purpose for which they were doing that. And that was sort of at the birth of tourism in Bermuda in those early days in the latter part of the 19th century and early part of the 20th century. You had people like Mark Twain who had adopted Bermuda as a sort of second home and was coming here on a regular basis, writing about Bermuda, which was being published. He made all sorts of statements. I think one of the famous ones, *When I die you can go to heaven but I will go to Bermuda*, and all those . . . he was perhaps the greatest salesman for Bermuda as a tourism destination in those days.

And of course we had the Princess Hotel that was built. Princess Louise came . . . exactly. And so the idea was, could we develop a serious tourism industry? And then it was the Furness Withy Company that had this idea to develop that area. And that is when this scheme arose. And it resulted in those people being dispossessed . . . not only those people. As the Member rightly said, there were about a hundred people who signed the petition. There were about 500 landowners *[sic]* in total and I do not question—

[Inaudible interjection]

Hon. Trevor G. Moniz: [Yes,] 500 acres.

And I do not question any of the facts he put forward in that regard.

The result of it, I guess, was success in the sense of the tourism industry in Bermuda did take off.

The Furness Withy project did not really succeed in the end, and that is when we had the Mid Ocean Club that took over. And obviously there was a great resentment on the one hand that largely poorer black people had been dispossessed of their property and richer white people moved in, eventually, with the Mid Ocean Club. Originally it was foreigners with the Furness Withy project. So, obviously, it was very sen-

sitive. And in those cases all of the people who had their property compulsorily purchased were obviously compensated at market rates that were arrived at by a tribunal.

And those people who objected the longest and the hardest received the most money because, in the end, you got a premium. If you were being a nuisance, they would pay you a premium to move on.

Mr. Walton Brown: Point of order, Mr. Speaker.

The Speaker: Yes, Honourable Member?

POINT OF ORDER

Mr. Walton Brown: The Honourable Member is inadvertently . . . he is not misleading, but he is—

The Speaker: Are you trying—

Mr. Walton Brown: — [making] improper comments about the landowners being . . . if you were being greedy, you got a higher price.

An Hon. Member: He did not say that.

The Speaker: He did not say “greedy,” he said . . . he did not say “greedy.”

[Inaudible interjections]

Hon. Trevor G. Moniz: No, no, no.

The Speaker: Anybody who fought against it . . . nuisance, yes.

Mr. Walton Brown: Mr. Speaker, I am happy to take my seat.

The Speaker: All right. Okay.
All right, Honourable Member.

Hon. Trevor G. Moniz: Mr. Speaker, just let me clarify. I am sure if that had been me, I would have been one of the most difficult. And the fact that you received a higher price was not your aim and it did not make you happy. So I am not suggesting you were doing that for that purpose or that having a few extra pounds would have made you happy. So no, I am not suggesting a motive in that. I am just saying that that is how it went down. So that was on the one hand.

And the Member referred to the other case in Somerset, and I had a quick chat with the Honourable Member before to try and get some sense of what his direction was on this debate. Being a lawyer, on the legal side of my training I like to deal more with particulars than with generalities. As a politician, I am quite happy to deal with generalities. Here we have a mixed sort of debate and, you know, sometimes when

people speak of situations they are speaking of situations that have impacted them personally and their family, and I did not know whether that was the case or whether it was a more general discussion.

At the end of the day though, the point that I want to make in this regard is that the Tucker's Town one was not an isolated case. So while the Honourable Member chose two sort of examples of larger parcels that he spoke of—the one in Tucker's Town (which is 500 acres) and the other one (I think, was 7 acres) the Honourable Member spoke about—but there was . . . I mean, because in the Somerset end of the Island there were a number of large parcels of land which were compulsorily purchased, including, for example, Daniel's Head, where 9 Beaches existed, which is now defunct.

[Inaudible interjections]

Hon. Trevor G. Moniz: Okay. The Honourable Member is indicating that is not what he was referring to. But that land was compulsorily acquired and in a very similar sort of . . . well, in a similar manner but for a different purpose, because those were military days. So it was purchased originally by the British and it subsequently became a Canadian base. And in some senses a similar point arose.

The Honourable Member raised the clause in these provisions that was a first right of refusal such that if the land was sold it was meant to be offered back to the original owners. I am presuming that that would be at a fair market price. It was bought from you, you would have to buy it back, but you would have first refusal—that was what was written into the legislation. Insofar as I know, it has never been done for any of these situations, whether Tucker's Town or Daniel's Head or anywhere else.

And just to broaden that even more, to put it in a larger context still, there were large areas of land in what is now Dockyard, which is Ireland Island North and also Ireland Island South. I do not know whether it extended to Boaz Island, but there were many, many compulsory purchases—

[Inaudible interjection]

Hon. Trevor G. Moniz: I am getting there. I am working my way through.

So there were many, many compulsory purchases there. In fact, I think, we have had sight of some of those deeds that came to light I think . . . I am not sure whether it was Britain or whether it was here, a box of deeds came to light which were the original deeds for those properties which were compulsorily purchased in some of the Ireland Island South and North areas.

There were many, many compulsory purchases. The vast majority were dealing with the creation of the Dockyard or they were dealing with military

operations, either (or I guess primarily) during periods of impending war or where a military base was felt to be important. And the other one, as my honourable colleague, Dr. Gibbons, interpolated, was St. David's, of course, where there were a large number of purchases down there which affected many of the families that are still in the East End. I think Mrs. Higgs was one of them. I think they were relatives of the Spurlings, of the Honourable Member here, Mrs. Suzanne Roberts-Holshouser. They were affected by those compulsory purchases.

So just to put it into full context, there were compulsory purchases across Bermuda for military purposes. And this is not unusual to Bermuda. It was done everywhere where they were setting up military bases—either the Second World War or the First World War. They were setting up dockyards, whether it happened here in Bermuda or whether it happened in the UK. In the UK they have the perennial discussion of putting another landing strip at Heathrow Airport, for example, and all of that would be done by a tribunal for compulsory purchases.

Of course, here we also have the railway right of way, which involved purchasing strips all the way up and down Bermuda for the railway to be established, which, at the end of the day, the railway only lasted (I do not know) 10 years, 15 years. That is all it lasted, and then it was defunct. But it has left us with this beautiful ribbon of a park through Bermuda which we are still trying to improve down in the Bailey's Bay area by putting pedestrian bridges across Bailey's Bay to join up bits of it.

And these are important . . . and that was, that was . . . People (particularly in this House) love to cast stones at us poor lawyers. But with respect to the railway right of way, that was the creation of the law firm Conyers Dill & Pearman. You know they got the contract to do all of the conveyances, and they were probably the only ones who ever made money out of the Bermuda Railway because the railway itself went bankrupt and was defunct.

[Inaudible interjections]

Hon. Trevor G. Moniz: No, no. Well, that is right. But they got all the conveyances of every strip of land up and down Bermuda for the Bermuda Railway right of way. And that is how the firm was formed at the time by the original gentleman who got the contract. He said, *Well, I can't do this on my own*. He hired two young chaps to join him and he said, *Let's form a firm and we'll do this job*. And that is how that firm was created.

[Inaudible interjection]

Hon. Trevor G. Moniz: Conyers Dill & Pearman.

[Inaudible interjection]

Hon. Trevor G. Moniz: So that is how that firm was formed. That is where it was created, from the railway right of way.

[Inaudible interjection]

Hon. Trevor G. Moniz: You know, it is an interesting and a broad subject. I do not want to diminish the importance of it. But you know the cases that you hear about publicly are not the only cases. And people who bang the drum about Tucker's Town, which, as I say, I do not complain about, but do not forget there were hundreds and thousands of other cases that were very similar to that across the Island, and up and down this Island, which have affected families in an enormous way. And sometimes we do not see the wood for the trees and see that this is something that occurred across Bermuda.

But, of course, that was then and this is now. So from this side of the House—and that is, with respect, I am speaking now to those large compulsory purchases, because the Honourable Member had two different types—

[Inaudible interjection]

Hon. Trevor G. Moniz: I will get to that in due course.

But to the large compulsory purchases, you cannot really revisit them. And the Honourable Member raises certain points about the first right of refusal, and that has some legitimacy and I do not question the letter that he referred to from 1954 from the then Colonial Secretary about the first right of refusal. And he is quite right that first right of refusal was quite often not honoured—it was more honoured in the breach, that promise. But that is in all cases, it is not just Tucker's Town. That is true of Daniel's Head. That is true of all of these properties and it affected people across the spectrum.

The Honourable Member was fair and frank enough to say that at the beginning, although he pinpointed some of these accusations against what he called the villains (talking about lawyers, politicians and real estate agents), and talking about the victims (who were often poor and powerless). But, you know, it is truth that the villains run the gamut and the victims run the gamut, and that is the truth.

Yes, some of the villains were lawyers, politicians and real estate agents and banks—let's throw banks in there. I mean, they were all involved. But there were a lot of people who took opportunities and engaged in sharp practice—and this is shifting over to the private ones as opposed to the large public compulsory purchases. There were people who engaged in, what I say, "sharp practices." I am trying to be diplomatic. And I have certainly seen these, and these were not just long ago. I have seen them in my practice, in my professional lifetime, as it were.

One very prominent real estate firm, often a client of mine on mortgage and purchase of property, and when I saw the documents I saw the property had been purchased by one of the employees of the large prominent real estate agent. We took objection to that and, you know, there was an interchange, and a promise of legal action if redress was not made. And redress was eventually, reluctantly, made and the situation was sorted out.

[Inaudible interjection]

Hon. Trevor G. Moniz: That was probably . . . 1980s, I think . . . 1980s. Sharp practice is not something that is going to disappear, it is part of human nature.

So I think we need to separate those two lots of cases. The compulsory purchase ones are largely older ones. The most recent ones are, perhaps, the ones dealing with St. David's that were done during and before the Second World War when the airport was created in St. David's. Those were the most recent ones. And my own view on that is that there is nothing that we can do about it. What was done there was not, in my view, unlawful. The laws permitted it. The Parliamentarians who made those decisions had their reasons for doing it.

You know, in the case of Tucker's Town it was Furness Withy. It was to open up tourism for Bermuda, which was a laudable thing to do, which produced a lot of . . . it was successful. We had a burgeoning tourism industry. We had much employment for Bermudians there. It raised all boats in the sense that economy did extremely well out of tourism even though that particular project at the end of the day was not successful. That particular project did not work out at the end, but it was a worthwhile idea.

So I do not think—

[Inaudible interjection]

Hon. Trevor G. Moniz: Well, no, that is right. That area . . . there has been a lot of tourism.

[Inaudible interjections]

The Speaker: Honourable Members, we were doing very well. This has been one of the best debates I have had the opportunity to listen to since I have sat here in the Chair. And it has been going very well. The Honourable Member from Pembroke [Central], [constituency] 17, did well. The Honourable Attorney General is doing very well. And until about two minutes ago, it was really an outstanding debate and I would like for it to continue that way.

Attorney General?

Hon. Trevor G. Moniz: Yes, and thank you, Mr. Speaker.

I would like to praise the Honourable Member who brought the motion. He, I thought, dealt with it in a very sober and largely even-handed fashion. Obviously feelings run high in the community, particularly in certain areas of the community, on these matters, and I am not trying to downplay that in any way whatsoever.

But on this side of the House, with respect to the large public purchases which were authorised by Parliament, by this House, we on this side do not feel it would be a useful exercise to call for any Commission to re-examine that. It was done by operation of law. It is easy to re-examine it in hindsight to say, *Well, today we wouldn't do it that way. We wouldn't do it in that fashion.* We might have done a number of things differently looking at it through our eyes in a different century than what they did then. So we just do not feel that would be a useful exercise.

With respect to the individual cases of people that the Honourable Member said were taken advantage of—those really have to be dealt with on a case-by-case basis. Some of those [are] sort of apocryphal from the Member because he did not name names. I am trying to figure out . . . and I know of a lot of cases where allegations have been made, and in a lot of cases the allegations cannot be proved, they cannot be substantiated. They are not substantiated, and we get this . . . you know, as a lawyer I get this.

I get one case on a regular basis where a gentleman has his lawyer call up and say, *My client says he owns your client's property.* So my response to him is, *On what basis does your client say that? Can he share that information with me?* And the ready response always is, *No, he has nothing to substantiate it. He just feels he owns your client's property.* So we always reply, *Well, we have the deeds. The title goes back 200 years and neither your client nor any of his family are mentioned on any of the deeds at any time, so he must be mistaken.* This gentleman has a mistaken, but very firm, view that he owns this property and there is no . . . he cannot substantiate it because it is simply not true. So the cases range very broadly from those sort of cases on the one hand.

The Honourable Member did refer to the case of John Darrell. And the difficulty with John Darrell's case . . . my understanding is that that has been litigated and the courts ruled against Mr. Darrell. The evidence that I have been informed of did not support Mr. Darrell's claims. Now, Mr. Darrell was absolutely convinced and determined that this property was his, but ultimately the courts decided it was not and that he had no claim. And we cannot go behind that. It has been adjudicated by the courts. I think at one stage he went to a QC in the United Kingdom and so on.

Obviously, we are sympathetic with someone who is unhappy, who is upset. But at the end of the day the courts have adjudicated and we have to accept that. There is no point in trying to get a commission to write a report on something that has already

been adjudicated. And that is one of the difficulties. You get a commission to write a report, so where does that leave you? It writes a report saying, *Oh, what was done . . . If we did it today, we wouldn't do it the way it was done then. We would do it a different way. Thank you very much.* So you had a very expensive report which does not take you anywhere. It does not make any decisions.

So with respect to individuals who are looking for justice, the case for them to receive satisfaction, if it is to be received, is before the courts of the land. Those individuals have to take their cases to court. And, as I said, I have seen a variety of cases, some of which seemed to have no support and some of which are very worthwhile of taking to court and looked like they would have a decent chance of success if properly handled through a court. But that is what you have to do. And, obviously, when you go into courts you do run into issues of whether through the effluxion of time—through the passage of time—you no longer have a good claim.

Obviously, when you have property and you have adverse claims, you have to deal with it immediately. You have a six-year period to make a claim. And over a 20-year period you can establish adverse possession, et cetera (which was one of the cases that the Honourable Member referred to). So you have to act in a reasonably diligent and expeditious way, not overnight, not in a matter of days or weeks, but you have to act in a matter of years. We have had a recent groundbreaking decision by the Chief Justice—

[Inaudible interjection]

Hon. Trevor G. Moniz: Yes, with respect to adverse possession. And with those there is, you know, I am sure one very happy person and one very unhappy person. And I make no comment on that decision, but I think it deserves to be tested in a higher court. I think that would be my advice there that the landlord should take that to a higher court and have that tested.

So I think on our side, and I do not want to take up any more time of the House on this matter. We sympathise with the concerns that the Honourable Member has raised, but for the reasons I have set out, we do not feel that a commission would be useful either in the case of the large compulsory purchases or in the case of the individual allegations of wrong doing. So I will finish there.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke East, constituency 15, MP Walter Roban.

You have the floor.

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

I am not going to speak very long on this because I believe that on the merits of the substantive points made by the Honourable Member who made this particular motion and the case that he brought, it is going to either rise or fall on that. And we have heard the statement from the Honourable Attorney General, the Member who sits in constituency 9 . . . I guess he has put forth the Government's view on matters like this.

And just, if I could, Mr. Speaker, I will restate the motion: "THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims;

"AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice."

I, like many people, have always heard the stories of matters concerning this, Mr. Speaker. And I commend the Honourable Member for bringing this matter to this House. I listened carefully to all that has been said so far and I listened carefully to the Honourable Attorney General, the Member who sits in constituency 9, and I must perhaps politely disagree with some of the points that he has made about . . . that the only redress for these matters can be in the courts. Well, I would respectfully say that perhaps it is one of those times where (and I am not looking to be insulting in any way) there are clearly two sides to this issue.

And not that the Honourable Attorney General did not express empathy or even concern with the result that many families have felt having gone through these experiences, but let's face it, many of the issues, or many of the circumstances that have been outlined, at least in the case that the Honourable Member put, and certainly the Honourable Member from constituency 17, Walton Brown has not sought to give examples of all of the definitive examples of what has happened around these issues. He has just given some mere examples which he has become familiar with and that there are even some public record around.

Now, I think there is an understanding that some of the compulsory purchases of which the Honourable Member did not speak about (about things like St. David's and even compulsory purchases that were done in Southampton or Ireland Island), which were done way back in the mid to early 1800s for the Dockyard are perhaps not the real subjects of what he is looking to deal with. Because as the Honourable Attorney General said, they were done under a framework of law which not only would have extended

to Bermuda, but was used by the UK and the United States themselves in the land lease agreements, or whatever the British were doing back when they did the Dockyard or Morgan's Point and other parts of the Island, and also St. David's, which were a product of these larger transactions which were done almost as part of a treaty agreement.

I do not think that those are the areas that the Member is looking to reference as the rationale for calling for the Commission of inquiry. I think it is some of these matters that pertain to private doings, which seemingly were not done under the umbrella of good law and, if referencing the descriptions that the Honourable Member from constituency 17 has put into his brief, were clearly done in a nefarious manner and were not done from a position of equity for all the parties that were concerned. And I think those are the key areas and circumstances that the Honourable Member is looking to bringing attention to and that need the merit of an impartial review.

Yes, we all know the stories of Tucker's Town. And if you read, the only other exhaustive, I would say, review that I have seen of the Tucker's Town [transaction] is a book done by Duncan McDowall in which he discusses the history of Bermuda tourism. He is the only other person who has gone into some detail to discuss the circumstances of the Tucker's Town transaction. I am actually re-reading the book again because it is just light reading to me, and I like to do things on Bermuda history. So that is probably why . . . well, okay, for me it is.

[Inaudible interjection]

Mr. Walter H. Roban: I just like reading it because I am a reference reader. I am not a person big into fiction. You know, I considered encyclopaedias light reading when I was a young boy. That is how I was. But anyway—

[Inaudible interjection]

Mr. Walter H. Roban: Yes, it does explain a lot doesn't it, Mr. Speaker?

When you look at the circumstances of that particular . . . and I am only going to reference this briefly because it is perhaps the bigger circumstance. There were clearly . . . there may not have been necessarily equity in there, despite the fact that there was a framework of law created to facilitate the transactions, and there was a commission set up to do it. Let's face it, it was mostly poor people who were at the mercy of the Government, and private interest who wanted to do this no matter what, and they created the structure to facilitate this irrespective of the inconvenience it might have brought to those whose land was going to be the subject of the transaction. That is the reality.

So one can make reference to the courts being a place of redress, but the courts that existed in the 1920s, '30s, '40s and '50s and also the '60s (much of the examples that the Honourable Member referenced) . . . there was a feeling by many people that the courts were not just in these transactions and in a number of other things. And when the Honourable Attorney General says, *Well, there is no other redress*. Well, we have seen not just in Bermuda but in other places where, despite the courts going through a process of proper judicial exercise to come to a conclusion, that often we have seen commissions of inquiry come back. I will just reference the Birmingham Six being one of them in the UK, and the numerous cases in the United States where Native Americans have found their lands signed over by proper treaty and then taken away from them. No court was prepared to support their claims against the very US Government who was supposedly protecting them, or even local interests, until centuries later. We have seen that.

The courts often do not necessarily play the best role in these processes. So let us put the courts in context that perhaps in the 1920's, '30s and '40s and '50s for poor people in Bermuda and people of African descent, but not only just people of African descent, the courts were not necessarily the place where they had the means or the opportunity or the ultimate satisfaction for equity. We should accept that as a part of our history, as part of the unfinished business of our history that we often seem to deny around here, that maybe these institutions were not actually fair to everybody despite the fact . . . and I understand as a prominent lawyer, the Honourable Attorney General, has a duty to represent the court and that the court is an honourable place. All lawyers have that duty. I understand that. I declare my interest of having some closeness to people in the legal fraternity, so I understand that.

[Inaudible interjection]

Mr. Walter H. Roban: I am trying to be a bit discreet here, Mr. Speaker.

But anyway, I understand that. But the courts have not always been honourable or just. And that is something that should be accepted. So despite the context of where we are in the early 20th century or now in the early 21st century, we should accept that perhaps that was the case for some people in this country. They were not able to get justice from Her Majesty's Courts at the time. And as a result of the lack of feeling of justice or equity there are lingering emotional consequences around certain things that have happened that remain to this day, and the magnitude of these transactions merit some additional inquiry.

Let us just bring it a little closer to home here in this late 20th century and [early] 21st century. We in

the very last part of the last century, or I would say perhaps in the first part of this century, Mr. Speaker, had an issue related to land that was of concern. That had to do with the fronting matter, which, in itself, Mr. Speaker, seemed to have included lawyers, perhaps bankers and realtors, who were participating and aiding and abetting the movement of land from Bermudians into the hands of non-Bermudians in a way that was inconsistent with the law, or in a way that was not in the spirit of the law. And action had to be taken by the Government at the time—those in Government of the day—to actually address this.

That is perhaps a more modern example where we find some of the issues that the Honourable Member is seeking to ensure that have some sort of inquiry treatment. But that is a more modern situation. And there was actually some evidence and activities that brought that to light because the Government did have to change legislation to address that and had to take actions on persons who were participating in those activities. And you as a former Minister, Mr. Speaker, would have some knowledge of that.

I say that this is not just about things that happened in the past. We are still to this day grappling with issues around land—the opportunity and access to land by people who are considered Bermudians and the birthright that that has always extended to people. There is a certain feeling that all Bermudians . . . and we as Bermudians understand that the acquisition and acquiring and possession of land—either for ourselves or for our families—means something, Mr. Speaker. And particularly people of African descent who would have been in possession themselves prior to 1834 in this country, to have been . . . to then become landowners and families who have possession of land in their own right. [They would] always see it in a sense of accomplishment.

Certainly, some of the subjects and cases that the Honourable Member has brought to light in his brief perhaps are families that would have had that experience where their families acquired the land maybe just by a handshake in some cases, Mr. Speaker. They did not have the benefit because of lack of literacy or lack of accessibility to proper legal representation of the day. And if we are talking about the 19th century and early 20th century, most people of colour were not necessarily literate and did not have the access and opportunity to have someone who was literate or learned, or the means to acquire that resource to hold their land. I can bet you that many of the people down in St. David's (and I am not suggesting that that should be a subject of this inquiry) were some of those people.

But, clearly, when the Government decided—and that would have been the British Government and the US Government—that those certain areas were going to be a part of the land lease exchange, certain things had to be done to make it legitimate. And that would have given them accessibility to a lawyer who

would have properly subdivided the land and conveyed it and all that sort of stuff.

But outside of those particular types of transactions, we had the private ones where a family who might have acquired the land through a handshake by a great-great ancestor, and that land was passed down without any sense of separation for three or four generations, but then something happened of which the family is totally unaware and they did not know that granddaddy did not have the proper deeds or the deeds were not done right, or they did not know where the deeds were, much less to know what was not done right. And then something happened and it brought about an injustice and they did not have the opportunity or the means to go to a lawyer, to go to the courts to seek redress, not that they would have got it because as the Honourable Member said in his brief, often the Members of the Legislature of the day were lawyers and judges, and in many ways were connected, [and they] facilitated some of these practices.

I think we have to accept that during this period of time not everybody had the opportunity for equity, Mr. Speaker. And if we accept that, then perhaps there is room for this House to give credence to the request that the Honourable Member is making to us on that basis.

But we have to first accept that institutions like the courts and others who had responsibilities in these areas might not have been so efficient in providing equity to everybody when it came to these matters, whether they were poor or otherwise. But as we have known, there have been steps in this Legislature over 100 years or more to protect land in the interest of Bermudians. Perhaps not for the same reasons we are talking about here, but that has been a prerogative, because the protection of the interest of Bermudians and land has been seen as a sacred—a sacred—mission.

If we understand some of these things, Mr. Speaker . . . and I am not going to spend much more time here. If this is something that we understand and believe, that the connection of Bermudians—individuals and families—to their land is something that is . . . and the birthright that that in itself creates is something that is a part of the national psyche, then we have to accept that things may have happened which might have violated that. And that in the context of the period [of time] upon which we are referencing for the purposes of this inquiry, not everything was equal, not everything was just.

And for that reason I think the request and the motion (which I will not read again, but I have already read) does merit this House giving some strong consideration. And I would hope that in the spirit of us looking to, not necessarily right every wrong of the past, but actually bring some clarity as to how we might deal with issues in the future, that this inquiry might give us some window towards that. And that it

would be of some benefit for this House to support this motion, Mr. Speaker, because it is the right thing to do.

Thank you very much.

The Speaker: All right. Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Deputy Speaker, the Member from St. George's South, constituency 4, Deputy Speaker Roberts-Holshouser.

You have the floor.

Mrs. Suzann Roberts-Holshouser: Thank you very much, Mr. Speaker.

I believe the reason probably why we are having a debate that is, I think, probably important to all of us in the room which is probably why it is going as smoothly as it is. And while I appreciate the sentiments of the Member from constituency 15, Pembroke East, in a lot of what he said . . . and indeed we are looking at and reflecting on individuals, perhaps not the same way as groups of property owners that lost their rights in the past. But I disagree, which is why it is important for me not to take away from the last Member's statements.

I took a quick look at the word "theft." I think we all know what the word theft is, but it is taking another person's property without that person's permission or consent. It is taking a person's property without that person's permission or consent. And I am not so convinced that while, generally, the people of St. David's knew and understood the importance of giving their property up, it was not without stress, duress and, in some places, downright, *No, I am not going to do it.*

Mr. Speaker, I have heard many stories in my family growing up. And one of them was how a Mr. Lamb refused to leave his house and the property in which he had grown up in. And indeed what ended up on this particular day was that they lifted his house from the ground on which it sat, picked the house up, travelled further into St. David's, and laid it back down, which I can say it sat there for maybe up until about six, seven years ago, this little wooden cottage at the end of a street in St. David's. So we cannot honestly say that it was all without true consent. It was done because of the importance of understanding why they needed [the land].

There was a letter from one of my ancestors (which is in the archives) where she had written off to the US Government pleading that, while a certain sum of money was going to be given for her property, her husband was of ill accord and could not bring an income to support the family. As we know, women mostly stayed at home and raised the children and took care of the household. It was the man of the house that raised the money to support that family, and he could no longer do so. So she had sought for

an increase in the amount of money that was being afforded to her saying that she could not sustain her family.

We do not know the outcome of that letter, Mr. Speaker, but I would vouch to say she was not successful, based on the fact that they needed this land, this was the amount of money they were going to be given, and that was to be that.

Of the 450 acres of land in St. David's, 300 acres was moved over for the taking over of the Base Lands and for the airport. For the most part, St. David's islanders lived a very peaceful life, hard work . . . and I am not saying the rest of the Island did not, but I will say that their life was quiet and peaceful as they were not joined by the rest of the land until the Severn Bridge was put into place, and then their life was quickly disrupted.

There is a newspaper article, Mr. Speaker, if I could quote, from 1941—it was an American newspaper—and it said, "Changes affected both homes and economic way of life of hundreds of Bermudians following the wake of Uncle Sam's acquisition of naval and air bases in these islands."

Their lives were affected. A lot of them were relocated, some of them on Texas Road. Unfortunately, the move had to take place before new homes could be built for them. So many St. David's islanders found themselves living in barracks until such time as their homes were built. This was certainly not the way of life—not *their* way of life. So the people of St. David's lost much when that land was removed from them.

I would like to make a recommendation under the purposes of this motion. And that is, while it is difficult for compensation, or this motion (which is looking at compensation) . . . and, yes, I can say there was an individual . . . before I go there, there was an individual that I know was the child of a very well-known St. David's islander who had a lovely enterprise of hard work. Many people from all around the world would come and visit his property and enjoy the food. When the father passed away, it was discovered that along the lines, and without the family knowing that he had borrowed money—and he did not go to the typical bank to borrow money, he borrowed money from an individual who he knew would have the money. And as we have normally seen and what I believe the Member who brought this motion to the floor has talked about already, the deed was to be held while and until such time as the money was returned.

Unfortunately, that did not take place. And what happened upon the death, the family then discovered that they no longer owned this land, that someone else owned the land. And I can tell you, Mr. Speaker, it broke my heart to know that a Bermuda tradition—a St. David's tradition—was going to be ended because of the fact was that not necessarily all

of the children could afford to purchase this land back. But that is how things were done.

Unfortunately there are times . . . I believe even today there are such situations where children are taking advantage of their parents where they are taking hold of deeds and making promises that, *We will take care of you and you can live here for the rest of your lives*. They sign over their property and we find almost the same thing. It is slightly different, and it is different and I do not mean to undermine the sincerity and the importance of this motion. But I did say I had a recommendation especially for the people of St. David's who lost their property, who lost their livelihoods. I would like to see a plaque acknowledging their donation in recognition of what they did for the rest of the world and for the rest of Bermuda. In our history they have not been, I believe, acknowledged for giving up something that was the only thing that they had, for the most part. And I would like to see some form of recognition at the airport and the land that they once owned.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now recognises the Honourable Member from Southampton East, MP Zane De Silva.

You have the floor.

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

Mr. Speaker, I am happy to make a contribution to this debate this afternoon. I certainly thank my colleague, the Honourable Walton Brown, for bringing this motion. I think it is a topic that some of us do not like to talk about.

Mr. Speaker, I am certainly not going to repeat everything that was very articulately given by my honourable colleague, Mr. Brown. But I would like to make a few comments on the comments by the Learned Attorney General repeating a few of the things he said, which I found very interesting. And what really caught my ear was when that Honourable Member said he did not feel that those on that side—i.e., the Government Members—did not think or feel it would be a useful exercise on that side of the House to take it any further.

Mr. Speaker, whilst I have heard the stories about Tucker's Town and Somerset, and I certainly heard a few of the other stories that I think are in the public and some that are not out in the public, Mr. Darrell was mentioned. And we all know the story about Mr. Darrell. But I know also a few people that had their issues, Mr. Speaker. And if you have ever worked very, very hard to own a piece of this rock, Mr. Speaker, if anyone has had to work for property in Bermuda and they have not had the luxury of it being given to them by their fathers or a relative, Mr. Speaker, if you have not had that experience, and I think of those that have and I would like to think that I am one of those, Mr. Speaker. To think that someone,

for whatever reason—through the legal fraternity, through the real estate divisions in past and in present—to think that someone may lose that property for which they laboured very hard by the stroke of a pen that was not done legally, Mr. Speaker. Mr. Speaker, I am sorry, but I feel for those. I feel for those people, Mr. Speaker, I really do.

I disagree with the Learned Attorney General—and if it is the entire OBA's feeling that it is not a useful exercise to look into some properties in the past that may have been taken away illegally or otherwise—

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes

Mr. Speaker, I think it is important to note that I am talking to my colleagues, because there is not one OBA Member sitting in this House.

[Inaudible interjections and clapping from Gallery]

The Speaker: Young lady . . .

Have a seat please, Honourable Member.

Let me just tell you that in this House, if you are going to sit in the Gallery, you sit in the Gallery and you do not interact in that way. Otherwise I will ask you to leave.

Hon. Zane J. S. De Silva: Yes, Mr. Speaker, I know some folks that come to the Gallery do not know the rules, and I am sure they appreciate you giving them the schooling, indeed.

So, Mr. Speaker, I will say for the listening public that at the moment I am talking to you and the Gallery and to my colleagues on this side of the House because there is not one OBA Member sitting in the House at this present time—not one. And I have to think that the reason it is empty is because this is not an important topic.

How sad!

Mr. Speaker, how sad, that not one OBA Member of Parliament—not even the Premier—is in the Chamber at this present time. It is sad, Mr. Speaker. But I will move on.

Mr. Speaker, I said that the Attorney General's comments I felt were unwarranted and certainly not sympathetic. And what I found also interesting from the Attorney General was that he himself admitted that he knows of cases of these allegations, Mr. Speaker. And I will come to that in a moment. The Honourable Attorney General also suggested that if any individuals feel that they have had land taken away from them illegally, unjustly or otherwise, they can go through the courts.

Mr. Speaker, therein lies the problem and it goes back tens, maybe hundreds of years. Therein lies the problem! The Honourable unsympathetic Attorney General, in my view, when he said *individuals*

can take their cases to court . . . this is why a lot of our people lost land. They did not have money to fight it.

Mr. Speaker, Pastor Leroy Bean lost a lease for White's Island just recently that was signed under a PLP Government. He felt he had a lease. But you know why he could not fight it in court? He does not have the money. That happened this year. That, Mr. Speaker, is an example, I think, of what has happened in the past. And I think we all know that. For the Honourable Attorney General to make that statement that if anyone has an issue, take it to court—what individuals are we talking about, Mr. Speaker? Not everybody has got a big fat treasure chest sitting in their bedroom. How much do we think, Mr. Speaker, Mr. John Darrell paid over the last . . . I do not know, how long did he fight that case—15, 20 years? I mean, I seem to even remember John Darrell arguing about fighting for that land when I was a teenager, Mr. Speaker. Maybe I was a little older, I do not know.

But Mr. Speaker, I say this, how much did he spend? Whether he was right or he was wrong, how much did he spend? He felt he had a case. So I say to the Honourable Members opposite who are now trickling in (that is good to see) I say to them, Mr. Speaker, that before you say, *Look, if you feel you have been unjustly treated or your property has been illegally stolen, take people to court*, let us not be so cold.

I have a suggestion for the OBA, Mr. Speaker. And my suggestion would be this, because the OBA promised a lot of jobs, and I know there are some lawyers that are struggling for work in this country, Mr. Speaker, and I have seen a few in the last couple of years that have been admitted to the Bar. And what I would suggest to the OBA, Mr. Speaker, is to maybe hire one of these young Bermudian lawyers to independently accept claims by any individual that feels they may have a case.

Now, you may say, *Well, how are we going to do that?* I would, again, humbly suggest to the OBA that they send a letter . . . and Mr. Speaker, this may be a little bold, but I suggest that the OBA send a letter to every household in Bermuda (it is a stamp and a letter), and suggest or ask anyone that may feel that they or their family have had land unjustly or illegally taken away from them to contact this independent lawyer that the OBA can hire and can be reimbursed by the UK. Because, as I understand it, there may be . . . and you know what? Even if we are not covered by the UK, if we are a caring Government and we take the words of Walton Brown—

The Speaker: It is the Honourable Member from constituency—

Hon. Zane J. S. De Silva: —[constituency] 15?

The Speaker: Constituency 17.

Hon. Zane J. S. De Silva: The Honourable Member from constituency 17, Mr. Brown, if we—

The Speaker: You do not need to say his name, the Honourable Member from constituency 17.

Hon. Zane J. S. De Silva: Thank you, thank you, Mr. Speaker, because it is hard enough remembering his constituency—

The Speaker: Yes.

Hon. Zane J. S. De Silva: And the last thing I want to do is call him Dr. Brown.

[Laughter]

Hon. Zane J. S. De Silva: Because I know him and his cousin, you know.

But no, Mr. Speaker, if we are really serious about trying to maybe assist some of those . . . and today too, because there are some members of the public (and I happen to know one or two personally) that have issues with land that has been taken away from them. They feel [it was done] illegally, unjustly, some funny paperwork has been shuffled around and land taken away. I would suggest—now that we have some OBA Members in the House—that they hire an independent Bermudian lawyer to look into any cases that may come about if the OBA were to decide to send a letter to every household in Bermuda because they are . . . you know, this in itself . . . I would like to thank the Honourable Member again, because this in itself may bring a few cases to light where people have been afraid to take their challenge forward.

I know of one individual in particular from the West End, too, by the way, who has been fighting for land that belonged to him and he felt it was taken away illegally, some paperwork shuffled, some signatures garnished, taken away from him illegally. And I know he has been struggling with it.

Mr. Speaker, I would just like to finish on that note because we can complain and we can make a lot of noise as Opposition, but the other side—the Government—always says, *Well why don't you come up with a solution or an idea?* Well, that is mine for the day, Mr. Speaker. Hire a Bermudian lawyer, send letters to every household in Bermuda—just a little one liner. Now they may get up and say, *You know, we'll be inundated.* Well, if they are inundated that means we have got some serious problems. But you know we should be willing to take on and pay a lawyer to look at these cases individually and chase them and let us see if we can have some resolution.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 12, Devonshire South Central, MP Craig Cannonier.

You have the floor.

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

I would like to first give the Honourable Member from constituency 17 kudos for looking for an opportunity to really right the ship as per some of the grievances of the past.

Let me go on to say, Mr. Speaker, that I want to specifically talk about St. David's. And I will declare my interest. My mother was the librarian for the Base Lands (that was her first job), and she went on through to retirement or until the base left Bermuda and the land was turned back over to the Bermuda Government, she was there. And I recall when the base was leaving, the Americans were leaving the property, there were many maps. The Americans did most of the maps of Bermuda. The original maps of what it was outlined like and what it looked like before we land filled for the airport. Most people in this Honourable House would know that that was water before and that it did not look as it does right now.

In fact, I know of a lot of the stories about rowing across from St. David's to Bailey's Bay, also rowing across over to St. George's and hearing many of the old jokes about my father and his cousin stealing bananas from over at St. George's and the police chasing them in a rowboat while they were rowing over to St. David's.

[Laughter]

Mr. L. Craig Cannonier: But I want to get back to what I discovered as a teenager because I spent most of my summers in the library with my mother.

I discovered that the Base Lands were going to burn many of the original maps. I, at this present time, have a map of St. David's with all the original owners of these particular lands, the lots actually drawn up. And I found it rather interesting as I was studying this map and the different landowners of these lands in the St. David's area. And if you talk to young people today, they would not know when they go over to Clearwater how the land was separated by water and land. It does not look anything like it looks right now.

But to say that there were many St. David's islanders who had to move . . . some of them were on beachfront properties actually. I will say that again—some of them were on beachfront properties. But they were moved to compensate and to help to establish the airport that we wanted to have.

I cannot go into all the legalities and the [injustices] of what exactly took place then, but what I can talk to is what happened when Government took over that land. And this was land that was originally owned by St. David's islanders. And what I believe to be one

of the most sentimental places on the Island, which is St. David's, which continues on to be a very closely knit community, they have in a lot of ways suffered from the result of decisions that might have been made by governments of the past. Which is why (and I will fast forward) the Lamb Foggo situation was such a big thing because St. David's islanders are very sentimental about the property and the land because consciously (and some of them in their subconscious) they recognise that some wrongs were done in the past.

What I thought would have been the right thing to do when we—the Government—possessed this land was to first, as a process, go through who the original owners of this land were and to offer it to the St. David's islanders as a process first. Now, they did not have to take it up. And I need to declare my interest. My uncle, one of the best bowlers to come out of St. David's outside of my father—you would know that—did buy one of the properties that was offered. It was one of the prefab places that they did up really nice and he did buy some of those properties. So, a few St. David's islanders took up the opportunity to acquire pieces of the land.

But what is concerning is the fact that as a Government back then, they did not look at the value of those St. David's islanders who were living at that time who were holding on to the [important] history that they had and the sentimental value that they still had to that property. So, as a process, I think that many times we make decisions but many times when we are making decisions we are forgetting the people that we are affecting. I am going to go back to St. David's.

St. David's is just now, when it comes to real estate value, beginning to acquire that value like the rest of the Island in many cases. But I came along right on through to adulthood. If you want a cheaper rent, if you want to buy a cheaper house, you head down to St. David's. And you think St. David's islanders are not thinking about that? And thinking about the history?

So that is why I am commending the Honourable Member from constituency 17 for at least attempting to look for a solution. Now, what that solution is I do not know. But what I do want to say is this, that as a process we must remember that we are making decisions about people. And along with people comes sentimental value. And that is why all that hoopla . . . you know, I am going to be frank with you. I think a lot of people thought that the Lamb Foggo thing was about the clinic closing down. It was not. It was about the fact that they felt that they had been done wrong in many, many cases of the past. It was not about the clinic.

We got into the politics of it all and got all hyped up, you know, it was the politics of it and it was about the clinic. It was not. It was about a sentimental value that was being lost.

So today, as we make our decisions going forward, I am asking this Honourable House to remember that we are dealing with people. And to remember the mind state that they might be in when we make these decisions and that . . . some of these things did not just happen in St. David's. I know they happened in other places as well. I cannot put back the milk that was spilled back in the early 1900s—I cannot. But what I can do in this Honourable House is speak about how we move forward with issues like this.

We can go back and forth as to who was done wrong and who was not done wrong and the injustices (as we perceive it to be) of the past and some . . . I will admit there were some injustices of the past. But what we have got to do now is figure out how we work going forward. And I am not talking about a clean slate. I am talking about recognising the past so that we can chart a proper course for the future. And that is why I say as a procedure what probably should have happened for St. David's—and I only speaking there because I come from there, born and raised there—is that we should have offered as a priority those lands back to the St. David's islanders who were moved off of . . . and I go back to beachfront property because a lot of people do not know that when you are on Clearwater Beach and you look across at St. Annie's Bay there is a beach over there too. There are houses along there.

So, as a Government, it is important that we now move forward. I do not know if the answer is going to the Governor. I do not know if the answer lies within this Honourable House. But what I do know is that the right thing that should have been done when the land came back to Government was to remember it is about people and those original owners and those families of St. David's should have been given priority. Now, if they do not take it up then they do not take it up. That is fine. People move on. And that would be a clear indication as to whether or not people have moved on and you would know. You would know.

So as we move forward with this here, this whole situation gets pretty sticky because it involves not just Government, it involves banks, it involves people. I mean, we have situations where people were loaned money and so when they loaned it back years ago, they gave up their deeds and then people came back and said, *Well, look, you haven't paid off the rest* . . . I know of a situation it was few hundred dollars they had not paid off and the person did not give the opportunity to the original family to pay it off, they just kept the deeds. And so we really need to look at this situation and ensure that we are doing the right thing going forward.

Again, I go back to the fact that a place like St. David's who the country—the whole Island, I believe—looks at with great esteem because it has held onto that sentimental value, it has held onto those old

stories, and you can still go down there today and get a feeling of that old flavour that was so good.

One other thing I also know (when I was looking on this map that I currently do have) is that many of those families were fishing families and they were living on the waterside. So they were able to get up first thing in the morning and hit the water and make their living. They were moved inland. They were moved inland. So if anyone thinks that that property where they were before is equivalent to the inland property that they are now on, they are fooling themselves.

The other thing is that, and I have mentioned it in this House many times before (one time in particular before), is that we in Bermuda have benefitted from real estate, the value of real estate. It has allowed many of us to be able to school our kids. When our kids come back and they begin working for themselves and they want to buy another property, it has allowed them the opportunity to use that home to purchase another home.

Now, if you start thinking about what I have just been saying and you start putting a priority to . . . if we give back to many of those the opportunity to buy that land back, we are beginning to restore some opportunities that quite frankly some families today would have missed out on because the value of the land that they are in now is nowhere near what their ancestors were in before. And those are some of the things that I think that as human beings and as fellow brothers in this Island that we need to hone in on. We now need to look at how do we come up with a solution to many of these issues.

So, with that in mind, Mr. Speaker, I will basically close out by saying that our opportunity lies in today. I give kudos to the Member for trying to bring this forward. Again, I do not know whether or not the answer lies with the Governor. I am still not quite sure that that is the answer. We need to deliberate a little more about what is the answer going forward to this dilemma that has been brought forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member from constituency 12.

The Chair will now recognise the Honourable Member from constituency 13, Devonshire North Central, MP Glenn Blakeney.

You have the floor.

Mr. Glenn A. Blakeney: Thank you very much, Mr. Speaker, good afternoon.

The Speaker: Good afternoon to you.

Mr. Glenn A. Blakeney: I think I would like to start off commending the Member from constituency 17, the Honourable Walton Brown, for bringing this motion that is never too late to talk about or consider.

I would then like to commend both Members from the area of St. David's, if not by way of being elected Members from there, from having grown up—being born and bred—there. The last Member who just took his seat from constituency 12, the former Premier, I believe it is the first time that he has taken to his feet since not being Premier. I think he made some very salient points on this particular issue from a firsthand perspective as did, I believe, the Member from constituency 4. So it is going to be interesting to see where their hearts lay and if it is juxtaposed with their minds because this is a motion that will be voted on. Hopefully you will not be under the three-line whip and can vote your conscience based on your experience and be real about what it is that you feel in representing the issue.

The issue is an issue that is similar to issues that wars are fought over—land. Right now in the Middle East there is fighting that has been going on since time immemorial. We have in the United States, our closest neighbour, the Native American Indians who enjoyed some form of reparation as a result of being given the opportunity to operate casinos as a way of reciprocating for the wrongs that needed to be fixed.

In this particular situation it is widely known. In some ways by fact, for those that would have evidence, that may be denied but cannot be disacknowledged, and in other cases anecdotal. But it brings to front and centre a very valid concern of those that were disenfranchised by way of a mandatory piece of legislation that enabled people to compulsorily purchase land.

And I think now, as a result of the land being returned to the Government, it is a worthy consideration to favourably consider this particular motion because it is not really asking for anything except to review, identify, and facilitate those that would have been hard done by, who can bring forth a worthy argument to their claim, or the claim that their ancestors would have had had they still been surviving. And since time has elapsed, it does not mean that the principle of doing the right thing should elapse with it. I think this is what this motion is all about. So again, I do commend the Honourable Member Walton Brown—

The Speaker: The Honourable Member from constituency 17.

Mr. Glenn A. Blakeney: —from constituency 17. And I would agree with the Member who just took his seat that there is something that definitely needs to be done. And I think the first start should be the Government aligning itself in a bipartisan way in accepting this motion, and at least considering it on merit for what it is worth, in addressing a very real situation which has yet to be fixed.

Even if it is just an overview and a report comes back stating the wherefores, ifs, buts, whys, so that everyone is clear in their minds on how the country stands on what could have happened that was at the time seen to be appropriate by those who ruled the country but totally inappropriate by those who fell victim to the decision of the compulsory sale or purchase. There is nothing wrong with that. There is nothing at all wrong with that. I think that if we are truly representing the people, being up here as elected Members, we should be taking the concerns of those people to heart and we should be addressing those concerns—even if it is just one person in the community—if they have any validity.

I do believe there is validity to the concerns that have been raised that this motion seeks to address. So I would implore the Government to put aside their partisanship, look squarely at the principle of what is being sought to be achieved by dealing with this particular concern and situation, and join us—the Opposition. Let us put together a committee and let us have a report on what that independent body feels would be an appropriate process to address a very serious concern that has been going on for many, many, many years.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair now recognises the Honourable Minister of Finance, the Deputy Premier, from constituency 11.

Deputy Premier Richards, you have the floor.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I would like to move an amendment to this motion please.

The Speaker: Yes, you may.

PROPOSED GOVERNMENT AMENDMENT TO MOTION

[Commission of Inquiry into loss and dispossession of property and recommendations for victims of wrongful action]

Hon. E. T. (Bob) Richards: I move that the motion be amended as follows:

“That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims and explore solutions to these injustices, inclusive of a ‘commission of inquiry.’”

The Speaker: All right. Thank you, Honourable Member.

We have an amendment to the motion—

Mr. Walton Brown: Sorry, can I speak to this?

The Speaker: Just one second, Honourable Member, one second . . . one second.

The amendment says, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims and explore solutions to these injustices, inclusive of a 'commission of inquiry.'"

We have an amendment on the floor from the Honourable Member from constituency 11, the Deputy Premier, which means that we should, indeed, since the amendment has been placed, then the amendment is put to the floor of the House.

Yes, yes.

Mr. Walton Brown: Mr. Speaker, Mr. Speaker.

The Speaker: Honourable Member, take your seat for one second please.

Yes?

Mr. Walton Brown: With respect, Mr. Speaker, that motion—that amendment—cannot be allowed under Standing Orders.

The Speaker: It can be allowed . . . a person—

Mr. Walton Brown: Can I speak to this amendment?

The Speaker: Yes, you can.

Mr. Walton Brown: Because Standing Orders say that no amendment to any motion can be so substantive in its content that it fundamentally changes the intent of the original motion. This amendment takes it from an actionable decision to a talking shop. And so on Standing Orders alone, Mr. Speaker, this cannot be allowed.

The Speaker: Now, Honourable Member . . . Honourable Member, I have to say that this is an amendment that I can accept even within the rules of the—

Mr. Walton Brown: It is not within the rules, Mr. Speaker.

The Speaker: —rules of the House.

Mr. Walton Brown: Mr. Speaker, it is not within the rules.

The Speaker: In my view, Honourable Member, in my view—

Mr. Walton Brown: Mr. Speaker, the amendment will bring this House into disrepute to accept that amendment. It is in contravention of the Standing Orders.

And if you allow that, Mr. Speaker, you are complicit in bringing this House into disrepute.

The Speaker: Honourable Member, wait, wait . . . Honourable Member—
[Inaudible interjections]

The Speaker: Honourable Member, I think that is not a very good statement for you to make.

Mr. Walton Brown: Mr. Speaker, the rules—

The Speaker: Honourable Member, if you will take your seat for a second please while I just . . . take your seat for a second.

[Pause]

The Speaker: Honourable Members, if you will just sit and wait.

[Pause]

The Speaker: All right. Thank you. Thank you Honourable Members. And Honourable Members, as I see it, the amendment is in order and we can vote on it.

I will allow you to speak one time, Honourable Member.

Mr. Walton Brown: Mr. Speaker, I am going on record, the amendment cannot be allowed. It is a violation of Standing Orders. And if we are going to start violating Standing Orders, we might as well just go home.

The Speaker: Honourable Member—

Mr. Walton Brown: We might as well go home, Mr. Speaker.

The Speaker: Honourable Member, I have made a decision—

Mr. Walton Brown: But the decision is wrong.

The Speaker: Honourable Member!

Mr. Walton Brown: Mr. Speaker, it is an incorrect decision.

The Speaker: Honourable Member, if it is an incorrect decision, then it is an incorrect decision. I have made a decision, Honourable Member—

Mr. Walton Brown: But we are making a mockery of the House.

The Speaker: And I have made a decision based . . . If you will please take your seat.

I have made a decision based on the Standing Orders in that I believe that this is not contrary to the Standing Orders.

Mr. Walton Brown: Can you cite the Standing Order?

The Speaker: Standing Order . . . I am looking at the Standing Orders in terms of amendments, I am looking at it terms of Standing Orders. It does not contravene the Standing Orders.

[Inaudible interjection]

The Speaker: Under Amendments. Under Amendments, Honourable Members, there should be . . . I recognise the Honourable Member Mr. Richards.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, even though the Honourable Member who just protested is not happy, I would like to first of all say that we are most appreciative that he brought this motion—

Mr. Walton Brown: Do not patronise me.

Hon. E. T. (Bob) Richards: —a motion that has now been put to amendment because it is more than just an urban legend in Bermuda about people losing their homes to unscrupulous real estate people, unscrupulous bankers, unscrupulous lawyers. This is not just a myth, Mr. Speaker.

I will give you an example. When I ran for the House of Assembly unsuccessfully in 2003, I ran in [constituency] 24, Warwick South East. And I was canvassing a family on Cobb's Hill Road and the people who came to the door I had never seen before in my life. And they asked me who I was; I told them. The lady of the house told me, *Mr. Richards your father helped me save this property*. So I said, *What do you mean?* She said, *We woke up one day and a real estate agent had a—*

Hon. Marc A. R. Bean: Point of order, Mr. Speaker.

The Speaker: Yes, what is the point of order, Honourable Member?

POINT OF ORDER

[Standing Order 24(7)]

Hon. Marc A. R. Bean: Mr. Speaker, according to the Standing Order 24—

The Speaker: Yes.

Hon. Marc A. R. Bean: —subsection (7), “An amendment must not substantially be a direct negative of the original”—

The Speaker: I don't—

Hon. Marc A. R. Bean: —“proposition . . .”

The Speaker: It is not a direct negative, Honourable Member.

Hon. Marc A. R. Bean: It is a direct negative, Mr. Speaker, in that it goes completely contrary to the spirit of the intended motion.

The Speaker: Honourable Member, I appreciate your position on it and what you feel. I have looked at it, and that is why I said I looked at the amendment and I feel that it is not contrary. I do not see it as a direct negative to the agreement.

Thank you.

[Inaudible interjections]

Mr. Walton Brown: Point of clarification.

The Speaker: Yes, of course.

POINT OF CLARIFICATION

Mr. Walton Brown: So the amendment has been tabled. It has not been seconded. At what point are we meant to vote on this bizarre amendment?

The Speaker: We have to . . . first of all, when someone makes an amendment, then we vote on the amendment first, whether the amendment is approved, and if the amendment is approved, we continue the debate on the amendment.

Mr. Walton Brown: Right.

The Speaker: All right. You will speak to the—

Mr. Walton Brown: He is speaking to the amendment.

The Speaker: Yes. And you will speak to the—

Mr. Walton Brown: Despite the sham that it is.

The Speaker: Honourable Member! Thank you.

Mr. Walton Brown: Mr. Speaker, you know—

The Speaker: Thank you, Honourable Member. Please, thank you.

Thank you, Honourable Member.

Thank you.

Yes, carry on.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

As I was saying, I knocked on this door. The lady of the house came to the door, and when she

found out who I was she told me that my father had saved her property. I asked her how. She told me that a real estate agent, who I will not name but everybody knows this real estate agent (he has passed on now), all of a sudden redrew the map of their property on his own and claimed that the people who lived there and who owned this property for many, many years did not own the property anymore. And they, in fact, hired my father as a lawyer to fight this in court, which he did successfully, and the people were able to retain their property.

So I know this not from a sort of dining room story told by my father, of which there were many, but I actually got this story told to me by a constituent that this happened to.

Hon. Marc A. R. Bean: Point of information, Mr. Speaker, if the—

The Speaker: Yes, would you allow, Honourable Member?

Thank you.

POINT OF INFORMATION

Hon. Marc A. R. Bean: Is the Deputy Premier—the Honourable Member—speaking on the amendment to the motion or to the substantive motion?

The Speaker: I think he should be speaking on the amendment.

Hon. Marc A. R. Bean: Because he should be speaking as to why, giving the rationale as to why they are trying to amend the substantive motion.

The Speaker: Okay. Right. Thank you.

Hon. E. T. (Bob) Richards: I am speaking to why . . . I am speaking to my amendment, Mr. Speaker, which includes the first part of the Member's original motion. That is what I am speaking to.

The Speaker: And I think, Honourable Member, what we should do now is actually vote on the amendment and then—

Hon. E. T. (Bob) Richards: Okay, fine. But let me make some statement on that first, particularly to let the people understand why this amendment has come forward. Okay?

In the original motion, on the last line . . . in the penultimate line it says, "and make recommendations for any victims of wrongful action to receive compensation and justice."

Mr. Speaker, compensation means "money." And my experience and my observation is that there has been some mention by yourself and other Honourable Members that the UK Government might ac-

tually decide to pay some money for these things. My observation and my strongly held view is that the probability of that happening is so close to zero it may as well be zero.

Now—

An Hon. Member: How can you say that?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The interpolation was "How can I say that?" Because the UK Government does not pay for anything in Bermuda. That is how I know.

The representatives from the United Kingdom in this country are paid for by the people of Bermuda. All of their operations are paid for by the people of Bermuda. Do you think that they are going to pay for this?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The probability is close to zero.

So, Mr. Speaker, my view and the view of the Government, is that any matter that will be or potentially will be a call on the treasury of this Government has to be a matter that comes from the Government. It has to be a matter that is decided by the Cabinet. So that is the reason for the amendment to this motion.

The Speaker: All right. Well, thank you. Thank you, thank you very much, Honourable Member.

So we have the amendment and the amendment as it reads. And all of those in favour of the amendment—

Mr. E. David Burt: Point of order, Mr. Speaker.

The Speaker: Yes?

POINT OF ORDER

Mr. E. David Burt: Point of order. We have to debate the amendment, Mr. Speaker.

The Speaker: Sorry?

Mr. E. David Burt: We have to debate the amendment.

The Speaker: We have to first of all decide whether the amendment is approved, and then—

Mr. E. David Burt: No, we have to debate before—

The Speaker: —and then—

Mr. E. David Burt: Mr. Speaker, point of order.

We must debate before we vote on the amendment. Members have the opportunity to speak to the amendment that has been tabled.

The Speaker: Yes, absolutely. But we have to first of all agree that the . . . the House has to agree that the amendment will be discussed.

Mr. E. David Burt: It will be discussed—

The Speaker: Yes.

Mr. E. David Burt: —we are not voting on the amendment?

The Speaker: No, no. We are voting on . . . yes, we are voting on the fact that the amendment came too.

[Inaudible interjections]

The Speaker: The Honourable Member has made an—Honourable Members, please be quiet. The Honourable Member has made an amendment. When an amendment comes—

[Inaudible interjection]

The Speaker: What happened is he has proposed an amendment and so we have to . . . the House has to agree that the amendment is approved to be able to be discussed on. All right?

Mr. E. David Burt: Point of order.

The Speaker: Yes, that is correct Honourable Member.

Mr. E. David Burt: Mr. Speaker, I am not saying that you are incorrect; I do not understand what you are saying.

The Speaker: Oh!

Mr. E. David Burt: Because my understanding is that an amendment is put forward, we discuss the amendment, debate the amendment, and then vote whether to approve or disapprove the amendment. You are saying that—

The Speaker: Yes, we do.

Mr. E. David Burt: What are we voting on right now then?

The Speaker: What we will do, Honourable Member . . . let me just say it. The amendment comes, we hear the amendment. First of all, we approve whether we go ahead with the amendment. All right? So in other words, we vote on discussing the amendment and

then at the end of it, all right, right at the end, then we will vote on whether it is accepted or not.

We are voting, first of all, to decide that we will discuss the amendment.

Mr. Walton Brown: Mr. Speaker, my understanding of the rules, and obviously I would be guided by you, but I thought you proposed an amendment, it has to be seconded—

The Speaker: Yes. And then we speak on it. We will speak on it—

Mr. Walton Brown: And then we speak on it and have one vote whether to accept it or not.

The Speaker: Whether to accept it or not.

Mr. Walton Brown: We do not vote twice.

The Speaker: Right.

So I am going to, Honourable Member Richards you have the floor now to discuss the amendment.

Hon. E. T. (Bob) Richards: Thank you very much, Mr. Speaker.

I will not prolong this matter. I think I have made the point clear insofar as any monetary outcome of this matter. And I just reiterate that any monetary outcome from this matter . . . the probability, the likelihood of it coming to be a call on the public purse, in my view, is over 99 per cent—over 99 per cent. Her Majesty's Government has not paid for anything to do with Bermuda since the end of World War II. So all of a sudden for somebody to think that somehow this is going to be different, they are in some sort of alternate universe.

Such matters have to be discussed by Members of the Government, specifically the Cabinet of Bermuda, and then by the governing party in general. So until that happens . . . and that is the normal way that anything to do with money comes forward. And that is the reason why we have made this amendment insofar as, quite frankly, what I think is the real substance—even though the Honourable Member who brought it forward now wants to complain. The real substance we are very, very sympathetic with, and everybody on this side has spoken such.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: Everybody has spoken . . . people who have spoken have spoken with great sympathy and empathy with what I feel is the real substance of this motion—to recognise that these things have taken place in the past.

As my honourable colleague the Attorney General talked about, some of it has to do with military activities. But I think the Honourable Member who

brought the original motion was more specifically talking about the nefarious activities by members of the Bermudian community as opposed to the UK or the US or Canada. We are not talking about those guys. You know, people lost property in Bermuda because we had to fight a war. All right? I think that is well understood. But it is the other activities—the activities for personal gain by unscrupulous operators—that I think the Honourable Member was getting at and got it well when he made his presentation. All right? I think that we support that over here.

We support that over here, but we are not going to go to the extent where we are going to commit or potentially commit the public purse, because there is a process for that and we cannot sort of hide behind the possibility that Her Majesty's Government is somehow going to pink up with some money. We know that is not true; it is just not going to happen. It is not going to happen.

So without going into that any further, as I said, the anecdote that I gave is a personal experience which happened to me which, to me, was proof that I know that many of these things happened. Unfortunately, there are a lot of these things that happened. The people who perpetrated them are probably all dead and a lot of the people to whom it happened directly may all be dead too.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: But notwithstanding that it does not . . . it does not . . . you know, it does not negate the issue. And that is what we feel over on this side.

So we have great sympathy with the main thrust of the motion, we just cannot, or potentially, commit the treasury.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

And the Chair will recognise the Honourable Member from constituency 17 who will be able to respond to the amendment.

Mr. Walton Brown: To the amendment.

Mr. Speaker, a few weeks ago this House approved a recommendation from the Select Committee on Elections. One of those recommendations was to establish an Electoral Commission—a clear financial implications, accepted by all sides.

If the Government wishes to express sympathy to those who have been victims of nefarious acts, then they should know that the victims and their descendants are looking for a lot more than just sympathy. They are looking for justice.

Mr. Speaker—

[Inaudible interjections]

The Speaker: Honourable Members, I am going to remind Members . . . and the debate has been going very well today. And while we may have differences and I appreciate that . . . I appreciate that particularly on issues like this, but, Honourable Members, I am going to ask Members to please refrain from interrupting what is going on.

Yes, carry on.

Mr. Walton Brown: Mr. Speaker, the interjection was, *Why didn't the PLP do the job in its 14 years of tenure?*

An Hon. Member: Who said that?

Mr. Walton Brown: Mr. Speaker, that comment has been thrown about for the last 14 months or longer. At some point it has to stop. At some point the Government actually has to take responsibility to lead and act on issues. And so if all we are going to hear is the response of, *Why didn't you do it?* Then—

The Speaker: Just a minute.

Honourable Member, take your seat a minute while we settle down . . . while we settle down and start thinking about what it is that we are doing.

And, please, I am asking Members to keep focused.

Mr. Walton Brown: And so if that is all we are going to hear in terms of a substantive contribution to an historic debate, then I have some seven and eight year olds the Members can go and play with because those are childish tactics. And I would expect Ministers of Government to be a lot more responsible in how they articulate their views on such issues.

Mr. Speaker, the Honourable Deputy Premier dismissed the notion that the United Kingdom Government could be persuaded to accept some responsibility on an issue that they have some culpability in. You know, it is unfortunate that there are some of us in this Chamber who look at things as they are and expect they will always be. The challenge of leadership is to look at existing circumstances and say, *Let's try and work things a different way.*

This is an issue of fundamental importance that transcends many years on this Island. So why not consider approaching the Governor to approach his boss to act responsibly? The United Kingdom Government has been free with its money all around the overseas territories as it expands its control, taking over countries, setting up this or that organisation. You know, the British Government were silent during every single major period of challenge to the status quo in this country. At the very minimum, I am hoping the Government will say perhaps we can persuade the UK Government to act responsibly now because they have been acting irresponsibly. Put up some

money. They gave away the land to the Americans as a gift. Everybody else got some compensation or the UK got destroyers from the United States.

[Inaudible interjection]

Mr. Walton Brown: Juvenile behaviour.

The UK Government got destroyers to wage war in World War II. The Bermuda land was given away as a gift, as a gesture of friendship. Surely the UK Government can be held responsible to undertake the cost of this if need be . . . if need be, Mr. Speaker.

But the Government should recognise because the Members already say they recognise there has been a long historic injustice. So why would the Government not consider underwriting this? Maybe give one less tax concession to a hotel and use some of that money to fund this quest for justice.

Mr. Speaker, this is not necessarily a financial undertaking for this Government because this motion is calling on the Government, on Parliament as Government in its totality, to call for the Governor to establish such a commission. It is the Governor's responsibility. He does not answer to you. The Governor has statutory power under the Commission of Inquiry Act 1935. Let that issue be settled after we take a position here. If you are so empathetic and sympathetic, support the motion in the full extent of it. Do not water it down to a take note motion.

[Inaudible interjection]

Mr. Walton Brown: It is not already a take note motion. Read the motion carefully, Honourable Member. It is to call for the Governor to establish a commission of inquiry.

[Inaudible interjection]

Mr. Walton Brown: A take note motion . . . I do not want to just come here and run my mouth about issues. We have an obligation to act. Let us try to act. Everybody can get up and talk for 30 minutes, but let us do something. Let us try to move forward to address those historic imbalances and injustices.

So, Mr. Speaker, I stand by my position, my interpretation, that this is a fundamental violation of Standing Orders. People can suck their teeth like little children all they want to, Mr. Speaker—

The Speaker: That is all right, Honourable Member, you have a right to your opinion.

Mr. Walton Brown: But you cannot amend a motion to such an extent that you eliminate its primary purpose. It is inappropriate. Erskine May will be shaken permanently in his grave if he hears such a thing brought before this House today, Mr. Speaker.

So, Mr. Speaker, I encourage you to reflect once again. But if . . . if your ruling is going to stand as you say it will stand, I expect one thing to take place before any vote. First of all, I expect people to vote on conscience, probably a bad expectation, but that is what I expect. Secondly, part of my delivery identified one entity by name that, based on the law, is in violation of the law because that entity—the Mid Ocean Club—did not have its sales of property approved by Parliament.

[Inaudible interjections]

Mr. Walton Brown: It is very clear. And because of that, Mr. Speaker, because it names the Mid Ocean Club—and I identified it in my presentation—I would expect that every Member of this House who is also a member of Mid Ocean Club would recuse themselves from any vote on this matter.

[Inaudible interjections]

Mr. Walton Brown: And I invite every Member now to declare their interest in the Mid Ocean Club because you have no authority to vote on this matter.

[Desk thumping]

Mr. Walton Brown: They have no authority to vote, Mr. Speaker. So if they do not do the honourable thing and express their conflict and recuse themselves, I would encourage the Speaker to ensure that appropriate parliamentary practice is in place.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Sandys North, the Learned Member, MP Scott.

Hon. Michael J. Scott: Mr. Speaker, I would like to stand very briefly and support the objection taken to the motion proposed by the Minister of Finance.

When I first read the Honourable Member from Devonshire's motion, it seemed . . . it seemed reasonable. But having heard the Honourable Member from [constituency] 17, his last analysis was very clear. It does substantially change the import or outcome and intent of his motion, which, Mr. Speaker, it ended on the Order Paper because your noble self approved it to be up there. And then when there was early objection from the Learned Attorney General this morning, you sustained your approval and position in this matter that the motion did not in its expressed words implicate the Consolidated Fund. And I think it is somewhat didactic of the Minister of Finance to declare to all and sundry and everyone in this House that your views on this matter count for nothing.

My friend from constituency 17 is right. It is a motion that is making and urging His Excellency to operate under the powers of the 1945 —

[Inaudible interjection]

Hon. Michael J. Scott: —the 1935 Act. All of these things seem quite reasonable.

And here is another weakness in the Honourable Member's (from Devonshire [constituency 11]) amendment. Giving the argument that it may impact the Consolidated Fund . . . this really is a very technical objection that is raised by the Minister of Finance. And it is highly technical.

I do not know how much commissions of inquiry cost, but given it was in the mouth of the Minister of Finance and Members of the Government who have thus far spoken to support the spirit and intentment of this motion, it is highly technical and irregular to say because there is an argument to be made that a cost of a commission of inquiry may—*may*—be at the cheque being written by the Government that we are therefore going to destroy the substance of this amendment does not seem right or fair. And it is also contrary to the fact that Members on the Government side are speaking and support the spirit and intentment of this motion and its content.

So I rise in support of the Member for constituency 17.

The Speaker: All right. Thank you.

The Chair now recognises the Honourable Member from constituency 18, Pembroke West Central, MP David Burt.

You have the floor.

Mr. E. David Burt: Thank you very much, Mr. Speaker.

Mr. Speaker, we are right now debating this amendment that the Honourable Deputy Premier has put forward and his amendment reads as follows (to substitute the existing wording of the motion that we are discussing and to insert the following language): "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims"—which is the exact same as the beginning of our motion, of the Opposition's motion, brought by the Honourable Member from constituency 17.

However, it then goes on to say, as opposed to *AND THEREFORE be it resolved*, as our motion says, it then goes on to say "and explore solutions to these injustices, inclusive of a commission of inquiry."

Now, Mr. Speaker, this is, as the Honourable Member from constituency 17 said, nothing but to water down the motion to make it a talking shop. But here is the question that I would ask, Mr. Speaker: Who are we asking to explore solutions to these injus-

tices inclusive of a commission of inquiry? Is that just today? Are we setting up a committee to do this? Is the Cabinet expected to do that? Who is going to do that? It has to . . . we cannot have a motion that is actually going to have some action on this point if we are not going to resolve that a certain action takes place.

So all the Government right is doing now . . . because the Honourable Deputy Premier who got up and gave this motion said that what we are speaking about in this motion is not urban legend. So he is, in fact, admitting that there are individuals and citizens in this country who have lost their property through theft, dispossession and adverse possession. So what does the Government intend to do?

On this side we have brought forth a motion to set up a commission of inquiry and to call on the Governor to set up a commission of inquiry. What does the Government intend? If the Honourable Deputy Premier who brought forward this motion in the first place—sorry—who brought forward this *amendment* in the first place does not support a commission of inquiry, such as he said, then why is a commission of inquiry in this amendment? Is it just to give the illusion that the Government may want to support the commission of inquiry so that we can get away from this?

Mr. Speaker, we have heard Members from the other side get up and speak about how they have been affected and people they know have been affected by the situation. It is something that, yes, could have been brought before, but is being brought today.

What we must ask is: Why would the Government attempt to stop a commission of inquiry into looking at these actions, Mr. Speaker? Because there can be no other explanation than that they do not want the commission of inquiry to happen. And if they do not want the commission of inquiry to happen, Mr. Speaker, then why on earth would they insert it into this language? You know, just a take note . . . just a little thing to throw over the side, just a little bait here. Take this and go with it.

No, Mr. Speaker, that is not the way that it should work. It must be that we resolve to do something in this House about this issue. Voting for this amendment that has been placed forward basically says to those persons who may have been dispossessed, for those persons who may have been affected by this problem, *We do not care about you. We hear what you are saying, but we are not going to do anything about it. That is the past. We do not have the power to examine the issue.*

The fact is, Mr. Speaker, if we are going to have the Honourable Deputy Premier say this is not urban legend then, clearly, it is something that deserves to be looked at. I have heard stories, Mr. Speaker, and to me it is urban legend. But for the Deputy Premier to say it is not means that there is substance behind these claims. To hear the Honourable Member who gave the original presentation

means there is actual substance behind this claim. If there are unlawful property transactions that took place then surely, surely it is the duty of us in this House to do our best to make sure that we investigate the matter fully.

So I would urge the Members on that side . . . I would first urge the Honourable Deputy Premier to withdraw his motion and to go forward with the commission of inquiry so that we can actually see what has happened and the country can know the truth—so we do not have to hear about urban legends, so we do not have to hear about stories, so we can move forward from this chapter and see exactly what may come of it, Mr. Speaker. And I think that is the most important thing that we can do, because as we had the Truth and Reconciliation Commission in other countries, Mr. Speaker, if you want to find out what the problem was you have to have the courage to look into it. And it may be uncomfortable, it may not make everyone happy, people may not like the results; but if it is what is right and what is just then it is what our responsibility is to do in here, in Parliament.

This amendment, Mr. Speaker, is to tell those persons who may have been affected that we are not going to do anything about it—*We hear you but we do not care*. And I think that we must turn down this amendment, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Southampton East, MP Zane De Silva.

You have the floor.

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

Mr. Speaker, I, like my colleagues on this side, agree that this amendment should be withdrawn.

Mr. Speaker, outside of the Standing Orders and the decision you have made, we have heard from the Learned and Honourable Attorney General on that side say earlier that he knows of many cases of allegations. The Attorney General said that. The Honourable Member from St. George's, [constituency] 4—

The Speaker: Constituency 4.

Hon. Zane J. S. De Silva: From constituency 4, constituency 12 . . . constituency 4?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Well, [constituency] 12 said it too, [constituencies] 12 and 4, because they both had similar stories about the East End.

Mr. Speaker, my point is this . . . and I think it was very articulately outlined by Honourable Member from [constituency] 15, the Honourable Member Burt—

[Inaudible interjections]

Hon. Zane J. S. De Silva: [Constituency] 17 . . . 18?

[Inaudible interjections]

Hon. Zane J. S. De Silva: But, Mr. Speaker, I am sure everybody heard the Honourable Member Burt speak. And as we have said on this side, Mr. Speaker, I am sorry, I am very sorry, for us to have spent several hours debating and listening to Members on this side and to Members of the Government state their support, their sympathetic support for those that may have been unjustly . . . had land taken away from them. And if you read the words of the Honourable MP Brown's motion, Mr. Speaker, why . . . why the change? Why the water down?

This, Mr. Speaker, reminds me of just a couple of weeks ago when we asked the OBA Government to put the PRC immigration loophole on hold—on hold for the people of this country. And they turned that down. It seems to me when it comes to the people of this country, Mr. Speaker, the OBA . . . they cannot find their way. We see unsympathetic legislation and suggestions from the OBA week after week. You can do things . . . we can disagree on some things, Mr. Speaker, but it seems there is a very bad pattern developing . . . a very bad pattern when it concerns the people of this country.

We are not saying, *Look, go to the Consolidated Fund, pull out \$30 million and start distributing it around the countryside*. We are saying for us to take action as outlined by this motion by our colleague on this side.

Mr. Speaker, I strongly disagree with this amendment to this motion and I hope . . . I hope the Honourable Deputy Premier . . . I would like to see the Premier ask his Deputy to withdraw this motion on behalf of the people of this country.

The Speaker: All right. Thank you.

The Chair will recognise the Honourable Member from Devonshire North Central, MP Glenn Blakeney, constituency 13.

You have the floor.

Mr. Glenn A. Blakeney: Thank you, Mr. Speaker.

You know, from the Government, oftentimes on the real tough, tough situations we get sympathetic, empathetic words and unsympathetic action—or no action.

Now this is something that is really not contentious when you look at the principle of what is intended. There need be no amendment at all. We need to give the Governor something to do other than ceremonial pomp and circumstance.

The other thing which really, really gets under my skin, is that on these tough situations the brave and the courageous in the Government are far and

few between. They sit on their backbenches [and] on their frontbenches. They nominate one person to speak to a tough issue and they stay silent and are conspicuously absent in this House by their silence. Who are they representing?

Are you speaking to your people who expect you to weigh in on the tough decisions in the interests of the greater good of the entire country? Or are you like sheep, as often as you would call us the Kool Aid drinkers? Where are you? Where are you Government—proper—of Bermuda? Outside of a lead Minister who would stand up and articulate a collective point of view, where is your individual conscience on the important top issues?

I look at the Honourable Member from constituency . . . the Honourable Member Atherden—she is a lady of integrity—of constituency 19. I would love—

The Speaker: The Minister, the Minister of Health.

Mr. Glenn A. Blakeney: I would love to hear from that Honourable Member on these kinds of issues because she brings measure, she brings balance, and she brings conviction most times to her arguments. I may not agree all the time. The Honourable Minister on the front bench from constituency—

The Speaker: Just the Minister, when you talk to a Minister you just—

Mr. Glenn A. Blakeney: —the Minister, Minister Pamplin—

The Speaker: Minister of Public Works.

Mr. Glenn A. Blakeney: She gets it wrong a lot of times, but she is woman enough to own up and apologise and whatever. But for the most part when she comes with an argument that she really stands on principle by, she really articulates and advocates to a strong degree. I just want to hear.

The Backbencher—we do not hear from him very often, but at times he makes a valuable contribution—the Honourable Member from, I believe, Warwick—

[Inaudible interjection]

Mr. Glenn A. Blakeney: Yes, constituency 28. Let me hear from you. You feel the people. You are kind of a people person.

The Honourable Premier (and I will end on that I am not going to go with everyone)—the current Premier—is a substantial (from my understanding) property owner. He must have feeling in his conscience how he would feel if he were to be victimised like those who claim that they have had their holdings stolen. Well, even if it was hypothetical and he articu-

lated from the perspective of someone feeling like that how he would feel in having it addressed by a responsible, collective body of 36 people saying, *Yes, Governor—your Excellency—do your job. Appoint a committee of inquiry and let us all hear objectively how this thing should be approached and what processes should be considered and the potential resolutions that could be considered.* And then come back to this Honourable House to pass through a democratic legislative process for the people and the goodwill and the good conscience of the entire country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Pembroke East, MP Roban, from constituency 15.

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

I spoke to the substantive amendment, so my comment is on record. But there is something that I find quite interesting here. It does seem as if this Government seems to be hell-bent on riding the road that puts them on the wrong side of history on a number of different things.

I am not going to get into the other things that they have already (over a number of months) proven that they are definitely on the wrong side of history on. But this seems to be another opportunity they are taking to drive their car off the cliff of irrelevancy and to put themselves in a position where they are not on the side of the aspirations, the feelings, and the hopes of the people of Bermuda.

Now, I look at this amendment, Mr. Speaker, and to me it irreparably changes the content and quality of the original amendment. It not only does that, but it does retain certain qualities of the original amendment. But I have not heard the Honourable Member who tabled the amendment make clear as to what other mechanisms they will aspire to put in place . . . perhaps not taking on the qualities of a commission of inquiry, which they argued makes an implication on the Treasury. And the original amendment presumes to make an implication on the Treasury, but they still have the commission of inquiry here which can only be, as I understand, convened under the 1935 Act.

So if their fears exist with the commission of inquiry, why have they retained it in here? But they have not, in their own arguments, put forth alternatives that might still bring about the process of which the original amendment intends or aspires to do. This does not . . . and certainly the utterances of the Honourable Member of constituency 11 said nothing to that effect.

The Honourable Member talked about being sympathetic and even giving credence to what had transpired in the community around these issues. He gave credibility to it. And he gave credibility to the motion that has been brought here that has evidenced

such. But it just seems very interesting, I mean, outside of some of the childish utterances we heard from the other side saying how we did not do it . . . well, you know, no matter when justice is done, justice should be done.

There is no blame. We are not seeking to blame the OBA for this circumstance, and certainly no inquiry would implicate them in any way.

This is not a partisan issue, Mr. Speaker. It is an issue of circumstance, of history, of injustice that we would like to give clarity to. And who knows, perhaps there will be no way to appropriately compensate anyone around this issue, Mr. Speaker. Maybe it will just be an ability based on what the first amendment, the motion, provides—to give clarity on how we will manage these issues going forward.

Perhaps a fully instituted land registry will help, and other mechanisms that we can bring forward to perhaps ensure that in the future such things do not happen again. And despite the fact that some people think that this is in the far past, we still have issues of land that are still presented to us right now.

So I would just say, before I take my seat, that this Government needs to put their car in a different gear and try and take the road that will put them on the right side of history, instead of taking the continuous byway which constantly puts them at odds with the aspirations of the general community.

I do not see how in any way the public will find difficulty with some resources being put to use that will look to find clarity around issues that continue, Mr. Speaker, to bring great emotional distress to many people. There are people in this House who are descendants of people who had their land taken, and still feel to this day it was unfairly done, who sit in this Chamber. We are not talking about people who are long gone. The emotional damage for these actions still exists with us today.

So how can we deal with this amendment where it almost pushes those things aside? That is what this amendment does. It basically means that we are just going to take notes; we are just going to talk about it, when we have the capacity in this House to do something about it and bring at least some clarity to some of the actions that took place around the lives of many Bermudians. Give them an opportunity to come forth and say, *This is what happened to my family*. A properly embodied commission could say, *Well, we have looked at it and that is not actually what happened*, or whatever, and give them clarity. Right? Or give proper credibility to what did happen so that everybody understands and some level of equity and justice can be found for families and for individuals who to this day are suffering generational damage and trauma because of something that happened which has changed their family life forever and still affects them today.

So, Mr. Speaker, I ask for the Honourable Government and for the proposer of this amendment

to try and put this Government on the right side of history and withdraw it.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister of Public Works.

Minister Gordon-Pamplin, you have the floor.

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

Mr. Speaker, it appears to me that the Opposition in bringing their motion—and we applaud the Honourable Member for so doing—now finds themselves on the horns of a dilemma because they brought a motion thinking that this is going to be something that is really emotive and that there is going to be some way to drive down that path and keep the wedge between us wider and wider, and then to find that—

Mr. Walter H. Roban: Point of order.

Hon. Patricia J. Gordon-Pamplin: —Members on this side—

[Inaudible interjections]

The Speaker: Honourable Member, just one second, please.

Yes, Honourable Member. Honourable Member?

[Gavel]

The Speaker: Honourable Leader of the Opposition, please.

[Crosstalk]

The Speaker: Yes. The Chair recognises the Honourable Member from constituency 15, Pembroke East.

You have the floor.

POINT OF ORDER

Mr. Walter H. Roban: Whether knowingly or unknowingly the Honourable Member is impugning the intentions of the Honourable Member who proposed this amendment. He made it very clear, Mr. Speaker, of his purpose for bringing it.—

The Speaker: All right.

Mr. Walter H. Roban: It was in no way to bring any partisan divide into this House.

The Speaker: All right. Thank you.

Mr. Walter H. Roban: Of which she is suggesting that he has done.

The Speaker: All right. Thank you, Honourable Member.

Carry on, please.

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

Mr. Speaker, as I said, Members on this side have alluded to our concerns. We have spoken to the injustices that have happened, and we want to see a resolution. When this amendment came, or when the original motion came, if the Honourable Member with all of the research that had been done had been able to come to this Honourable House and say that, *As part of my research on this particular dissertation, I have actually done some background checking to see whether there is any possibility that the UK Government would be able to fund any outcome of this compensation that is being called for in the original motion*, and that if we knew that that was a possibility, then I can say we could have supported the motion unchanged.

What has happened, though, is that somehow we are looking at how we can spend UK money when we do not have the right to do that. We cannot say that the UK is going to underwrite the results of whatever may come of this inquiry, that it is not going to come out of the Consolidated Fund from us it is going to come out of the UK, the UK will pay for it. We cannot make that assumption without having made some underlying investigation to find out whether that is possible.

My belief is that if we send this up to Government House, Mr. Speaker, the Governor is going to send it back down to us to say *find a resolution* . . . find a resolution.

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I think that we can actually circumvent that entire farce of saying send it up there to have them send it down here. What this amendment says is that we look at exploring solutions. So instead of standing here today and just saying why we ought to withdraw the amendment, we have lost an opportunity to start to explore those solutions.

And if we are speaking to that amendment, Mr. Speaker, we can speak to issues of whether we should perhaps in this process set up a bipartisan committee to explore the solutions. That would be one solution that would come out of this amended motion. That is something that could come out of it. That is one solution. That is one solution to explore the injustices.

Mr. Speaker, something else. What we do not want to end up doing is finding ourselves jerking about with people's emotions. Because if we are saying on the one hand that we want to see something done, and there is not one person in this Honourable House who does not want to see injustices put right—nobody wants to see injustices left languishing—nobody wants to see that, Mr. Speaker. We all want to ensure that injustices are rectified. But in so doing we can find a way collectively, if we are really interested in that, if we are not just interested in scoring brownie points, we can find the solutions to which have been referred to in this amendment.

Mr. Speaker, as Members spoke earlier, everybody knows somebody who has been dispossessed in some way, shape or form, I believe. I believe there have been instances in which judgments have been handed down, Mr. Speaker. I can speak to one in particular of which I was made aware, or that I know of, in which a judge decided on a divorce case that one party should have two-thirds of a property, the other party had the one-third, when the party getting the two-thirds effectively put nothing in but the party who was going to get the one-third had more substance and would therefore be able to have better access.

And when one looks at situations like that, Mr. Speaker, things that are handed down by the courts, things to which the Honourable Attorney General alluded very recently in which squatter's rights had taken priority over titled deeds, and the squatters were given the opportunity to now claim possession of that property. These are the kinds of things that have happened over time that we have seen and that we may take exception to.

So how do we get over and how do we make sure that those situations are done in an effective way that is not going to impact initially—and I say initially—on the Consolidated Fund, because there is no money there to do so. But ultimately it might be that the Consolidated Fund somewhere down the road may have to Pink up in order to ensure that justice is not just done, but seen to be done.

We can discuss how we can come up with these recommendations and solutions that are substantive, as opposed to just trying to say why this amendment ought not to go through. And I think that if we start to put our heads together we can find the ultimate solutions for these problems, Mr. Speaker. I think that is what we want. I do not think we want to be here at variance with each other. I do not honestly believe that we want a situation to continue to obtain that we know was incorrect, that we know was wrong, where we know that injustice was done and that we want to leave it. That is not what we are here for.

I believe that we each want to represent those in our constituencies who have expressed those concerns of adverse possession. But we want to do it appropriately, Mr. Speaker. We want to do it not giving somebody hope by saying that we have done some-

thing today, we have passed it, we have sent it up the hill and that the UK are going to pay for it—because that is the argument that we have heard—when there has been nothing that would indicate that that is going to be the case.

So I would suggest that we look at something from within, that we look at how we can—

Mr. Glenn A. Blakeney: Point of order, Mr.—

Hon. Patricia J. Gordon-Pamplin: —sort out.

Mr. Glenn A. Blakeney: Mr. Speaker.

The Speaker: Honourable Member, just a second.

The Chair now recognises the Honourable Member from—

Mr. Glenn A. Blakeney: I believe the . . . the—

The Speaker: Just a second.

The Chair now recognises the Honourable Member from constituency 13, MP Blakeney.

Mr. Glenn A. Blakeney: Thank you.

The Speaker: Yes, you have a point of order?

POINT OF ORDER

[Misleading]

Mr. Glenn A. Blakeney: I think the Member is inadvertently misleading the House. There was never anyone that suggested that the UK would pay for it. We do not know.

The Speaker: All right. Okay.

Mr. Glenn A. Blakeney: We do not know.

The Speaker: All right. Thank you, thank you.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I was speaking to the information that was presented by the Honourable Member from constituency 17 who said that in making this request to the Governor a case could be made for the UK paying for these costs. And that is what I am saying.

We cannot make any assumption; we cannot have people hanging onto a hope that perhaps we can make a case for the UK paying for it when none of us has done any exploratory work to say that that is even a vague remote possibility. And the one thing that I would not want us to do is to give people false hope, because I can tell you that those people who have already found themselves on the short end of dispossession and/or adverse possession or theft . . . those people who have found themselves on the short end of that equation, Mr. Speaker, do not need plati-

tudes. They need something that they can hold on to that is substantive that says how they can recover their property, not to come here today and let people believe that maybe there is some kind of hope that the UK are going to Pink up.

So let us look at how we can work together. Let us stop this nonsense of fighting, fighting, fighting—I don't agree with this. I don't agree with that—once the motion—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Once the . . . once the amendment was put, not one person has spoken to solutions, exploring solutions. And that is what the amendment says. That is what the amendment says.

Mr. Speaker, I would like to offer one of those solutions as being a committee of the House or a bipartisan committee, or whatever—the same way Honourable Members were able to find that it was appropriate to put a bipartisan committee together to do things that looked at election reform and other things of that nature—we can do things like this. We can come up with a report, Mr. Speaker.

Mr. Walton Brown: Point of clarification.

Hon. Patricia J. Gordon-Pamplin: We can do these things in this Honourable House.

The Speaker: Yes. Honourable Member.

POINT OF CLARIFICATION

Mr. Walton Brown: If the Member will yield for a point of clarification, the reason why a select committee or a joint select committee was not proposed was precisely to take any Bermuda direct involvement out of the picture because of the potential of either conflicts, or of knowledge about particular cases. That is why we call for, in the original motion, a head of a commission of inquiry, to have no connection whatsoever. That was the reason why we did not go for the joint select committee.

The Speaker: All right. Thank you, Honourable Member.

Hon. Patricia J. Gordon-Pamplin: And I will say, Mr. Speaker, in furtherance of that comment that even in looking at solutions including it says “of a Commission of Inquiry.” That commission of inquiry can have the same terms and conditions, the same terms of reference. So I am not saying that we are really at variance on that particular point, and I appreciate the Honourable Member's comment.

With that said, Mr. Speaker, I would support this because I believe that there is a better way and I do not believe that it is fair to have people reaching for

pie in the sky thinking that the UK are going to pay for something that may end up being our responsibility.

Thank you, Mr. Speaker.

The Speaker: Thank you.

The Chair now recognises the Honourable Member from Warwick, the Honourable Member from Warwick South East, constituency 24, MP Lawrence Scott.

You have the floor.

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

Listening to the Honourable Minister that just took her seat, with all due respect, it sounds as though she is trying to wait for a perfect time for us to then bring this type of motion to the House. It reminds me of a nursery rhyme back in primary school, and with your indulgence, it is basically called “For Want of a Nail”:

*For want of a nail the shoe was lost.
For want of a shoe the horse was lost.
For want of a horse the rider was lost.
For want of a rider the message was lost.
For want of a message the battle was lost.
And want of the battle the kingdom was lost.
And all for the want of a horseshoe nail.*

What I am bringing to light is that she, the Honourable Minister, says that we cannot do this because we did not think of that or there is one little instance that we should not do. And one thing that I noticed that the Honourable Minister kept saying was that we cannot give the people hope.

Now, Mr. Speaker, my understanding is that a Government—

Hon. Patricia J. Gordon-Pamplin: Point of order, Mr. Speaker.

The Speaker: Point of order, Minister.

POINT OF ORDER

[Misleading]

Hon. Patricia J. Gordon-Pamplin: The Honourable Member, I believe inadvertently, is misleading the House because I did not say we could not give people hope. I said we should not be offering *false* hope.

The Speaker: All right. Thank you.

Hon. Patricia J. Gordon-Pamplin: And that is a distinct difference.

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

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

The Speaker: Go ahead.

Mr. W. Lawrence Scott: So the thing is, Mr. Speaker, it seems as though there is never going . . . no Bill, no piece of legislation that we have passed in this House has ever been perfect. If there were such a thing as perfect Bills there would be no such things as amendments.

Mr. Speaker, I believe that this is what . . . this amendment, or the original motion as proposed by the Honourable Member from [constituency] 17, I think, shows that this House, this Chamber, is about action. It is about taking the bull by the horns. We have looked at all of the idiosyncrasies, we have taken the local view out of it, we have taken personal reflection out of it, and therefore we are proposing something that can give the people hope—and not false hope.

Now it says the possibility of . . . it just says here “where possible, the viability of any such claims” and so on and so forth. That does not mean that people are guaranteed to get something. Nobody says [anything] like that. And, Mr. Speaker, what I want to bring the people’s attention to is the reason why we are here, Mr. Speaker. And I think that this original motion speaks to it.

If you look at the Sergeant-at-Arms, he wears it on his lapel. The Honourable Member that went to Westminster with me, the Honourable Sylvan Richards, actually pointed this out to me. It is called the portcullis. The portcullis is a symbol of Parliament, Mr. Speaker. And what it is basically is a picture of the gate that they used in medieval times, and they would say, *Close the gates*, and they would close the gates, which protected the people from injury, which protected the people from invasion. So that means that the symbol of Parliament, the portcullis, is about protecting the people.

Mr. Speaker, that is the intent of this motion. This motion is about protecting the people, ensuring that this kind of procedure, this kind of practice, does not happen to anybody else. So for me, Mr. Speaker, the one thing that I wanted to say when they start talking about, *Oh, it’s going to cost too much. This is going to cost too much*, [is that] it sounds like this Government is saying that justice is just too expensive. Mr. Speaker, I think that any right-thinking Bermudian would have no problem with this Government, with this country, overspending in the interest of proper and [equal justice] and the delivery of that equal justice.

Mr. Speaker, it has been mentioned that equal justice and equal rights are human rights. So, therefore, can one say that this Government is looking to somehow find a way to infringe on the proper human rights—the rights and the privileges that all of us are welcome to enjoy? And, Mr. Speaker, then when it talks about justice for all . . . and I will keep it very brief. I am just going to end on a saying by Malcolm X

where he said “I am for truth, no matter who tells it. I am for justice, no matter who it is for or against.”

This justice is for the people and this justice goes against those that preyed upon the . . . and part of my . . . the context . . . but the ignorance of those that did not know better to protect their possessions, to protect their property. And I feel as though this Government, this House, this Chamber, should unanimously vote for the original motion which then protects the people, which then holds up the symbol of Parliament and protects justice for all, which is a human right, which is something that we should all fight for, all continue to fight for, and should uphold with the utmost respect and strength and fervour.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable and Learned Member from constituency 34, MP Kim Wilson.

You have the floor.

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

Mr. Speaker, I have some serious concerns about the amendment that we as Honourable Members of this House are being asked to consider. The amendment that is before us, I submit, is a direct negative to the Bill that was tabled—sorry—the motion that was tabled previously.

Mr. Speaker, the motion that was tabled was an affirmative motion. And by that I mean it was calling for action, calling on this House to do specific things such as to establish a commission of inquiry. The affirmative motion was asking for us to determine whether or not there was any validity to any such claims. The other action that was being called for us to consider was to make recommendations for any victims of wrongful action to receive compensation and justice. So the original motion that was tabled on the 16th of May is an affirmative motion. It is calling for us to make specific actions to certain events.

However, what we now see in front of us, Mr. Speaker, with respect to this amendment, again, I submit is a direct negative in that it is simply a take note motion. And when you look at the rules that deal specifically with take note motions, it is simply to debate the matter without coming to any decision.

On one hand we have a motion that speaks to action, speaks to making determinations, speaks to making various actions as to the findings, but yet this whole motion has now been changed with the introduction of this amendment, which now calls simply for a take note, which means no action. It means, as the rules say, we debate the matter without coming to any decisions. Now, with respect, Mr. Speaker, that clearly is a direct negative to what was tabled previously with respect to this particular motion.

And though I appreciate that the House has ruled with respect to that, I beg to differ insofar as this

particular amendment is of serious concern because we are asking now, this House, to just simply debate a very important issue that has historical relevance to many of us sitting within this House and many members of our constituencies. But we are being asked to just say “take note of it,” we will debate it, but we are not going to make any decisions. Again, I respectfully submit that that is a direct negative to the motion that was tabled.

I appreciate that the Member from constituency 15 made a suggestion during his deliberations indicating that the Government has made no mention to any mechanisms that they want to put in place with respect to this. And then we just heard from the Honourable Minister of Public Works indicating that . . . she suggests perhaps a bipartisan committee should be established to deal with these issues. But, Mr. Speaker, with respect, it does not make sense, us sitting here exploring any type of solutions, even though the amendment says for us to explore solutions to the injustices, et cetera, because going back to the first six words, this is simply a take note motion.

So, regrettably, these arguments that we are now advancing with respect to this amendment are somewhat superfluous and futile because the only thing that can be done on a take note motion is to debate the matter without coming to a decision. So we might as well pick up our handbags and our wallets, and so forth, and go home because we do not have to make any decisions right now. The whole purpose of [bringing] this amendment [changing] what was substantially an affirmative motion was to turn it into a take note motion. And, with respect, it is quite a negative to the substantial motion that was first tabled. So now all we are doing is having an exercise in futility debating something in which, as a take note motion, all we have to do is debate it and then the Minister says we do not have to make any decision on it—excuse me, the Government can say we are not making any decision.

And it is a travesty that we would have such an important matter that affects so many people, that has caused injustices from the '50s, '60s, and '70s to have been perpetrated, and for many of those families the adverse effects [continue] and they still are suffering inequalities where those injustices were perpetrated, and many may argue, because of those injustices that took place 50, 60 years ago. And we have a Government which is now saying, *That's okay. We're not going to deal with it right now. We're just going to take note of it without proceeding to make any decision about it.* That speaks volumes for the Government of the day.

And, Mr. Speaker, I would ask that this Government would show their commitment to justice, show their commitment to equality, and show their commitment to fairness by withdrawing this take note motion that has the effect of saying we are going to discuss it, but we are not going to do anything about

it. That is what a take note motion is—we will discuss it but we are not obliged to make any action at all.

So we have gone from an affirmative motion, which requires this House to take substantial actions to try to address injustices that have been occurring since the '50s, we have moved that parameter to now we are in this vein with this amendment saying all we have to do is discuss it, but we do not have to make any decisions. That, I respectfully submit, Mr. Speaker, is a huge negative from the original motion and I would ask this Government to right that by removing their amendment.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now will recognise the Honourable Member from constituency 5, the Deputy Leader of the Opposition, MP D. V. Burgess.

You have the floor.

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

Mr. Speaker, all the policies in the past that have not benefitted the ordinary person have benefitted the rich. In fact, Mr. Speaker, during emancipation, 1834—this is something the UK Government paid for—they paid the slave masters money for losing the services of their slaves. The UK Government paid for that.

Mr. Speaker, how do we satisfy all the families that these policies have affected over the years? How do we do that? We cannot accept this amendment just to have another powwow, just to have another conversation. We are tired of that. People are tired of that, Mr. Speaker.

Mr. Speaker, my family—both sides, the Smiths and the Richardsons—were forced out of Tucker's Town. Even the property where Mid Ocean Club stands today, my family used to own that and some property along the number 12 hole on the golf course. Mr. Speaker, when I think of what the Honourable Craig Cannonier, the Member for—

The Speaker: [Constituency] 12.

Hon. Derrick V. Burgess, Sr.: —[constituency] 12, and Mr. Bascome from [constituency] 1, their families suffered losses. Land was taken from them. And these fellows, these folks, must stand up. They must stand up and be counted because, Mr. Speaker, even a letter that was sent on the 20 October 1954 by the Colonial Secretary questioned the Mid Ocean Club, *This land should not be sold to you guys. This land should be returned back to the original owners.* And even questioned the executive of the Mid Ocean Club, *Are you only selling land to members of Mid Ocean Club?* I do not think the Colonial Secretary got an answer, Mr. Speaker.

Mr. Speaker, I had a relative—Dinna Smith—who would not sell and would not move. She was dragged out of Tucker's Town because she would not move, would not leave. I know she was my relative because that is the way they would have taken me out of there.

Mr. Speaker, St. Philip's AME Church was forced out of Tucker's Town. They marched up to Devil's Hole and built a church there. Marsden Methodist Church (it was Methodist at that time) was forced out of Tucker's Town to move up south shore there on . . . by the—

[Inaudible interjection]

Hon. Derrick V. Burgess, Sr.: No, not Collector's Hill, in Harris's Bay.

Mr. Speaker, Mr. Osborne Talbot, one of the largest black landowners in Tucker's Town, owned 80 acres of property. A white guy named, Mr. Gosling, owned 100 acres. There were some whites down there (some, very few), Mr. Speaker. And we are going to come here because, you know, Mr. Speaker, they would tell you on the other side, *It wasn't me. You know, that happened before my time.* But they are today benefitting—benefitting handsomely—from what happened during those years and will continue to benefit. The policies that were put in place guaranteed them wealth for many, many years to come.

Mr. Speaker, you know, I spoke to a fellow some years ago from Spanish Point, and he told me how his family lost their land. Their father used to go to the shop and get groceries, but could not pay for them (I guess he got a little hot as far as intoxication from alcohol), and was just asked to sign . . . *sign right here.* Mr. Speaker, that law firms in this country aided these people in stealing land from our people, even some of these law firms aided people in fronting for foreigners to buy property in this country. These were lawyers, law firms in this country. They made millions and millions of dollars, Mr. Speaker.

John Smith's Beach, that belonged to my family. My great-great-grandfather, that is who it belonged to. Who does it belong to now?

So, Mr. Speaker, I am a recipient of that bad behaviour that went on during those days in this country. And now the other side, the Government side, just wants to have a conversation about this here? Kenny and Craig, they should—

The Speaker: Honourable Member, please, let's not—

Hon. Derrick V. Burgess, Sr.: Sorry, my apologies, Mr. Speaker. My apology.

The Honourable Members from [constituencies] 1 and 12, should be incensed by what that other side is trying to put down over there—their families.

Mr. Speaker, I think it was December in this House of Parliament when the Government passed a Bill that enabled them to take a contract from Mr. MacLean. And we told them . . . I told them in this House, that it is going to cost the taxpayers millions of dollars if that Bill is passed. What is happening now? A tribunal has been set up to determine how much he will get. That is what they did coming up here, and they really do not even think about people, Mr. Speaker.

And, Mr. Speaker, the recent court rulings do not help us out either. It just takes me back in history like Caesar to Caesar and the Chief Justice was the father and the prosecutor was the son and the Attorney General was the son and the Holy Ghost was the answer, was the ruling. And that is what we are getting here today, Mr. Speaker, the courts have made some blunders here taking people's land. When a man has paid taxes on his property all this time and the court says, *Oh, I am going to give it to the squatter*. How foolish is that?!

As has been said on the other side by the Attorney General, that has to be tested. But why? when people cannot afford to test it, to take it to other jurisdictions, like a Privy Council, and they lose out. You do not get any . . . poor people do not get any justice in this country, Mr. Speaker.

Mr. Speaker, Cleveland County Cricket Club—I call it Harris's Bay because I am not in agreement with Cleveland Country Cricket Club. If you know about the history of that cricket down, the cup is . . . on the original cup it has got "Tucker's Town Cricket Club." But what my cousins down in Harris's Bay tell me, they had a fellow down in Castle Harbour named Cleveland, and he paid them some money to change the name from Tucker's Town to Cleveland County, even though the original cup still has Tucker's Town [on it], and on the records it has got Cleveland County. They did not want us folks to identify with Tucker's Town. And some folks in Harris's Bay are still incensed by that. We do not call them Cleveland County we call them Harris's Bay. But the younger folks would not know, some of them would not know. But if you see . . . you have probably seen the original Eastern Counties Cup, it has got Tucker's Town on it.

Mr. Speaker, these are some of the things they have done to . . . in fact, my great-grandfather, when he was forced out of Tucker's Town, he went to Friswells Hill and (as my eldest in the family tells me) the reason why he went to Friswells Hill was he said he did not want any of his children to end up working in those homes down in Tucker's Town.

Mr. Speaker, we have two Members in this House—one owns property (he says he is not the one who owns it, it is in a trust), stays at property in Tucker's Town.

An Hon. Member: Yes!

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: You have got the President of the Mid Ocean Club on the other side there, the Premier Dunkley. You know, Mr. Speaker, it—

Some Hon. Members: Former.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: He is a member, being President, he is a member.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: A former President and a member of Mid Ocean Club, and stays on the . . . right off the second hole, the second green, and I know where he is. I play golf down at Mid Ocean when I can. I am an honorary owner down there.

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: I have got a property down there. I got property down there. They have . . . somebody took my deeds.

So, Mr. Speaker, we cannot support this, what I call, watered-down discussion Bill that we can discuss around some tree. That is where we should discuss it—just around some trees—*Okay, that is what it is. Let's go have a drink. Let's have some coffee, some tea or something like that*. No, we are not . . . we cannot accept this watered-down piece of—I will not call it what I want to call it—piece of paper here. We are not going to do that, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Member.

Would any Honourable Member care to speak?

The Chair recognises the Honourable Member from constituency 6, MP Wayne Furbert.

You have the floor.

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

Mr. Speaker, I will not be long, but let me just say that this amendment is so watered down, it is a do-nothing amendment—absolutely a do nothing. And I will tell you why it is a do nothing. You have not even heard from the Premier on this particular amendment. His is not even in the House. He does not care about what is happening in regard to this particular situation.

Now, if I heard the Premier say that we are going to go to Cabinet, we are going to look at this and come back and we are going to bring a Bill or a motion next week that is going to commit the Government to some funding, we could understand that. But it would never go anywhere else. This is going to

die right here. It is going to die right here! And it is time for the backbench to stand up—the Honourable Kenneth Bascome who knows about Francis Patton—

The Speaker: Let us not use names. Let us call their constituencies if you would, please.

Hon. Wayne L. Furbert: I cannot call the Honourable Kenneth Bascome—

The Speaker: Constituencies, the rules say . . . I am trying to get us to constituency 2—

Hon. Wayne L. Furbert: Yes, okay.

The Speaker: —and constituency 12.

Hon. Wayne L. Furbert: Mr. Speaker, I hear what you are saying—

The Speaker: And that is the rules, Honourable Member.

Hon. Wayne L. Furbert: But can I say those two Honourable Members?

The Speaker: I do not want you to use their names. The names should not be used.

Hon. Wayne L. Furbert: We have got to change that rule, Mr. Speaker.

The Speaker: Well, maybe we have to change the rules, but that is the rule.

Hon. Wayne L. Furbert: Okay. Well, Honourable . . . everybody knows constituency 1 down at St. George's, everybody knows that one. Property in Francis Patton school, the Honourable former Premier—

The Speaker: Constituency 12.

Hon. Wayne L. Furbert: —[constituency] 12 and the list goes on. Those backbenchers need to stand up with the Opposition. Stand up once and for all and send a message that you are not going to take the nonsense from the current Premier from constituency 10 because he is the one . . . the Premier is driving this boat, this ship, and we have not heard from him today, Mr. Speaker.

I am asking the backbench to send a message to their Cabinet. Send a message that you are going to stand up and defend what is right. Stand up before your constituents. The Honourable Member from constituency 4, stand up for what is right. At least during the vote, I can understand that, go to the bathroom, go outside. But do not . . . do not . . . I have not

heard from my good friend the Honourable Grant Gibbons.

An Hon. Member: Silence.

Dr. the Hon. E. Grant Gibbons: Don't bring me into this.

[Laughter]

Hon. Wayne L. Furbert: It is silence. Premier—the Minister—

The Speaker: Minister of Education and Economic Development.

Hon. Wayne L. Furbert: —of Education and Economic Development. We have not heard from key people that have an interest in that particular property down there in Tucker's Town. I go down there now, I cannot even go across that gate, that beautiful beach that is down there at the very end there—we cannot even go across. Now, I remember the . . . where is the Honourable Cole Simons, the Honourable Member from number—

An Hon. Member: [Constituency] 8.

Hon. Wayne L. Furbert: —[constituency] 8. Mr. Speaker, I cannot remember these numbers. But constituency 8. I remember him bringing a motion in another place and there were certain people that cried out very loudly, *No, you cannot bring that motion. Don't bring that motion. It will make everybody nervous down there.* And I threatened my friend that what we would do is we would bring them all from the water side in a ferry and just put barbecue and chicken right on those beaches down there because you can enter it by the water side. But he said, *Do not do that Wayne, you will chase Bloomberg and the rest of them away.* So I backed off.

But, Mr. Speaker, it is time for the backbench once and for all . . . it is time. If you admit . . . the point is, Mr. Speaker, they agree that there has been some injustice in the past. And the front bench has been saying it too. If that is the case, then why . . . I mean, this motion that my honourable colleague has set before us says that the funds shall be paid for by the UK. It has not asked the Government. So if the UK does pass it, it does not mean that you have to pay for it. Correct?

[Inaudible interjection]

Hon. Wayne L. Furbert: It says that the UK should pay for it. If they say no, then you can come back and blame us and say, *Look, the UK is not paying for it and we are not paying for it.* It is simple.

But, no, it is a get around because you (certain Members on that side, not you) . . . certain Members on that side would not want to have a commission of inquiry on this particular issue because some of them might have to move out of certain areas and they would not want that. So I am asking once and for all the backbenchers to stand with the Opposition and say . . . and let us hold hands together and move this thing ahead.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now recognises the Leader of the Opposition from constituency 26, Warwick South Central, MP Marc Bean.

You have the floor.

Hon. Marc A. R. Bean: Thank you, Mr. Speaker.

Mr. Speaker, this is another day that will go down as a day in infamy. And we have had a few days like this over the last 18 months, but I think this is going to stand out in spite of certain media efforts, I am sure, to not even report on this debacle. But it will go down in history as revealing the spirit and intent of the One Bermuda Alliance Government.

Mr. Speaker, when the Honourable Member from [constituency] 17, MP Walton Brown, presented the motion to myself as party leader, I did not even have to think more than five seconds to realise that this is one of the most important motions—substantive motions—to be debated in this Honourable Chamber for decades. I did not have to take long to realise that this motion speaks to one [underlying] principle, and that is the principle of justice. A principle that the Chairman of the One Bermuda Alliance, Mr. Thad Hollis, on more than one occasion, has pronounced through various press releases and press statements that the One Bermuda Alliance adheres to that principle—in addition to principles of fairness and transparency and accountability. Alas, Mr. Speaker, more idle chatter and talk which lacks any semblance of substance.

Mr. Speaker, in fact, I would ask my colleagues, let us not worry or trouble our hearts and our souls because we know that in bringing such a motion to this Honourable Chamber we should not have been surprised and we should not be surprised by the reaction from the Members opposite from the Government benches. In fact, it is habitual, Mr. Speaker. Just earlier this morning the Premier got up—the Honourable Premier—and he ill-advisedly spoke on Public Access to Information [PATI] and how accountability and transparency were going to be one of his hallmarks of his, so-called—so-called—strong leadership. But then within a few minutes that all came to naught just by a few questions.

And now that fallacy of seeking to stand up for justice has been exposed in the fullness of light. And I do not even think the One Bermuda Alliance has real-

ised just what you have done to yourselves. So I would say to us on our side, *Worry not, fear not*, because the people (even though Brazil is playing Columbia right now)—

[Laughter]

Hon. Marc A. R. Bean: *The people are aware. The people can see clearly.* And if they do not, we will make sure for the sake of posterity that they will see clearly.

Let us get to the crux of the matter. What is the motivation of bringing this amendment if it is about justice? That is what we really want to know. Why? And the Deputy Premier, the Honourable Member, spoke of compensation and the British would not be able to do A, B, C, or D. I did not realise that he spoke on behalf of the UK. I know he went up to meet with the Foreign Secretary and a few others in London the other day, but were you transformed into full-fledged British or English? Something happened on that trip for him to come back and boldly stand up and state that the United Kingdom would not do this or that. Is it ignorance? Or is it just arrogance, Mr. Speaker? Or is it just a poor excuse, Mr. Speaker? I think the latter. Actually, I think all three add up to make some sense.

This is not about money, Mr. Speaker. This is not about us creating emotionalism, as the Honourable Member, the Minister Gordon-Pamplin, spoke about. We do not want to hear examples of being an apologist, an appeasement, when we are discussing issues of justice. We do not need to waste time listening to persons trying to get up and justify the unjustifiable, Mr. Speaker. We are getting sick and tired of persons who like to be apologists and spokespersons and turn their hearts and minds to the injustice that has occurred in this country, Mr. Speaker. [They are] representatives of who? Who are you the emissaries of?

Well, let me answer that question because . . . let us go back to the motivation. Why are they bringing this amendment? Well, I bet any money . . . well, I bet. I will wager that when persons like (as earlier stated during the substantive motion) the bankers, the lawyers, and the real estate agents, when they were aware of the motion that the Honourable Member from [constituency] 17 was bringing to this House . . . and remember, these bankers, lawyers, and real estate agents, in the main, are the OBA's base, Mr. Speaker. I could guarantee that the phones have been ringing in the One Bermuda Alliance hierarchy and their leadership with instructions: *Don't you dare allow this motion to be debated. Don't you dare allow this motion to be passed; in fact, do all that you can within your power to derail this discussion.* Why? *Because you represent our interests and this motion speaks against our interests.* That is why the Honourable Deputy Premier and Minister of Finance will stand up and bring this so-called amendment.

And that is why you do not see the Honourable Premier, who has a tendency to show up for all manufactured, staged photo ops, who has a tendency to be on the front page of everything that appears positive, Mr. Speaker, who has a tendency to even force the *Royal Gazette* to print front page apologies when it does not even seem like there was apology necessary, who has a tendency to look to be seen in the best of lights, who also has a tendency to almost cowardly disappear when there are serious issues to be discussed in this country . . . he goes into hiding. He does not want to touch it. And the lazy media in this country does not question him on it, Mr. Speaker.

But we are going to question him on it. We are going to call him out on it, Mr. Speaker. Where is his voice? Yes, we understand the conflict of interest, being the former President of Mid Ocean [Club], still a member, and we understand the conflict of interest of the Honourable Minister, Dr. Gibbons. He says, *Don't bring me into this*. That is what he said earlier. He said, *Don't bring me into this*. He does not want to even touch this topic. I am sure when he sitting on the second fairway at Mid Ocean [Club], land that was stolen—

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, point of order.

The Speaker: Yes.

POINT OF ORDER

[Misleading]

Dr. the Hon. E. Grant Gibbons: The Honourable Member is misleading the House. The land in question was owned by a lawyer, Benjamin Dickinson Harvey who had it compulsorily removed from him as well.

The Speaker: Thank you. Thank you.

Hon. Marc A. R. Bean: Mr. Speaker, nobody here is interested in all this anecdotal stories. What we do know is the land was once ours and the land was then stolen.

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, the Honourable Member—

The Speaker: Yes.

Dr. the Hon. E. Grant Gibbons: The Honourable Member is misleading the House. He is not only [imputing] improper motives but he is also wrong. He is misleading the House.

The Speaker: All right. Thank you.
Honourable Member, please.

Hon. Marc A. R. Bean: Mr. Speaker, maybe—

The Speaker: The Member has cleared that.

Hon. Marc A. R. Bean: Maybe because it is not just off the second green. You know, if you go up the right side of the fourth green at Mid Ocean [Club], there is another plot of land up there. Maybe the Honourable Dr. Gibbons, the Member from—

The Speaker: The Minister of Education and—

Hon. Marc A. R. Bean: —constituency 22.

The Speaker: The Minister of Education and Economic Development.

Hon. Marc A. R. Bean: Maybe he was considering not touching this contentious issue while he was sitting up on that piece of property, Mr. Speaker.

Mr. Speaker, again, all we ask for is a commission of inquiry—impartial—to look at outstanding claims of those who, for whatever reason, are not able to pursue the claims on their own accord. That is all we ask for. But we see this attempt at deflection.

I have to ask the One Bermuda Alliance Government and the Honourable Premier, isn't justice absent from your agenda in governing Bermuda? Is that a principle that we should just ignore for the sake of protecting narrow self-interest—vested, narrow self-interest? How could we turn the economy around when the House that they are seeking to build is built on sand, the sand of injustice, Mr. Speaker? It just goes to show that we can take whatever they say with less than a grain of salt or a grain of sand, Mr. Speaker.

Now, I could think, Mr. Speaker, of a few injustices myself. If the public would take note when driving through this country, at times you will come across areas where there is big acreage of land undeveloped, untouched, and naturally the way we think, on our side, you would probably think that someone in the oligarchy owns the land and they have so much that they have not got around to developing it. That is what I thought until I became the Minister of Planning.

Then I had people coming to me, Mr. Speaker, when dealing with the Land Title Registry speaking of, for instance, the property adjacent to Five Star Island that goes from Middle Road over to St. Anne's Road, Mr. Speaker. Or the property to the south of Harvey Road on South Shore to the south or southeast that stretches between Harvey Road and the Coral Beach Club and goes from South Shore all the way over to Paget Primary School, Mr. Speaker, that piece of property.

And then you have a piece of property up in Wellington in St. George's. And then you have a piece of property that stretches from Albuoy's Point and includes all the land between Bermudiana Road and

Par-la-Ville Road stretching in a straight line through the *Royal Gazette*, through BAA [Bermuda Athletic Association], all the way over to North Shore, Mr. Speaker. There is a claim of injustice. There is a family in this country that claims that *this was my Papa's land*. So we are not talking about injustices of the past, Mr. Speaker, we are also talking about injustices of the present.

Let me move on, Mr. Speaker, in closing. We have Members in this Honourable Chamber that are beneficiaries of this past and present skulduggery—beneficiaries, Mr. Speaker. So I was surprised to hear one Member stand up and say that their daddy told them this and that. I tell you there are not too many beneficiaries of that skulduggery on this side of the Chamber, but on that side? Oh, yes. Oh, yes. And see that is the issue that I have with the One Bermuda Alliance (and previously the Bermuda Democratic Alliance, and whatever else they called themselves while they were trying to transform into something that they are not).

These people, Mr. Speaker, who supported that skulduggery on a political level, they do not want the burden of the task on their shoulders. But they are quick to claim and seek all the privileges of the past. They do not want the burden, but they want the privilege. Some people, like Ms. [Lynne] Winfield and Cordell Riley and others, would call that “unearned” privilege. And that is what this amendment is about, protecting unearned privilege. It is nothing about whether the British can compensate us or not. What a poor excuse. Is that all that you could come up with over the last two, three hours to justify the unjustifiable?

Mr. Speaker, there was a time when I got up in this Chamber and I said, *Listen, there was an Honourable Member who used to sit in this Chamber who should be named a National Hero*. But then when I said that, I had my elders in the Progressive Labour Party and outside of the party come to me and say, *How could you put that person's name forward to be a National Hero?* I said, *Well, from the autobiography or the biography it seemed like they were worthy of it*.

They said to me, *Don't you know, Marc, that that person in particular . . . do you know how much land was stolen from black people in particular through the offices of that gentleman? Do you know how much land? Do you know why?* Because, as has already been stated, many of our people at that time did not read, so that they put their trust in those who sometimes looked like them who could read—as if being able to read is a measurement of one's heart and one's honesty. We were fooled. We were bamboozled. We were tricked by members who are benefitting from that trickery as a result of their fore parents' skulduggery.

That is why this amendment has been brought to the House, Mr. Speaker. It has nothing at all to do with the British and compensation, but everything to do with protecting vested interests and not wanting to

open up a festering sore because we know when we open it up to finally clean it out and to cleanse it, it is going to be painful. It is going to be painful. But injustice and the transition to justice normally, Mr. Speaker, it is painful.

So as I finish my contribution, I will speak on behalf of my colleagues. We find that what has occurred over the last few hours in this Honourable Chamber is nothing but a travesty. And we cannot see after this amendment fails—because I do not have any faith in anyone having a conscience or heart on that side to do [what is] right . . . I would like to be proven wrong, but once it fails, we do not see any reason to continue participating. Why should we participate when we just had injustice thrown back up in our face? What is the purpose? This is not a circus. So I think we need to withdraw ourselves after the OBA votes on their defunctive amendment. And I call on the Honourable Premier—where is he? Sorry, I see you hiding. I call on the Honourable Premier—

The Speaker: Honourable Member, the Honourable Member is not hiding.

Hon. Marc A. R. Bean: Mr. Speaker—

The Speaker: The Honourable Member is not hiding. The Honourable Member is here.

Hon. Marc A. R. Bean: The Honourable Premier has a habit every time someone is out of their seat on this side of the House of announcing it like he is Brent Musburger on ABC Sports.

[Laughter]

Hon. Marc A. R. Bean: He has a habit of it, even if we are just going to the bathroom.

I am calling for the Premier who is so quick to be up in front of the media, who is so quick to have a positive photo op, to stand up in the fire and answer why, as the Leader of this country, he is going to allow his colleagues to bring an amendment that avoids the question of restitution for past injustices. Put your word on the record. Let everyone hear and see just where you stand as a strong leader in this country. Either put up or silence, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member.

Any other Honourable Members care to speak?

The Chair will recognise the Deputy [Premier], the bringer of the amendment.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, we have had a great deal of sound and fury this afternoon, particularly the last

speaker. And I wonder where that sound and passion was two and half years ago, three years ago, four years ago, five years ago, 14 years ago. Where was that passion?

Mr. Speaker, you know, all of this passion for injustice. Well, injustice took a holiday for 14 years of PLP rule? Is that what we are to believe?

Hon. Wayne L. Furbert: Point of order.

The Speaker: Yes, Honourable Member?

An Hon. Member: Sorry.

An Hon. Member: Go ahead and speak.

The Speaker: Carry on, Honourable Member.

[Inaudible interjection]

Hon. E. T. (Bob) Richards: Yes, this is for posterity.

Mr. Speaker, you know all of that is just as they say in the Bible, *a sounding brass and tinkling cymbal*—much ado about nothing. Much ado, because actions speak louder than words, Mr. Speaker. And if this was such a passionate desire of the PLP, we would have seen this a long, long time ago. But their actions speak a lot louder than their words.

An Hon. Member: Cheap logic.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: And I am hearing a chirping of *cheap logic*. It is not cheap logic, Mr. Speaker, it is logic. It is logic because they have had a chance to do this—had many, many chances to do this and they have not done it.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: And they have been so—

The Speaker: Honourable Member.

Hon. E. T. (Bob) Richards: Yes, and my honourable colleague has reminded me when they were in power they also had the money to afford a commission of inquiry, even to afford possible consequences and, you know, rewards for people who were badly done by.

But, Mr. Speaker, those days are gone and they have left us with a purse that does not have any assets, only has liabilities. As stewards of that purse, we have to take a position that we will not, on just the Opposition's say-so, commit ourselves, or potentially commit ourselves, to something that has not been properly studied. I can tell you that it is my firmly held opinion . . . and I do not care what anybody on the

other side says, the evidence is overwhelmingly in my favour that Her Majesty's Government are not going to be paying for any of this. They are just not going to be paying for it.

You know, when we had riots in Bermuda, Mr. Speaker, you will remember in 1977 British troops were sent to Bermuda. Who paid for those British troops? The taxpayers of Bermuda paid for those British troops. And that was in a time of desperate need—

An Hon. Member: Why?

Hon. E. T. (Bob) Richards: —for law and order at that time. But we had to pay for that. So the message is clear. The message is clear that any of these matters will have to be borne by the taxpayers of Bermuda.

So that is the position of this Government. When the Opposition had responsibility for these things, they chose their own priorities and made their own decisions. Mr. Speaker, the priorities of this Government are to put people back to work. And we will spend whatever debt that we have to raise, because we do not have any money, we only have the proceeds of debt—a debt that the former Government left us. We will spend whatever proceeds of the debt that we raise to fix the finances of this Government and to put the people of Bermuda back to work—the unemployment that the now-Opposition left us.

I do not have any compunction about the position that we are taking here. It is a responsible position. We have our priorities and we stated what our priorities are. When the Opposition was the Government, they had their priorities and this matter did not feature in their priorities. It did not feature at all. It was nowhere to be seen. It was AWOL; it did not exist.

The motives of our amendment have been questioned, but I would like to question the Opposition's motive to bring this to this place at this time, because the rhetoric that we have heard this afternoon basically explains what the motives are.

An Hon. Member: What is that?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The motives are to foster further divisiveness.

Some Hon. Members: Ooh!

[Inaudible interjections]

Hon. E. T. (Bob) Richards: That is what the motives are.

So when they were the Government, they could have fixed this problem because the passion that I heard has to come from some deep-seated

emotion that has been built up for years, even generations.

An Hon. Member: Why is that?

Hon. E. T. (Bob) Richards: Because it just did not happen yesterday, that is why.

So this is something that may have happened to your father, your grandfather, your great-grandfather. This is the sort of thing that has been built up over a long period of time. And when you were the Government you did not do anything about it. So why is it coming up now? Because, Mr. Speaker, this is just another act in PLP's political theatre. That is all it is, another act.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: So with those words, Mr. Speaker, I move the amendment as stated: "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a Commission of Inquiry."

The Speaker: All right. Thank you. Thank you, Honourable Member. Just one second, Honourable Member.

So, Honourable Members, we have now before the House a division that we will look at in relation to the amendment which reads, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a Commission of Inquiry."

I recognise the Honourable Member, Walton Brown. MP Brown.

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

Just referring to my earlier comment that those Members of the Mid Ocean Club . . . because there is a conflict they need to recuse themselves, and I would like a ruling from you on that, Mr. Speaker.

The Speaker: All right. Again, if you can explain why you feel that?

Mr. Walton Brown: Mr. Speaker, as I explained in my—

[Inaudible interjections]

The Speaker: Honourable Members, please.

Mr. Walton Brown: Mr. Speaker, as I explained in my initial presentation, one of the issues raised was the

potential illegal disposal or sale of property that was under the control, under the ownership of Mid Ocean Club. I submitted for the consideration of the House the details of a letter sent by the Colonial Secretary to the Managing Director of Mid Ocean Club, and, therefore, it raises the questions relating to Mid Ocean Club.

If the case to be argued is that property was sold in contravention of the law, that still has relevance today, Mr. Speaker. Therefore, anyone who is a member of Mid Ocean Club has a conflict of interest. And under the rules of Parliament and Erskine May's *Parliamentary [Practice]*, the appropriate step to take is for such Members to recuse themselves from participating in any such vote. It is a time-honoured tradition, and I would expect that tradition would be honoured here today.

The Speaker: Right. Thank you, Honourable Member.

And if we look at the [Standing Orders] in terms of voting, I think the rule that you certainly speak to would be Standing Order 26(2)(i), which in fact says that "A Member shall not vote on any subject in which he or she has a direct personal or pecuniary interest, peculiar to such Member as distinguished from the public at large, and if the right of any such Member to vote shall be challenged by any other Member on this ground such Member shall not be entitled to vote if the Speaker shall determine that the Member whose right to vote is in question is disqualified by this Rule from voting."

Now, two things. First, it has to be a pecuniary interest. In other words, any Member who is requested not to vote has to be seen to have a pecuniary interest, meaning that that person would benefit in terms of monies, et cetera.

[Inaudible interjection]

The Speaker: Sorry?

[Inaudible interjection]

The Speaker: Yes. Indeed.

So, the question is whether in fact there is . . . First of all, the Honourable Member has not mentioned . . . You said that, *Members should not vote*. Who are these Members? Who is the Member that should not vote? You are doing it the right way in that before any vote takes place, this should be brought forward.

Yes?

Mr. Walton Brown: Well, Mr. Speaker, we are all deemed to be Honourable Members. So I am asking Honourable Members to be honourable, do the honourable thing. If you are a member of the Mid Ocean Club, if you are a shareholder of the Mid Ocean Club,

you should disclose that interest to this House right now and recuse yourself from the vote.

The Speaker: Right. Yes.

The Chair recognises the Honourable Premier.

Hon. Michael H. Dunkley: Mr. Speaker, I think the Honourable Member is unclear on how the Club was set up. I would like to take the opportunity to go back and research it before I make any comment that could be incorrect. But from what I understand, the Mid Ocean—

[Inaudible interjection]

The Speaker: Honourable Member. Go ahead.

Hon. Michael H. Dunkley: The Mid Ocean Club was set up by a private Act of Parliament. So I think the Member's comments are wrong about a letter from a gentleman, the Colonial Secretary, to the—

[Inaudible interjections]

The Speaker: Honourable Member, yes. No, that is not . . . The issue right now is—

[Inaudible interjections]

The Speaker: Honourable Members! Please, everybody, take your seat. Take your seat. Take your seat.

Honourable Member, just one second.

Mr. Premier, let me just explain myself. What we are looking at is, indeed, if any Member has a pecuniary interest in and a decision as this motion, amendment, rather, is put forward.

Honourable Attorney General, you have a comment?

Hon. Trevor G. Moniz: Yes, yes.

The motion, at the most, involves the setting up of a commission. All a commission does is to write a report. That is all it does. It does nothing else. So there is no pecuniary interest in any report. All you do is write a report.

The Speaker: Okay. I understand that. I understand that.

Hon. Trevor G. Moniz: That is the question. That is the relevance. There is no—

The Speaker: Right. Okay. Thank you.

The way that I have to view this is, in fact, if this decision would mean that any Member . . . in fact, even if a person is a member of the Mid Ocean Club in this regard, number one, we are not just talking about Mid Ocean Club. And secondly, I think that if we

are looking at pecuniary interests, if you look at pecuniary interests, we are really talking about benefiting, that any Member would benefit from the decision.

An Hon. Member: Or suffer.

The Speaker: Or, indeed, suffer. Or, indeed, suffer. Because if you lose something or if you gain something.

And, Honourable Member, you had something to say?

Did you have something to say? Go ahead, Leader of the Opposition.

Hon. Marc A. R. Bean: Thank you, Mr. Speaker.
Mr. Speaker, Standing [Order] 26(2)—

The Speaker: Yes, I just read that.

Hon. Marc A. R. Bean: Yes. It is not just pecuniary interest, but also “direct personal.”

The Speaker: Personal, pecuniary interest. Right.

Hon. Marc A. R. Bean: So it is either/or. Because there is an “or” there. So if it applies personally and you are a member of a membership club, that is personal, without even having to establish whether or not you benefit financially through that membership. You are a personal member of a very exclusive club. So they should recuse themselves from voting.

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

Yes.

Hon. Trevor G. Moniz: Mr. Speaker, but I just might add that that would also apply to anyone who was descended from anyone who lost property then. It would apply both ways.

[Inaudible interjections]

The Speaker: No, no. That is quite right. And I think that is what we—

[Inaudible interjections]

The Speaker: No, I think, Honourable Members, what is said is quite right. So, if Members are prepared to . . . And we see Members on either side of the House whose personal or pecuniary interests in this particular matter, then they should excuse themselves from voting.

And, once they have done that, if any Member further believes that someone is here who is to vote and should not be voting, then a Member can stand up and indicate that.

So, first of all . . .

[Pause]

The Speaker: So, what can happen is that a Member . . . Members can abstain. All right? And once we . . .

Just a minute, Member! Let me explain myself. You cannot understand me?

[Inaudible interjection]

The Speaker: No, no, no, no. No, no. The thing is that if Members abstain from voting, they are not impacting on the vote. So, if any Member (if you listen to me) votes, and there is a concern that that person should not vote, then an objection can be made before the vote is decided upon.

All right? If I am making myself clear.

I will recognise the Honourable Member, Dr. Gibbons.

Dr. the Hon. E. Grant Gibbons: Yes. Mr. Speaker, I think the difficulty here, if I may, is the Honourable Member has purposefully indicated a couple of people with one specific property here. But during the course of the debate a lot of other properties were mentioned as well. It is very difficult to know who it affects or who it does not. People may be aware of it—

[Inaudible interjections]

Dr. the Hon. E. Grant Gibbons: No, no. I think the issue here is, this is such a broad debate, there is no direct pecuniary interest here. As a consequence of what the Attorney General said, this is simply setting up a commission. It has nothing to do with any money being spent or any money being allocated to people.

[Inaudible interjections]

The Speaker: Just a minute, Honourable Member!

Dr. the Hon. E. Grant Gibbons: Frankly, I think it is a little unfair to have people not be able to vote on this motion simply as a consequence of membership, or whatever, in one of the clubs that has been mentioned.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member . . . What are you showing me here?

Hon. Michael J. Scott: Mr. Speaker, I have handed you—and tabled, therefore, formally—the letter that was referred to by the Member who sponsors the Opposition motion. And it is the letter from the Colonial Secretary. It specifically references the Mid Ocean Club. And it specifically references the Mid Ocean Club. And Members of that club will have a personal vested interest in this vote, whether pecuniary or per-

sonal, because they will have an interest in defending their club if the issues raised in that letter, Mr. Speaker, become a reality as a consequence of the inquiry by any commission established and that we are seeking to establish.

Hon. Trevor G. Moniz: Mr. Speaker.

The Speaker: Just one minute. Let the Honourable Member finish.

Hon. Michael J. Scott: And so I draw the nexus or the link between the call for all Members of the Mid Ocean Club to recuse themselves to the issue specifically referred to in the letter.

And, as the Attorney General has pointed out, he has made the point that known, former owners, or persons with an interest through inheritance of property that was allegedly dispossessed, also should recuse themselves. Now, that is where we stand. But I believe that that letter makes it very clear that the Mid Ocean Club is very much in the mix here.

The Speaker: All right. Thank you, Honourable Member.

Hon. Michael J. Scott: In the mix here not only on this vote; it may, as the Minister of Economic Development referred to, the properties in Spring Benny or the properties in Dockyard. But because it is difficult, Mr. Speaker, to work it out is not a reason why we should not apply principle. And the principle is a well-known one, and you have very properly pointed it out to us at [Standing Order] 26(2)(i). It is very clear where there is a conflict of interest.

The Speaker: All right. Thank you. Thank you, Honourable Member.

I recognise the Attorney General.

Hon. Trevor G. Moniz: Yes, thank you, Mr. Speaker.

Mr. Speaker, there can be no conflict of interest if you take any of these. As I said earlier, all this committee would do, if it were ever appointed, would be to write a report. It has no power to do anything. So there can be no loss of money, or no pecuniary interest, in a report. In addition to that, the matter to which the Member refers is 60 years ago. You know, the statute of limitations is six years. That is 60 years ago. That could not possibly impact on any legal transaction.

Even if you were to take the committee so far as to say the UK Government would pay compensation, it would not impact on any members of the Mid Ocean or any owners of any property in Dockyard or 9 Beaches or St. David's, or anywhere else. It would not impact on them. It would impact on the public purse.

So the Members on that side are totally going down the wrong road. And on this side, we take the view that we would be entitled to vote. Members on that side would be entitled to vote.

The Speaker: All right. Thank you. Thank you, Honourable Member.

Yes?

Hon. Michael J. Scott: I want to respond to that.

The Speaker: Yes.

Hon. Michael J. Scott: That is a pure legalism. The priority and prominence of this House, and to respect the findings of a commission of inquiry . . . for example, the commission could find that the 60-year [period] applied to the Crown, or the 20-year period applied to individuals, could be ignored, given the gravity and public interest. So the legalism is not required in this House.

Hon. Trevor G. Moniz: That is not true. That is not true.

The Speaker: Let the Honourable Member finish. Go ahead.

Hon. Michael J. Scott: A legislature could completely remove those legalisms if in the public interest it was found necessary.

The Speaker: All right. Thank you. Thank you. The Attorney General, I recognise you.

Hon. Trevor G. Moniz: Thank you.

That is completely incorrect. I mean, we have seen commissions of inquiry. We saw the Pitt Commission. They merely make recommendations. That is all they do. Nothing . . . they cannot change the law. They cannot order anyone to pay anything. They write a report. That is all they do.

Now, somebody else may act on those recommendations; but all that committee can do is write a report. That is it.

Hon. Michael J. Scott: Mr. Speaker, Mr. Speaker—

The Speaker: All right. Thank you.

The Chair will recognise the Learned Member, MP Scott again.

Hon. Michael J. Scott: Yes, thank you, Mr. Speaker.

I accept the Attorney General's analysis that the commission will not be able to . . . they will only make recommendations. But ultimately, on the acting of the recommendations, the impact on members of the Mid Ocean Club can be serious and severe if the matter runs the entire cycle. I accept what the Minister

is saying. But the recommendations can be most powerful, about driving suits, driving claims for compensation.

The Speaker: All right. Thank you, thank you.

Honourable Member Brown, you wanted to say something?

All right. Thank you very much, Members.

You know, the matter that we are faced with is a matter that, as we look at the . . . if I can find the . . . I am looking for the motion, the amendment.

[Pause]

The Speaker: Ms. Wolffe, let me see the amendment. Thanks.

[Pause]

The Speaker: Honourable Members, what I am going to do is take a 10-minute recess. We will adjourn for 10 minutes. I will look at this and come back.

Honourable Member, you should be in your seat!

[Laughter]

The Speaker: We will break for . . . I think we had better make it . . . we will come back in 15 minutes, so twenty-five to seven.

[Gavel]

Proceedings suspended at 6:21 pm

Proceedings resumed at 6:55 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

MOTION

COMMISSION OF INQUIRY INTO LOSS AND DISPOSSESSION OF PROPERTY AND RECOMMENDATIONS FOR VICTIMS OF WRONGFUL ACTION

[Debate on proposed Government amendment continuing]

SPEAKER'S RULING

[Standing Order 26(2)—Voting, direct personal or pecuniary interest]

The Speaker: Thank you, Honourable Members.

I will bring Members' attention to Standing Order 26(2)(i), which reads, "A Member shall not vote on any subject in which he or she has a direct personal or pecuniary interest, peculiar to such Member as distinguished from the public at large, and if the right of any such Member to vote shall be challenged by any other Member on this ground such Member shall not be entitled to vote if the Speaker shall deter-

mine that the Member whose right to vote is in question is disqualified by this Rule from voting.” That is [Standing Order] 26(2)(i).

[Standing Order] 26(2)(ii) indicates that “After a vote on any question has been taken no Member may challenge, whether by substantive motion or otherwise, the right of any other Member to vote on that question, save and except as set out herein.”

Members, we are here to vote on the amendment, which was brought to the House by the Honourable Finance Minister, the Deputy Premier, “That this Honourable House take note of the historic losses in Bermuda of citizens’ property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a ‘commission of inquiry.’”

Honourable Members, I am, first of all, to ask that if . . . I am asking that if any Member has a personal or pecuniary interest as relates to this particular amendment, which I just read, I ask that you please rise and declare your interest before we move to the vote.

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

The Speaker: Yes?

Hon. Derrick V. Burgess, Sr.: Myself and the Honourable Member Cole Simons are members of the same family. And I think we have a personal interest in it.

The Speaker: Do you speak for D. V. Burgess?

Hon. Derrick V. Burgess, Sr.: For both. We are from the same family.

The Speaker: Honourable Member, you speak for D. V. Burgess.

[Laughter]

Hon. Derrick V. Burgess, Sr.: Well, if I—

The Speaker: I want you to speak for D. V. Burgess.

Right. Okay. Thank you, Honourable Member.
Is there any other Member who would care to speak?

Hon. Michael H. Dunkley: Mr. Speaker, I ask for your ruling. I am a member of the Mid Ocean Club. But it is a not-for-profit club. And as a member, just like any member of Dandytown, Tucker’s Point, whatever, you are a member of the club; you join the club and you enjoy the facilities.

The Speaker: All right. Thank you. So you indicated that you are a member of the club.

Right. So my position is, Honourable Member, that if any member is a member of the club, then they have a personal interest. So I would put that in the case of a personal interest.

Hon. Michael H. Dunkley: So, Mr. Speaker, that would apply to any Member who is a member of any club.

The Speaker: Honourable Member, in this case, we are talking about in relation specifically to this motion.

Hon. Michael H. Dunkley: Yes, Mr. Speaker. But I would assume that Tucker’s Point would fall into that category. And I would assume that those other clubs that might have some past history which people would like to look over.

The Speaker: Well, I am asking, Honourable Member, that any Members connected specifically to this motion.

Yes. The Chair recognises the Honourable Member, Cole Simons.

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

Mr. Speaker, the Honourable Derrick Burgess was correct. We have family interests in Devil’s Hole in that our families were displaced.

[Desk thumping]

The Speaker: Yes. The Chair recognises the Honourable Member, Dr. Gibbons.

Dr. the Hon. E. Grant Gibbons: Like Mr. Dunkley, I am also a member of the Mid Ocean Club.

[Desk thumping]

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

Dr. the Hon. E. Grant Gibbons: But I am not sure I have a pecuniary interest here.

The Speaker: Yes. Thank you. But it says “personal or pecuniary interest.”

Yes, I recognise the Honourable Member from . . .

Mrs. Suzann Roberts-Holshouser: Mr. Speaker, I would ask for clarification of “direct personal,” because while I stand and I can speak on behalf of my relatives, I do not know that I would directly benefit. So I ask for your guidance.

The Speaker: Okay. If you do not have a direct personal interest, then you do not.

[Inaudible interjections]

Mrs. Suzann Roberts-Holshouser: Member!

That is why I am asking, Mr. Speaker, I am asking for *your* direction, not the direction of Members of the Opposition.

The Speaker: Right. Right. So if you feel that you have a personal interest, if you have a personal interest, then . . .

Mrs. Suzann Roberts-Holshouser: I have a personal interest. However, I do not have *direct personal* interest. In other words, I will not personally benefit.

The Speaker: Benefit. Yes.

Mrs. Suzann Roberts-Holshouser: And so, therefore, I ask for *your* direction, Mr. Speaker, and *your* direction only.

The Speaker: All right. Okay, Honourable Member. Thank you, thank you.

So we have got D. V. . . .

[Inaudible interjections and crosstalk]

Ms. Lovitta F. Foggo: Mr. Speaker.

The Speaker: Yes.

Ms. Lovitta F. Foggo: I have no direct personal interest. I have family in St. David's. I know of no . . . anything to do with me. I grew up in St. George's. My mother and father are from St. George's.

The Speaker: All right. Thank you.

Mrs. Suzann Roberts-Holshouser: Mr. Speaker?

The Speaker: Honourable Member, no. In your case, I think if you have a . . . As you said, you have no interest in that way, so I accept that from you.

So we have three . . . we have four Members. We have four Members who have expressed a personal interest in this. And those four Members will not . . . They can stay here, but I think when your name is called, if you could just abstain when your name is called.

So we will now carry—that is it.

[Inaudible interjection]

The Speaker: We will now carry on with the vote. The amendment is, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions

to these injustices, inclusive of a 'commission of inquiry.'"

All those in favour, say Aye. Those against, say Nay.

AYES AND NAYS.

The Speaker: All right, and therefore we will have the names.

[Pause]

The Speaker: Just one second. I think everyone is here. I would think everyone is here. Is someone not here?

[Inaudible interjection]

The Speaker: All right. We should ring the bell then, if there is a Member here who is not here. So if we could ring the bell. (Thank you for reminding me of that.)

[Pause for ringing of the Bell]

The Speaker: Honourable Members, let us have order in the House, please.

Are we ready? All right. Thank you. Can you close the door?

Honourable Members.

[Gavel]

The Speaker: Carry on. I have read it three times already.

The Clerk:

DIVISION

[Proposed Government amendment]

Ayes: 13

Hon. Jeanne J. Atherden
Mr. Kenneth Bascome
Mr. L. Craig Cannonier
Hon. Shawn G. Crockwell
Ms. Nandi Outerbridge
Hon. P. J. Gordon-Pamplin
Mrs. Susan E. Jackson
Hon. Trevor G. Moniz
Hon. E. T. Richards
Mr. S. D. Richards, Jr.
Hon. R. Wayne Scott
Mr. Glen Smith
Mr. Jeff Sousa

Nays: 15

Hon. Marc A. R. Bean
Mr. Glenn A. Blakeney
Mr. Walton Brown
Mr. E. David Burt
Mr. Rolfe Commissiong
Hon. Z. J. S. De Silva
Ms. Lovitta F. Foggo
Hon. Wayne L. Furbert
Mrs. S. Roberts-Holshouser
Hon. Dennis P. Lister
Mr. Walter H. Roban
Hon. Michael J. Scott
Mr. W. Lawrence Scott
Mr. Michael A. Weeks
Mrs. Kim N. Wilson

Abstain: 4

Hon. Derrick V. Burgess, Sr.

Hon. Michael H. Dunkley
Dr. the Hon. E. G. Gibbons
Mr. N. H. Cole Simons

Absent: 3

Hon. Terry E. Lister
Mr. Mark J. Pettingill
Ms. Leah K. Scott

The Speaker: The Ayes have 13, and the Noes 15.

[By majority on division: Proposed Government amendment failed.]

[Desk thumping]

The Speaker: So the Noes win, which means that the motion will go to . . . What we will do now is have the [question] on the motion. So if I can ask the Honourable Member from constituency 17 read the motion, and we will have the [question] on the motion.

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

The motion therefore is, "THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims;

"AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice."

The Speaker: Thank you, Honourable Member.

All those in favour of the motion, say Aye.
Those against, say Nay.

AYES.

The Speaker: The Ayes have it.

[Desk thumping]

The Speaker: So the motion is passed.

[Motion carried: The House agreed to take note of the historic losses in Bermuda of citizens' property and to establish a commission of inquiry into loss and dis-possession of property and recommendations for victims of wrongful action.]

The Speaker: I am told that all other matters are to be carried over. So I will recognise the Honourable Premier.

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
I move that we adjourn to next Friday.

The Speaker: Thank you.

The House is now adjourned to Friday, February [sic] 11th, at 10:00 am.

Some Hon. Members: February?

An Hon. Member: July!

[Laughter]

The Speaker: You see how much you all got me mixed up today? July, July the 11th.

[Gavel]

[At 7:12 pm, the House stood adjourned until 10:00 am, Friday, 11 July 2014.]

